



TOWN OF
VICTORIA PARK

Ordinary Council Meeting Minutes – 21 June 2022



WE'RE OPEN
VIC PARK

Please be advised that an **Ordinary Council Meeting** was held at **6:30 PM** on **Tuesday 21 June** as an **electronic meeting**.

Her Worship the Mayor Karen Vernon
24 June 2022

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1 Declaration of opening

Mayor Karen Vernon opened the meeting at 6.30pm.

Acknowledgement of Country

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

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

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

2.2 Public question time and public statement time

There are guidelines that need to be adhered to in our Council meetings and during question and statement time people speaking are not to personalise any questions, or statements about Elected Members, or staff or use any possible defamatory remarks.

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

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

When the presiding member speaks during public question time or public statement time any person then

speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

2.3 No adverse reflection

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

2.4 Town of Victoria Park Meeting Procedures Local Law 2019

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

2.5 Mayor's report

This ordinary council meeting is being held by electronic means, pursuant to a determination and authorisation I made under Regulation 14D of the *Local Government (Administration) Regulations 1996*, having regard to the continuing state of emergency, the significant escalation of community transmission of COVID19 occurring since the 17 May Council meeting, which continues to pose a risk to the health and safety of elected members, Town staff and the public from in person meetings.

Congratulations

Congratulations to 4 members of the Victoria Park Xavier Hockey Club – Jane Claxton, Kari Somerville, Aleisha Power and Georgia Wilson – who were selected for the Hockeyroos team for the Commonwealth Games in England in July.

Vale

I am sad to report on the passing of David Crann, a long-time resident of the Town who died on 24 May 2022 after a long illness. Mr Crann had a lifelong involvement in the theatre in WA, principally with the Patch Theatre where he worked as a producer, director and actor in theatre productions from the 1960s to the 1980s.

Mr Crann also had a great passion for history. He established Historic Victoria Park Incorporated, and he amassed a significant collection of memorabilia from his career in the arts and about Victoria Park which was on display at his home. In 2014, Mr Crann presented the Council with a framed photograph of the 11th Battalion Australian Imperial Force taken in 1915 in Egypt, which proudly hangs in the entrance to the Town's administration.

Mr Crann took a keen interest in the business of Council, was a regular attendee at Council meetings, and a regular correspondent by letter with me after I became Mayor. I will always remember Mr Crann's special memorial at the Town's annual Anzac Day dawn service in honour of all the horses lost during the Great War.

On behalf of the Council and the Town of Victoria Park, I extend our sincere condolences to Mr Crann's family and friends on his sad passing.

On 21 May, I attended the President's Ladies Lunch and Game Day at the Perth Football Club at Lathlain Park.

On 22 May, together with Councillors Karimi and Hendriks, I attended the Town's Sporting Walk of Fame awards ceremony, where we inducted Sue Hiller (Squash), Stuart Dunham (Triathlon) and Joshua Hofer (Swimming) into our Hall of Fame, and unveiled their stars on the boardwalk entrance to the Aqualife.

On 23 May, I attended the Kaleidoscope Mentoring Program 2022 Graduation ceremony hosted by the City of Canning at the Hillview Multicultural Community Hub. It was a great opportunity to see first-hand how this inspiring program is assisting individuals from culturally and linguistically diverse backgrounds to access the networks needed to find employment in WA. Amongst the graduates of the program were residents of the Town.

On 26 May, I chaired a Mindarie Regional Council meeting and budget workshop.

On 27 May, I officially opened Bidi Walk, the upgraded ROW52 located next to the IGA in East Victoria Park, as part of an evening event for our community to celebrate National Reconciliation Week. We also launched the community consultation for our new Reconciliation Action Plan. Thanks to Cr Karimi for being the MC, and to Councillors Hendriks and Devereux for joining the celebrations.

On 28 May I spent the afternoon helping the Town staff at the annual Urban Forest at Home project. We gave out almost 1,000 trees and many more shrubs to community members for planting at home. Councillors Ife, Hendriks and Devereux also helped out throughout the day.

On 30 May, I joined members of the Old Burswood Neighbourhood Watch Group for their monthly meeting to discuss street lighting, CCTV and improving safety in Burswood.

On 1 June, I joined the Mayors of Fremantle, Joondalup, Armadale and Subiaco for a corporate breakfast panel discussion on planning and development challenges in our local areas, hosted by the Property Council Australia.

On 3 June, the CEO and I had our monthly meeting with Hannah Beazley, Member for Victoria Park, where we discussed funding for McCallum Park Active Zone, the zoning for Millers Crossing in Carlisle and the Optus Stadium train station.

On 6 June, I was the guest speaker at the Swancare WA Day Dinner, hosted by the Bentley Park Social Club Committee.

On 9 June, the CEO, Chief Operations Officer and several Town staff met with Reece Whitby MLA, the Minister for the Environment at Jirdarup Bushland, to showcase our Urban Forest Program, restoration of the Jirdarup Bushland, seed propagation program, and our plans for the restoration of the Kent St Sandpit site. We discussed opportunities for future collaboration with the WA Government.

On 11 June, Councillor Hendriks and I joined the Victoria Park Xavier Hockey Club at Fletcher Park for the Hockey Australia announcement of the Hockeyroos team for the Commonwealth Games in England next month. Four members of Xavier Hockey Club were named in the Hockeyroos team.

On 13 June, I opened the first of the Town's Homelessness Policy review workshops hosted by Shelter WA, and attended by key stakeholders providing services to people who are homeless or at risk of homelessness. Councillor Hamer joined me in participating in the workshop, and Councillors Ife, Devereux and Hendriks attended the second workshop on 15 June.

On 14 June, the CEO and I met with John Carey, the Minister for Local Government, Hannah Beazley and Andrew Valder, the founder of Garage Sail Trail and Grow it Local to celebrate the 10th anniversary of the Garage Sail Trail, with the Town being one of the first local governments in WA to become a supporter. Garage Sale Trail is on again in November, as both a virtual and in person event. Andrew and I also took the opportunity we missed last year due to Covid to promote Grow it Local and the Free Seed program the Town participates in annually.

On 15 June, the CEO and I attended a meeting of the South East Corridor Councils Alliance hosted by the City of Armadale, where topics included the impact of Metronet railway upgrades, urban forest funding and developing our first strategic plan.

On 18 June, I held Share with the Mayor at the Library, where I talked to local East Victoria Park residents about residential parking permits, Etwell Street Local Centre reactivation project and representatives of the Friends of Jirdarup Bushland about some of their future projects.

On 20 June I had the pleasure of attending a committee meeting of the Southern Districts Band, which comprises the Town of Victoria Park Brass Band and the Swing Swift Big Band, to discuss ways that the Town can work more closely with its officially appointed band at future events.

3 Attendance

Mayor

Ms Karen Vernon

Banksia Ward

Deputy Mayor Claire Anderson
Cr Peter Devereux
Cr Wilfred Hendriks

Jarraah Ward

Cr Jesse Hamer
Cr Bronwyn Ife
Cr Jesvin Karimi

Chief Executive Officer

Mr Anthony Vuleta

**Chief Operations Officer
A/Chief Financial Officer
Chief Community Planner**

Ms Natalie Adams
Mr Luke Ellis
Ms Natalie Martin Goode

**Manager Development Services
Manager Governance and Strategy
Manager Property Development and Leasing
A/Manager Finance**

Mr Robert Cruickshank
Ms Bana Brajanovic
Mr Paul Denholm
Ms Grace Ursich

**Secretary
Meeting Support
Meeting Support**

Ms Natasha Horner
Ms Alex Louise
Ms Felicity Higham

Public

0

3.1 Apologies

Jarraah Ward

Cr Vicki Potter

3.2 Approved leave of absence

Banksia Ward

Cr Luana Lisandro

4 Declarations of interest

Declaration of financial interest

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.2 – Stage 2 Initiation of Albany Highway Precinct Structure Plan
Nature of interest	Financial
Extent of interest	Part owner of property on Albany Highway, improvements would increase value of property.

Declaration of proximity interest

Nil.

Declaration of interest affecting impartiality

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.4 – Events Strategy
Nature of interest	Impartiality
Extent of interest	Is a member of Rotary Club of Vic Park which runs events in the Town.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.5 – Proposed Heritage List – Local Planning Policy ‘Heritage List’ and Amendments to the Local Heritage Survey
Nature of interest	Impartiality
Extent of interest	Is the owner of a property listed on the Local Heritage Survey, however that property is not the subject of the recommendation.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	13.2 – Proposal to dispose of portion of Read Park by lease
Nature of interest	Impartiality
Extent of interest	Had contact with applicant through emails.

Name/Position	Cr Jesse Hamer
Item No/Subject	13.2 – Proposal to dispose of portion of Read Park by lease
Nature of interest	Impartiality
Extent of interest	Knows owner of Sonder Cafe, regular customer and has spoken with Trent Will on behalf of the applicant about the proposal.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.2 – Proposal to dispose of portion of Read Park by lease
Nature of interest	Impartiality
Extent of interest	Had previous contact with owner and has been contacted by owner regarding this item.

Name/Position	Cr Bronwyn Ife
Item No/Subject	13.2 – Proposal to dispose of portion of Read Park by lease
Nature of interest	Impartiality
Extent of interest	Received email correspondence from applicant.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.2 – Proposal to dispose of portion of Read Park by lease
Nature of interest	Impartiality
Extent of interest	Have received emails from the applicant and their representatives regarding this item.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.2 – Proposal to dispose of portion of Read Park by lease
Nature of interest	Impartiality
Extent of interest	Received two lots of correspondence from applicant, developer, proponent for that particular item.

Name/Position	Mr Anthony Vuleta
Item No/Subject	13.2 – Proposal to dispose of portion of Read Park by lease
Nature of interest	Impartiality
Extent of interest	Knows property owner and have spoken about proposal.

Name/Position	Cr Peter Devereux
Item No/Subject	13.2 – Proposal to dispose of portion of Read Park by lease
Nature of interest	Impartiality
Extent of interest	Received email from proponent.

**declared at the time of the item 13.2.*

Name/Position	Cr Wilfred Hendriks
Item No/Subject	15.2 – Review of Policy 226 – Recreation reserves - hire
Nature of interest	Impartiality
Extent of interest	Is a member of Rotary Club of Vic Park which hires reserves in the Town.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	15.3 - Review of Policy 405 – Events on parks and reserves – notification to local residents.
Nature of interest	Impartiality
Extent of interest	Is a member of Rotary Club of Vic Park which runs events on parks in the Town.

5 Public question time

Eleanor Grincer

1. The members of the ROW 33 Collective (Ceres Lane) would like to know why there has been a delay on beginning capital works, what is being done to resolve this delay, and when can we expect capital works to begin on the ROW 33 upgrades?

The Chief Operations Officer advised that the Town acknowledges that there has been a delay due to resourcing challenges across the industry and it is anticipated that this project would commence late 2022.

Graham Ferstat

1. What is the annual cost (being direct labour, contract labour, plant and hire, depreciation of plant and equipment and staff administration) to maintain the grounds surrounding the Town's administration building?

The Chief Operations Officer advised the administration area on the outside of the building is maintained at an annual cost of \$57,000 and Memorial Park which is adjacent is maintained at an annual cost of \$43,000. These are maintained at the same time with the same resources.

2. What is the forecast cost of repair work, including administrative costs, and will these costs be incurred by the Town or the Town's contractor?

The Chief Operations Officer advised that the contractor will be repairing the footpath without any additional charges to the Town and there is not expected to be any further costs incurred by the Town.

3. Has the Town signed off on this work with the contractor, and if so, when and why?

The Chief Operations Officer advised that the works will be signed off once the works have been completed, the footpaths repaired and following inspection.

Ratepayers Association of Victoria Park

1. Based on the advertised figures, please advise what the actual rate increases would be across each category including the waste levy?

The Acting Chief Financial Officer advised that based on what was proposed at the May Ordinary Council Meeting, the percentages were as follows: Residential – Minimum 5.76%, Residential – General 5.71%, Non-Residential – Minimum 5.79%, Non-Residential – General 5.66%, Vacant – Minimum 5.75%, Vacant – General 5.73%. He advised that these figures were identified to be incorrect and is one of the reasons why the budget document was pulled for this evening, and they will be brought back to Council in July.

2. Please confirm that residential properties with a GRV between 12,000 and 15,000 will be subject to rate increase above 10% and as high as 14.4%?

Mayor Karen Vernon advised that she is not sure if Council are in a position to answer that question until the budget is actually adopted.

The Acting Chief Financial Officer confirmed that the figures that were in the draft budget are not being considered at tonight's Ordinary Council Meeting and will be updated before it is brought to Council in July.

3. What is the benefit to ratepayers in having a separate waste levy?

The Acting Chief Financial Officer advised that as part of Local Government Reforms there is consideration to make the separated levy mandatory however, Town staff are considering the separated waste levy for its transparency value and to allow ratepayers to be able to assess value for money between local governments.

4. Will the waste levy apply to non-residential property?

The Acting Chief Financial Officer advised that it will not be applied as a part of the draft annual budget for the 2022-2023 year.

5. According to the information that was used to formulate the draft budget, how many of the rateable residential properties in the Town have a GRV of less than 18,500?

The Acting Chief Financial Officer advised there are 11,694 properties which have a GRV of less than 18,500 of which 1,604 are on the minimum rate based on 2022/2023 figures.

6. *If the Town believes that the Thursday West Australian has better coverage than Perth Now then why does the Town continue to publish other public notices in Perth Now?*

The Acting Chief Financial Officer advised that Town assessments are based on lead times from each newspaper, the content of the public notice, and make value assessments on the options to place that notice.

7. *To support the Town's claim that the Thursday West Australian has a larger coverage, can the Council estimate the number of ratepayers in the Town who subscribe to the Thursday edition of the West Australian?*

Mayor Karen Vernon advised that Council cannot estimate the number of ratepayers who subscribe to the West Australian, and also cannot estimate the number of ratepayers who read the West Australian despite having a subscription.

8. *In seeking to "provide proper oversight and governance" why then did the Council this year vote unanimously to advertise rates without first receiving the whole draft budget?*

Mayor Karen Vernon advised that Council did receive the entire budget before Council determination.

6 Public statement time

Nil.

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

COUNCIL RESOLUTION (116/2022):

Moved: Cr Bronwyn Ife

Seconded: Cr Wilfred Hendriks

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 17 May 2022.
2. Receives the notes of the Agenda Briefing Forum held on 7 June 2022.
3. Receives the notes of the Access and Inclusion Advisory Group meeting held on 9 March 2022.
4. Receives the notes of the Lathlain Park Advisory Group meeting held on 10 March 2022.
5. Receives the notes of the Urban Forest Strategy Implementation Working Group meeting held on 21 March 2022.

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

8 Presentation of minutes from external bodies

COUNCIL RESOLUTION (117/2022):

Moved: Cr Bronwyn Ife

Seconded: Cr Peter Devereux

That Council:

1. Receives the minutes of the South East Metropolitan Zone meeting held on 20 April 2022.
2. Receives the minutes of the Mindarie Regional Council meeting held on 26 May 2022.

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

9 Presentations

9.1 Petitions

Nil.

9.2 Presentations

Nil.

9.3 Deputations

COUNCIL RESOLUTION (118/2022):

Moved: Cr Jesvin Karimi

Seconded: Cr Jesse Hamer

That Council receives the deputation from Mr Trent Will and Mr Mark Iriks regarding item 13.2 - Proposal to dispose of portion of Read Park by lease.

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

Elected members received a deputation from Mr Trent Will (Taylor Burrell Barnett, Town Planning & Urban Design) and Mr Mark Iriks in support of the officer's recommendation for item 13.2 - Proposal to dispose of portion of Read Park by lease. Mr Iriks recounted his history regarding the park, and asked Council to consider a small amendment to allow one-year free rent.

Questions and responses

Cr Jesse Hamer

1. Do you have an estimate for the one year?

Mr Iriks advised that he does not have an estimate but would guess at \$80,000 however would leave it open to the Town for further direction.

Cr Peter Devereux

1. Have you had any interaction with the Community Garden Group Members?

Mr Iriks advised that he has had discussions on using the water from the roof and the group members were involved with consultation with the Town. They also talk because they are business neighbours.

Mr Will advised that he has not discussed this proposal with the members yet, but they hope to explore synergies in the future.

Mayor Karen Vernon

1. Have you outlined to the Town staff, the details of how the inside of the containers, which will be community space, will work?

Mr Will advised that he does have ideas but has no specific details as they wished to keep it open during the consultation exercise. He hopes that it would also be used as a community meeting facility and is happy to liaise with the Town on specific uses.

Mr Iriks advised that he would like to see a not-for-profit group utilising the space and has been approached by groups that want to use it to display art but is happy to abide by Council considerations regarding what is best.

2. Your discussions with the Town so far have not extended to insurance to the premises that will be maintained inside and on top of the container?

Mr Will advised that they have discussed insurance inside the container and have provided a figure that he would be comfortable with as listed in Attachment 2 of the officer's report and is seeking a figure of up to 20 million dollars as consistent with the public liability for parklets and outside dining.

3. Is that on the basis that if anyone using the top or bottom of the sea container will be considered members of the public?

Mr Will advised that would be his expectation but he is not the expert on the matter and would expect it to be considered in the lease.

4. As Mr Iriks's daughter would be managing this community space, how often are you proposing this will be open, same times as the café or different times?

Mr Will advised that it would be generally align to café and building opening hours.

10 Method of dealing with agenda business

COUNCIL RESOLUTION (119/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That the following items be adopted by exception resolution, and the remaining items be dealt with separately:

11.1 Council Resolutions Status Report

11.2 Advocacy Priorities 2022-2023

12.1 METRONET - Management and maintenance of public spaces draft position statement

12.3 Update on Policy 113 and the Homelessness Policy Implementation Plan

12.4 Events Strategy

12.6 Proposed Changes to Local Planning Framework Initiation of Scheme Amendment

13.1 Proposed Parking Restriction

13.3 Aqualife Changeroom Refurbishment RFT TVP/22/05

14.1 Financial Statements April 2022

14.2 Schedule of Accounts April 2022

15.4 Policy 223 - Fleet management light vehicles

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

11 Chief Executive Officer reports

11.1 Council Resolutions Status Report

Location	Town-wide
Reporting officer	Mayoral and Governance Support Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. 11.1.1 Outstanding Council Resolutions Report - May 2022 [11.1.1 - 28 pages] 2. 11.1.2 Completed Council Resolutions Report - May 2022 [11.1.2 - 23 pages]

Recommendation

That Council:

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

Purpose

To present Council with the Council resolutions status reports.

In brief

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

Background

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

That Council:

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

- a) Outstanding Items – all items outstanding; and
- b) Completed Items – items completed since the previous months' report to be presented to each Ordinary Council Meeting, commencing October 2021.

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

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them.	The reports provide elected members and the community with implementation/progress updates on Council resolutions.

Engagement

Internal engagement

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

Legal compliance

Not applicable.

Risk management consideration

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

Financial implications

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

Analysis

2. The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.
3. The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 28 April 2022 to 31 May 2022. A status update has been included by the relevant officer/s.
4. Some listed actions may have already been completed. This is due to a change in the system where actions may be unassigned because of staff resignations. A review these actions will be undertaken, and an updated list will be provided for the Ordinary Council Meeting.

Relevant documents

Not applicable.

Further consideration

5. The following information was requested at the Agenda Briefing Forum held on 7 June 2022.
6. *Provide further information on the implications for the 5% target for employment of people living with a disability now that the previous resolution of having a 2.3% target has been completed.*

The Town adopted the State Government target of 2.3% set on 20 August 2019 to increase the employment of people with a disability in the public sector. As of 17 December 2019, the Town further adopted an increase in the target for employment of people living with a disability to 5% by December 2025.

The action of the report for the 20 August 2019 2.3% to increase the employment of people with a disability in the public sector was triggered by the adoption of the new target of 5% by the council on 17 December 2019.

7. *Provide further information on what the Town is doing to achieve the 5% target.*

The People and Culture Team **have** continued to implement a wide range of strategies to authentically increase the workforce to the target of 5% through initiatives below:

The People and Culture team are focusing on increasing this target through strategies such as:

- Working in partnership with Curtin University's Student Services – Disabilities team and the Curtin Student Recruitment Program officers to identify work placement options for undergraduate students.
- The Town has commenced the Business and Law Traineeship Pilot Program for students who have identified completing their education with a disability. The Pilot program aims at giving students the opportunity to develop their career skills whilst building a relationship with the Town and identifying a potential pathway to bring in new employees. The Pilot program has been affected by COVID and aims to readvertise for the end of year period before the start of Semester 1 2023.
- Partnership with Football WA and AbilityWA the Town has commenced with an administration trainee in the Building Services team.
- The Town is targeting specific vacancies for exclusive disability recruitment for 2022/23.
- The Town is working with Recruitment Firms and Non-for-Profit organisations who specialise in Disability employment to help drive applications to external opportunities and backfill staff when on leave.

- Annual survey to the workforce to see if there are current staff who had not identified initially that have a disability would like to now identify. This aims to help current staff who may have a disability access a range of services that allow an increased positive experience in the workplace.
8. Following the Agenda Briefing Forum, the completed and outstanding resolution report attachments have been updated and replaced.

COUNCIL RESOLUTION (120/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council:

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

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

11.2 Advocacy Priorities 2022 - 2023

Location	Town-wide
Reporting officer	Manager Stakeholder Relations
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council adopts five advocacy priorities for the 2022/23 financial year, in line with Policy 105 – Advocacy:

- a. Edward Millen Park
- b. McCallum Park Active Precinct
- c. Kent street sand pit - Banksia woodland restoration
- d. Mid – Tier Transit and Short Range Bus Transit (CAT)
- e. Archer Mint Street Renewal

Purpose

The Town's priority projects will be endorsed in June in line with the budget decision making process. These priorities are then budgeted and resourced for action over the financial year.

In brief

- The Council adopted Policy 105 Advocacy in November 2021
- The Policy agrees notes that a Council Workshop is to be convened as part of the budget cycle each year where attendees are to consider endorsing new Advocacy Priorities, retaining or deleting existing Advocacy Projects and monitor progress made with the previous year's Advocacy Program.
- At a workshop held in April the Council selected priorities based on guidance and expert presentations from Government Relations Australia, an ex-Federal Minister and Town project staff.
- The Council selected five priorities based on this workshop: Edward Millen Park, McCallum Park Active Precinct, Archer Mint Street, Mid Tier Transit and, Kent Street Sand Pit.

