



TOWN OF
VICTORIA PARK



Agenda Briefing Forum Notes – 7 September 2021



WE'RE OPEN
VIC PARK

Please be advised that an **Agenda Briefing Forum** was held at **6:30pm** on **Tuesday 7 September 2021** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Her Worship the Mayor Karen Vernon
10 September 2021

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1 About the Agenda Briefing Forum

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

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

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

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

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

Disclaimer

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

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

2 Opening

Mayor Karen Vernon opened the meeting at 6.30pm.

Mayor Karen Vernon invited Cr Wilfred Hendriks to give the Acknowledgement of Country.

3 Acknowledgement of Country

Acknowledgement of the traditional owners

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

4 Announcements from the Presiding Member

4.1 Purpose of the Agenda Briefing Forum

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

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

4.2 Notice of recording and live-streaming

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

4.3 Conduct of meeting

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

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

4.4 Public participation time

There is an opportunity to ask questions and make statements at the beginning of the meeting. Public participation time will be held for 30 minutes. Any additional time must be by agreement from the meeting and will be in five-minute increments.

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

4.5 Questions taken on notice

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

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

5 Attendance

Mayor	Ms Karen Vernon
Banksia Ward	Cr Claire Anderson Cr Ronhhda Potter Cr Wilfred Hendriks Cr Luana Lisandro
Jarrah Ward	Deputy Mayor Bronwyn Ife Cr Vicki Potter Cr Brian Oliver 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 Technical Services Principal Traffic and Design Coordinator	Mr Robert Cruickshank Ms Bana Brajanovic Mr John Wong Mr Frank Squadrito
Secretary Public liaison	Ms Natasha Horner Ms Alison Podmore

5.1 Apologies

Nil.

5.2 Approved leave of absence

Nil.

6 Declarations of interest

Declaration of financial interest

Nil.

Declaration of proximity interest

Name/Position	Cr Jesvin Karimi
Item No/Subject	12.3 - 77A Ashburton Street, East Victoria Park - Proposed Home Business (Yoga Hut)
Nature of interest	Proximity
Extent of interest	I reside on the same street as the proposed home business, and there is a common boundary issue due to the nature of the duplex lot at 77 and 77a Ashburton Street.

Declaration of interest affecting impartiality

Name/Position	Cr Ronnhda Potter
Item No/Subject	11.2 - Resolutions from the 2021 Annual Meeting of Electors
Nature of interest	Impartiality
Extent of interest	Own a business mentioned in resolution 7 & 8.

Name/Position	Cr Jesvin Karimi
Item No/Subject	12.3 - 77A Ashburton Street, East Victoria Park - Proposed Home Business (Yoga Hut)
Nature of interest	Impartiality
Extent of interest	I reside on the same street as the proposed home business, and there is a common boundary issue due to the nature of the duplex lot at 77 and 77a Ashburton Street.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.5 - Club Night Lights Program Application - Harold Rossiter Park
Nature of interest	Impartiality
Extent of interest	I have had meetings with officials of the Victoria Park Soccer Club.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.5 - Club Night Lights Program Application - Harold Rossiter Park
Nature of interest	Impartiality
Extent of interest	I have had a meeting with officials of the Victoria Park Soccer Club about their future needs to play at Harold Rossiter Park, including floodlighting.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.3 - Kent St Sand Pit Concept Options - Response to Council
Nature of interest	Impartiality
Extent of interest	I have attended and have been involved with events run by the Friends of Jirdarup.

7 Public participation time

Vince Maxwell, Victoria Park

1. In regards to page 115 of the Town's agenda and in response to Submitter 2, does the term 'closure decision' refer to the Town's resolution at the Ordinary Council Meeting on 17 September 2021 to request the closure of ROW 54 or the Minister's approval of the Town's request to close ROW 54?

The Chief Operations Officer advised that both options are available to be pursued as per legal advice received.

2. Can you check that legal opinion?

The Chief Operations Officer took the question on notice.

3. When is Basinghall Street scheduled to be road swept?

The Chief Operations Officer took the question on notice.