Background

1. The Town has a number of key projects it is seeking to progress, and it is essential that ratepayers and stakeholders are brought along as part of this process.
2. Council agreed to adopt annual advocacy priorities in line with the Towns budget and have them run over a financial year to align to State and Federal budget cycles
3. The Town's Advocacy program will reflect honest, sincere, and thorough community engagement at a local level. This in turn will impact on how we work with Government and local MPs.
4. The Town will follow a three-tiered support approach to advocating for its strategic priority projects:
 - a) Building political support locally
 - b) Building State Government buy-in

- c) Engagement with the Federal Government
5. Edward Millen Park Project
- a) Advocacy Value - \$3.5 Million
 - b) Project Objectives
 - i) Realise the full potential of the expansive Edward Millen Park, complementing the State Heritage-listed building restoration.
 - ii) Attract recreation and leisure visitors to East Victoria Park.
 - iii) Deliver a well-considered and respectfully adaptive redevelopment result for the community, including the estimated one in 70 Australians on the Autism spectrum.
 - iv) Create an inclusive play space where all children can feel safe and welcome.
6. McCallum Park Active Precinct
- a) Advocacy Value - \$3 Million
 - b) Project Objectives
 - i) Create a destination where local and regional visitors will have a sense of belonging.
 - ii) Increase community connection through participation in active and passive recreation.
 - iii) Complement the State- and Federal Government-funded Causeway Pedestrian and Cycle Bridge with adjacent supporting infrastructure.
 - iv) Provide facilities for the community to foster inclusion, promote healthy lifestyle habits and teach lifelong skills.
 - v) Create a safe space for youth to gather and connect on weekends and after school.
7. Kent street sand pit - Banksia woodland restoration
- a) Advocacy Value: \$1.5 Million
 - b) Project Objectives
 - i) Restore the site to Banksia Woodland, which will enhance the neighbouring Kensington Bushland
 - ii) Provide habitat for native fauna, including Black Cockatoos
 - iii) Contribute to our Urban Forest Strategy objective of achieving 20 per cent tree canopy
 - iv) Provide a valuable passive recreation asset for surrounding residents and visitors
 - v) Connection to the area's indigenous heritage, which includes yarning spaces and knowledge exchange nodes for the sharing of Aboriginal stories and history, and conceptual alignment of walking trails in accordance with cultural mapping of the site.
8. Mid – Tier Transit and Short Range Bus Transit (CAT)
- a) Advocacy Value: nil
 - b) Advocate to the State Government in support of a Mid-tier transit system including a connection from Curtin University to Perth CBD
9. Archer Mint Street Stage 1
- a) Advocacy Value - \$1.5 million
 - b) Project Objectives
-

- i) Broader Streetscape improvements.
- ii) Opportunity to reduce municipal expenditure

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	To develop meaningful and sustainable solutions which address these gaps, and which are endorsed by the community and stakeholder groups, sanctioned by evidence and aligned to the strategic vision and mission of the Town
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Negotiate and influence decision makers to support, endorse and accede to implementing or funding projects.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	Advocacy Projects are selected where the Town can demonstrate that the community benefit of the project aligns to other government agencies objectives.

Engagement

Internal engagement	
Stakeholder	Comments
Project Management Office	Development of the project list and advocacy value requirements.
Place Team	Development of an initial priority ranking and detail of community outcomes.
Finance	Inclusion of advocacy conversations as part of the budget development.
C-Suite	Support for the draft program.

Other engagement

Stakeholder	Comments
Tim Hammond – Ex Federal Minister	<p>Is a former Australian politician. He was the member for Perth in the Australian House of Representatives. He is a member of the Australian Labor Party and succeeded the previous member, Alannah MacTiernan, at the 2016 federal election.</p> <p>He was initially awarded the portfolios of Shadow Assistant Minister for Resources, Innovation, Western Australia, The Digital Economy and Start Ups in the Labor Shadow Ministry. In September 2016 he was promoted to the full</p>

	<p>ministry as Shadow Minister for Consumer Affairs and Shadow Minister Assisting for Resources.</p> <p>Mr Hammond reviewed the list of projects and provided insight to administration and Council on tools and approaches regarding our advocacy efforts.</p>
GRA Director – Patrick Flanagan	Patrick provides significant political and strategic advice to the public sector. He was a senior adviser in the Federal Government, including working for the Minister for Resources and Energy. Mr Flanagan reviewed the program and provided advice on the approach.
Royal Australian College of General Practitioner	The organisation has a large advocacy support team based in Western Australia. The team provided a range of templates and resources to support creation of our operational approach.

Legal compliance

[LOCAL GOVERNMENT ACT 1995 - SECT 1.3 \(austlii.edu.au\)](http://www.austlii.edu.au/au/other/dfat/special/local_government_act_1995.html)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not having a focus advocacy approach could result in the Town not benefitting from finance support.	Low	Likely	Med	Low	TREAT risk by developing a formal advocacy program annually that is aligned to Council priorities.
Environmental	Not Applicable					
Health and safety	Not Applicable				Low	
Infrastructure/ ICT systems/ utilities	Not Applicable				Medium	
Legislative compliance	Conflicts of interest relating to advocacy	High	Low	Med	Low	TREAT risk with effective systems managed closely
Reputation	Unfocussed approach to advocacy	Low	Low	Low	Low	TREAT risk with clarification on expectations and focus projects, report accordingly.

Service delivery	Project delivery could be at risk without the support of external stakeholders.	Med	Med	Med	Med	TREAT with management of community expectations and transparent reporting on advocacy reporting activity
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Financial implications

Current budget impact	Sufficient funds exist within the draft 2022-2023 annual budget to address this recommendation.
Future budget impact	Not applicable.

Analysis

10. The projects selected are all aligned to planned strategies to take advantage of industry and state-based funding programs, on top of usual opportunistic efforts that are identified and acted upon over the year.
11. Projects selected are within key focus areas for the Town, as identified in Place Plans and the Strategic Community Plan.
 - a) Infrastructure
 - b) Integrated transport and movement
 - c) Urban design
 - d) Social impact
 - e) Sustainability
12. They align with outcomes in the Town's Strategic Community Plan and Long-Term Financial Plan
13. Projects for priority are selected on the basis of meeting the following criteria:
 - a) Key transformational project
 - b) Broad community benefit
 - c) Reduced barriers for the community to achieve
 - d) Future growth of local economy
 - e) Could not be delivered to the quality or level without external funding or third-party influence
 - f) Presents a good number of opportunities to directly and indirectly engage decision makers

Relevant documents

[Policy 021 – Fees, expenses and allowances - Elected members and ICMs](#)

[Policy 024 – Event attendance](#)

[Policy 103 – Communications and engagement](#)

[Policy 105 - Advocacy - Victoria Park](#)

COUNCIL RESOLUTION (121/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council adopts five advocacy priorities for the 2022/23 financial year, in line with Policy 105 – Advocacy:

- a. Edward Millen Park
- b. McCallum Park Active Precinct
- c. Kent street sand pit - Banksia woodland restoration
- d. Mid – Tier Transit and Short Range Bus Transit (CAT)
- e. Archer Mint Street Renewal

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

12 Chief Community Planner reports

12.1 METRONET - Management and maintenance of public spaces draft position statement

Location	Carlisle East Victoria Park Town-wide
Reporting officer	Place Leader (Transport)
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	1. METRONET Response Letter re Public Open Space at LXR Project [12.1.1 - 2 pages]

Recommendation

That Council:

1. Notes the response from METRONET to the Town's request for information about the new public open space areas created from the METRONET's Victoria Park-Canning Level Crossing Removal Project.
2. Requests the Chief Executive Officer prepare a further report in August 2022 outlining further progress on discussions with relations to:
 - a. The total estimated size of the public open spaces;
 - b. The detailed plans for the public open spaces;
 - c. The total estimated construction cost by METRONET for the public open spaces;
 - d. Any estimated costs of future management and maintenance.
 - e. Any potential future leasable spaces suitable for the Town to use for revenue generation.

Purpose

To provide Council with an update on the Victoria Park-Canning Level Crossing Removal Project and METRONET's response to the Town's request for information regarding the future management and maintenance of new public spaces within the rail corridor following their completion and establishment.

In brief

- METRONET are seeking to establish an arrangement with the Town to manage and maintain new public spaces within the rail corridor following the completion and establishment of the Victoria Park-Canning Level Crossing Removal Project.
- At the March 2022 OCM, Council requested that the Chief Executive Officer (CEO) seek further information from METRONET on the new public open space that is planned, including the estimated size of this space and the estimated cost of maintaining it.
- METRONET have replied to the CEO's request for information. In this reply, METRONET provided an estimate of the area of new public open space at 5.5ha and advised that the design of the public open space can be modified to better align with the Town's maintenance capacity. METRONET also encouraged the Town to engage further with the project team and Public Transport Authority (PTA) on possible leasable spaces that might be used to offset the ongoing cost of maintenance.
- The Town is continuing to communicate with METRONET to gain further details in addition to the information provided in this response.

Background

1. The Town of Victoria Park has been working closely with the State government on the Victoria Park-Canning Level Crossing Removal project since 2018.
2. The Carlisle and Oats Street stations will be rebuilt as new elevated stations and the rail corridor between the stations will be converted into approximately 5.5ha of public open space, with new pedestrian and cycling connections.
3. METRONET has involved the Town's officers in the design process, held workshops with a community reference group and provided information for the ongoing briefing of elected members.
4. At the March 2022 OCM it was resolved that Council,
 - "1. Supports the Town of Victoria Park to continue to have discussions with METRONET about the future management and maintenance of new public open space areas to be created from THE Victoria Park Canning Level Crossing Removal Project,*
 - 2. Requests the Chief Executive Officer to obtain details from METRONET about the future management and maintenance of the new public open spaces to be created sufficient to allow for a risk assessment of the impact on the Town from future responsibility for the cost of maintenance and management, including but not limited to:*
 - a. The total estimated size of the public open spaces;*
 - b. The detailed plans for the public open spaces;*
 - c. The total estimated construction cost by METRONET for the public open spaces;*
 - d. Any estimated costs of future management and maintenance.*
 - e. Any potential future leasable spaces suitable for the Town to use for revenue generation*
 - 3. Requests the Chief Executive Officer to report to Council by June 2022 as to the progress of those discussions."*
5. METRONET has responded to this resolution and a subsequent letter from the CEO for additional information. Key points from the letter are detailed in the analysis section below.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	The Council's endorsement will provide clarity for the Town in its ongoing negotiations with METRONET and the PTA regarding our agreed desired outcomes

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The desired outcomes outlined in the draft position statement directly impact these issues while also improving accessibility.

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 needs and enhances the Town's character.	The desired outcomes outlined in the draft position statement will directly and significantly impact the future of housing and urban design in the Town.
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	METRONET is the largest transport infrastructure investment in the Town for decades and the desired outcomes in the draft position statement will directly impact the future design and use of the transport network.

Engagement

Internal engagement

Place Planning	Coordinating early and on-going engagement as part of the overall Level Crossing Removal project including significant input into the preliminary concept designs for the public spaces.
Infrastructure Operations	Input on the preliminary concept designs for the public spaces.
Street Operations	Input on the preliminary concept designs for the public spaces.
Property Development & Leasing	Preliminary advice on the potential benefits to the Town through obtaining leasing opportunities for the public spaces.
Elected Members	The Town invited feedback on the METRONET management and maintenance proposal, as well as the draft Town response, via the Elected Members Portal between the 16 November and 1 December 2021. Feedback was received from four elected members, which has helped inform the Town's position statement.

Other engagement

METRONET	METRONET have been engaging the Town regularly on the Level Crossing Removal project including the future management and maintenance.
South Easy Corridor	The Town of Victoria Park has discussed maintenance and management

Councils Alliance (SECCA)	approaches with SECCA members. While each METRONET project is different across the region there is a united view to provide in principle support to assuming management responsibility subject to conditions. It is the nature of the conditions that is being discussed with other SECCA members considering the Town's position.
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Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Opportunities for future leasable spaces to provide income to the Town not supported by METRONET or PTA	Moderate	Possible	Medium	Low	Negotiate with METRONET and PTA to obtain support.
Financial	The Town does not effectively plan for the anticipated maintenance costs for new public spaces in its Long Term Financial Plan.	Moderate	Possible	Medium	Low	Continue to work with METRONET to negotiate a staggered transition to maintenance handover as well detailed anticipated costs and required management regimes.
Reputation	Town reputation may be impacted if public spaces do not meet community expectations.	Minor	Possible	Medium	Low	Comprehensive engagement from and with METRONET during planning and delivery.
Service delivery	Road or bicycle network interruption due to works delays.	Moderate	Likely	High	Low	Comprehensive engagement from and with METRONET during planning and delivery.

Financial implications

Current budget impact	Preparing the principles for negotiation for the future management and maintenance of public spaces has no impact on the budget.
Future budget impact	<p>The future management and maintenance of public open space areas created through the Victoria Park-Canning Level Crossing Removal Project will have a long-term budgetary impact on the Town. The extent of the long-term costs to the Town are still to be confirmed with the Office of Major Transport Infrastructure Delivery (OMTID) and will become known as the Town furthers negotiations (should Council proceed with the Officer Recommendation).</p> <p>In addition to the anticipated long-term costs associated with maintenance and management, the Victoria Park-Canning Level Crossing Removal Project is expected to impact the Town's future fiscal position through:</p> <ul style="list-style-type: none">• Potential additional funds from METRONET for funding infrastructure and service integration (subject to negotiation).• Provision of leasable spaces for an income stream that can offset future management and maintenance costs of the public spaces (subject to negotiation).• Increased levels of development resulting in dwelling/population growth around the stations and new public open spaces. While development can be facilitated in the current planning framework, it will also be supported in the new Local Planning Scheme No.2 (currently being drafted) and the creation of an Oats St Station Precinct Structure Plan (proposed to commence in 2022/2023 - but subject to budget approval). <p>Further high-level detail is provided in the analysis section below.</p>

Analysis

6. The Victoria Park to Canning LXR project is a METRONET project being delivered by OMTID.
7. The preferred proponent was announced in December 2021 followed by a contract award in early 2022. Following the contract award, the next stage of design has commenced consultation with the Town. Major construction works are expected to commence in late 2022.
8. As part of the preliminary design investigations, METRONET has been collaborating with the Town and local community on a concept design for the creation of a linear parkland between Mint Street and Oats Street incorporating;
 - a. extensive tree plantings and landscaping
 - b. pedestrian and cycle pathways
 - c. active and passive recreation areas
 - d. children's playgrounds, and
 - e. spaces for community gatherings and small outdoor events. The State Government will be responsible for the capital cost of creating the public spaces and have a preferred position to

maintain (or pay to maintain) the public spaces for a 24-month establishment period after practical completion.

9. Following the establishment period some of the public spaces will remain under the Public Transport Authority management (those directly adjacent to the Station infrastructure), however it is the State's intention that care, and control of most public spaces will be transferred to the Town. The exact delineation of this responsibility is still to be determined.
10. At the March OCM, Council requested that the CEO obtain details from METRONET about the future management and maintenance of the new public open space to be created sufficient to allow for a risk assessment of the impact on the Town from future responsibility for the cost of maintenance and management including but not limited to:
 - a) The total estimated size of the public open spaces;
 - b) The detailed plans for the public open spaces;
 - c) The total estimated construction cost by METRONET for the public open spaces;
 - d) Any estimated costs of future management and maintenance.
 - e) Any potential future leasable spaces suitable for the Town to use for revenue generation
11. METRONET responded to this request for additional information with the following key points:
 - a. The area of public open space to be transferred to the Town's management is estimated to be approximately 5.5 ha.
 - b. The Town's input into the reference design stage is considered key to ensuring the design meets the Town's maintenance requirements and capacity in the long term.
 - c. METRONET has allocated funding to contribute to a 24-month establishment maintenance period after practical completion of the project. Total funding is capped at \$2.38 million for the Victoria Park-Canning LXR project. This sum would be partly allocated to the City of Canning.
 - d. It was advised that the PTA is open to discussing potential opportunities and mechanisms to facilitate the Town generating revenue from the new public realm areas. The LXR project has allowed for power outlets throughout the urban realm areas to facilitate food trucks, markets and temporary uses of spaces expected to be handed over for local government management. METRONET encouraged the Town to commence discussions on any proposals for future leasable spaces with the LXR project team and PTA as soon as possible. These discussions have commenced.

Future Maintenance

12. METRONET has allocated \$2.38 million for a 24-month establishment period of new public spaces across the entire Victoria Park-Canning LXR Project. When extrapolated to the Town of Victoria Park section (5.5 ha of public space) this equates to about \$300,000 to \$400,000 per year for establishment and maintenance. This is a high-level estimate and further detail will be obtained by the Town as the design progresses.
13. Using Koolbardi Park (it contains similar features and specifications) and the standard of care the Town provides as a benchmark the Town is of the view that between \$300,000 and \$400,00 is a reasonable amount to apportion to the 5.5ha of newly developed public space.
14. Koolbardi Park is approximately 2.2ha in area and costs approximately \$45,000 to maintain each year. At this rate and allowing for a 20% increase due to market escalation/inflation it could cost the Town around \$145,000 to maintain the new 5.5ha of public space as part of the Victoria Park-Canning LXR project per annum. This amount includes the cost to use contractors to care for the Park. Therefore, apportioning an amount of between \$300,000 to \$400,000 to the Town in the first 24 months is reasonable given there could be extra costs during the immediate establishment period.
15. METRONET has also suggested that the Town could commence maintenance of the newly formed public spaces during the initial 24 month establishment period (which will be funded by the State

government). This would enable the Town to acclimatize to the new maintenance regime while not being responsible for the cost.

16. An annual maintenance cost of \$145,000 at the lower end or \$400,000 at the higher end results in rates increases in the range of 0.35% to 0.96% (based on the proposed 2022-23 annual budget), if the Town were not to reduce its current service level or project output. This should however balance this estimate with an understanding that funds provided by METRONET in compensation for the establishment of an easement at the Aqualife site on Somerset Street in East Victoria Park is earmarked for the preparation of the Oats Street Station Precinct Structure Plan in 2022/23 which will plan and then facilitate growth and development around the Oats Street Station. Development (should it eventuate) around both stations as a result of the public open space and public transport upgrades is predicted to result in rates growth that may offset the annual maintenance expense. Additional rates of income will not be realised until an increase in rateable properties has occurred.
17. The recent METRONET Stations Precinct Gateway report provides an indication of the extent growth that could occur (subject to further town-planning by the Town) in the Carlisle and Oats Street Station Precincts. METRONET predicts dwellings within the Carlisle Station Precinct will grow from 4440 dwellings to 5100 dwellings by 2031. METRONET also predicts dwellings within the Oats Street Station Precinct will grow from 3660 dwellings to 4080 dwellings by 2031. This represents an overall forecast rate increase of \$1.4 million per annum. It is important to disclaim that this is a high-level estimate and rates of growth are subject to many variables.
18. This potential growth is consistent with the objectives outlined in the Local Planning Strategy for both Station Precincts.

Future Management and Potential for Leasable Spaces

19. Further discussions are required with the PTA, to better understand the type and quantum of leasable spaces that will be considered as part of the project. The Town will explicitly explore in future detail the potential for modular built form outcomes which are semi-permanent in nature in addition to more temporary/transient opportunities such as markets and food trucks. In addition, further examination of the Town's capacity to fund further maintenance costs will need to be explored internally.
20. The Town is also progressing discussions with regard to the authority and approvals in the newly formed public spaces. The Town is committed to establishing an agreed understanding of the extent of authority to approve events and activities in the public spaces as well clear approval parameters regarding any necessary physical improvements and/or renewal needs for the new public spaces.
21. The Town are seeking to engage with the project team and PTA officers, to further explore the potential for leasable spaces to offset costs and improve activation of the station areas and the newly-created public open space, and the train station precincts.

Progress on Design

22. The Town continues to work collaboratively with OMTID in the finalisation of the design. The Town is comfortable that the design is remaining consistent with the concept work undertaken in the Preliminary Place Plan and then Place Plan stages of the project which were heavily informed by the Town's own informing strategies including the Public Open Space Strategy, Urban Forest Strategy Local Planning Strategy and draft Transport Strategy.
23. The design will provide new useable public open spaces that meet an identified public open space gap in the east Carlisle area.
24. The design will contribute significantly to objectives in the Urban Forest Strategy, especially increasing canopy coverage of the Town. The design includes large amounts of natural areas, and the Town is progressing discussions with regard to endemic species choice and the potential to leverage the Urban Forest program and seed propagation from Jirdarup Bushland.

25. The design focuses on pedestrian movement and accessibility between Carlisle and East Victoria Park. Of particular interest to the Town is the design of intersections near both stations to ensure active transport modes are prioritised as per the recently endorsed Transport Strategy.

Relevant documents

Not applicable.

Further consideration

26. The following information was requested at the Agenda Briefing Forum held on 7 June 2022.

27. *Include the technical considerations for ways for cyclists to cross, now that traffic will be unimpeded by the rail line.*

The Project Team in collaboration with the Town are considering design options for major intersections at Archer and Oats Street including:

- Shared space treatments (considering use of materials and levels);
- Use of pedestrian/cyclist signalisation;
- Narrow road pavement widths.

The intersections form part of METRONET's Project Control Area delineation and therefore a part of their jurisdiction, although they will continue to liaise closely with Town officers.

28. *Include information on the City of Canning's plans for its public space.*

The METRONET Team does not liaise with the Town on designs for other Local Government Areas. Any information that refers to Canning is bound by confidentiality requirements of the State Government. The City of Canning and the Town are, however, working closely on matters such as resourcing support and future maintenance and management obligations through the South East Council Corridor Alliance.

COUNCIL RESOLUTION (122/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council:

1. Notes the response from METRONET to the Town's request for information about the new public open space areas created from the METRONET's Victoria Park-Canning Level Crossing Removal Project.
2. Requests the Chief Executive Officer prepare a further report in August 2022 outlining further progress on discussions with relations to:
 - a. The total estimated size of the public open spaces;
 - b. The detailed plans for the public open spaces;
 - c. The total estimated construction cost by METRONET for the public open spaces;
 - d. Any estimated costs of future management and maintenance.
 - e. Any potential future leasable spaces suitable for the Town to use for revenue generation.

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

12.2 Stage 2 Initiation of Albany Highway Precinct Structure Plan

Location	East Victoria Park St James Victoria Park
Reporting officer	Place Leader (Strategic Planning)
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	1. Albany Highway Today Report [12.2.1 - 80 pages] 2. Albany Highway Tomorrow Report [12.2.2 - 70 pages]

Recommendation

That Council:

1. Receive the 'Albany Highway Today' and 'Albany Highway Tomorrow' reports, being the major deliverables of Stage 1 of the Albany Highway Precinct Structure Plan project;
2. Support the Key Ideas identified within the 'Albany Highway Tomorrow' report to guide the future stages of the project and address the major Design Elements of State Planning Policy 7.2 'Precinct Design', namely:
 - A Sustainable Highway;
 - A Fine-Grain Highway;
 - A Pedestrian Highway;
 - A Connected Highway;
 - A Diverse Highway; and
 - A Distinctive Highway
3. Approve initiation of Stage 2 of the Albany Highway Precinct Structure Plan which will enable commencement of scenario and concept planning and the delivery of comprehensive community engagement to arrive at a Preferred Concept and Draft Precinct Structure Plan.

Purpose

To receive Council support for the major Stage 1 outputs of the Albany Highway Precinct Structure Plan (PSP) project and obtain approval to proceed to Stage 2 of this major strategic project.

In brief

- The Albany Highway PSP project aims to develop a Precinct Structure Plan for the entirety of the Albany Highway commercial strip from the Causeway to its intersection with Shepperton and Welshpool Roads in St James.
- The development and implementation of a PSP for Albany Highway will serve as a major catalyst for development and provide potentially significant and far-reaching changes to the Town's existing local planning framework.
- It is recommended that Council endorse the Stage 1 key deliverables and approve the Town's transition to Stage 2 of this major strategic planning project.

Background

1. The review and update of the Town's local planning framework as it relates to the Albany Highway activity centre is a strategically significant project, identified as a key action within the Town's

Corporate Business Plan and supported by the Town's relevant Place Plans (Victoria Park, East Victoria Park and St James).

2. The Town's Draft Local Planning Strategy (LPS) identifies Albany Highway as a Precinct Planning area and therefore requires the preparation of a PSP to guide updates to the local planning framework in accordance with the requirements of State Planning Policy 7.2 Precinct Design (SPP 7.2).
3. SPP 7.2 requires that a PSP be approved by the Western Australian Planning Commission (WAPC) prior to making significant changes to a local planning scheme where they are likely to result in significant and/or complex outcomes to an existing activity centre(s). The Draft LPS recommends the reclassification and consolidation of the entire Albany Highway commercial area as a Secondary Centre under the Activity Centres Hierarchy of SPP 4.2 'Activity Centres for Perth and Peel'.
4. The Albany Highway PSP will provide the guiding framework (strategic vision and statutory framework) for the planning and development of Albany Highway by taking a holistic, long term approach that can be updated over time in response to contemporary issues and community aspirations. The PSP will guide movement and access, land use and built form within the Albany Highway Activity Centre, informing changes to the local planning framework to facilitate private development, as well as setting out the recommended servicing, infrastructure and public realm design requirements and their implementation that will be necessary to realise the vision and objectives for the activity centre.
5. The Council awarded a contract to Hatch | Roberts Day in May 2021 as lead consultant to prepare the Albany Highway PSP, with the administrative support of the Town's Place Planning service area.
6. Stage 1 has now concluded, resulting in the delivery of the 'Albany Highway Today' and 'Albany Highway Tomorrow' reports that have been informed by comprehensive site analysis and community engagement to establish a set of guiding principles and Key Ideas to inform the next stage of the project.
7. Stage 2 will build and test options for the future growth and development of Albany Highway with the community and key stakeholders to arrive at a Preferred Concept and Draft Precinct Structure Plan (unformatted).
8. The final Stage 3 of the project will involve assembly and WAPC approval of the formal Precinct Structure Plan and the development/delivery of recommendations to the Town's local planning framework to support its implementation.
9. Progression to Stages 2 and 3 is subject to Council Adoption of the prior stage's outputs and Council Approval to proceed to the following stage of the project.
10. The Draft LPS is scheduled for consideration by the Statutory Planning Committee of the WAPC imminently and has been recommended for approval by DPLH officers subject to minor modifications. This is a significant milestone for the Town and its community and confirms support of the designation of the whole of the Albany Highway activity corridor as a single Secondary Centre under the Activities Centres Hierarchy of State Planning Policy 4.2 'Activity Centres for Perth and Peel'. This raises the recognition of Albany Highway as a major commercial, office and retail destination (with a significant and growing residential population) that provides significant employment opportunities and a diverse range of goods and services distributed along its length and concentrated at key identified nodes of activity. Examples of Secondary Centres elsewhere within the Perth Metropolitan Area include Leederville, Karrinyup, Belmont and Subiaco. The pending finalisation of the LPS provides certainty to the Town that the strategic approach proposed to be undertaken in preparation of the PSP during Stage 2 of the project is sound and can commence as recommended by Council's administration.

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.	Stage 1 included an extensive engagement program that is outlined in the engagement section below.
CL03 - Well thought out and managed projects that are delivered successfully.	The project has been split into 3 stages with gateway approval sought prior to the initiation of each subsequent stage of the project.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The PSP has been collaboratively prepared with the Department of Planning, Lands and Heritage via a regular Project Control Group which is a unique and progressive way to manage a structure planning process. The work has been based on a range of technical analyses, extensive community engagement and then collaborative refinement between the Town, State Planning Officers and the consultant team.
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	Stage 1 outcomes report has been developed to support Stage 2 (which will further seek community feedback on key ideas to shape future of Albany Highway) and will be used to help engage with the community and other stakeholders about possibilities and opportunities for the preparation of a PSP

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.	Stage 1 of the PSP is supported by a thorough economic analysis of the strip and the 'A Fine Grain Highway' and 'A Diverse Highway' sections in Attachment 2 which outlines a range of ideas that support the development of local economy.

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 needs and enhances the Town's character.	The 'A Distinctive Highway' section in Attachment 2 includes a range of ideas that support a people friendly public realm, support different housing typologies and density as well as potential planning mechanisms to preserve and enhance character.
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to	The 'A Pedestrian Highway' and 'A Connected Highway' sections in Attachment 2 outline a range

get around.	of ideas to be refined into designs and actions relating to the public realm in support of active transport and public transport.
EN03 - A place with sustainable, safe and convenient transport options for everyone.	As per EN02 above.
EN04 - A clean place where everyone knows the value of waste, water and energy.	Ideas and directions regarding the urban ecology of the Albany Highway precinct are outlined in the 'A Sustainable Highway' section of Attachment 2
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	The 'A Pedestrian Highway' section in Attachment 2 outlines directions relating to new and/or improved public space.
EN07 - Increased vegetation and tree canopy.	As per EN06 above.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The range of ideas and directions across Attachment 2 work toward creating a healthier community especially the ideas in 'A Pedestrian Highway' and 'A Connected Highway'.
S03 - An empowered community with a sense of pride, safety and belonging.	Community engagement for this project has been rigorous as outlined in the Engagement section below. The 'A Distinctive Highway' section in Attachment 2 has a real focus on building on existing place character which can and will build community pride and identity.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	The section 'A Diverse Highway' includes a focus on creativity and culture.

Engagement

11. Building strong relationships with local stakeholders will ensure effective and targeted engagement, with the aim of communicating the benefit to the community of a Precinct Plan that accommodates bold change over the long term, while protecting the unique and special qualities of Albany Highway.
12. Landowners, community groups and local residents have informed the preparation of the Stage One Albany Highway Tomorrow report by sharing what they want to see the Highway grow and evolve into the future.
13. The Stage One Albany Highway Tomorrow report has been prepared to inform ongoing consultation and guide the detailed development of the Precinct Structure Plan within stages Two and Three of the project.

Internal engagement	
Place Leaders / Urban Planning / Development Services / Property Management / Project Management	Online Definitions Workshops held 29 June 2021 to determine i) what challenges the Precinct Structure Plan needs to address; ii) what are the Town's Strategic Objectives for the Albany Highway Precinct; iii) performance of the Town's current planning controls under TPS1; iv) addressing State Planning Policy requirements
Elected Members	26 October - Elected Member Concept Forum

External engagement	
Stakeholders	<ol style="list-style-type: none"> 1. Local Community/Residents/Landowners 2. Regional visitors to the Centre 3. Key stakeholders including Mindeera Advisory Group, Vic Park Collective Community Group 4. A range of local Albany Highway business operators and major /strategic landowners along Albany Highway (including Vicinity Group and Hawaiian Pty Ltd) 5. A meeting with John Hughes has also been sought and will take place in late May however they provided no response during the formal engagement period
Period of engagement	<ol style="list-style-type: none"> 1. 20 October 2021 Public Engagement Launch 2. 20th Oct - 1st December (2021) – Online Survey 3. 3 x Influencer Roundtables 19/21/22 October 4. 3 x Listening Posts (St James 4 Nov / East Vic Park 5 Nov / Vic Park 7 Nov) 5. 26 October - Elected Member Concept Forum 6. Online Business Survey 15th Feb to 15th March
Level of engagement	<ol style="list-style-type: none"> 1. Empower
Methods of engagement	<ol style="list-style-type: none"> 1. On-street listening posts – to raise awareness and gather initial feedback on priorities, expectations, future uses and activities at key locations and events 2. Selected small group stakeholder roundtables / briefings to build rapport with highly engaged community members and understand specific issues 3. Big Ideas gathered through innovative online engagement tools including a Community Survey, Business Survey, Ideas Mapping and Information Summaries 4. Separate Landowner Meetings with Vicinity and Hawaiian as major retail/activity 5. Elected Member Concept Forum with Menti survey to
Advertising	Shape Albany Highway campaign <ol style="list-style-type: none"> 1. Letters to all landowners along and within 200m of Albany Highway 2. Whole of Town postcard drop

	<ol style="list-style-type: none"> 3. Individual Invitation to participate via email (to highly engaged business operators and community members) 4. Social Media blitz (Facebook) 5. Perth Now Newspaper advert 6. Town website "Your Thoughts" 7. Town of Vic Park Media Release 8. ToVP Business News (e-Vibe)
Submission summary	<p>Our community survey attracted 212 responses while our online and in-person ideas board received 320 ideas. We also engaged with 12 local businesses via a separate survey and interviewed 14 local stakeholders in a one-to-one or group basis.</p> <p>Respondents to the community survey were comprised of 72% local residents and 6% workers or business operators, with the remainder (22%) being external visitors or property owners.</p>
Key findings	<p>When asked to describe Albany Highway today, responses were largely positive. The most commonly chosen descriptions were Improving (51%), Walkable (47%) and Diverse (46%). However, negative descriptions also featured highly including Disjointed (39%), Disconnected (20%) and Tired (23%). Strongly negative descriptions were limited, such as Boring (5%), Struggling (8%) and Inhospitable (6%). Notably, some positive descriptors were not selected inferring areas where improvement may be needed. Ten or fewer respondents described the Highway as Green (0.1%), Sustainable (0.3%), Innovative (0.3%) or Beautiful (0.5%).</p> <p>When asked what Albany Highway needs more or less of, responses identified a desire for significantly more greenery and pedestrian space (91%), cultural and entertainment venues (84%), community and creative spaces (74%) and boutique retail (65%). Views were mixed on more housing (48% support more) and office space (35%), while the existing supply of everyday necessities, cafes and restaurants and car parking was seen as sufficient</p> <p>Survey respondents were asked to prioritise principles that should guide the preparation of the Precinct Structure Plan. Nine priorities drawn from previous community feedback and Town policy were put forward for prioritisation</p> <p>Six separate places have also been defined along the Highway - based on differences in built form, land use and economic activity. Stakeholders were asked to rate each Place in terms of the current place perceptions and what level of change (if any) the Precinct Structure Plan should adopt. Outcomes are summarised in full as part of the attached Albany Highway Tomorrow document.</p>

Other engagement

Stakeholder	Comments
DPLH	<p>A Project Control Group (PCG) has been set up to foster collaboration and bring together individuals possessing the relevant knowledge and skills to support the purpose of the PSP and achieve the project's objectives. The key objectives for the PCG are to</p> <ul style="list-style-type: none"> i) facilitate and monitor the preparation of the PSP through inception to final endorsement, ensuring the tasks and activities of the project lead to an effective outcome; ii) provide strategic guidance and direction to ensure project outputs meet the Town's obligations in accordance with: <ul style="list-style-type: none"> a. the Local Planning Strategy; and b. State Planning Policy.

Legal compliance

[Planning and Development Act 2005](#)

State Planning Policy 7.2 'Precinct Design' and its associated Guidelines have been made and apply to local government planning frameworks in accordance with Part 3 of the *Planning and Development Act 2005*.

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

The preparation and approval of Precinct Structure Plans is governed by Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Formal advertising and approval of the Draft PSP to be developed during Stage 2 of the project will occur during the final third stage of the project when the PSP will be formally assembled for approval by the WAPC in accordance with its published manner and form requirements. Stage 3 will also include preparation of the recommended changes to the local planning scheme and policy framework to support implementation of the PSP.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not Initiating Stage 2 means development controls cannot be updated to reflect contemporary development outcomes with future population growth unable to	Low	Unlikely	Insignificant	Low	TREAT risk by continuing to work with EM's to progress to Stage 2 and also have a program of strategic planning work for other identified growth areas in the draft

	be catered for and a lack of rates growth resulting in the delay of projects and programs planned by the Town.					Local Planning Strategy.
Environmental	N/A	N/A	N/A	N/A	Medium	
Health and safety	N/A	N/A	N/A	N/A	Low	
Infrastructure/ ICT systems/ utilities	N/A	N/A	N/A	N/A	Medium	
Legislative compliance	Not Initiating Stage 2 means we can't meet our obligations under State Planning Policy for the Precinct and development controls cannot be updated to reflect contemporary development outcomes – ultimately making it difficult for the Town to negotiate better planning and building outcomes	Low	Unlikely	Insignificant	Low	TREAT risk by continuing to work with EM's to progress to Stage 2 and also have a program of strategic planning work for other identified growth areas in the draft Local Planning Strategy.
Reputation	Not Initiating Stage 2 means the Town cannot carry out its Actions identified within the Town's Strategic Framework and it won't meet community expectations following extensive community engagement processes.	Low	Unlikely	Insignificant	Low	TREAT risk by continuing to work with EM's to progress to Stage 2 and also have a program of strategic planning work for other identified growth areas in the draft Local Planning Strategy.
Service delivery	Not Initiating Stage 2 means Place	Low	Unlikely	Insignificant	Medium	TREAT risk by continuing to

Planning cannot meet our obligations under the Local Planning Strategy and Strategic Community Plan

work with EM's to progress to Stage 2 and also have a program of strategic planning work for other identified growth areas in the draft Local Planning Strategy.

Financial implications

Current budget impact

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

Council at its Ordinary Meeting held 18 May 2021 allocated the following funds towards the Albany Highway PSP

1. Awarded the contract associated with TVP/21/02 *Preparation of Albany Highway Precinct Structure Plan* to Hatch Pty Ltd, for the estimated lump sum price of \$524,341 (Excluding GST).
2. Identified \$467,948.60 (Excluding GST) in the Long-Term Financial Plan to be expended between the 2021/2022 Financial Year and the 2022/2023 Financial Year.
3. Identified \$355,794.60 (Excluding GST) to be budgeted in the 2021/2022 Annual Budget.
4. Allocated \$112,154.00 (Excluding GST) into the Future Projects Reserve to ensure there is the appropriate balance of funds to service the stages of the project that will fall into the 2022/2023 Financial Year.

A Total of \$146,392.00 out of the budgeted \$355,794 has been used to carry out Stage 1 within the 21/22 Financial Year. This leaves a carry over request of the balance amount (\$209,401.17) for the finalisation of Stage 1 and Commencement of Stage 2 within the 22/23 FY.

Future budget impact

Funds for delivery of the project have been allocated in the Future Projects Reserve to ensure that the Council can honor its financial commitments to Hatch Pty Ltd trading as Hatch | Roberts Day, whilst also taking into account the Town's own budgeting processes.

- Stage 2 has an estimated budget (Professional Services for Urban Planning, Urban Design, Transport Planning, Commercial and Local Economy Analysis, Civil Design, Drainage Analysis and Communication and Marketing) of \$281,206.00
- Stage 3 has an estimated budget (Professional Services for Urban Planning, Urban Design, Transport Planning, Commercial and Local Economy Analysis, Civil Design, Drainage Analysis and Communication and Marketing) of \$122,154,00

- An estimated \$403,360 is therefore anticipated over FY22/23 and FY23/24 to complete the project.

The draft 22/23 budget allocation includes:

1. a requested carry over of unused funds (\$211,727) from the current 21/22 budget. Unused funds are a result of delays to the project delivery timeline due to resourcing constraints; alteration to the community engagement plan arising from the need to avoid overlap with the engagement programs for other major strategic Council projects (e.g. Draft Local Planning Strategy, VicVision) 2021 Local Government Election Caretaker Period, and State Government imposed restrictions related to the COVID-19 pandemic.
2. A further \$142,000 to deliver Stage 2 and commence Stage 3 within FY22/23.

It is anticipated that FY23/24 will require a balance of \$49,633 (Professional Services for Urban Planning, Urban Design, Communication and Marketing) taking the project through to final endorsement by the State Government and project completion.

Analysis

14. The Town has significantly progressed the update of its local strategic planning framework through the preparation of a Draft Local Planning Strategy (Draft LPS) which will inform preparation of a new local planning scheme.
15. In order for the new Scheme to adopt updated planning controls for the Albany Highway Precinct, the Precinct Structure Plan (PSP) must first be prepared.
16. Initial scoping of the project anticipated the preparation of up to three (3) Precinct Structure Plans, or a single Precinct Structure Plan (with sub-precincts). Stage One outputs of the AH PSP included the need to define a suitable approach to the Structure for a final Precinct Plan, considering whether each existing zoned activity centre (St James, East Vic Park and Victoria Park) are identified as sub-precincts in one PSP, or as requiring three separate PSPs.
17. Stage One of the PSP 'Context Analysis and Precinct Visioning' was broken into two parts (1A and 1B), in accordance with the Tender Methodology outlined by Hatch Pty Ltd and therefore agreed to under contract.
18. Stage 1A 'Understand' established project management protocols, scoped the engagement approach and undertook preliminary technical investigations and analysis that informed effective community consultation. It also outlined the structure for Precinct Planning to follow, informing the structure of subsequent stages.
19. Part 1A included collaboration and consultation with the Town's Urban Planning and Place Planning teams as well as senior management, alongside the Department of Planning Lands and Heritage (DPLH), to establish a clear long-term project roadmap and agreed Precinct Plan content. As such a Project Control Group (PCG) has been set up and will continue throughout the duration of the project to minimise the risk of substantive revisions at lodgement stage.
20. To date, two PCG meetings have been held to discuss the strategic objectives for the project, structure of document, Rationale for precinct boundary definition and sub-precincts, suitability of proposed technical inputs and interpretation of State Planning Policy requirements. Key outcomes being to (i) support a single PSP being prepared over the entire precinct and (ii) to test a PSP frame area as part of

the boundary definition in subsequent stages of the project, as this will better respond to proposed development scenarios.

21. As such a definitive boundary beyond the Precinct Core has not yet been determined and this will now become an outcome of Stage 2 as per the recommendation of the PCG.

Albany Highway Today

22. The Albany Highway Today document (Attachment 1) prepared under Part 1A provides an evidence-based snapshot of how Albany Highway functions. The report looks at the role of the Highway as an activity centre, how it got to where it is today, who lives and works there, how its buildings and public spaces look and feel, when people visit and how they move about. The report also explores future population growth forecasts, examines the potential impacts of climate change and identifies important technical, heritage and environmental values, all of which will guide ongoing consultation and strategic objectives for the PSP.
23. Importantly, the Today document groups or categorises its findings to align with the six elements of State Planning Policy 7.2 *Precinct Design*, being Urban Ecology, Urban Structure, Built Form, Public Realm, Movement and Land Use. It also includes an additional 'People and Place' section which focuses on the community, local economy and urban context of the Highway.
24. One of the key findings from the Albany Highway Today document that shaped the subsequent stakeholder engagement process under Part 1B, was in support of establishing Six Sub-Precincts within the single Secondary Centre, as per the recommendation of the Town's 2018 Activity Centres Strategy. These being (i) Causeway; (ii) Victoria Park; (iii) Central; (iv) East Vic Park; (v) East End; and (vi) St James.
25. Furthermore, it was decided that a single PSP should be prepared over the entire Albany Highway Precinct so that it could respond appropriately to the role of each specific sub-precinct or 'Place' as well as the broader function of Albany Highway as a Secondary Centre.
26. Stage 1B 'Discover' has developed an in-depth understanding of Albany Highway's place character, heritage value, land use composition, economic performance, social value, and defined community priorities and values that will support an evidence-based and contextually relevant planning framework.
27. Deliverables identified within Stage 1B included:
 - Delivery of Stage 1 Community Engagement to ensure the community and all stakeholders are informed and engaged effectively throughout the process;
 - Prepare a precinct vision and driving principles derived from stakeholder feedback;
 - Identify key values, priorities and objectives expressed by the community;
 - Identify key places, and/or areas of distinction and unique character differentiation, both in terms of physical character and community sentiment;
 - Develop 'Big ideas', strategies and potential actions within the future Precinct Plan which may achieve community aspirations and address identified issues, as well as guide subsequent scenario planning and community consultation if Stage 2.

Albany Highway Tomorrow

28. The Albany Highway Tomorrow document (Attachment 2) was prepared in response to the findings of the Albany Highway Today document and outcome from the Consultation process. It sets the direction for a future Precinct Structure Plan by identifying opportunities for place-specific and precinct wide urban design outcomes.

29. Each sub-precinct or 'Place' has been subsequently evaluated in terms of current community perception and its potential for future growth or change.
30. Six precinct-wide principles have then been developed to set the direction for Precinct Structure Planning. The following principles have been designed to align with State Planning Policy with the associated objectives reflecting the Actions within the Town's Local Planning Strategy:
 - (i) Urban Ecology - A Sustainable Highway.
 - (ii) Urban Structure - A Fine-Grain Highway.
 - (iii) Public Realm - A Pedestrian Highway.
 - (iv) Movement - A Connected Highway.
 - (v) Land Use - A Diverse Highway.
 - (vi) Built Form - A Distinctive Highway.
31. The six Principles are then supported by a series of Big Ideas that will be used to guide change and test development outcomes within each sub-precinct, as part of Stage 2.
32. Whilst the Big Ideas have been developed based on stakeholder feedback, they are intended to be ambitious and may change and evolve based on further consultation as the Precinct Structure Plan is developed.
33. The Albany Highway Today (Attachment 1) and Albany Highway Tomorrow (Attachment 2) reports are considered to meet the requirements under the Stage One Precinct Visioning and Context Analysis requirements, as set out in the Tender documents and subsequent contract with Hatch Pty Ltd for the preparation of the PSP.
34. Initiation of Stage 2 will engage Hatch Pty Ltd to continue their work on the Albany Highway PSP.
35. Stage 2 will explore evidence-based design and development scenarios across the precinct and test the options through a series of design workshops. A Concept Options Report will then be prepared to compare various land use, built form and public realm approaches, and test the feasibility of the preferred outcomes.
36. It is intended that a Community Reference Group be set up to provide real-time input and feedback into Design Optioneering. The final concept options will then be presented to the wider community for input that will ultimately guide the preparation of the Draft Precinct Structure Plan.
37. Subject to the Town's confirmation of a preferred scenario, detailed technical reporting will then be carried out and a Draft Precinct Structure Plan will be prepared for final consideration.

Relevant documents

[Draft Local Planning Strategy 2021](#)

[Draft State Planning Policy 4.2 Activity Centres](#)

[State Planning Policy 7.2 Precinct Design](#)

Due to a financial interest, Cr Hendriks left the meeting at 7.28pm.

COUNCIL RESOLUTION (131/2022):

Moved: Cr Peter Devereux

Seconded: Mayor Karen Vernon

That Council:

1. Receive the 'Albany Highway Today' and 'Albany Highway Tomorrow' reports, being the major deliverables of Stage 1 of the Albany Highway Precinct Structure Plan project;
2. Support the Key Ideas identified within the 'Albany Highway Tomorrow' report to guide the future stages of the project and address the major Design Elements of State Planning Policy 7.2 'Precinct Design', namely:
 - (a) A Sustainable Highway;
 - (b) A Fine-Grain Highway;
 - (c) A Pedestrian Highway;
 - (d) A Connected Highway;
 - (e) A Diverse Highway; and
 - (f) A Distinctive Highway
3. Approve initiation of Stage 2 of the Albany Highway Precinct Structure Plan which will enable commencement of scenario and concept planning and the delivery of comprehensive community engagement to arrive at a Preferred Concept and Draft Precinct Structure Plan.

Carried (6 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer and Cr Bronwyn Ife

Against: Nil

Cr Hendriks returned to the meeting at 7.30pm.

12.3 Update on Policy 113 and the Homelessness Policy Implementation Plan

Location	Town-wide
Reporting officer	Community Development Officer – Families, Youth and Homelessness
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Policy 113 Homelessness – The Town’s Role2. Homelessness Policy Implementation Plan 2020-20233. Homelessness Policy Implementation Plan: 2021-2022 Update

Recommendation

That Council:

1. Notes the progress update provided for the Homelessness Policy Implementation Plan 2020-2023.
2. Acknowledge the review of Policy 113 Homelessness – The Town’s Role will be delayed and added as a 2022-2023 action in the new Corporate Business Plan.

Purpose

To provide Council with an update on progress for the Homelessness Policy Implementation Plan 2022-2023 (HPIP) for the period of July 2021 to May 2022 (year two), and to update on the timeline for review of Policy 113 Homelessness – The Town’s Role (the Policy).