Niru Perera and Alastair Harris

1. Made a statement not in support of the officer's recommendation of item 12.3 - No. 77A (Lot 119) Ashburton Street, East Victoria Park. They highlighted personal stories and asked Council to support the development application.

Vicki Caufield, East Victoria Park

1. Regarding point 6 of item 13.3 - Kent St Sand Pit Concept Options - Response to Council under 'Other Engagement', can the reference to the description of Professor Kingsley Dixon be corrected to 'expert on restoration of Banksia Jarrah woodlands'?

The Chief Operations Officer took the question on notice.

2. Regarding point 9(J) of item 13.3 - Kent St Sand Pit Concept Options - Response to Council, is the Town planning to take up the opportunity to partner with Curtin University?

The Chief Operations Officer advised that it is an option being considered.

Sam Zammit

1. How much will it cost the ratepayers to issue the new rates notice?

The Acting Chief Financial Officer advised that it is estimated at approximately \$20,000.

2. Will the new notice extend the due dates?

Mayor Vernon advised that there will be new due dates.

3. In regards to the car wash at the Park Centre, why is it coming to Council and not decided by the Manager of Planning?

The Manager Development Services advised that the Town does not have delegation for the recommendation for that planning application, and so will be determined by Council.

4. Made a statement on expressing his concern regarding the water and detergents that would be used for the car wash in the Park Centre undercroft parking area.

John Gleeson

1. Have we received the money on the interest- free loan, and will there be a re-evaluation?

Mayor Vernon advised that payment has not been received as the conditions of the sale have not yet been completed.

The Chief Operations Officer advised that a re-evaluation has not occurred.

2. Made a statement expressing his disapproval of the length of time allowed by the contract.

Klaus Backheuer

1. Will the Town be adopting a 5-star restoration project option as recommended by Professor Kingsley Dixon? If not, how will the Town describe its current project approach in the context of national standards, in terms of how many stars would you rate yourself?

The Chief Operations Officer took the question on notice.

2. Does the Town still propose to remove large sections of the existing natural bushland to create additional pathways through Kensington Bushland?

The Chief Operations Officer advised that the concept plans are currently being revised to ensure low impact on the environment.

3. Is it possible for the Friends of Jirdarup to become a member of the working party for this project?

The Chief Operations Officer took the question on notice.

Emily Clifton, Wilson

1. Made a statement not in support of the officer's recommendation of item 12.3 - No. 77A (Lot 119) Ashburton Street, East Victoria Park. She highlighted personal stories and asked Council to support the development application.

Pat Savina, Victoria Park

1. Made a statement not in support of the officer's recommendation of item 12.3 - No. 77A (Lot 119) Ashburton Street, East Victoria Park. He highlighted personal stories and asked Council to support the development application.

Tamara Bozic, East Victoria Park

1. Made a statement not in support of the officer's recommendation of item 12.3 - No. 77A (Lot 119) Ashburton Street, East Victoria Park. She highlighted personal stories and asked Council to support the development application.

Council agreed to extend public participation time by five minutes.

Saygan Khan, East Victoria Park

1. Made a statement not in support of the officer's recommendation of item 12.3 - No. 77A (Lot 119) Ashburton Street, East Victoria Park. She highlighted personal stories, and asked Council to support the development application.

Leonie Hall and Charlotte Hall, East Victoria Park

1. Made a statement not in support of the officer's recommendation of item 12.3 - No. 77A (Lot 119) Ashburton Street, East Victoria Park. They highlighted personal stories and asked Council to support the development application.

8 Presentations

Nil.

9 Deputations

Belle Smithies (Town Planner, Rowe Group)

1. Made a deputation in support of item 12.2 - No. 384 Berwick Street - Temporary Sales Office and offered Council the opportunity to ask any questions in order to support approval of the development application.

Questions and responses

Cr Wilfred Hendriks

1. Is there any plans for temporary toilets?

Ms Smithies advised that that the temporary sales office is operating by appointment only. Additional toilets are not required by planning approval however it can be looked at the building permit stage.

Kim Williams

1. Made a deputation in support of item 12.3 - 77A Ashburton Street, East Victoria Park - Proposed Home Business. She addressed the reasons against the development application and stated she is prepared to abide by guidelines in order to encourage Council to approve the development application.