In brief

- The Town of Victoria Park (the Town) has undertaken a number of actions to realise the intent of the Policy adopted in June 2020 and the HPIP.
- This update on the HPIP details the progress made on Town actions over the last financial year, including impact of activities undertaken and return on investment.
- The Town sought an external provider to review the Policy as part of a broader grant application to the Local Government Homelessness Partnership Fund, although the announcement of this grant funding has been delayed.
- The Town has now engaged Shelter WA to conduct a review of the Policy, to include engagement with providers of homelessness services in the town and other stakeholders. These results are likely to be tabled at the Policy Committee in August 2022, and subsequently provided to Council for the September 2022 Ordinary Council Meeting.
- The Town is committed to addressing homelessness and will continue to work in partnership with local organisations, maintaining an external/community focus. The Town further acknowledges that homelessness is not isolated to Victoria Park and will continue to be involved in actions led by the sector to address homelessness in the region and Western Australia more broadly.

Background

1. At the 16 June 2020 Ordinary Council Meeting, Council resolved to adopt the Policy, replacing the existing policy adopted at the Ordinary Council Meeting on 13 December 2016. A review of the policy and update of the actions of the Homelessness Policy Implementation Plan were provided to the 15 June 2021 Ordinary Council Meeting. At this meeting Council resolved to:

1. Request the Chief Executive Officer to report to Council in June 2022 on the progress of the actions within the implementation plan including but not limited to partnerships with local and state organisations.
2. Request the Chief Executive Officer to review Policy 113 by June 2022 and to report the outcome of the review to Council.

2. The Town has undertaken a number of actions relating to the Policy, guided by the HPIP. The actions taken and outcomes for the period of July 2021 to May 2022 (year two) are provided in this report.

Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	Under the direction of the policy, the Town provides information and support to vulnerable community members, community organisations and the community more broadly to address homelessness.
S03 - An empowered community with a sense of pride, safety and belonging	Under the direction of the policy, the Town undertakes actions that ensure public spaces are safe and inclusive, and that vulnerable community members are treated with respect, compassion and care.

Engagement

Internal engagement	
Customer Service	Ongoing discussion and process review
Parking and Rangers	Ongoing discussion and process review
Stakeholder Relations	Ongoing discussion and process review
Community Development	Ongoing discussion and process review
Library Services	Ongoing discussion and process review
Environmental Health	Ongoing discussion and process review
External engagement	
Stakeholders	This progress update has utilised internal stakeholder feedback only, in recognition of the current capacity constraints on providers of homelessness

services within the Town, and the focus of actions being Town led.

External stakeholders will be engaged over the coming month as part of the review of the Policy.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Town over commits financially in its effort to address homelessness related issues that are unplanned and unbudgeted.	Moderate	Likely	High	Low	TREAT through continuing to action the HPIP.
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	Town appears not to be involved in addressing homelessness	Moderate	Likely	High	Low	TREAT through continuing to action the HPIP.
Service delivery	Town over commits allocation of human resources in addressing homelessness related issues that are unplanned and unbudgeted.	Moderate	Likely	High	Medium	TREAT through continuing to action the HPIP.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Funds to continue actions within the HPIP have been allocated in the Town's draft 2022-2023 annual budget.

Analysis

Impact

- The impact of the Policy is shown across the five policy commitments, which form the five pillars of the HPIP. The following table details the status of actions for the update period (year two). Further information on these actions is included in Attachment 3.

Policy commitment	Total actions	Actions Completed	Actions in Progress	Actions Not Started
Play an active role in prevention	3	2	1	0
Build community capacity	3	0	3	0
Safe and inclusive public spaces	2	0	2	0
Understand, monitor and advocate	6	1	4	1
Raise community awareness	1	0	1	0

- In summary, since July 2021 there has been a focus on consolidating the gains made in the first year of this policy implementation. The staff training and development of the Management Practice has ensured there has been a continuation of the compassionate, consistent approach to responding to incidents of homelessness.
- Data collection by the Town has demonstrated a slight decrease in reports of rough sleeping, however general feedback from services providing meals and food parcels has indicated a higher level of demand. By continuing to monitor reports of rough sleeping and left belongings, as well as continuing close relationships with service providers, the Town can identify and respond to trends quickly.
- The meeting of network groups has been hampered by the COVID-19 pandemic over the first half of 2022. This has been due primarily to staff shortages of homelessness services in the Town as well as staff working arrangements. The meetings have resumed since Government restrictions have been reduced.

Return on Investment

7. The social return on investment is an important aspect of this work, with the implementation of the policy between July 2021 and May 2022 costing approximately \$92,200, as shown in the following table. Note: all costs are approximate and not all administrative costs or benefits (cost savings) are included.

Item	Notes	Expenditure
Staff time (approx. 0.5 FTE L7/8 Community Development Officer)	Pro-rata, including on-costs	\$42,500
Service provider brochure		\$500
RooForce liaison service	Pro-rata contract costs	\$42,000
Homelessness Stories Project		\$6,700
Healthy Relationships Strategy Group		\$500
Time provided by other service area staff – developing and implementing management practice, external communications development and delivery, line management	Not recorded	-
TOTAL		\$92,200

8. Investment of resources has resulted in the delivery of the actions tabled above and the preliminary outcomes attributed to them. Further investigation and longer-term data tracking will be used to identify causes and further opportunities for this change.

Next steps

9. Year 3 of the HPIP will continue with an external / community focus with community organisations and other Local Governments across Western Australia. This will be particularly important in addressing the ongoing social and economic impacts of COVID-19 on the community. Homelessness Week in August 2022 will focus on increasing awareness of local community organisations which support people experiencing homelessness or at risk of homelessness.
10. If the Town is successful in securing funding through the State Government Local Government Partnership Fund for Homelessness, the following projects will be undertaken in year three:
- Connecting and upskilling service providers to take a coordinated localised Advance to Zero approach, increasing access to accurate data on homelessness, and finding new solutions for individuals and families experiencing or at-risk of homelessness in the town.
 - Supporting community members and businesses to develop an innovative community relationship with rough sleepers in the town through a co-designed 'Journey to Home Toolkit'.
 - Undertaking a holistic governance review of current settings in Homelessness policy in the town by engaging sector leaders, community legal services, peak bodies and those with lived experience to

establish a strong coherent approach to frameworks around tenancy law and local government legislation.

Policy Review

11. The Town had earmarked \$10,000 to undertake a review of the Policy in 2021-2022. This was proposed to be complemented by another \$10,000 as part of the \$145,000 application to the Local Government Homelessness Partnership Fund, submitted in October 2021.
12. The outcome of that funding application is still unknown. Given this delay, the Town has reduced the scope of the Policy review to only use the funds allocated in the Town's budget.
13. To ensure the Policy could still be delivered by June 2022, the Town requested quotes with a reduced scope for the review in early March 2022. Of the three consultants contacted, only Shelter WA was able to provide a quote. Delivery of the quote was delayed until late April 2022 due to staff shortages at Shelter WA.
14. In May 2022, the Town formally engaged Shelter WA to commence the independent review. The scope of which includes engagement with providers of homelessness services, local businesses and other key stakeholders across the town.
15. Shelter WA is now scheduled to commence engagement of key stakeholders from June 2022.
16. The review findings and a draft revised Policy are proposed to be tabled at Policy Committee in August 2022, and subsequently provided to Council for consideration at the September 2022 Ordinary Council Meeting.

Relevant documents

Not applicable.

COUNCIL RESOLUTION (123/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council:

1. Notes the progress update provided for the Homelessness Policy Implementation Plan 2020-2023.
2. Acknowledge the review of Policy 113 Homelessness – The Town's Role will be delayed and added as a 2022-2023 action in the new Corporate Business Plan.

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

12.4 Events Strategy

Location	Town-wide
Reporting officer	Events Officer
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Town of Victoria Park Events Strategy - Final [12.4.1 - 25 pages]2. TOVP Event Strategy - Key Findings Report - Final [12.4.2 - 17 pages]3. Community Survey and Elected Member 1 Survey Report [12.4.3 - 24 pages]4. Elected Member Survey 2 Report [12.4.4 - 14 pages]

Recommendation

That Council endorses the Town of Victoria Park Events Strategy, as shown in Attachment 1.

Purpose

To present the Events Strategy document (developed based on findings from the stakeholder engagement) and seek final endorsement.

In brief

- The Event Strategy will provide a clear framework for achieving a coordinated, best practice and outcome-focused approach towards encompassing event development and delivery, place activation, event attraction, and partnerships.
- The Town engaged FORM to develop an Event Strategy for the Town of Victoria Park. In collaboration with FORM, the Town's Events team undertook a comprehensive period of stakeholder engagement between October– December 2021 with a broad cross-section of the Victoria Park community, business and community organisations to inform development of the strategy.
- Stakeholder engagement identified four key pillars related to the provision of events in the Town.
- No public comment period was undertaken as community stakeholders indicated they did not feel it was required and would be a duplication of work. This approach was supported in principle by Council.
- The Town is now seeking Council endorsement of the Town of Victoria Park Events Strategy. The Town will have the strategy graphically designed post endorsement.

Background

1. In 2017, an Events and Place Activation Strategy (E&PA Strategy) was drafted for endorsement however, was never considered by Council. This was due to:
 - (a) The development of the Economic Development Strategy (which utilised aspects of the E&PA Strategy);
 - (b) Development of the Place Planning Team who took on operational elements of place activation;
 - (c) Intent to develop a Community Development Strategy.
1. The need for an Events Strategy arose from increased focus by stakeholders to use events to leverage benefits for community projects. This is because they are a positive touch point for the Town (and its stakeholders) to activate areas, promote services, undertake engagement, and facilitate community

capacity building opportunities. Therefore, the Town identified a need for an Events Strategy to ensure clarity in its delivery approach for events and match this with appropriate resourcing.

2. The Town engaged FORM in September 2021 to develop an Events Strategy for the Town of Victoria Park. The scope of works included the following:
 - (a) Project management;
 - (b) Research and analysis;
 - (c) Community consultation and engagement;
 - (d) Evaluation and assessment;
 - (e) Summary of findings;
 - (f) Presentation of findings; and
 - (g) Report and strategy development.
3. In collaboration with FORM, the Town’s Event team undertook a comprehensive period of stakeholder engagement between October – December 2021 with a broad cross-section of the Victoria Park community, business and community organisations to inform development of the strategy.
4. Between October 2021 and January 2022 FORM completed the following research:
 - (a) Desktop review of the Town’s relevant strategic plans and guiding documents; and
 - (b) Desktop review of the Town’s existing services, events and activities.
5. In February 2022, FORM completed a Key Findings Analysis based on stakeholder engagement and the desktop review and research.
6. In March 2022, The Town and FORM presented the draft Events Strategy at an Elected Member Concept Forum.

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 community is given a range of opportunities and mediums through which they can provide feedback about their priorities related to event delivery and event attractions in the Town.
CL03 - Well thought out and managed projects that are delivered successfully.	The Events Strategy will set the strategic direction for Town-led events, community-led events and externally organised events (including those held on Town land and at non-town owned venues).

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 Town embeds economic development opportunities into its approach to the delivery and facilitation of events across the Town. Provide affordable and inclusive entertainment options for residents.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of	The Town uses events to:

pride, safety and belonging.	<ul style="list-style-type: none"> • facilitate connections and relationships between people, groups, and the place they live. • build capacity of groups and individuals to learn/develop skills to use for future community events and activities.
S04 - A place where all people have an awareness and appreciation of arts, culture, education, and heritage.	<ul style="list-style-type: none"> • The Town delivers and facilitates a vibrant, fun and diverse program of events that caters to the different interests and talents in the community. • Showcase and promote local services and community groups in a fun interactive way.

Engagement

Internal engagement	
Stakeholder	Comments
TOVP Staff	Participation in staff workshop.
Events, Arts and Funding	Participation in staff workshop.
Community Development	Participation in staff workshop.
Place Planning	Participation in staff workshop and involvement at strategic planning meetings with the consultants.
Library	Participation in staff workshop.
Environmental Health	Participation in staff workshop.
Executive Officer (Citizenships)	Participation in staff workshop.
Project Management Office	Participation in staff workshop.
Stakeholder Relations	Participation in staff workshop and involvement at strategic planning meetings with the consultants.
C-Suite	Participation in staff workshop.
Elected Members	<ul style="list-style-type: none"> • Two online surveys (October 2022 and December 2022 – pre and post local government elections). • Participation and workshop in November 2021 Concept Forum. • Participation in March 2022 Concept Forum. • Request for feedback on the draft Plan via Elected Member portal in May 2022.

External engagement	
Stakeholders	<ol style="list-style-type: none"> 1. Residents 2. Community organisations 3. Broad community 4. Representatives of the Aboriginal and Torres Strait Islander community 5. Representatives and advocates for people living with disabilities 6. Local industry groups
Period of engagement	October – December 2021
Level of engagement	2. Consult
Methods of engagement	<ol style="list-style-type: none"> 1. Industry Workshops (two) 2. Mindeera Advisory Group Engagement 3. Community workshop 4. Access and Inclusion Advisory Group Engagement workshop 5. Staff engagement workshop 6. Pop-up engagements with service providers / community groups: <ol style="list-style-type: none"> a. Library - Murder Mystery Event b. Library – Rhyme Time c. Library – Story time d. Toy Library at Keith Hayes Community Centre e. Farmers Market at John MacMillan Park f. Library – International Games Night g. Connect Vic Park – drop in during activities 7. Pop-up engagements at key community events: <ol style="list-style-type: none"> a. Playtime in the Park b. Twilight Trio #1 c. Twilight Trio #2 d. Twilight Trio #3 e. Cocktails and Candy Canes f. Citizenship Ceremony 8. Online survey 9. Hard copy survey 10. Your Thoughts – engagement platform
Advertising	<ol style="list-style-type: none"> 1. Media Release 2. Town Website 3. Your Thoughts page 4. Local Newspaper public notice (PerthNow) 5. Public notices on noticeboards in Admin Building and Library 6. Social media 7. Direct emails to community networks and service providers 8. Direct emails to reference groups 9. A6 Flyer handed out at events / pop-up engagements
Submission summary	See attached Event Strategy - Your Thoughts Engagement Report

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not endorsing the Events Strategy may lead to increased financial risks due to adhoc approach to Events as a result.	Moderate	Likely	High	Low	TREAT by endorsing the Strategy
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	Not endorsing the Events Strategy after extensive community engagement could result in a loss of community confidence in the Town	Moderate	Likely	High	Low	TREAT by endorsing the Strategy
Service delivery	Not meeting community expectations for event programming because the Town's approach is unclear	Major	Likely	High	Low	TREAT by endorsing the Strategy

Financial implications

Current budget impact	Sufficient funds exist within the annual budget (2021-22) to address this recommendation.
Future budget impact	<p>Budget has been proposed in 2022/2023 to address actions within the Events Strategy through the budgeting deliberation process.</p> <p>Should the 2022/2023 budget requested for events not be endorsed by Council, then prioritisation of actions within the Strategy would be required.</p>

Analysis

7. Findings from the Events Strategy engagement period informed development of the draft Strategy. The engagement demonstrated the following key themes which have been subsequently embedded within the vision of the Events Strategy (*Vic Park is loved, local and alive*):
- It could only happen here/support local
 - Use local suppliers
 - Showcasing the Town's artistic and cultural capital and potential
 - Events that take over public space creating play streets
 - Increased sense of community and local identity
 - There is always something on in the Town of Victoria Park
 - Regular community-level events on Town thoroughfares and public reserves that activate public space and increase economic opportunities for brick-and-mortar businesses
 - Something for everybody
 - Balance calendar of events and activities that appeal to all demographics
 - Activities for all youths, not just younger children
 - Accessibility
 - Activity in local parks/reserves that are walkable for local residents
 - Convenient
 - Minimal crowd/vehicle congestion
 - Sustainability
 - Walkable/minimal vehicle movement
 - Minimal waste/rubbish/litter
 - Minimal surface degradation/environmental impact
 - Facilitated/Council approved events that align to the Town's sustainability standards
8. The draft Strategy contains four pillars:
- I. Create the Plan
(We will create 'the plan' to generate year-round vibrancy and offer something for everyone)

- II. Amplify local identity
(We will positively contribute to the Town's local identity and showcase our local flavour)
 - III. Harness the community
(We will engage, involve and harness our community and partner with others)
 - IV. Tell the world
(We will support, promote and champion our local businesses and brand).
9. No public comment period was undertaken as feedback from community stakeholders and Elected Members indicated it would be a duplication of work and their interest was to see event programming that would result from the Strategy.
10. The Town intends to take on a range of roles in events and festivals with priorities (in order) being to include the following delivery approaches:
- a. Event organiser/event producer
 - b. Partner/supporter
 - c. Approver/host
 - d. Advocate
 - e. Communicator/promoter
11. The Town is now seeking Council endorsement of the Town of Victoria Park Events Strategy.
12. The Town will have the Strategy graphically designed after endorsement.

Relevant documents

Not applicable.

Further consideration

A typo in Attachment 12.4.1 - Town of Victoria Park Draft Events Strategy – Final on page 19 in the 'Tell the World' table has been amended from 'quantity' to 'quality'.

A change has been made to Attachment 12.4.1 - Town of Victoria Park Draft Events Strategy – Final on page 19 in the 'Tell the World' table. The format for measuring the quality of event promotion has been changed from 'media monitoring' to 'comms plan evaluation'.

COUNCIL RESOLUTION (124/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council endorses the Town of Victoria Park Events Strategy, as shown in Attachment 1.

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

12.5 Proposed Heritage List, Local Planning Policy 'Heritage List' and Amendments to the Local Heritage Survey

Location	Town-wide
Reporting officer	Senior Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Draft LPP 43 'Heritage List' (Amendments marked up) [12.5.1 - 13 pages] 2. Draft LPP 43 'Heritage List' Final for Adoption [12.5.2 - 12 pages] 3. Draft Heritage List (Amendments marked up) [12.5.3 - 25 pages] 4. Draft Heritage List - Final for Approval [12.5.4 - 25 pages] 5. Town of Victoria Park Local Heritage Survey - Amended (April 2022) [12.5.5 - 534 pages] 6. Schedule of Submissions - Draft Heritage List & Draft Local Planning Policy [12.5.6 - 2 pages] 7. Schedule of Submissions - Amendments to Local Heritage Survey [12.5.7 - 3 pages] 8. Extract from Minutes of February 2022 Ordinary Council Meeting [12.5.8 - 12 pages]

Recommendation

That Council:

1. Notes the submissions received in respect to the draft Local Heritage List and draft Local Planning Policy 43 'Heritage List'.
2. Endorses the following amendments to the Town's Local Heritage Survey:
 - (a) Place 004 – Burswood Canal – change from Management Category 2 to Management Category 1
 - (b) Place 001 – Balmoral Hotel - change from Management Category 3 to Management Category 2
 - (c) Place 020 – Kent Street High School – change from Management Category 2 to Management Category 1
 - (d) Place 038 – Victoria Park Hotel – change from Management Category 3 to Management Category 2
 - (e) Place 044 – Residence – change from Management Category 2 to Management Category 1
 - (f) Place 028 – Somerset Pool – amend the Place Record Form
 - (g) Place 019 – Jirdarup Bushland – amendment to the Place Name and amendments to Place Record Form.
3. Approves the Town of Victoria Park Heritage List contained at Attachment 4 in accordance with Schedule 2, Part 3, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Provide notification of approval of the Heritage List to the Heritage Council of Western Australia and the owner and occupier of each place on the Heritage List.
5. Adopts draft Local Planning Policy 43 'Heritage List' as contained at Attachment 2, in accordance with clause 4(3) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

6. Requests the Chief Executive Officer to arrange for publication of notice of the adoption of Local Planning Policy 43 'Heritage List' in accordance with deemed clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
7. Give consideration to funding in the draft 2023/24 budget for financial incentives/grants for places on the Heritage List.

Purpose

The purpose of this report is for Council to consider the public submissions received on the proposed draft Heritage List and draft Local Planning Policy 43 'Heritage List' as well as endorse changes to the management categories and place record form of seven places on the Town's Local Heritage Survey (LHS)

In brief

- Following the completion of the Town's LHS, the Town commenced preparation of a Local Heritage List and associated draft policy which was considered by Council at its meeting on 15 February 2022.
- At the same meeting, Council's resolution requested further investigation occur regarding seven places on the LHS.
- The proposed draft Heritage List and draft Local Planning Policy 43 'Heritage List' propose that properties categorised on the LHS as management category 1 and 2 be included on the Heritage List with the Local Planning Policy providing guidance as to how the list is managed and some guidance regarding development of heritage listed properties.
- Consultation for the draft Heritage List and draft Local Planning Policy 43 'Heritage List' was carried out from 24 March to 28 April 2022 and 3 submissions were received.
- Consultation for the places investigated for amendments on the LHS was carried out from 30 March to 15 April and 4 submissions were received.
- Council is requested to consider the submissions received and approve the draft Local Heritage List and draft Local Planning Policy and amendments to the LHS.

Background

1. Following changes to the heritage legislation and to update the Town's heritage planning framework, Council prioritised the formation of an LHS and Heritage List as part of the Town's Corporate Business Plan.
2. At the June 2021 Ordinary Council Meeting, Council endorsed the Town's Local Heritage Survey (LHS).
3. At the Ordinary Council meeting of 15 February 2022 (refer to Attachment 8), Council resolved as follows:

"That Council:

- 1. advertises the draft Local Heritage List at Attachment 2 and the draft Local Planning Policy 43 'Heritage List' at Attachment 3 for a minimum period of 30 days, and in accordance with the requirements of deemed clauses 4 and 8 of the Planning and Development (Local Planning Schemes) Regulations 2015;*
- 2. requests the Chief Executive Officer to assess the Jirdarup Bushland Precinct as a new nomination for inclusion in the Heritage List;*

3. requests the Chief Executive Officer to investigate, as part of the consultation on the draft Heritage List referred to in point 1 above, whether the following properties should be reconsidered for inclusion into the management categories listed below:

- a. 105 Berwick Street, Victoria Park – Management Category 1;
- b. Burswood Canal – Management Category 1;
- c. Kent Street Senior High School – Management Category 1;
- d. Victoria Park Hotel and Balmoral Hotel – Management Category 2;
- e. Somerset Street Pool – Management Category 2”

- 4. A relevant extract of the Minutes of the Ordinary Council Meeting is contained as Attachment 8 and provides relevant background as to the need to progress with the preparation and adoption of a Heritage List.
- 5. The proposed Heritage List provides places of cultural heritage significance of the highest order (management categories 1 and 2) recognition and protection under the local planning scheme. In a practical sense, a place which is included on a local government Heritage List is then afforded statutory protection under the Local Planning Scheme by way of the requirement for development approval to be obtained for works which may otherwise be exempt.

Proposal

- 6. This report seeks Council’s consideration of public submissions received, and approval of a Heritage List for the Town, an associated draft Local Planning Policy, and amendments to the Town’s LHS.
- 7. The LHS previously approved by the Town has informed the draft Heritage List, with those properties classified as Management Category 1 or 2 proposed for inclusion on the draft Heritage List.
- 8. The draft Heritage List and draft Local Planning Policy have been advertised for public comments.
- 9. The Draft Local Planning Policy ‘Heritage List’ has been amended following the consultation period to provide further clarity and ensure consistency with state Heritage legislation and stipulate circumstances when certain works are exempt from development approval, in particular, for those places listed on the State Heritage Register. A marked up version showing the changes proposed is included as Attachment 1 as well as a final version for approval by council as Attachment 2
- 10. As part of the further investigation work requested by Council at its meeting in February 2022, Stephen Carrick Architects, the authors of the Town’s LHS were requested to review seven of the places listed on the LHS. Having reviewed the relevant places, Stephen Carrick Architects has recommended the following changes to the LHS:

Property	Current LHS Management Category	Proposed Amendment/s
Place 004 - Old Burswood Canal	Category 2	Category 1. The Old Burswood is on the State Register of Heritage Places. The State Register of Heritage Places is a statutory list of places that represent the

		<p>story of Western Australia's history and development. Places included in the State Register include buildings, structures, gardens, cemeteries, memorials, landscapes and archaeological sites. It is therefore appropriate that this place has a Category 1 (highest order management category) to reflect the State Register listing.</p>
Place 011 - Balmoral Hotel; 899-901 Albany Highway, East Victoria Park	Category 3	<p>Category 2 The place has historic and social value for its long association with the East Victoria Park community as well as aesthetic value as a prominent corner building with characteristics of the Inter War architectural style and has been recommended to be upgraded to a higher management category (2).</p>
Place 018 - Somerset Pool; 42 Somerset Street, East Victoria Park	Category 3	<p>Historical and physical description amended. The place has historical and social value as it has served as a community recreation facility from 1966 and is associated with local sporting clubs however no change to the current management category has been recommended.</p>
Place 019 - Jirdarup Bushland Precinct, Kensington		<p>Kensington Bushland place record form amended to include the George Street Reserve and the Kent Street Sand Pit. Place record name amended to Jirdarup Bushland Precinct.</p>
Place 020 - Kent Street High School; 74 Rathay Street, Kensington	Category 2	<p>Category 1 Kent Street high School is on the State Register of Heritage Places and the Management Category under the LHS has been upgraded to Category 1 in recognition of the significance</p>

		of this place.
Place 038 - Victoria Park Hotel; 605 Albany Highway, Victoria Park	Category 3	Category 2 The place has aesthetic value as it is representative of the Inter-War architectural style and social and historical value as it has functioned since 1927 to service the Victoria Park community as a meeting place for social occasions and has been recommended to be upgraded to a higher management category (2).
Place 044 – Residence; 105 Berwick Street, Victoria Park	Category 2	Category 1 The place has historic and aesthetic value as a substantial timber building, atypical of the more modest timber residences constructed in Victoria Park in the late 1890s. Its elevated position gives it additional streetscape value. It is associated with the architect, Robert McMaster, as his family residence. McMaster, later Captain McMaster, was also a military man who made his mark when forces were sent to South Africa during the Anglo-Boer War 1899-1902 and has been recommended to be upgraded to a higher management category (1).

11. As a result of the above it is necessary to:

- (a) Amend the LHS – see proposed amended LHS at Attachment 5;
- (b) Amend the draft Heritage List, inclusive of including two properties that were not previously recommended for inclusion (the Victoria Park Hotel and the Balmoral Hotel which are recommended to be upgraded from Category 3 to Category 2) - see amended draft Heritage List at Attachment 3 and 4, with the former highlighting the changes from the advertised version.

Relevant planning framework

Legislation

- Heritage Act 2018
- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations

	<p>2015</p> <ul style="list-style-type: none"> Town of Victoria Park Town Planning Scheme No. 1
State Government policies, bulletins or guidelines	<p>The preparation of the draft Heritage List has been undertaken in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>Department of Planning Heritage, Guideline for Establishing a Heritage List, and Lands March 2021</p> <p>Department of Planning, Lands and Heritage, Basic Principles for Local Government Inventories, March 2012.</p> <p>Department of Planning, Lands and Heritage, Local Planning Policies Practice Notes and Examples, March 2012.</p>
Local planning policies	N/A
Other	N/A

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 draft Heritage List and draft Local Planning Policy and amended LHS was the subject of and informed by feedback from the community during the community consultation period.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> requires local governments to establish and maintain a Heritage List which identifies places to be protected under the Local Planning Scheme. The endorsement of the Heritage List will satisfy this requirement and ensure statutory measures are in place for management category 1 and 2 places.

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 needs and enhances the Town's character.	Statutory protection for the places of highest cultural heritage significance will assist owners and occupiers and the Town in maintaining and preserving the Town's heritage and character.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	The community consultation carried out assisted in ensuring the community is informed and knowledgeable regarding the local planning framework for Heritage including the creation of a draft Heritage List and draft Local Planning Policy.
S04 - A place where all people have an awareness and appreciation of arts, culture, education and heritage.	The proposed Heritage List will recognise and provide statutory protection for those places of highest cultural heritage significance.

Engagement

Internal engagement

Stakeholder	Comments
Property Development & Leasing	Given some of the changes proposed to the LHS and the proposed Heritage List included several Town owned and operated places, the Property Development and Leasing team were consulted with no comments received.

External engagement

Stakeholders	Owner and occupiers, Town of Victoria Park residents
Period of engagement	<u>Draft Heritage List & draft Local Planning Policy</u> As per Council's resolution of February 2022, consultation was undertaken between 24 March – 28 April 2022 for a period of 30 days. <u>Proposed Amendments to the LHS</u> 30 March – 15 April 2022 14 days
Level of engagement	2. Consult
Methods of engagement	Letters to Owners & Occupiers Your Thoughts Online Consultation Hub
Advertising	Newspaper advertisements in Perth Now (Southern Edition)
Submission summary	<u>Draft Heritage List & draft Local Planning Policy</u> 1 submission of support; 2 submissions noting receipt of the correspondence and no objection. See Attachment 6. <u>Proposed Amendments to the LHS</u> 1 submission of objection; 2 submissions citing concerns. See Attachment 7.
Key findings	<u>Draft Heritage List & Local Planning Policy</u> 2 submissions were received with objections to the proposed listing of their

places on the proposed Heritage List. 1 submission was received acknowledging and supporting the listing of their place. A full copy of the submissions received are included and addressed at Attachment 6 of this report.

Proposed Amendments to the LHS

2 submissions were received citing concerns with the proposed amendments to their management categories. 2 submissions were received noting the correspondence received with no comments being made. A full copy of the submissions received are included and addressed at Attachment 7 of this report.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A	N/A	N/A	N/A	N/A	N/A
Environmental	N/A	N/A	N/A	N/A	N/A	N/A
Health and safety	N/A	N/A	N/A	N/A	N/A	N/A
Infrastructure/ ICT systems/ utilities	N/A	N/A	N/A	N/A	N/A	N/A
Legislative compliance	The <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> requires local governments to establish and maintain a Heritage List which identifies places to be protected under the Local Planning Scheme. The Town of Victoria Park does not currently have a Heritage List in operation.	Moderate	Likely	High	Low	TREAT risk by Approving the the draft Heritage List and draft Local Planning Policy as recommended.
Reputation	If Council does not progress with the establishment of a	Moderate	Likely	High	Low	TREAT risk by Approving the the draft Heritage

	Heritage List with recommended places as part of this project then the possible erosion of the Town's Heritage places may occur. This may lead to loss of character and identify that is valued by the community and elected members.					List and draft Local Planning Policy as recommended.
Service delivery	N/A	N/A	N/A	N/A	N/A	N/A

Financial implications

Current budget impact	No impact
Future budget impact	No impact at this time. However, it is agreed that consideration should be given as part of future Council budget deliberations, for financial incentives/grants etc to landowners for maintenance and/or improvement works to places on the Heritage List.

Analysis

12. The creation and approval of the Town's Heritage List and Local Planning Policy 'Heritage List' will satisfy the requirements of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for local governments to establish and maintain a Heritage List which identify those places of highest and/or most significant cultural significance and are worthy of built heritage conservation (clause 8(1)):

Clause 8 - Heritage List

(1) *The local government must establish and maintain a heritage list to identify places within the Scheme area that are of cultural heritage significance and worthy of built heritage conservation.*

13. Further to this, it will ensure that those places of highest cultural heritage significance (management categories 1 and 2) are afforded statutory protection under the Town Planning Scheme most notably through the requirement for development approval and in some circumstances accompanying heritage information to be provided.

14. The LHS has been revised and updated in accordance with Council's resolution and now reflects the changes to management categories and place record forms as recommended by Stephen Carrick Architects.
15. The Town's Urban Planning Unit is satisfied that the submissions raised during the consultation period are addressed and responded to as detailed in Attachments 6 and 7.
16. It is recommended that Council note the submissions received and resolve to approve the amendments to the LHS and approve the draft Local Heritage List and draft Local Planning Policy 43 'Heritage' as the final step in the review and reform of the Town's heritage framework.

Relevant documents

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

[Heritage Act 2018](#)

[Minutes of the Ordinary Council Meeting 16 February 2021](#)

[Minutes of the Ordinary Council Meeting 15 June 2021](#)

[Minutes of the Ordinary Council Meeting 15 February 2022](#)

Further consideration

The following information was requested at the Agenda Briefing Forum held on 7 June 2022.

17. Why is the vacant block at 71 Oats Street listed?

The vacant block at 71 Oats Street is listed on the Local Heritage Survey, approved by the Council in June 2021. The property is not proposed to be included on the Heritage List. The Local Heritage Survey identifies that the site has historic and social significance given its important role as an Infant Health Centre and then later as a Toy Library. The place is identified as a Category 4 place, meaning the place has little significance.

18. Was a submission received from the owners of 13 Teague Street on the draft local heritage survey?

Officers have not located a submission.

19. How often is it intended that Council would review the Heritage List?

There is no legislative period for the review of a local government's heritage list or local heritage survey (LHS). Advice received from the Department of Planning, Lands and Heritage is that:

- the status of the Heritage List is largely dictated by the age and relevance of the LHS and is approached on an 'ad hoc' basis.
- depending on the level of community change and activity within a local government area, the review of an LHS could be explored at 5-8 years for some local government and for others in regional areas where there is less going on this could be more like 12-15 years and even just be a case of updates regarding technology and access to the document etc.
- the LHS should also coincide or align with the LGs current or established strategic planning documentation as a guide as well.

AMENDMENT:**Moved:** Cr Jesse Hamer**Seconded:** Cr Peter Devereux

Add to point 3 the following:

"subject to the removal of the following places:

- a) Place 072 – 9 Teague Street.
- b) Place 073 – 13 Teague Street.
- c) Place 075 – 48 Teague Street."

Lost (1 - 6)**For:** Cr Jesse Hamer**Against:** Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Wilfred Hendriks and Cr Bronwyn Ife**Reason:**

The owners of these properties have expressed very clear concerns in the submissions received that they do not wish to be included on the list. Also, both properties are not at any risk as they are being very well maintained by the owners.

AMENDMENT:**Moved:** Mayor Karen Vernon**Seconded:** Deputy Mayor Claire Anderson

Add a further point 8 as follows:

"Requests the CEO to consider whether a review of the Heritage List, Local Heritage Survey and Local Planning Policy 43 should be included in the Corporate Business Plan for the financial year ended 2028"

Carried (7 - 0)**For:** Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife**Against:** Nil**Reason:**

To ensure consideration is given to whether it is appropriate to review these documents after 5 years.

Moved: Mayor Karen Vernon**Seconded:** Cr Jesse Hamer

That Council:

1. Notes the submissions received in respect to the draft Local Heritage List and draft Local Planning Policy 43 'Heritage List'.
2. Endorses the following amendments to the Town's Local Heritage Survey:
 - (a) Place 004 – Burswood Canal – change from Management Category 2 to Management Category 1
 - (b) Place 001 – Balmoral Hotel - change from Management Category 3 to Management Category 2
 - (c) Place 020 – Kent Street High School – change from Management Category 2 to Management Category 1
 - (d) Place 038 – Victoria Park Hotel – change from Management Category 3 to Management Category 2
 - (e) Place 044 – Residence – change from Management Category 2 to Management Category 1
 - (f) Place 028 – Somerset Pool – amend the Place Record Form
 - (g) Place 019 – Jirdarup Bushland – amendment to the Place Name and amendments to Place Record Form.
3. Approves the Town of Victoria Park Heritage List contained at Attachment 4 in accordance with Schedule 2, Part 3, Clause 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
4. Provide notification of approval of the Heritage List to the Heritage Council of Western Australia and the owner and occupier of each place on the Heritage List.
5. Adopts draft Local Planning Policy 43 'Heritage List' as contained at Attachment 2, in accordance with clause 4(3) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
6. Requests the Chief Executive Officer to arrange for publication of notice of the adoption of Local Planning Policy 43 'Heritage List' in accordance with deemed clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
7. Give consideration to funding in the draft 2023/24 budget for financial incentives/grants for places on the Heritage List.
8. Requests the CEO to consider whether a review of the Heritage List, Local Heritage Survey and Local Planning Policy 43 should be included in the Corporate Business Plan for the financial year ended 2028

Carried (7 - 0)**For:** Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife**Against:** Nil

12.6 Proposed Changes to Local Planning Framework - Initiation of Scheme Amendment 90 relating to Zoning Table changes and draft revised Local Planning Policy 32 - Exemptions from Development Approval

Location	Town-wide
Reporting officer	Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Simple Majority
Attachments	<ol style="list-style-type: none"> Proposed Zoning Table Draft [12.6.1 - 3 pages] Existing LP P 32 [12.6.2 - 22 pages] Proposed amended LPP32 with marked up amendments [12.6.3 - 25 pages] Proposed amended LPP32 incorporating amendments [12.6.4 - 25 pages]

Recommendation

That Council:

- Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 90) to the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text to amend the Zoning Table in the Scheme Text by modifying the permissibility of the below listed use classes to that shown in the table extract below:

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
Use Class	1.	2.	3.	4.	5.	6.	7.	8.	9.
Bulky Goods Showroom	X	AA	X ² /AA	X	AA	AA	P	P	Refer to provisions in Precinct Plan.
Child Care Premises	AA	AA	AA/X ²	AA	AA	AA	AA	AA	
Educational Establishment	AA	AA	AA/X ²	AA	AA	AA	AA	AA	
Fast Food Outlet	X	AA	X ² /AA	AA	AA	AA	AA	AA	
Lunch Bar	X	AA	X ² /AA	AA	AA	AA	AA	AA	
Office	X	P	P	P	P	P	AA	AA	
Place of Worship	AA	AA	AA/X ²	AA	AA	AA	AA	AA	

- Determines that, pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, Amendment No. 90 is a 'standard amendment' for the following reasons:

2.1 Is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;

2.2 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

2.3 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. 90 documents.
4. Forwards Amendment No. 90 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. 90 and draft revised Local Planning Policy No. 32 - 'Exemptions from Development Approval' (as contained at Attachment 4) for public comment, 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:

These proposed changes to the planning framework are 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 Western Australian Planning Commission to either proceed, modify or abandon the proposal.

Purpose

The purpose of this report is for Council to consider whether to:

- amend Town Planning Scheme No. 1 (TPS1) by modifying the permissibility of some land uses within the Zoning Table, and
- make associated amendments to Local Planning Policy No. 32 - 'Exemptions from Development Approval'.

These proposed changes are in response to unintended outcomes following the introduction of amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*, relating to change of land use proposals and the assessment of car parking.

Council is required to assess the merits of amending the planning framework as outlined in this report, and if supported, formally resolve to initiate and undertake community consultation on Scheme Amendment No. 90 and draft revised Local Planning Policy No. 32 - 'Exemptions from Development Approval'.

In brief

- Amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015* in February 2021 and July 2021 now allow land to be used for 'P' (permitted) purposes without requiring development approval, and without the need to consider the car parking provision for the use. This has resulted in no planning control over some non-residential land uses, including some which could have a significant amenity impact.

- This report provides justification and a recommendation to modify the TPS1 Zoning Table to limit the risk of the current situation where some intensive land uses categorised as a 'P' (permitted) use in the Zoning Table are exempt from requiring development approval and any level of planning assessment.
- In conjunction with this Scheme Amendment, a concurrent revision to 'Council's Local Planning Policy No. 32 Exemptions from Development Approval' is proposed to balance streamlining approval process and reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity land uses.
- It is recommended that Council resolves to initiate Scheme Amendment 90 and seeks community consultation on the proposed changes to the planning framework.

Background

1. Town Planning Scheme No. 1 (TPS 1) was gazetted on 30 September 1998. The TPS 1 Scheme Text defines various land uses and outlines their permissibility within the different zones in the Town.
2. Between 1998 and 2015, an Application for Development Approval was required to be submitted and considered by the Town, for all proposed changes of land use, inclusive of permitted "P" uses.
3. In October 2015, the *Planning & Development (Local Planning Scheme) Regulations 2015* (the Regulations) commenced operation. Schedule 2 of the Regulations included 'deemed provisions' which were automatically incorporated into every Local Planning Scheme in Western Australia.
4. The deemed provisions of the Regulations at clause 61 set out the types of development for which development approval is not required (or planning exemptions). Specifically, clause 61(2)(b) of the Regulations outlines that development approval is not required to use land for a 'P' (permitted) purpose within that zone, provided that the development has no works component, or that the works component does not require approval. This has enabled land or buildings to be used without needing development approval where the use is a permitted "P" land use under TPS1, irrespective of the scale of the proposal and potential amenity impacts. This is applicable where a property proposes to change the land use or seeks to modify previously imposed planning conditions to manage that land use.
5. In 2015, following the introduction of 'P' (permitted) land uses being exempt from development approval, the Town sought clarification from the Department of Planning, Lands and Heritage as to whether a 'P' (permitted) use is required to satisfy Council's parking requirements. Advice provided to the Town confirmed that the Town would be able to request an Application for Development Approval in the event a parking shortfall was proposed for a change of land use.
6. In July 2021, amendments to the Regulations were introduced to provide a consistent approach to the provision of car parking for non-residential development across the Perth Metropolitan and Peel Region Scheme areas. In particular, clause 77E provided clarification regarding the assessment of car parking for permitted "P" land uses, as follows:

"Development is not required to comply with an applicable minimum on-site parking requirement if—

a. development approval is not required for the development under clause 61..."
7. This means that for land uses identified in the TPS 1 Zoning Table as a 'P' (permitted) use, there is no requirement for development approval, and no need to assess the amenity impacts of the proposed use or the car parking implications to the extent that in the case of car parking, the use of land for a 'P' (permitted) purpose may occur with either no or a reduced on-site car parking provision. Previously,

the assessment of compliance with the minimum car parking requirements was a mechanism to require high intensity (or large scale) land uses to apply for development approval for the Town's determination, and enabled the Town to assess the parking impact of the proposed change of use.

8. Examples of high intensity land uses within the Town of Victoria Park which are a 'P' (permitted) use and which have been exempt from requiring development approval following the changes to the Regulations include:
- a "Place of Worship" land use with the venue accommodating up to 570 patrons; and
 - an adult tuition "Educational Establishment" land use of 50 students.

Relevant planning framework

Legislation	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • Town Planning Scheme No.1 (TPS1)
State Government policies, bulletins or guidelines	<ul style="list-style-type: none"> • State Government's Action Plan for Planning Reform
Local planning policies	<ul style="list-style-type: none"> • Local Planning Policy No. 3 Non-Residential Uses In or Adjacent to Residential Areas • Local Planning Policy No. 6 Family Day Care and Child Care Premises • Local Planning Policy No. 23 Parking Policy • Local Planning Policy No. 30 Car parking standards for developments along Albany Highway • Local Planning Policy No. 32 Exemptions from Development Approval • Local Planning Policy No. 37 Community Consultation on Planning Proposals

Legal Compliance:

9. The relevant general provisions of the *Planning and Development Act 2005* are as follows:
- a. Part 5 'Local Planning Schemes';
 - b. Division 3 'Relevant considerations in preparation or amendment of Local Planning Scheme'; and
 - c. Division 4 'Advertisement and approval'.
10. The relevant general provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* are as follows:
- a. Part 5 — Amending local planning scheme
 - b. Division 1, Regulation 35 'Resolution to prepare or adopt amendment to local planning scheme';
 - c. Division 3, 'Process for standard amendments to local planning scheme'; and
 - d. Division 5, 'Giving effect to decision on amendment to local planning scheme'; and
11. Regulation 35(2) contained within Part 5 - Division 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) requires a resolution of a local government to prepare or adopt an amendment to a local planning scheme to do the following:

"(2) A resolution must – specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and include an explanation of the reason for the local government forming that opinion."

12. Pursuant to Regulation 35(2) of the Regulations, this amendment is considered by Town officers to be a standard amendment for the following reasons:
 - a. The amendment relates to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - b. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - c. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
13. Should Council resolve to initiate a 'standard' amendment to the Scheme, advertising must be undertaken in accordance with the provisions set out in Part 5, Division 3, Regulation 47 "Advertisement of standard amendment" of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment process includes a public consultation period of 42 days with advertisement online and in a newspaper circulating within the district. The Council would then consider any submissions received and determine whether to adopt the proposed amendment or recommend to the WAPC that the proposed amendment be modified or abandoned.
14. The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. The Minister may decide to refuse or modify the Amendment, notwithstanding Council's resolution.

Policy Implications:

15. Local Planning Policy No. 32 - Exemptions from Development Approval
16. Should the proposed Scheme Amendment be approved, a concurrent revision to Council's Local Planning Policy No. 32 'Exemptions from Development Approval' is proposed to balance streamlining approval process and reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity 'AA' (discretionary) land uses which meet the criteria outlined in LPP32. Please refer to Attachments 3 to 4.
17. Local Planning Policy No. 23 – Parking Policy and Local Planning Policy No. 30 - Car parking standards for developments along Albany Highway

No changes are proposed to the Council's Local Planning Policies relating to car parking (LPP23 & 30). Should the Scheme Amendment be approved this will allow the minimum on-site parking requirements outlined in the policy to be applied where an application for development approval is required. Notwithstanding this, the Council's Local Planning Policies relating to car parking have been identified for review, with funds requested for this project in the 2022/23 annual budget.
18. Local Planning Policy No. 6 - Family Day Care and Child Care Premises
19. Should the proposed Scheme Amendment be approved, Council can continue to apply LPP No. 6 for relevant changes of land use, and consider how new or expanded child care services within the Town meet the following matters: site characteristics, environmental suitability, design, traffic, access, noise, and health and safety issues.

20. Local Planning Policy No. 3 Non-Residential Uses In or Adjacent to Residential Areas

21. Should the proposed Scheme Amendment be approved, Council can continue to apply LPP No.3 to relevant changes of land use. This will ensure Council retains the ability to assess the integration of non-residential uses into residential areas without adversely affecting residential amenity.

22. Local Planning Policy No. 37 Community Consultation on Planning Proposals

23. Should the proposed Scheme Amendment be approved, where development approval is required for an 'AA' (discretionary) use, surrounding owners and occupiers will be given an opportunity to comment on the proposal, and allow for their comments to be considered as part of the decision-making process.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	The amendment seeks to strike a balance of requiring development approval for more high intense land uses, whilst reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity land uses. Where development approval is required, community consultation would occur in line with LPP37, with any submissions received considered as part of the determination of the application.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The amendment responds to unintended outcomes and seek to limit reputational risk to the Town by rectifying the current situation where high intensity uses could be exempt from requiring development approval and an assessment of amenity and other planning matters.

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 amendment seeks to strike a balance of requiring development approval for more high intense land uses, whilst reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity land uses.