Due to a declaration of a proximity interest, Cr Jesvin Karimi left the meeting at 7.27pm.

Questions and responses

Deputy Mayor Bronwyn Ife

1. What is the smallest number of participants in your class?

Ms Williams advised that it can be smaller than 4 students and would be willing to go smaller to adhere to parking requirements.

2. How many people would usually be parked around your property, how many would use cars?

Ms Williams advised that she does not have a specific number as it ebbs and flows.

3. Is there a booking system?

Ms Williams advised that she only accepts bookings and does not allow drop-ins.

4. How big is the tent?

Ms Williams advised that it is 20 square meters.

Cr Ronhdda Potter

1. How many sessions do you run per day and per week?

Ms Williams advised that two classes are run between Monday to Thursday. No classes are being held currently.

2. Are the sessions only in the evenings?

Ms Williams advised yes.

Cr Wilfred Hendriks

1. How many cars does your residency have?

Ms Williams advised that she has a Honda and a caravan.

2. Is the caravan in the driveway?

Ms Williams advised yes.

3. *Do you have other instructors that come or just yourself?*

Ms Williams advised it is just herself.

4. *Does the class run all year around?*

Ms Williams advised yes.

Mayor Karen Vernon

1. *How long have you been running the business from the Ashburton premise?*

Ms Williams advised since 2017.

Cr Jesvin Karimi returned to the meeting at 7.34pm.

10 Method of dealing with agenda business

Questions have been raised by elected members on the following items:

- 11.2 - Resolutions from the 2021 Annual Meeting of Electors
- 12.1 - No. 789 Albany Highway
- 12.3 - 77A Ashburton Street, East Victoria Park - Proposed Home Business (Yoga Hut)
- 12.5 - Club Night Lights Program Application - Harold Rossiter Park
- 13.1 - Community Sporting and Recreation Facilities Fund CSRFF Grants Application
- 13.4 - Portion of ROW 54 Closure
- 13.5 - Progress of Updated Rights of Way Strategy 2021
- 14.1 - Schedule of Accounts for July 2021
- 15.1 - Review of Policy 404 - Fireworks management

Mayor Karen Vernon later indicated she had questions for item 13.3 - Kent St Sand Pit Concept Options - Response to Council.

11 Chief Executive Officer reports

11.1 Minor review of Corporate Business Plan

Location	Town-wide
Reporting officer	Corporate Strategy and Risk Advisor
Responsible officer	Manager Governance and Strategy
Voting requirement	Absolute majority
Attachments	Nil

Recommendation
<p>That Council:</p> <ol style="list-style-type: none">1. Endorses amendments to the Corporate Business Plan 2017-2022, as contained in the analysis section of this report.2. Requests the Chief Executive Officer to publish the amended version of the Corporate Business Plan 2017-2022.

Purpose

To present the minor review of the Corporate Business Plan 2017-2022 and seek endorsement of the proposed changes.

In brief

- Local governments are required to review their Corporate Business Plan every year.
- A minor review has been completed to identify items that have been completed, items that haven't been completed and new items that should be added to the plan because of Council resolutions or budget allocations.
- Council is requested to endorse the proposed amendments to the plan.

Background

1. Regulation 19DA(4) of the Local Government (Administration) Regulations 1996 states "A local government is to review the current corporate business plan for its district every year".
2. The Corporate Business Plan is an internal business planning tool that translates Council priorities into operations within the resources available. The plan highlights the services, operations, projects and initiatives a local government will deliver within a defined period.
3. The Integrated Planning and Reporting Framework (IPRF) is the overarching umbrella which encompasses both the Strategic Community Plan and Corporate Business Plan. It is a set of strategic and operational documents that the Town is required by legislation to prepare to plan for the future of its community. These documents include:

Document	Purpose
Strategic Community Plan	<p>The Strategic Community Plan is a strategic document that provides direction for the Town (and the community) over a 10 to 15-year period. The Town's Strategic Community Plan was last endorsed in June 2019.</p> <p>A major review of the Strategic Community Plan is anticipated to be completed by December 2021.</p>
Corporate Business Plan This is the subject of review.	The Corporate Business Plan is an operational document that activates the Strategic Community Plan over a four-year period. The Corporate Business Plan was last endorsed in September 2020.
Long-Term Financial Plan	The Long-Term Financial Plan is a document that shows how the Town will be able to pay for managing its assets, carrying out capital works, and providing services over a 10-year period. The Long-Term Financial Plan was last endorsed in August 2021.
Asset management plans	Asset planning is intended to integrate the expected cost of maintaining assets at agreed service levels with financial projections informing the Town's Long-Term Financial Plan. The Town's asset management plans were last endorsed in June 2017. The asset management plans for property, transport and parks and recreation are currently under review.
Workforce Plan	Workforce planning is intended to ensure that the Town employs the right people to deliver the right asset management, service provision and capital works. The Town's Workforce Plan was last endorsed in December 2020.

- In September 2020, Council endorsed an amended Corporate Business Plan.
- In August 2021, Council adopted the 2021-2022 annual budget and long-term financial plan.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Sets expectations for what will be delivered by the Town to achieve community priorities listed within the Strategic Community Plan 2017-2032.

Engagement

Internal engagement	
Stakeholder	Comments

C-Suite	Approved the process and direction for the minor review of the Corporate Business Plan.
Staff	Confirmed and justified deliverables with amended deadlines. Confirmed the inclusion of new actions that resulted from Council resolutions or budget allocations, along with whether items could be completed this financial year.

Legal compliance

[Section 5.56\(1\) of the Local Government Act 1995](#)

[Local Government \(Administration\) Regulations 1996 REG 19DA](#)

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	Unable to meet the requirement of a yearly review of the Corporate Business Plan.	Minor	Possible	Medium	Low	Treat risk by completing a review and presenting to Council for endorsement.
Reputation	Negative public perception towards the Town if progress expectations are not being met.	Minor	Likely	Medium	Low	Treat risk by providing commentary around reasons for scheduled delivery dates not being met and why they have been amended.

Service delivery	Town unable to plan resource levels, operational plans and work plans that enable the maintenance of service levels to the community.	Major	Possible	High	Medium	Treat risk by linking Corporate Business Plan responsibilities directly to operational service plans. and Treat risk by conducting a regular review of the Corporate Business Plan, capturing changes in circumstances and new items for delivery.
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Financial implications

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

Analysis

6. This review of the Corporate Business Plan was minor in scope. This is due to the 2021/2022 financial year being the last year of the plan. The review focused on identifying items that have been completed, items that have not been completed and items that should be added to the plan because of Council resolutions or budget allocations.
7. The proposed amendments and any justification are tabled below.

Completed deliverables

8. The following deliverables were completed in the 2020/2021 financial year.

Social

Deliverable	Responsible service area	Strategic initiative
Review the Community Grants Program	Community Development	Positively impact the social health and wellbeing of the community
Develop a Strategic Marketing Plan for the Town's leisure centre	Communications and Engagement	Improve the attendance and quality of the Town's leisure centres

Develop a Literacy and Learning Strategy	Library Services	Increase positive literacy and learning opportunities within the Town
Review the Municipal Heritage Inventory	Urban Planning	Preserve the tangible cultural heritage of the Town
Deliver the Local History Digitisation Strategy	Library Services	Improve knowledge and accessibility of the Town's history

Economic

Deliverable	Responsible service area	Strategic initiative
Review Parking Hotspot Zones 4 and 5	Parking	Improve equitable access to parking
Undertake the Burswood Station East Parking Review	Parking	

Environment

Deliverable	Responsible service area	Strategic initiative
Implement recommendations of the Residential Character Study Area to planning framework	Urban Planning	Ensure a strong sense of place that emphasizes each suburbs' unique characteristics and sense of community
Update the Burswood Station East Planning Framework	Place Planning	
Develop the Climate Change Mitigation Action Plan	Environment	Take action to mitigate climate change
Develop an Environment Plan	Environment	
Develop a strategy and implementation plan for zero emissions vehicles	Environment	
Create a Fleet Training Program	Fleet Services	Ensure the sustainability and reliability of Town fleet and machinery
Review the Asset Management Plan - Fleet	Fleet Services	
Develop a masterplan for Higgins Park and Playfield Reserve	Place Planning	Design and provide public open spaces that are suitable for the current and future needs of the community