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	The amendments will result in development approval being required for more high intense land uses (which was the existing situation prior to the

Town's character.	introduction of recent amendment to the Regulations). Where development approval is required, the Town can consider, and where appropriate impose conditions, to manage impacts to surrounding residential development.
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Engagement

Internal engagement

Stakeholder	Comments
Place Planning	<p>Amendment 90 and the draft revisions to LPP32 were formally referred to the Town's Place Planning service area. In response comments were received relating to the proposed changes to the TPS1 Zoning Table and their relationship to future draft Local Planning Scheme No. 2.</p> <p>Place Planning were generally supportive of the proposed draft changes with the exception of the following:</p> <ul style="list-style-type: none"> • Not supportive of Consulting Rooms being changed from a "P" Permitted use in District Centre to an "AA" Discretionary land use. • Neither support nor object to Betting Agency being changed from a "P" Permitted use in Office/Residential to an "AA" Discretionary land use. • Mixed support/comments for Fast Food Outlet/Lunch Bar being changed from a "P" Permitted use in Local Centre, District Centre, Commercial, Industrial (1), Industrial (2) to an "AA" Discretionary land use. Place Planning requested that the land uses of Fast Food Outlet/Lunch Bar be separated and Lunch Bar to remain a "P" Permitted use. • Not supportive of Office being changed from a "P" Permitted use in Residential/Commercial, Office Residential, Local Centre, District Centre, Commercial, Industrial (1), Industrial (2) to an "AA" Discretionary land use. <p>Following review of Place Planning's comments, the following modifications to the documents were made:</p> <ul style="list-style-type: none"> • Consulting rooms land use removed as a recommended change within the District Centre Zone. • Betting Agency land use removed as a recommended change within the District Centre Zone. • No changes made. Fast Food Outlet/Lunch Bar are analogous to each other as they are addressed by a single land use definition in TPS1. • Office land use removed as a recommended change in all zones with the exception of Industrial 1 and 2. <p>Further engagement with Place Planning resulted in support of Place of Worship changing to an AA use within the District Centre Zone.</p>

Parking and Rangers	Raised concern regarding the current parking shortfalls achievable under the TPS1 zoning table following the introduction of recent amendments to the Regulations. Parking and Rangers support measures able to be put into place to mitigate this.
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External engagement	
Community consultation	<p>Should Council initiate Amendment 90 and draft revised Local Planning Policy No. 32 - 'Exemptions from Development Approval' for public comment, community consultation will proceed in accordance with Council's Local Planning Policy No. 37 - Community Consultation on Planning Proposals.</p> <p>Consultation will occur for a minimum duration of 42 days in the form of online advertising, public inspection (Admin/Library) and by public notices.</p> <p>The public advertising and consultation process will assist in enabling any potentially affected landowners to be identified and for Council to consider whether the proposed designation of permissibility for each use within each zone, as proposed by Scheme Amendment 90, is appropriate.</p>
Department of Planning, Lands & Heritage	The Town sought feedback from the Department of Planning, Lands & Heritage in December 2021 in respect to this Scheme Amendment. The Department's officers confirmed that they are generally supportive of the proposal and its intent.

Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.	N/A	N/A	N/A	N/A	
Environmental	No environmental risk proposed.	N/A	N/A	N/A	N/A	
Health and safety	The Town not being able to assess potential amenity impacts, including noise and traffic, to surrounding properties if high intensity land	Low	Low	Low	Medium	Amend Town Planning Scheme No.1 to change a number of "P" Permitted uses to "AA"

	uses remain exempt from requiring development approval.					Discretionary to enable the Town to require an Application for Development Approval to be submitted and considered for high intensity land uses.
Infrastructure/ ICT systems/ utilities	Not applicable.	N/A	N/A	N/A	N/A	
Legislative compliance	The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. The Minister may decide to refuse or modify the Amendment notwithstanding Council's resolution.	Low	Low	Low	Medium	Adhere to processing the Scheme Amendment in accordance with the <i>Planning and Development Act 2005</i> and <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Reputation	High reputational risk to the Town as a result of higher intensity 'P' (permitted) uses potentially being exempted from requiring Development Approval which may not be in line with community's expectations. Moderate risk exists in that currently permitted land uses reinstating the requirement for development approval to proceed.	High	High	High	Low	Amend Town Planning Scheme No.1 to change a number of "P" Permitted uses to "AA" Discretionary. Public advertising and consultation process will assist Council to consider whether the proposed designation of permissibility for each use

						within each zone is appropriate.
Service delivery	May result in additional workload, with applications currently exempt from approval now requiring approval	Low	Low	Low	Medium	Accept on the basis that those applications now requiring approval will be those that may have some amenity impacts that need assessment.

Financial implications

Current budget impact	Nil
Future budget impact	It is anticipated that the proposed modifications to the planning framework will result in a modest increase in Applications for Development Approval submitted to the Town. This in turn will likely result in a slight increase of revenue from application fees.

Analysis

24. Unintended outcomes have resulted from the introduction of amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*, relating to change of land use proposals and the assessment of car parking.

25. As a result of these changes, where development involves a change of land use to a "P" (permitted) use and has no works component, the use is exempt from requiring development approval. This is irrespective of impacts imposed by parking shortfalls or other amenity concerns. These proposed changes to the planning framework, by way of Scheme Amendment 90 and revisions to Local Planning Policy 32, seek to reinstate the previous requirement for development approval for high intensity (or large scale) land uses so that a planning assessment can be undertaken to determine the appropriateness of the use.

26. The purpose of Scheme Amendment 90 is to modify the TPS1 Zoning Table to amend the land use permissibility of the following uses within certain zones:

- Bulky Goods Showroom,
- Child Care Premises,
- Educational Establishment,
- Fast Food Outlet,
- Lunch Bar,
- Office and

o Place of Worship

27. In a number of instances, it is proposed to change the permissibility of these uses in certain zones from being a 'P' (permitted) use to an 'AA' (discretionary) use. Under TPS 1, where a use is an 'AA' (discretionary) use, it would require an application for development approval to be submitted and approved.
28. Depending on the proposed operation and scale of these land uses, and the context of the surrounding area, consideration of the amenity impacts should be taken into account and a decision made on its suitability, by the development approval process.
29. It is therefore proposed to modify the Zoning Table contained in the Scheme Text to assign the following new land use permissibilities identified in blue font, with the existing permissibility in either red (where proposed to be amended) or black where unchanged:

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)
Use Class	1.	2.	3.	4.	5.	6.	7.	8.
Bulky Goods Showroom	X	P/AA	P/X ² /AA ²	X	P/AA	P/AA	P	
Child Care Premises	AA	P/AA	P/AA/X ²	P/AA	P/AA	P/AA	AA	
Educational Establishment	AA	AA	AA/X ²	P/AA	P/AA	P/AA	AA	
Fast Food Outlet	X	AA	P/X ² /AA ²	P/AA	P/AA	P/AA	P/AA	
Lunch Bar	X	AA	P/X ² /AA ²	P/AA	P/AA	P/AA	P/AA	
Office	X	P	P	P	P	P	P/AA	
Place of Worship	AA	AA	AA/X ²	P/AA	P/AA	P/AA	AA	

P - Permitted Use

AA - Discretionary Use

X

30. However it is acknowledged that there may be instances where a use that would now become an 'AA' (discretionary) use, may be low scale and have a limited impact, and therefore not warrant an application for development approval. As outlined in deemed clause 61(2)(g) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a Local Planning Policy may detail uses that are exempt from development approval. It is therefore proposed that for some of those uses which are proposed to change from a 'P' (permitted) use to an 'AA' (discretionary) use through the Scheme Amendment, that LPP32 outline criteria as to when that use can be exempted from development approval. This approach is proposed to balance streamlining approval process and reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity land uses. From an administrative perspective, the proposed revisions to LPP 32 seek to prevent unnecessary development applications from being submitted to the Town subject to the proposal satisfying certain conditions, such as limits on floor space, student numbers and presence of drive through facilities being met. Refer to Attachments 3 and 4.

31. The following table provides a summary of the situations where the land use permissibility of the listed land uses is proposed to change from a 'P' (permitted) use to an 'AA' (discretionary use), and the situations and applicable criteria where an exemption from development approval may still be possible under LPP32.

Land Use	Recommended to change from a 'P' use to an "AA" use within the following Zones.	Proposed Criteria under LPP32 for the use to be exempt from development approval	Rationale
Bulky Goods Showroom	<ul style="list-style-type: none"> ○ Residential/Commercial ○ Office/Residential ○ District Centre ○ Commercial 	Net lettable area does not exceed 300m ² in the aforementioned Zones.	To permit Bulky Goods Showrooms that are more analogous to "Shop" to open without requiring Planning Approval. The 300m ² net lettable area limit aligns with that required by a permitted "Shop" land use.
Childcare Premises	<ul style="list-style-type: none"> ○ Residential/Commercial ○ Office/Residential ○ Local Centre ○ District Centre ○ Commercial 	None.	To address any amenity concerns (including traffic, parking and noise) at a development approval stage, and to align with Local Planning Policy No. 6 that requires Development Approval, <i>"to be obtained from the Council to establish a child care premises in all instances."</i>
Educational Establishment	<ul style="list-style-type: none"> ○ Local Centre ○ District Centre ○ Commercial 	No more than a maximum of 10 students is proposed at any one time in the aforementioned Zones.	To ensure low volume and scale educational establishments are able to commence operation without requiring Development Approval.
Fast Food Outlet/Lunch Bar	<ul style="list-style-type: none"> ○ Local Centre ○ District Centre ○ Commercial ○ Industrial (1) ○ Industrial (2) 	Net lettable area does not exceed 300m ² and does not propose a drive-through service in the aforementioned Zones.	To allow Fast Food/ Lunch Bar outlets that are more analogous with Restaurant/Café use to commence operation without requiring Planning Approval
Office	<ul style="list-style-type: none"> ○ Industrial (1) ○ Industrial (2) 	Office use is incidental to a primary industrial use and the net lettable area does not	To permit low scale administration, clerical and professional businesses to operate in an incidental

		exceed 100m ² in the aforementioned Zones.	capacity without requiring Planning Approval. Although somewhat analogous to a “shop” land use, the reduced floor area accounts for potentially higher staffing requirements for an “Office use.
Place of Worship	<ul style="list-style-type: none"> ○ Local Centre ○ District Centre ○ Commercial 	None.	To address any amenity concerns at a development application stage. The scale of a Place of Worship land use has changed from its classical usage. Modern places of worship can often share similarities with a theatre or stadium, and attendance can be large in scale.

32. A review of other local government areas has identified that the Town has a greater amount of “P” (permitted uses) in its Scheme Zoning Table for land uses when compared to other inner city local governments.
33. The Town of Victoria Park when compared to the five other Local Government areas reviewed has 69% of the land uses identified as permitted within 42 applicable zones. In comparison when averaged the 5 other local government areas have 13.8% of the equivalent land uses identified as permitted.
34. Following review of other inner city local government Zoning Tables and assessing possible impacts of some land uses in different zonings in the Town, it is recommended that in the zonings where the land uses of Bulky Good Showroom, Child Care Premises, Educational Establishment, Fast Food Outlet, Lunchbar, Office and Place of Worship are currently permitted ‘P’ uses, are modified to be listed as discretionary ‘AA’ uses which require an application for development approval.
35. Depending on the proposed operation and scale of these land uses, and the context of the surrounding area, consideration of the amenity impacts should be taken into account and a decision made on its suitability, by the development approval process.

Conclusion:

36. These proposed recommended amendments are in response to unintended outcomes following the introduction of amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015*, relating to change of land use proposals and the assessment of car parking.
37. In conjunction with this Scheme Amendment, a concurrent revision to Council’s Local Planning Policy No. 32 ‘Exemptions from Development Approval’ is proposed to balance streamlining approval process

and reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity 'AA' (discretionary) land uses which meet certain criteria.

38. It is recommended that Council supports the initiation of Amendment 90 to TPS 1 and modifications to LPP No. 32 and supports the changes being advertised for public comments.

Relevant documents

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

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

[Local Planning Policy No. 32 Exemptions from Development Approval](#)

[Local Planning Policy No. 23 Parking Policy](#)

[Local Planning Policy No. 30 Car parking standards for developments along Albany Highway](#)

[Local Planning Policy No. 6 Family Day Care and Child Care Premises](#)

[Local Planning Policy No. 3 Non-Residential Uses In or Adjacent to Residential Areas](#)

[Local Planning Policy No. 37 Community Consultation on Planning Proposals](#)

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council:

1. Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 90) to the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text to amend the Zoning Table in the Scheme Text by modifying the permissibility of the below listed use classes to that shown in the table extract below:

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
Use Class	1.	2.	3.	4.	5.	6.	7.	8.	9.
Bulky Goods Showroom	X	AA	X ² /AA	X	AA	AA	P	P	Refer to provisions in Precinct Plan.
Child Care Premises	AA	AA	AA/X ²	AA	AA	AA	AA	AA	
Educational Establishment	AA	AA	AA/X ²	AA	AA	AA	AA	AA	
Fast Food Outlet	X	AA	X ² / AA	AA	AA	AA	AA	AA	
Lunch Bar	X	AA	X ² / AA	AA	AA	AA	AA	AA	
Office	X	P	P	P	P	P	AA	AA	
Place of Worship	AA	AA	AA/X ²	AA	AA	AA	AA	AA	

2. Determines that, pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, Amendment No. 90 is a 'standard amendment' for the following reasons:

- 2.1 Is an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- 2.2 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
- 2.3 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. 90 documents.
4. Forwards Amendment No. 90 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. 90 and draft revised Local Planning Policy No. 32 - 'Exemptions from Development Approval' (as contained at Attachment 4) for public comment, 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:

These proposed changes to the planning framework are 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 Western Australian Planning Commission to either proceed, modify or abandon the proposal.

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

13 Chief Operations Officer reports

13.1 Proposed Parking Restrictions

Location	Victoria Park
Reporting officer	Design Engineer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. 76 Mackie St- E 10647-1 [13.1.1 - 1 page]2. 8-18 Gresham St- E 10654-1 [13.1.2 - 1 page]3. 17-79 Berwick St- E 10648-1 [13.1.3 - 1 page]

Recommendation

That Council approves the removal of:

1. Verge parking along the south side of Berwick St between Armagh Street and Mackie Street.
2. On-street parking along the road frontage of 76 Mackie Street.
3. On-street parking along the south side of Gresham Street between Merton Street and Lichfield Street.

Purpose

This report seeks Council approval to implement new parking restrictions at various locations.

In brief

- It is proposed to remove verge parking along the south side of Berwick St between Armagh St and Mackie St. The verge parking along this section is no longer suitable for several reasons.
- It is proposed to remove on-street parking from the road frontage of 76 Mackie St. This is due to the location and size of an existing tree that restricts vehicle access sightlines.
- It is proposed to remove on-street parking along the south side of Gresham St between Merton St and Lichfield St. The street is considered too narrow at this location to provide safe access to properties due to the current parking demand.

Background

1. Several resident requests have been submitted to the Town regarding the verge along this section of Berwick St. The verge used for parking is 2.1m wide, and the footpath is approximately 1.5m wide. This section contains 9 crossovers and 3 pedestrian median island crossings over a length of 160m. It should be noted along this section, the north side of Berwick St has existing no verge parking restrictions in place.
2. There has been a request from a Mackie St resident regarding a tree located on the verge of 76 Mackie St. This tree is located approximately 100mm from the kerb, and the diameter of the tree trunk is approximately 1.5m.

3. There has been a request from a Gresham St resident regarding crossover accessibility issues. The road pavement at this section is 6.0m wide.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	Provide safe vehicle access for residents and pedestrians.

Engagement

Internal engagement	
Street Improvement	Comments
Parking and Rangers	It is identified that these matters present a safety issue and Parking and Rangers support the recommended changes.

External engagement	
Stakeholders	Adjacent property owners.
Period of engagement	Approximately two weeks.
Level of engagement	1. Inform
Methods of engagement	Letters sent to notify residents of proposed parking restrictions.
Submission summary	Berwick St: 4 supported, 5 objected (57 letters) Mackie St: 1 phone call requesting more information (2 letters) Gresham St: 1 supported, 2 other issues (18 letters)

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
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Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Vehicles parking on footpath and access sight lines restrictions.	Moderate	Likely	High	Low	Remove parking.
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Negative reaction if no action is taken.				Low	Remove parking.
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

4. Berwick St verge parking between Armagh St and Mackie St:

Due to an increase in vehicle ownership and no available of on-street parking, there has been an increase in parking demand in the area. This has resulted in high occupancy verge parking along this section of Berwick St. Due to the existing narrow verge and a considerable number of crossovers and pedestrian crossings, this verge is no longer deemed suitable for parking. While the main issue relates to verge parking restricting vehicle crossover and pedestrian sightlines, it is also noted that vehicles are required to use footpaths for parking maneuvering. Prohibiting verge parking will reduce parking options for adjacent residents. However, given the busy nature of the road, safety is the primary concern.

5. 76 Mackie St on-street parking:

The tree's location in relation to the kerb line and significant trunk size restricts vehicle sightlines to the north of 78 Mackie St. This is made significantly worse when a vehicle is parked on the carriageway. Restricting parking in this location will reduce on-street parking by one bay.

6. Gresham St on-street parking between Merton St and Lichfield St:

The width of the road at this location is 6.0m. Vehicle crossover access is restricted when on-street parking occurs on both sides of the road. Therefore, it is proposed to restrict parking on the south side of Gresham St to improve vehicle access.

Relevant documents

Not applicable.

Further consideration

7. The following information was requested at the Agenda Briefing Forum held on 7 June 2022.

8. *Include how the line of sight issue due to the tree on Mackie Street was identified.*

The tree affected line-of-sight issue at 76 Mackie Street was initially identified by the resident in their correspondence to the Town dated 22 February 2022. The line-of-sight issue was exacerbated by the fact that the tree was extremely close to the existing kerb line (an approximately 100mm offset), the size of the tree trunk and vehicles parked on the roadway, adjacent to the driveway worsened vision for resident drivers as they exit their properties.

9. *Fix reference to Geddes Street.*

The drawing 17-79 Berwick St- E 10648-1 has been revised.

COUNCIL RESOLUTION (126/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council approves the removal of:

1. Verge parking along the south side of Berwick St between Armagh Street and Mackie Street.
2. On-street parking along the road frontage of 76 Mackie Street.
3. On-street parking along the south side of Gresham Street between Merton Street and Lichfield Street.

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

13.2 Proposal to dispose of portion of Read Park by lease

Location	Victoria Park
Reporting officer	Senior Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Sea Container Alfresco Dining Area Proposal - Read Park [13.2.1 - 3 pages] 2. Summary of Commitments for Sea Container Alfresco Dining Area Proposal - Read Park [13.2.2 - 4 pages] 3. Concept Plans for Sea Container Alfresco Dining Area Proposal - Read Park [13.2.3 - 5 pages] 4. Market Rental Valuation Report - Portion of 500 Albany Hwy (Read Park) [13.2.4 - 26 pages]

Recommendation

That Council:

1. Approve in-principle the proposed sea container concept at 500 Albany Highway, Victoria Park subject to:
 - a. A legal opinion at the cost of the Applicant and confirming to the satisfaction of the Chief Executive Officer that the concept can be accommodated on Read Park within the Deed of Trust; and
 - b. All required regulatory approvals from the Town of Victoria Park being successfully obtained and any conditions thereon being complied with by the proponent, including but not limited to any applicable requirement for development approval, building permit, environmental health approval or other form or approval required by the Town's Local Laws or adopted Policies of Council.
 - c. The rent being set at fair market rental of \$4,000 per annum, plus GST, plus outgoings
2. Authorises the Chief Executive Officer to advertise by public notice to invite submissions for the disposal of a 30m² portion of 500 Albany Highway, Victoria Park for a period up to five years by way of a lease under section 3.58 of the *Local Government Act 1995* and refer any submissions back to Council for consideration.
3. Delegates to the Chief Executive Officer the authority to negotiate and enter into lease terms to give effect to the concept on terms satisfactory to the Town's lawyers, subject to no submissions being received.
4. Delegates to the Chief Executive Officer the authority to consent to the submission of a development application to give effect to the concept, subject to any modifications or amendments as determined appropriate by the Town's administration, for the final consideration and determination by Council.
5. Delegates to the Chief Executive Officer the authority to provide land owner consent to any subsequent applications for any applicable regulatory approvals from Council required to give effect to the concept, following the successful entering into of a lease agreement to the Town's satisfaction and development approval being granted by the Council.
6. Notes that the approval in-principle of the concept does not create an agreement to lease or fetter the Town's discretion in the exercise of its statutory functions.

Purpose

The purpose of this report is for Council to consider approving a proposal for a sea container based concept providing a rooftop commercial space and community space at Read Park, through a lease disposal of a 30m² portion of Read Park, subject to a legal opinion and conditions.

In brief

- The Town is the freehold owner of 500 Albany Highway, Victoria Park (Read Park).
- Read Park is reserved for the purposes of 'Parks and Recreation' under the Town of Victoria Park Town Planning Scheme No. 1. In addition, the land comprising Read Park is subject to a historic Deed of Trust.
- The Deed of Trust includes a declaration that a number of properties (including Read Park) be held for the people for recreation purposes.
- The Town has received a proposal from an adjacent property owner at 484 Albany Highway to install a sea container in Read Park. The rooftop of the sea container will abut the first floor level of 484 Albany Highway and is intended to provide an outdoor dining space for Sonder Café, with views over Read Park. The ground floor sea container will provide a flexible community space that can be used to activate Read Park at ground level.
- Policy 310 Leasing provides standard tenure guidelines for lease agreements.
- A local government may dispose of a property by way of a lease in accordance with section 3.58 of the *Local Government Act 1995*.
- Subject to legal advice confirming the proposal can be accommodated within the terms of the Deed of Trust, this item recommends Council approve the advertising for the disposition of a 30m² portion of Read Park to enable officers to present submissions and make a recommendation to Council for the lease of the subject area.

Background

1. Read Park consists of several adjoining lots, the legal description of the land is Lot 124 on Diagram 11084, Lot 125 on Plan 2916, Lot 126 on Diagram 10665, Lot 127 on Diagram 7442, Lot 128 on Plan 2916, Lot 129 on Plan 2916 and Lot 130 on Plan 2916. The land is reserved Parks and Recreation under the Town of Victoria Park Town Planning Scheme No. 1.
2. Read Park comprises land used as a recreation reserve, playground, ablution facility, a community garden, as well as a historic small brick and iron residence that is currently vacant and has previously been used by community groups. The community garden area is approximately 925m² and is subject to a peppercorn lease with the Victoria Park Community Garden Association Inc. This lease commenced on 1 July 2012.
3. The Town has recently received a proposal from Finman Pty Ltd, the owner of 484 Albany Highway, which adjoins the northwest boundary of Read Park. Finman Pty Ltd has undertaken a gradual revitalisation of 484 Albany Highway over the past seven years, transforming 484 Albany Highway from an office building into a health and wellbeing hub.
4. The proposal seeks approval from the Town to utilise approximately 30m² of the 7383m² Read Park to place two retrofitted sea containers. The rooftop of the sea containers is to be fitted with a balustrade and utilised as an outdoor dining space for Sonder Coffee. The roof space is designed to be adjacent to and accessible from the café. The ground level is intended to provide a flexible space that can be used to activate Read Park, with the specific uses to be determined in collaboration with the Town.

5. Policy 310 Leasing aims to balance appropriate management and responsible use of the Town's facilities for the benefit of the community and ensures managed properties are appropriately maintained. Well maintained and managed property assets present a significant benefit to the Council and the community. Any new lease will be subject to the standard tenure guidelines contained within this Policy.
6. Read Park is within a local town planning scheme Reserve for Parks and Recreation purposes. The current zoning allows limited commercial use, although a use that is within the definition of "community purpose" under Town Planning Scheme No. 1 and that is permissible within the terms of the Deed of Trust can be considered.
7. Read Park is encumbered by a historic Deed of Trust dated 21 October 1941. The Deed of Trust was entered into by the City of Perth as the proprietor of a number of properties (including the land comprising Read Park). The recital states that these properties are held and used for the purposes of recreation and a desire that such lands should be held for all time for such purposes. The Deed of Trust declares that these properties (including Read Park) are held in trust for the purposes of recreation for the people, reserving unto the City of Perth the right to exercise all or any of its powers under Section 250 of the Municipal Corporations Act 1906-1938 and all other of its powers under the said Act relating to Reserves.

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.	A lease will deliver a financially sustainable ongoing outcome for the Towns ratepayers.

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 objective for a lease will deliver a space for commerce, employment and entrepreneurship.
EC02 - A clean, safe and accessible place to visit.	Community services will be available within a clean, safe and 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.	Under utilised properties within the Town can attract anti-social activities and may accelerate the deterioration of the asset. An asset management plan attached to the lease agreement will ensure the asset is able to continue to provide sustainable benefits to the Town.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	A lease will deliver potential to engage with service providers able to increase individual and community wellbeing.

Engagement

Internal engagement	
Stakeholder	Comments
Property Development and Leasing Manager	Comments are within the body of the report.
Manager Development Services	The proposed concept is aligned with and has the potential to enhance the use and enjoyment of Read Park consistent with its reservation for parks and recreation under Town Planning Scheme No. 1 (TPS1). In this regard, it is considered that an application for development approval can be considered for the proposal. This would include detailed consideration of access, passive surveillance, external materials and finishes, landscaping and other relevant matters, which could also be the subject of conditions, should Council determine to grant development approval of the proposal. It is noted that the proponent is yet to provide a planning rationale in support of the proposal that addresses Clause 14 of TPS1 relating to the use of scheme reserve land. The proposal would also be subject to the requirement for a building permit and relevant environmental health approvals.
Manager Place Planning	Place Planning has been actively coordinating discussions with various service areas to facilitate consideration of the concept, which has progressed from prior iterations presented by the proponent. The advice/comments of Council's service areas in relation to the current concept were communicated to the proponent in November 2021 (refer to Attachments) and resulted in several meetings, including on-site with the Town's Infrastructure and Parks officers, to address access, design, logistical and maintenance issues and inform further refinement of the proposal. These matters are capable of being appropriately addressed and negotiated through the agreed terms of any forthcoming lease agreement and the development approval process. Place Planning is supportive of the proposal, given the place activation and amenity benefits that may potentially be realised by the proposal (further comments are provided in the Analysis under 'Development Considerations').

External engagement	
Stakeholders	
	Businesses, Residents, Community Groups and Not-for-profit associations.

Period of engagement	2 weeks estimated at this stage to be from 27 June 2022 to 10 July 2022 (inclusive)
Level of engagement	2. Consult
Methods of engagement	Written Submissions
Advertising	Newspaper advertisement, Town website, Public Notice Boards.
Submission summary	Not Applicable – Not yet advertised
Key findings	Not Applicable – Not yet advertised

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not Applicable					
Environmental	Not Applicable					
Health and safety	Vacant land can potentially become a place for antisocial behaviour	Moderate	Possible	Medium	Low	TREAT risk by allowing a lease or licence over a portion of the land to promote activity, use and surveillance of Read Park.
Infrastructure/ ICT systems/ utilities	Not Applicable					
Legislative compliance	Failure to comply with section 3.58 of the Local Government Act 1995.	Minor	Unlikely	Low	Low	TREAT risk by following the disposal of property process in accordance with s3.58 of the Local Government Act 1995.
Reputation	Not Applicable					

Service delivery	Not Applicable
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Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Income – A lease will be subject to a market rental valuation assessment in accordance with Policy 310 – Leasing. If the Town approves a lease agreement then an annual rental of \$4,000 per annum plus GST plus outgoings may be realised.

Analysis

8. Read Park is located along the Albany Highway commercial strip within the locality of Victoria Park, which is situated approximately 5kms east of the Perth CBD, with Albany Highway being the major thoroughfare serving the area connecting through to the city via Graham Farmer Freeway. Development surrounding Read Park comprises established single residential and multi residential housing situated either side of the Albany Highway commercial strip.
9. Read Park is a Local Scheme Reserve for Parks and Recreation purposes. Noting the current use of part of the site by a not-for-profit incorporated association that provides services that benefit the community, it is considered that a use that is within the definition of "community purpose" under TPS 1 and that is permissible within the Deed of Trust can continue to operate on the site. TPS 1 defines "community purpose" as "means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit".
10. The Deed of Trust is likely to constrain development options for Read Park. The Town may seek to remove or alter the Trust if for example it were minded to pursue a commercial development of Read Park, however this will entail a lengthy process including a Supreme Court application.
11. The Town's Place Planning Team have facilitated and provided comments to the proponent from relevant service areas of the Town to inform its further refinement and address a range of identified matters (refer to Attachments). These have resulted in several meetings and the attached memo from the proponent responding and setting out commitments in relation to several of these matters should it receive Council support.
12. The Town's Place Planning Team are of the view that the subject portion of Read Park is under-utilised and has a poor visual interface with the large blank expanse of boundary wall of the adjacent property at 484 Albany Highway. The site currently comprises a disused area of turf located amongst sprinkler and bore infrastructure and the gated access to the community gardens, which is effectively cut off from the remainder of the more developed portion of Read Park (that contains trees, park benches and playground infrastructure) by the main constructed pedestrian path into the reserve from Albany Highway. The Place Planning Team have identified the following matters in support of the concept:
 - (a) Provides an opportunity to enhance the currently poor interface of this portion of Read Park with the boundary wall of the adjacent property at 484 Albany Highway;
 - (b) Has the potential to enhance the use and attraction of Read Park by the community by allowing both patrons of Sonder Café (themselves community members and/or visitors to the Town) and

members of the public at ground level a comfortable and/or sheltered space to socialise and enjoy the green vista and landscaped surroundings provided by Read Park;

- (c) Increases the level of passive surveillance of Read Park, thereby contributing to improved safety outcomes and reduced propensity for antisocial activity to occur while the space is being utilised by patrons/community members;
 - (d) Provides a space available for the use of the public at large and/or community groups to hold events, workshops or other community-based activities, with the proponent being open to Council's discretion to determine its most appropriate use/format in order to facilitate optimal outcomes for the park and the community;
 - (e) The use of the roof level alfresco by Sonder Café patrons is not dissimilar to alfresco dining that is permitted on the pedestrian path adjacent to hospitality businesses elsewhere along Albany Highway. In the case of Sonder Café, the existing raised floor level of the café above the basement car park does not facilitate easy access to Albany Highway at street level so the pedestrian path is not utilised by the café for this purpose – therefore the café is not deriving any additional income than would otherwise occur if the café were constructed at grade with Albany Highway with potentially a far greater area of alfresco dining available for its patrons than is being sought as part of the concept;
 - (f) Kiosks, cafes and other compatible commercial uses can promote increased activation and enjoyment of parks and reserves by the community, as is seen in many local government areas, with proposals of this nature being supported by the Street's Ahead Action Plan prepared by the Vic Park Collective with extensive collaboration with the local community;
 - (g) The proposal is consistent with the specific actions identified for Read Park in Appendix C of the Town's Public Open Space Strategy under the recommendation category of 'Support Local Economy': *As an Active Park street adjacent the cafe strip implement approaches such as wifi, dining spaces and art/interpretation.*
13. The Leasing Management Practice notes this premises is being held by the Town for community purposes and may be considered for utilisation by not-for-profit associations, community groups, sporting clubs and commercial operators in accordance with Policy 310 Leasing.
 14. Policy 310 Leasing sets guidelines for leasing of exclusive use of a property and licensing of non-exclusive use of a property subject to a redevelopment clause which reserves the Town's right to terminate the lease at any time on 6 months' notice. The setting of rent for a lease will be based on a market rental valuation assessment determined by a licensed Valuer. A lessee is responsible for non-structural maintenance, preventative maintenance and the payment of rates, fees, utility costs and outgoings (if applicable).
 15. A market rental valuation analysis was undertaken on 24 May 2022, the analysis considered relevant general economic factors, including the underlying value of the land with limited alternative uses. Available evidence suggests that \$87.00 to \$173.00 per m² per annum may be achieved in the current open market with the higher end of this range being only slightly below many of the retail shop rentals along the Albany Highway café strip however, on the basis of including any applicable statutory charges is considered achievable. The valuation assessment adopted a fair market rental towards the median of the suggested range at \$4,000 per annum, plus GST, plus outgoings. The Applicant has previously sought a rent free lease, however such a request is not included in the Applicant's final proposal documents dated 2 November 2021 that the Applicant has requested Council to consider. It is recommended that the rent is set in accordance with the valuation assessment. Given the likely investment by the Applicant in bringing forward the concept and the public benefit of a community space as well as other commitments provided by the Applicant, the Council may wish to consider a rent free period for the first year.

16. The Town is bound by specific conditions under the *Local Government Act 1995* with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction, by way of a public tender process or by giving local public notice of the proposed disposition and following the public consultation process as prescribed by sub-section section 3.58 (3) of the Act. In this context, disposing of property means to 'sell, lease or otherwise dispose of, whether absolutely or not'.
17. The Applicant's proposal is an innovative concept that has been thoughtfully developed by the Applicant and its consultants. Implementation of the concept will entail further investment by the Applicant. If the Council is minded to proceed with the Applicant's proposal, it is considered prudent to obtain legal advice on the question of whether a grant of a lease to give effect to the concept will be permissible within the terms of the Deed of Trust. The Applicant is willing to pay for the cost of the Town's legal advice, provided that the Council has supported the concept.
18. The recommendation proposes approving the concept proposed by Finman Pty Ltd subject to a legal opinion at the cost of the Applicant and confirming to the satisfaction of the Town's CEO that the proposal can be accommodated within the terms of the Deed of Trust, advertising the proposed lease under section 3.58 of the *Local Government Act 1995* and referral of any submissions back to Council for consideration, and delegation to the Town's CEO to negotiate and enter into lease terms to give effect to the concept subject to no submissions being received.
19. Local public notice will require a description of the property concerned, details of the proposed disposition and an invitation for submissions to be made before a date to be specified in the notice, being not less than 2 weeks after the notice is first given. Submissions received during the notice period must be considered by Council, and the resulting decision recorded in the minutes of the meeting at which the decision is made.
20. The approval of the concept is also recommended subject to all applicable Town of Victoria Park regulatory approvals being successfully obtained, including the granting of development approval under Town Planning Scheme No. 1. Importantly, this provides the Town's administration and the Council the ability to consider and negotiate in detail the final design and implementation of the concept, which are yet to be finalised, including the format and use of the ground floor community space, access arrangements, materials and external finishes. This provides the opportunity to work constructively with the proponent to maximise the potential amenity and community outcomes arising from the proposal.

Relevant documents

[Policy 310 - Leasing](#)

[Streets Ahead Action Plan – Vic Park Collective](#)

[Town of Victoria Park Public Open Space Strategy – Appendix C POS Recommendations](#) (refer page 22)

Further consideration

21. The following information was requested at the Agenda Briefing Forum held on 7 June 2022.
 22. *Include whether the commercial area will be open to any member of the public or just to customers of the cafe.*

The proponent has advised that the intention is that the commercial rooftop area will be open to any member of the public and will not be exclusive to café patrons. It would be reasonable for the proponent to retain some controls over access, for example to enable the proponent to deny access in the event of antisocial behaviour.
 23. *Include whether the valuation being based on the parks and recreation zoning is the most appropriate basis if a section is being used for commercial use.*
-

Notwithstanding the land is zoned parks and recreation, the valuation is the most appropriate based on the market approach method of valuation. Paragraph 6.3 of the valuation contains an assumption that the proposed improvements comply with the approvals, conditions and requirements of all relevant authorities. This assumption is made for the purposes of advising the Council as to the fair market rental and does not bind the Council to issue a development, building, lease or other approval. The valuation analysis for this methodology has considered the surrounding area and catchment as well as rental evidence, as set out in section 5 (Valuation Rationale) of the valuation report attached to the agenda.

24. *Include whether there is another basis for the valuation.*

In discussion with the Valuer, the only other basis for rent valuation would be to invite tenders and see what rental is offered by the market. The general rule for assessment of fair market rental within the industry is as follows: *"The rental the premises could achieve in the market for an approved or similar use assuming the premises is offered with vacant possession and with an active marketing campaign as negotiated by both willing parties and acting with market knowledge and without compulsion"*.

By way of background, the International Valuation Standards Council (IVSC) sets the global standard for valuation practice to ensure consistency, transparency and quality for all valuation professions globally. To better professional valuation standards and practice in Australia, the Australian Valuers Institute has partnered with the IVSC. All members/valuers are therefore expected to adhere to the IVSC guidelines and standards.

Cr Peter Devereux declared an impartiality interest at 7.57pm.

AMENDMENT:

Moved: Cr Jesse Hamer

Seconded: Cr Peter Devereux

That a point 1d be added to read as follows:

d. The first year of the lease is to be rent free, provided that the applicant will be responsible for payment of any outgoings."

Lost (2 - 5)

For: Cr Peter Devereux and Cr Jesse Hamer

Against: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Jesvin Karimi, Cr Wilfred Hendriks and Cr Bronwyn Ife

Reason:

As this modification will be of zero cost to the Town and is expected to make a positive contribution to local place activation.

COUNCIL RESOLUTION (133/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Jesse Hamer

That Council:

1. Approve in-principle the proposed sea container concept at 500 Albany Highway, Victoria Park subject to:
 - a. A legal opinion at the cost of the Applicant and confirming to the satisfaction of the Chief Executive Officer that the concept can be accommodated on Read Park within the Deed of Trust; and
 - b. All required regulatory approvals from the Town of Victoria Park being successfully obtained and any conditions thereon being complied with by the proponent, including but not limited to any applicable requirement for development approval, building permit, environmental health approval or other form or approval required by the Town's Local Laws or adopted Policies of Council.
 - c. The rent being set at fair market rental of \$4,000 per annum, plus GST, plus outgoings
2. Authorises the Chief Executive Officer to advertise by public notice to invite submissions for the disposal of a 30m² portion of 500 Albany Highway, Victoria Park for a period up to five years by way of a lease under section 3.58 of the *Local Government Act 1995* and refer any submissions back to Council for consideration.
3. Delegates to the Chief Executive Officer the authority to negotiate and enter into lease terms to give effect to the concept on terms satisfactory to the Town's lawyers, subject to no submissions being received.
4. Delegates to the Chief Executive Officer the authority to consent to the submission of a development application to give effect to the concept, subject to any modifications or amendments as determined appropriate by the Town's administration, for the final consideration and determination by Council.
5. Delegates to the Chief Executive Officer the authority to provide land owner consent to any subsequent applications for any applicable regulatory approvals from Council required to give effect to the concept, following the successful entering into of a lease agreement to the Town's satisfaction and development approval being granted by the Council.
6. Notes that the approval in-principle of the concept does not create an agreement to lease or fetter the Town's discretion in the exercise of its statutory functions.

Carried (5 - 2)

For: Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Mayor Karen Vernon and Deputy Mayor Claire Anderson

PROCEDURAL MOTION

Moved: Mayor Karen Vernon

Seconded: Cr Jesse Hamer

That the meeting be adjourned for 10min at 8.32pm.

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

The meeting adjourned at 8.32pm.

The meeting readjourned at 8.42pm.

Cr Jesse Hamer re-joined the meeting at 8.43pm.

13.3 Aqualife Changeroom Refurbishment RFT TVP/22/05

Location	East Victoria Park
Reporting officer	Asset Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. CONFIDENTIAL - 1070-0011 RFT TVP 22-05 Aqualife Change Rooms Tender Assessment Report (v 2) [13.3.1 - 27 pages]

Recommendation

That Council awards the contract associated with RFT TVP/22/05 Aqualife Changeroom Refurbishment, to Walcott Industries Pty Ltd (ABN: 92118481735), for the refurbishment of the female, male and universal access toilets and changerrooms in the Aqualife gym, with the terms and conditions as outlined in the contract, for the lump sum price of \$123,940 (exc GST) as their offer has been evaluated as the most advantageous to the Town.

Purpose

To seek Council's endorsement to accept the offer made by Walcott Industries Pty Ltd for the refurbishment works proposed for the toilets and changerrooms at Aqualife and to award contract TVP/22/05 to the same.

In brief

- TVP/22/05 Aqualife Changeroom Refurbishment was published through Tenderlink and the Town's website.
- Suppliers were requested to provide a lump sum cost for the supply of materials and labour required to refurbish the identified toilets and changerrooms at Aqualife.
- The approved municipal funding allocation for this item is \$150,000 (ex GST).
- An evaluation of the tender submissions against the prescribed criteria has been completed, and it is recommended that Council accepts the submission made by Walcott Industries Pty Ltd and enters a contract to progress the refurbishment works.

Background

1. The female, male and universal access toilets and changerrooms at Aqualife has been identified as requiring upgrading to comply with the current industry standards.
2. It was anticipated that the project cost may have been high enough to trigger the tendering process, and consequently, the works have been treated as a tender.
3. On Saturday, 26 March 2022, the Town of Victoria Park (ToVP) called tenders from suitably qualified and experienced WA Registered Building Contractors (Individual, Partnership, or Company) under the Building Services (Registration) Act 2011 to refurbish the Female, Male and Universal Access Toilet (UAT) and changerrooms in the Aqualife gym area at 42 Somerset Street, East Victoria Park.
4. The Town engaged the services of Core Business Australia Pty Ltd (CORE) to prepare the Request for Tender (RFT) documentation and compile the RFT. CORE ran the tender utilising CORE's Tenderlink Tender Portal.

5. Tenders were only able to be submitted electronically to CORE's secure Tenderlink Tender Portal at www.tenderlink.com/corebusiness.
6. The tender was automatically closed at 2:00pm WST, Tuesday 28 April 2022.
7. Six responses were received at the time of closing. None of the responses were assessed as non-compliant.
8. A public tender opening was held at 3.00pm WST on Tuesday, 28 April 2022 at the Town of Victoria Park Administration Building at 99 Shepperton Road. The meeting was attended by CORE's Managing Director who was authorised by the Town of Victoria Park's CEO to open tenders in accordance with Regulation 16 (3) (a) (ii) of the Local government (Functions and General) Regulation 1996; also in attendance were the Town's Procurement Officer, Building Officer, Building Assets Officer and CORE Project Support Officer.
9. No one from the public attended the opening. Tenders were opened from the electronic tender box by the issue of the tender box key by Tenderlink via email to Bruce Lorimer.

Compliance criteria

10. Tenders were assessed against the following compliance criteria:
 - Compliance with completion of the Form of Tender
 - Compliance with the Conditions of Tendering (the RFT)
 - Compliance with the deviation from the RFT requirements
 - Compliance with key personnel requirements of the request
 - Compliance with Occupational Health and Safety requirements of the request
 - Compliance with the Insurance requirements of the request(a) Compliance with and completion of the Price Schedule.
11. A requirement of the tender is that each respondent advises as to whether their response complies with the above compliance criteria. The CORE Project Support Officer must also confirm if each response does, in fact, comply.
12. If the tenderer has marked the box to say that their tender complies, they are given the assessment of Compliant. If the assessment panel deems that their response is, in fact, compliant, they are given a further assessment of compliant. Each tender needs to achieve two assessments of compliance in order to progress to be assessed unless they are also given an assessment of Conditional.
13. Some aspects of the tender may not comply fully or may not comply at all but can be brought into compliance through a request for further information or clarification, in which case they are given the assessment of Conditional. If the assessment of Conditional is deemed to be minor enough, the response can still be progressed to the next stage of assessment.
14. Where the respondent has nominated a non-compliance or has been assessed as non-compliant, they are given the rating of non-compliant. If the respondent receives two assessments of non-compliant against any one criteria, it is set aside and assessed no further.
15. If a respondent has not answered the compliance question, they are given the assessment of Not Answered, and this automatically earns them a non-compliant assessment from the panel and their response is set aside and assessed no further.
16. Compliance checks were completed by CORE prior to sending evaluation forms out to the voting members of the Evaluation Panel.
17. None of the responses was assessed as non-compliant.

Evaluation process

<p>Relevant experience</p> <p>i). Please provide a brief overview of your experience relevant to this project, for example work associated with refurbishing changerooms / toilet areas in commercial public buildings.</p> <p>ii) Please also provide a list of projects detailing the project name, the client, the project value and the value of your contract as part of the overall project. Any previous experience with the nominated sub-contractors to be included with this information.</p>	<p>Weighting 25%</p>
<p>Organisation Capacity</p> <p>Please outline your organisation’s capacity to undertake this work. Provide information such as;</p> <ol style="list-style-type: none"> 1. Organisation Structure Chart 2. A brief introductory CV (one or two paragraphs) of key personnel 3. Role of key personnel in the project 4. List of current committed contracts 	<p>Weighting 10%</p>
<p>Methodology</p> <p>Please provide;</p> <ol style="list-style-type: none"> 1. An overview of the methodology you will undertake to complete the works. 2. A Staging Plan of the works to ensure the work does not interrupt the centres operations. 3. An indicative Construction Program (Gantt Chart) of the Work Under Construction. 4. How you will communicate with stakeholders during the Work Under Construction. 	<p>Weighting 15%</p>
<p>Sustainability</p> <p>Please provide an overview of your sustainable business practices that will be associated with this project including the following;</p> <ol style="list-style-type: none"> 1. How many Aboriginal employees or sub-contractors will be engaged under this contract? 2. How will the work create an economic benefit for the local community within the Town of Victoria Park? For example, what supplies, materials and sub-contractors will be sourced from within the Town of Victoria Park. Please make sure you complete the estimate of “Percentage of Content from within the Town of Victoria Park” contained within the Pricing Schedule. 3. If you are using Sub-contractors, how will you ensure they are being paid in accordance with agreed terms of payment? 4. Provide an overview of your Environmental Management System and outline what you believe are the key environmental management issues associated with this project. 5. Provide details of any other sustainability practices that you think are relevant to this project. 	<p>Weighting 10%</p>
<p>Price</p> <p>Respondents were required to complete a “Price Schedule” with the final basis of the tender being a schedule of rates. To this, indicative hours of each machine / personnel / activity were applied to come up with a total indicative cost of works.</p>	<p>Weighting 40%</p>

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
<p>EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.</p>	<p>The upgrade of these toilets and changerooms will make these facilities compliant with the relevant building requirements and also renew the aging</p>

assets to better serve the community.

Engagement

Internal engagement

Stakeholder	Aqualife staff were supportive of the proposed refurbishment works.
Procurement	Provided advice and acted as a probity advisor throughout the process.
Community Development	Aligns with the Town's Disability Access and Inclusion Plan.
Technical Services	The required budget and resource is available.

Legal compliance

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

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	The Town's toilets being non-compliant.	Moderate	Likely	High	Low	Treat risk by refurbishing these toilets and changerooms.
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	<p>The value of the contract is less than \$250,000. However, because the value prior to bidding was considered to have potential to extend beyond this level, the procurement process was undertaken as a tender.</p> <p>Sufficient funds exist within the annual budget to address this recommendation.</p>
Future budget impact	Not applicable.

Relevant documents

[Policy 301 – Purchasing](#)

Analysis

18. Though the value of the contract is less than \$250,000, the procurement process taken was essentially a tendering process, and as such, the acceptance of the offer/tender and subsequent award of any such contract is to be determined by Council.
19. The assessment of the submissions was formally undertaken by a panel that included:
 - Building Officer of the Town
 - Leisure Facilities Programs Manager
 - Building Assets Officer of the Town
 - Project Support Officer, Core Business Australia
20. The Town received six submissions. Of these submissions, none were non-compliant.
21. A full evaluation of the submissions is contained in the attached evaluation report. However, because it contains commercially sensitive information, this has been included as a confidential attachment.