Consider alternative landfill options in discussion with Mindarie Regional Council	Waste Services	Reduce the amount of waste directed to landfill
Investigate the introduction of a multi-bin system	Waste Services	

Civic leadership

Deliverable	Responsible service area	Strategic initiative
Enhance functionality of the Town Intranet and Elected Member Portal	Communications and Engagement Governance and Strategy	Increase access to online self-services Improve the flow of information between the Town and community through improving existing online resources and functionality
Develop a Digital Marketing Plan	Communications and Engagement	Improve the flow of information between the Town and community through improving existing online resources and functionality
Develop a Relationship Management Strategy	Communications and Engagement	Improve the way the Town communicates, engages and manages relationships with the Community
Promote the Community Charter	Communications and Engagement	
Confirm location and prepare a Concept Design for Old Spaces New Places Project No. 3	Place Planning	Improve local amenity to create inviting places for people
Deliver the McCallum Park Active Area detailed design	Project Management	
Review the Asset Management Plan - ICT	Technology and Digital Services	Improve the security, reliability and continuity of systems and hardware
Review the ICT Strategic Plan	Technology and Digital Services	
Complete negotiations for the Enterprise Agreement	People and Culture	Develop and sustain a highly skilled and effective workforce
Implement the Leadership Competency Framework	People and Culture	

Implement the Customer Service Delivery Policy Management Practice including Complaints Guidelines	Customer Relations	Improve the standard of customer service provided to the community
Develop a Customer Service Strategy	Customer Relations	
Create an organisation-wide Customer Service training program	Customer Relations People and Culture	
Review the Strategic and Operational risk registers	Governance and Strategy	Provide for sound corporate governance
Develop an internal Decision-Making Framework	Governance and Strategy	
Assess the Town's integrity practices against the Integrity Strategy 2020-2023 for WA Public Authorities	Governance and Strategy	Promote principles of good governance
Implement an internal audit program	Governance and Strategy	
Review the Workforce Plan	People and Culture	Demonstrate strong future planning through the Integrated Planning and Reporting Framework, performance monitoring and evaluation
Review the Long-Term Financial Plan	Finance Officer	
Improve corporate performance monitoring and reporting	Governance and Strategy	
Conduct a review of Asset Planning's operations	Asset Planning	Ensure the effective and efficient delivery of services while meeting community needs
Conduct a review of Communications and Engagement's operations	Communications and Engagement	
Conduct a review of Community Development's operations	Community Development	
Conduct a review of Healthy Community's operations	Healthy Community	
Conduct a review of Project Management's operations	Project Management	
Conduct a review of Ranger Services' operations	Ranger Services	
Conduct a pilot for participatory budgeting	Financial Services	Build capacity of the community through better partnerships

	Communications and Engagement	
Design a 'Community Governance' Framework	Governance and Strategy	
Implement changes to the Local Government Act	Governance and Strategy	Comply with legislation and standards to ensure consistent, transparent and ethical governance
Conduct internal training on Project Management and Delivery	People and Culture	Ensure the successful delivery of strategic and operational Town projects

Deliverables with amended deadlines

9. The following deliverables were not delivered in the 2019/2020 or 2020/2021 financial year. Reasons for delays have been provided. Due dates are proposed to be amended to 2021/2022.

Deliverable	Responsible service area	Due date	Reason deliverable not completed
Investigate the development of a plan for the Kent Street Sand Pit consistent with its zoning.	Parks and Reserves	June 2020	Options and consideration report was completed. Planning based on that report resulted in several concept options put to Council. Council resolved for a flora and fauna, geotechnical and water investigation to be carried out for the site.
Update the Business Continuity Plan	People and Culture	June 2020	<p>The Town's Local Emergency Management Agreement (LEMA) was presented to C-Suite for endorsement. Changes requested included:</p> <ul style="list-style-type: none"> • clarification of the Town's response procedures for all emergency scenarios • inclusion of a communication plan for the dissemination of the guidelines • development of a training program and competency framework for managers and

			<p>leaders in emergency management.</p> <p>These changes are currently being developed for inclusion in the updated Business Continuity Plan.</p>
Develop an Integrated Complaints Management Framework	People and Culture	June 2020	<p>The Integrated Complaints Management Framework was drafted in early 2019/20.</p> <p>With the introduction of changes to the Code of Conduct requirements in the <i>Local Government Act 1995</i>, completion of the framework was delayed until endorsement of the changes occurred.</p> <p>The Town's new Code of Conduct was endorsed by C-Suite in July 2021.</p>
Conduct a review of Street Operations' operations	Street Operations	June 2020	<p>The review was delayed due to a capacity issue. A consultant has now been appointed but will commence after Assets area is completed. To be completed this financial year.</p>
Conduct a review of Waste Services' operations	Waste Services	June 2020	<p>The review was delayed due to a capacity issue. A Consultant has now been appointed but will commence after Asset management area is completed. To be completed this financial year.</p>
Review the Asset Management Plan – Transport	Asset Planning	June 2021	<p>The consultant engaged to undertake the review of the Asset Management Plans in November 2020 delayed the process due to capacity, along with resourcing shortages in the Asset Planning service area. The Draft Transport Asset Management Plan has been received and is currently being reviewed by Engineering teams. Will be presented to C-Suite to be circulated to Elected Members by September 2021. A further review of the Asset Management Plans will</p>

			be required following the adoption of new SCP and CBP.
Review the Asset Management Plan – Property	Asset Planning	June 2021	The consultant engaged to undertake the review of the Asset Management Plans (AMP) in November 2020 delayed the process due to capacity, along with resourcing shortages in the Asset Planning service area. Draft Property AMP has been received and is currently being reviewed. Will be presented to C-Suite to be circulated to Elected Members by September 2021. A further review of the Asset Management Plans will be required following the adoption of new SCP and CBP.
Review the Asset Management Plan – Parks and Recreation	Asset Planning	June 2021	The consultant engaged to undertake the review of the Asset Management Plans in November 2020 delayed the process due to capacity, along with resourcing shortages in the Asset Planning service area. Draft Parks and Recreation AMP has been received and is currently being reviewed. Will be presented to C-Suite to be circulated to Elected Members by September 2021. A further review of the Asset Management Plans will be required following the adoption of new SCP and CBP.
Implement an Asset Management System	Asset Planning	June 2021	This project was to be delivered over a three-year period with full implementation due by June 2022. At the completion of 2020/21, the Asset Management System is live with all asset data imported, including asset valuations. The accounting and valuation modules are completely active. The maintenance module has been delayed due to integration issues with the Customer Request Management System. The maintenance module with in-field

			data collection will be rolled out to all asset teams this financial year.
Develop an Asset Management Framework	Asset Planning	June 2021	A consultant has been engaged to develop an Asset Management Framework alongside the review of the Asset Management Plans. The framework will be dependent on the asset improvement actions and the implementation of the Asset Management System.
Conduct statutory swimming pool and spa compliance inspections	Building Services	June 2021	The majority of pool inspections have been completed with remainder expected to be completed in September 2021. The delay was due to COVID-19 and the risk to staff and landowners during inspections.
Oversee development of the Town's Advocacy Strategy	Communications and Engagement	June 2021	<p>A draft strategy and policy has been developed.</p> <p>The policy was presented to the Policy Committee in August 2021 and will be recommended to Council in November 2021 due to caretaker period restrictions. The delay was due to Policy Committee referring the policy back to a concept forum for further consideration.</p> <p>The strategy will be presented to Council in November 2021 for adoption.</p>
Complete the major review of the Strategic Community Plan	Governance and Strategy	June 2021	The project was planned to be delivered by December 2021 from the outset to allow for it to be resourced internally by secondment, in addition to existing duties.
Develop a Parking Benefits Strategy	Parking	June 2021	Project slightly delayed to ensure robust public engagement on the development of, and feedback on, the draft guiding strategies and plans.