Company	Ranking
AE Hoskins & Sons	1
LKS Constructions (WA) Pty Ltd	3
Prova Construction Pty Ltd	4
Schlager Group Pty Ltd	6
Solution 4 Building Pty Ltd	5
Walcott Industries Pty Ltd	2

22. On review of the final evaluation report, the top two ranked tender submissions scored very closely together (within about 2% of each other) based on all the overall weighting factors. However, the recommended tender submission is significantly cheaper (over 17%) than the alternative bid and 9% under the approved budget allowance. The price level of the alternative bid is 10% above the approved

budget allowance, therefore the Council would need to separately approve a budget increase to accept that tender.

23. Based on the closeness of the final ranking scores and with due considerations of the comparative pricing and further budget implications, together with the fact that the marginally lower-ranked tenderer has proven capability to complete the works to the requested standard, it is considered that the most advantageous submission available to the Town has been provided by Walcott Industries. It is therefore recommended Walcott Industries to be awarded the tender.

COUNCIL RESOLUTION (127/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council awards the contract associated with RFT TVP/22/05 Aqualife Changeroom Refurbishment, to Walcott Industries Pty Ltd (ABN: 92118481735), for the refurbishment of the female, male and universal access toilets and changerrooms in the Aqualife gym, with the terms and conditions as outlined in the contract, for the lump sum price of \$123,940 (exc GST) as their offer has been evaluated as the most advantageous to the Town.

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

14 Chief Financial Officer reports

14.1 Financial Statements - April 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Finance Manager
Voting requirement	Simple majority
Attachments	1. Statement of Financial Activity - April 2022 [14.1.1 - 44 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 30 April 2022, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 30 April 2022.

In brief

- The financial activity statement report is presented for the month ending 30 April 2022.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended 30 April 2022.

Background

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

Revenue

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

Expense

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

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

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

Strategic alignment

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

Engagement

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

Legal compliance

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

Risk management consideration

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

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

Financial implications

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

Analysis

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

Relevant documents

Not applicable.

COUNCIL RESOLUTION (128/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council accepts the Financial Activity Statement Report – 30 April 2022, as attached.

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

14.2 Schedule of Accounts - April 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Finance Manager
Voting requirement	Simple majority
Attachments	1. Payment Summary - April 2022 [14.2.1 - 7 pages]

Recommendation

That Council:

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

Purpose

To present the payments made from the municipal fund and the trust fund for the month ended 30 April 2022.

In brief

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

Background

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

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608876 – 608877	\$10,433.52
Creditors – EFT Payments		\$3,508,275.79
Payroll		\$1,162,077.07
Bank Fees		\$14,057.86
Corporate MasterCard		\$3,650.00
Total		\$4,698,494.24

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
CL10 - 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 <i>Local Government (Financial Management) Regulation 1996</i> .

Legal compliance

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

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in Schedule of accounts.	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transactions	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ICT systems/utilities	Not applicable.					
Legislative compliance	Not accepting schedule of accounts will lead to non-compliance.	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to

						preparation of this report for comments.
Reputation	Not applicable.					
Service Delivery	Not applicable.					

Financial implications

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

Analysis

- 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](#)

COUNCIL RESOLUTION (129/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council:

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

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

15 Committee Reports

15.1 Review of Policy 115 - Public art

Location	Town-wide
Reporting officer	Coordinator Events, Arts and Funding
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council adopts the amended Policy 115 – Public art as attached; subject to the following changes:

1. to clause 5 of the Policy Statement:

After the word artwork place a comma followed by the words "created by a professional artist" followed by another comma.

2. Remove the first dot point under point three of the policy definition.

Purpose

To review the content of Policy 115 – Public art (Policy 115).

In brief

- At its meeting of 21 April 2021, Council adopted a work plan to review several policies. Policy 115 was identified as one of the policies to be reviewed.
- Policy 115 relates to public art in the Town of Victoria Park.
- A review of the policy has been completed concluding that the scope of Policy 115 is still relevant and only minor amendments are proposed.

Background

1. Council adopted Policy 115 (previously RECN7) in 2019.
2. Council last reviewed Policy 115 on 21 April 2020, Council resolution 384/2020.
3. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review the number of policies, and Policy 115 was identified to be completed in 2021/2022.
4. The policy's objective is to guide the Town's aspirations to be a leader of contemporary public arts and to further develop the cultural identity of Town of Victoria Park.
5. As part of that review, only minor amendments are proposed to Policy 115 and include:
 - a. Addition of definitions
 - b. Update of 'Related documents'
 - c. Update of 'Responsible officers' titles.

Strategic Alignment

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	Public art adds to the pride of place by adding vibrancy and aesthetic enhancement to public spaces while encouraging community conversations on topical issues.
S04 - A place where all people have an awareness and appreciation of arts, culture, education and heritage.	Visible public art in accessible spaces makes the community aware of arts and culture in their own neighborhood and appreciates its value to the overall community.

Engagement

Internal engagement	
Stakeholder	Comments
Urban Planning	Consulted with Urban Planning to discuss Percent for Art process pertaining to internal and external public art projects.

External engagement	
Stakeholder	Comments
Public Arts Advisory Group (PAAG)	Consultation was undertaken with PAAG members on potential improvements and clarifications to Policy 115 and received expertise on correct definitions.
Local Government Authorities – City of Perth, City of South Perth, City of Joondalup, City of Stirling, Town of Vincent, City of Subiaco, City of Fremantle.	Consulted with LGAs to benchmark Policy 115 and best practice pertaining to policy direction.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	A lack of clarity amongst Town of Victoria Park external stakeholders including property developers, local residents/businesses and independent artists applying for public art projects.	Minor	Likely	Medium	Low	Treat risk by adding policy definitions to Policy 115.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	A lack of clarity amongst Town of Victoria Park external stakeholders including property developers, local residents/businesses and independent artists applying for public art projects.	Moderate	Possible	Medium	Low	Treat risk by adding policy definitions to Policy 115.
Service delivery	Not applicable.					

Financial implications

Current budget impact	Not applicable.
Future budget	Not applicable.

Analysis

6. The scope of Policy 115 is still relevant. The inclusion of definitions was recommended by the PAAG to clarify the parameters of the policy to both internal and external stakeholders.
7. A minor amendment is requested to update the 'Responsible officer' title on the policy.
8. Update of list of Relevant Documents.

Clause	Proposed	Reason
Policy definitions	Public art, public realm and professional artist	Definitions required to ascertain what is/is not constituted as public art, who is permitted to undertake public works and where the public works must be located to meet the requirements of Policy 115.

Relevant documents

[Arts and Culture Plan](#)

[Public Art Management Plan](#)

[Mural Arts Plan](#)

[Developers Public Art Handbook](#)

[Public Arts Strategy](#)

[Local Planning Policy No. 29](#)

OFFICER RECOMMENDATION:

Moved: Mayor Karen Vernon

Seconded: Cr Jesvin Karimi

That Council adopts the amended Policy 115 – Public art as attached; subject to the following changes:

1. to clause 5 of the Policy Statement:

After the word artwork place a comma followed by the words "created by a professional artist" followed by another comma.

2. Remove the first dot point under point three of the policy definition.

PROCEDURAL MOTION

Moved: Mayor Karen Vernon

Seconded: Cr Jesvin Karimi

Refer this item back to the Policy Committee by December 2022 to consider whether the Public Art Policy should include a formal process for the public art advisory committee/panel, the connection to the Public Art Strategy and how the Town curates, displays and promotes its public art collection.

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

Reason:

The Policy does not cover these issues either at all or in any depth.

15.2 Review of Policy 226 - Recreation reserves – hire

Location	Town-wide
Reporting officer	Coordinator Events, Arts and Funding
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council adopts the amended Policy 226 – Recreation reserves - hire as attached.

Purpose

To review the content of Policy 226 – Recreation reserves - hire (Policy 226).

In brief

- At its meeting of 21 April 2021, Council adopted a work plan to review several policies. Policy 226 was identified as one of the policies to be reviewed.
- Policy 226 relates to the hire of recreation reserves in the Town of Victoria Park.
- Officers have reviewed Policy 226 and do not see any merit in making changes to the policy content. It is therefore presented to the committee for the recommendation to retain the policy in its current form.
- A minor amendment is requested to update the 'Responsible officer' title on the policy.

Background

1. Council adopted Policy 226 (RECN1) in 1994.
2. Council last reviewed Policy 226 on 20 August 2019, Council resolution 148/2019.
3. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review the number of policies, and Policy 226 was identified to be completed in 2021/2022.
4. The policy's objective is to enable the hire of recreation reserves in the Town of Victoria Park.

Strategic alignment

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.	Ensuring that the parks and reserves in the Town of Victoria Park are well managed to allow for 'all' community use.

Engagement

Internal engagement	
Stakeholder	Comments

Community Development Officer - Clubs, Events and Bookings

No reason for change.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not reinstating the current policy.	Minor	Likely	Medium	Low	TREAT risk by adopting existing policy with minor amendment.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

5. The scope of Policy 226 is still relevant. Therefore, no further changes are required to the content contained in the policy.
6. A minor amendment is requested to update the 'Responsible officer' title on the policy.

Relevant documents

[Local Government Property Law 2000](#)

COUNCIL RESOLUTION (134/2022):

Moved: Deputy Mayor Claire Anderson

Seconded: Cr Wilfred Hendriks

That Council adopts the amended Policy 226 – Recreation reserves - hire as attached.

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

15.3 Review of Policy 405 - Events on parks and reserves – notification to local residents

Location	Town-wide
Reporting officer	Coordinator Events, Arts and Funding
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council adopts the amended Policy 405 – Events on parks and reserves – notification to local residents as attached.

Purpose

To review the content of Policy 405 – Events on parks and reserves – notification to local residents (Policy 405).

In brief

- At its meeting of 21 April 2021, Council adopted a work plan to review several policies. Policy 405 was identified as one of the policies to be reviewed.
- Policy 405 applies in relation to events on parks and reserves.
- Officers have reviewed Policy 405 and do not see any merit in making changes to the policy content. It is therefore presented to the committee for the recommendation to retain the policy in its current form.
- A minor amendment is requested to update the ‘Responsible officer’ titles on the policy.

Background

1. Council adopted Policy 405 (RECN2) in 1995.
2. Council last reviewed Policy 405 on 20 August 2019, Council resolution 148/2019.
3. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review the number of policies, and Policy 405 was identified to be completed in 2021/2022.
4. The policy's objective is to require the notification of nearby residents prior to events on parks and reserves.

Strategic alignment

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.	Keeping facilities well maintained, modern, fit for purpose to allow for ‘all’ community use.

Civic Leadership	
Strategic outcome	Intended public value outcome or impact

CL1 – Everyone receives appropriate information in the most efficient and effective way for them.	Ensure that people receive information in various ways at different times and that the content is easy to understand.
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Engagement

Internal engagement	
Stakeholder	Comments
Community Development Officer - Clubs, Events and Bookings.	No reason for change.

Legal compliance

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

Risk management consideration

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

Financial implications

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

Analysis

5. The scope of Policy 405 is still relevant. Therefore, no further changes are required to the content contained in the policy.
6. A minor amendment is requested to update the 'Responsible officer' title on the policy.

Relevant documents

Not applicable.

COUNCIL RESOLUTION (135/2022):

Moved: Mayor Karen Vernon

Seconded: Cr Jesse Hamer

That Council adopts the amended Policy 405 – Events on parks and reserves – notification to local residents as attached.

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

15.4 Policy 223 - Fleet management light vehicles

Location	Town wide
Reporting officer	Manager Technical Services
Responsible officer	Chief Operations Officer
Voting requirement	Simple Majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council notes the officers' update provided for the implementation of policy 223 Fleet Management Light Vehicles.

Purpose

To provide an update on the effectiveness of the implementation of Policy 223 Fleet Management Light Vehicles for Council to note

In brief

- The Town's light fleet has further reduced to 43 during the 21/22 financial year which is nearing the 2021 target of 41 based on the then staff population
- Existing staff with private use continue to pay contribution rates in accordance with their contracts.
- The decision process for the provision of council vehicles for new staff commencing in financial year 2021/2022 was reviewed. I
- New employment contracts executed in 21/22 for staff with operational need of a Council car are paying a contribution rate aligned with the State Government's Senior Officer Vehicle schemes.

Background

1. Council on 15 June 2021 resolved the following based on the recommendations of the Policy Review Committee.
That Council:
 1. Notes in this report the effectiveness of Policy 223 Fleet Management Light Vehicles and the changes made to the management of the Town's light fleet resulting from the adoption of this policy on 16 June 2020.
 2. Requests the Chief Executive Officer to report to the Council by June 2022 on the effectiveness of Policy 223 for the financial year 2021/22, including the size of the reduction in the Town's light fleet and any targets for future reductions.
2. The current Policy 223, Fleet Management Light Vehicles, was adopted by Council in June 2020 as the operational guidance document for Fleet Management. It outlines the requirements of owning and maintaining the Town's fleet, including the purchasing and disposal methods required. The Fleet Management Practice that complements this policy documents all other operational matters about Fleet Management.

The Policy allows certain staff positions to have full private usage which enabled the Town to reduce its Fringe Benefits Tax liability.

Private usage staff contribution rates are aligned with the State Government vehicle usage rates as outlined in the Senior Officers Vehicle Scheme (SOVS).

The Town has been actively reducing its light fleet number. Use of vehicles to new staff is in line with the position's responsibilities and work productivity requirements as determined by the Executive.

Strategic alignment

Environment	
Strategic Outcome	Intended public value or impact
CL05 - Innovative, empowered and responsible organisational culture with the right people in the right jobs.	Assist in offering tools to help the organisation employ the best staff for the job.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Ensure that the vehicles the Town uses are fit for purpose and offer the best value for money.

Engagement

Internal engagement	
Technical Services	No changes required for the policy
People and Culture	Supportive of maintaining the policy in its current form
Finance	No objections
C Suite	No objections
Policy Review Committee	Comments as per this report

External engagement	
Other LGs	Most of their contribution rates are less than the Town's

Other engagement	
Stakeholder	Nil

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Nil				Low	
Environmental	Nil				Medium	
Health and safety	Nil				Low	
Infrastructure/ ICT systems/ utilities	Nil				Medium	
Legislative compliance	Nil				Low	
Reputation	The Town may be subject to breach of contract and open to litigation if the Town's Current employment contracts and Enterprise Agreement (EA) conditions are affected	Moderate	Likely	High	Low	Any proposed amendments to the Policy to be cognisant of potential impacts to the Town's employment contract and EA conditions
Service delivery	Inequity between existing and new staff benefits relating to Fleet use	Moderate	Likely	High	Medium	Any proposed policy amendments should be cognisant of potential impacts to the Town's employment contracts, and be implemented over time as new staff are contracted to the Town or unusual or

unique individual conditions phased out where possible

Financial implications

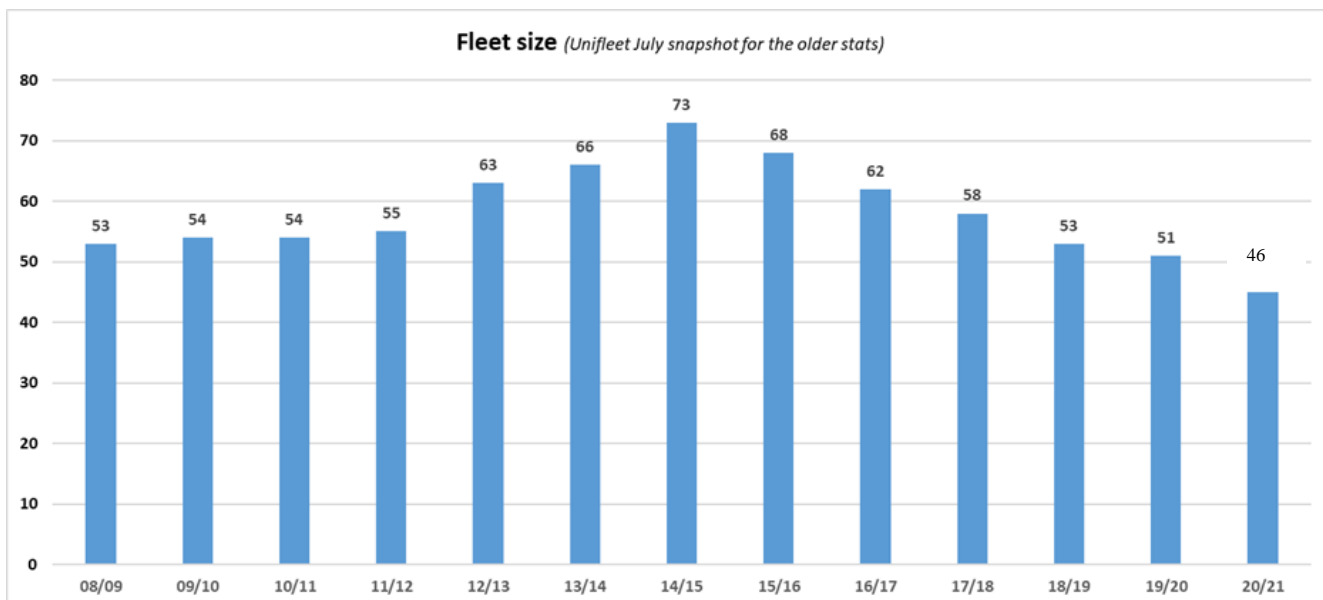
Current budget impact	Nil
Future budget impact	Reduction in fleet size and selection of vehicle types will contribute to reducing future maintenance and operational costs and fringe benefit tax.

Analysis

- The provision of updates on the implementation of this Policy's is intended to ensure that Council has oversight of the effectiveness of the policy in providing a cost effective management approach involving the Town's light fleet. Some of the more important fleet management considerations to be monitored include the ongoing review of the level of need for a fleet of motor vehicles essential to meet operational requirements to service the community. When used in conjunction with the Fleet Management Practice, it identifies the types of light vehicles that will be used and how they are chosen, as well as how they will be purchased and disposed of.
- The size of the light fleet has been reduced over the years to 43 in the 21/22 financial year from a total of 73 in the 14/15 financial year.

Functional Areas	Fleet size 2021	Fleet size 2022
Corporate Services (Parking, Rangers, etc)	13	13
Operations (Depot, etc)	18	17
Community Planning (Planning, Env Health, etc)	10	9
Dedicated pool cars	5	4
Total	46	43

- The fleet size of previous financial years is provided below for general comparison.



6. All new employment contracts established in 21/22 where there is an operational need for a Council car with private use have been executed with the same contribution rate applicable to state government senior officers.
7. The contribution rate for existing staff with private use of a council car are being re-negotiated to be aligned with the new policy rates over a 3 year period.
8. One of the pool vehicles that was approved for replacement in 21/22 financial year will be replaced by a small electric vehicle and will be delivered in the 22/23 financial year to assess the overall effectiveness and suitability of such vehicles in the Town's fleet.
9. The implementation of Policy 223 since adoption in June 2020 has been effective.
10. In general, the Policy 223 is considered to be effective for the management of the Town's light fleet.

Relevant documents

[Buy, lease and maintain a motor vehicle fleet | Western Australian Government \(www.wa.gov.au\)](https://www.wa.gov.au)

COUNCIL RESOLUTION (130/2022):

Moved: Cr Wilfred Hendriks

Seconded: Cr Peter Devereux

That Council notes the officers' update provided for the implementation of policy 223 Fleet Management Light Vehicles.

Carried by exception resolution (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

15.5 Review of Policy 301 - Purchasing

Location	Town-wide
Reporting officer	Finance Manager
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	Amended Purchasing Policy 301 {attachment-list-do-not-remove}

Recommendation from the Policy Committee:

That Council adopts amended Policy 301 Purchasing as attached.

Purpose

To provide Council with an updated Purchasing policy to ensure compliance with legislation on 'Establishment of Panels of Pre-Qualified Suppliers'.

In brief

- An amended Policy 301 Purchasing has changes shown in red font updating the policy to be compliant with legislation on the establishment of Panels of Pre-qualified Suppliers.

Background

- Following a review of the purchasing policy it was identified that it did not include the requirements for establishing panels of pre-qualified suppliers which is outlined in Regulation 24AC of the *Local Government (Functions and General) Regulations 1996*.
- A concept forum was held in December 2021 to discuss how to address triple bottom line sustainability through procurement and one of the outcomes sought was consideration to the current procurement policy. Amendments to the policy for the items discussed have not been included in this review as all staff involved have left the Town. A review needs to be undertaken of the work completed after the concept forum and then another amendment to this policy will be returned to Policy Committee at a later date. Since the concept forum there have been changes made internally to include sustainability criteria in our procurement plans.

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.	Ensures Councils Purchasing systems are compliant with legislation and best practice.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Maintaining effective and practical delegations ensures Council remains strategically focused.
CL10 - Legislative responsibilities are resourced and	Ensures Council policy is compliant with legislative

managed appropriately, diligently and equitably.	requirements.
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Legal compliance

[Local Government \(Functions and General\) Regulations 1996](#)

[Policy 312 Transaction Card](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A				Low	
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	Non-compliance with legislation could be picked up during the annual audit.	Moderate	Possible	Medium	Low	Treat risk by Council adopting an updated purchasing policy ensuring legislative compliance.
Reputation	N/A				Low	
Service delivery	N/A				Medium	

Financial implications

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

Analysis

- A review of Council Policy 301 Purchasing revealed required amendments regarding 'Establishment of Pre-Qualified Suppliers'.

Clause	Proposed	Reason
17	Add 'suppliers that'	Minor wording change.
18	Add 18.1 - 18.6	Major wording addition required for compliance with legislation.
15	Add 'All procurement...purchasing officer'.	New clause to ensure record keeping requirements are met.

Relevant documents

Not applicable.

PROCEDURAL MOTION

Moved: Mayor Karen Vernon

Seconded: Cr Jesvin Karimi

Refer this item back to the Policy Committee by October 2022 to consider improvements to procurement of local goods and services, environmental sustainability and social sustainability.

Reason:

The Policy could do more to cover these issues.

Mayor Karen Vernon withdrew her procedural motion.

AMENDMENT:

Moved: Mayor Karen Vernon

Seconder: Cr Jesvin Karimi

Add a second point 2 that reads:

"That Council:

1. Adopts amended Policy 301 Purchasing as attached.
2. Refer this item back to the Policy Committee by October 2022 to consider improvements to procurement of local goods and services, environmental sustainability and social sustainability."

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

Reason:

To ensure that this policy comes back to Policy Committee as soon as possible to consider some significant improvements to the policy whilst still allowing the proposed amendment to go ahead with effect immediately in the meantime.

COUNCIL RESOLUTION (136/2022):

Moved: Cr Jesse Hamer

Seconded: Deputy Mayor Claire Anderson

That Council:

1. Adopts amended Policy 301 Purchasing as attached.
2. Refer this item back to the Policy Committee by October 2022 to consider improvements to procurement of local goods and services, environmental sustainability and social sustainability.

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

16 Applications for leave of absence

COUNCIL RESOLUTION (137/2022):

Moved: Cr Jesvin Karimi

Seconded: Deputy Mayor Claire Anderson

That Council approves a leave of absence:

1. Cr Peter Devereux for the dates of 9 July 2022 to 23 July 2022 (inclusive)
2. Cr Bronwyn Ife for the dates of 11 July 2022 to 18 July 2022 (inclusive).

Carried (7 - 0)

For: Mayor Karen Vernon, Deputy Mayor Claire Anderson, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Wilfred Hendriks and Cr Bronwyn Ife

Against: Nil

17 Motion of which previous notice has been given

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

Nil.

23 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 9.01pm.

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

Signed:
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Dated this: Day of: 2022