			There has been significant progress toward this deliverable with Council, at its June 2021 meeting, approving the advertising of the draft Transport Strategy and draft Parking Management Plan for public comment. This includes a parking benefits strategy. Council also approved the creation of a Parking Benefits Reserve in the 2021/22 annual budget.
Implement upgrades to the Higgins Park Tennis Courts	Parks and Reserves	June 2021	The majority of upgrades were completed. There was a hold up regarding the choice of shade sail and furniture requested by the club. Apart from dealing with an ongoing power fluctuation issue, the upgrades are finished.
Deliver GO Edwards Stage 4	Parks and Reserves	June 2021	Delay due to procurement and scheduling works with the adjacent ROW 59 upgrades. Works are underway currently.
Deliver GO Edwards Stage 5	Parks and Reserves	June 2021	Delay due to procurement and scheduling works with the adjacent ROW 59 upgrades. Works are underway currently.
Review the Cultural Optimisation Strategy	People and Culture	June 2021	<p>The current Cultural Optimisation Strategy will be completed in August 2021.</p> <p>The biannual organisational culture survey was completed in July 2021. Results from this will form the basis for the development of the new Cultural Optimisation Strategy for 2021/22.</p>
Conduct a review of Street Improvement's operations	Street Improvement	June 2021	Service area was focusing on delivery of design and related works earlier in the financial year. The consultant was appointed later in the financial year and spent significant hours interviewing stakeholders.

Design Stage 2 & 3 of the Rutland Avenue Principal Shared Path project	Street Improvement Project Management Office	June 2021	Stage 2 has been constructed. Stage 3 is in progress but significantly delayed due to land acquisition complications and associated design iterations/constraints to comply with various requirements including those of funding agency.
Review the Disaster Recovery Plan	Technology and Digital Strategy	June 2021	Consultants were engaged to complete this plan, however, it was delayed due to staff turnover in the service area.
Review the ICT Security Plan	Technology and Digital Strategy	June 2021	Delay due to roll out of Microsoft 365 licenses to all staff and resignation of Manager.
Deliver the Library Radio Frequency Identification project	Technology and Digital Strategy	June 2021	Project delayed due to COVID-19 state border restrictions. Consultants from Victoria were supposed to be onsite in July 2021 to complete the RFID installation but was rescheduled due to travel restrictions.
Assess the introduction of a "Community Portal" for existing systems to facilitate online e-business transactions	Technology and Digital Strategy	June 2021	Project will commence after the Town's core business system – Authority is upgraded to its latest version. This is scheduled to be completed by November 2021.
Prepare the Scheme Heritage List	Urban Planning	June 2021	Reliant upon adoption of revised Local Heritage Survey, which occurred in June 2021. Scheme Heritage List to now be progressed.
Review the Reconciliation Action Plan	Community Development	June 2021	Reconciliation Australia was delayed in providing approval to the Town for progression to developing an Innovate RAP, coupled with staff resourcing challenges. The Town has continued delivery of its Reflect RAP in meeting its reconciliation objectives.

Implement the use of mobile computing for environmental health inspections	Environmental Health	June 2021	This project is reliant upon upgrades to the Town's core business system – Authority, which was delayed.
Review and update the Albany Hwy Planning Framework	Place Planning	June 2021	In the 2020/21 financial year, the Town created a detailed project brief, released the scope to the market, procured the consultant team and commenced work. The project is a multi-year project and a planning exercise of significant complexity. It is therefore proposed to alter the completion date to June 2023.
Evaluate existing traffic calming projects installed via the Lathlain Traffic Management Plan and report to Council	Street Improvement	June 2021	Further traffic data collection was planned for this precinct in 2020/2021. This was however delayed due mainly to the concern that the works related to partial road closure trialing required by Main Roads WA would result in traffic spillage coming off Roberts Road. The traffic data collected to date is being reviewed with consideration of the above impact and will be presented to Council.

New deliverables

10. The following deliverables are included because of Council resolutions or budget allocations in the 2021/2022 annual budget. All items are to be completed by June 2022.

Deliverable	Responsible service area	Strategic outcome	Strategic initiative
Prepare a business case for the delivery of the Burswood Station East public realm	Place Planning Project Management	EN1 - 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	Ensure a strong sense of place that emphasises each suburb's unique characteristics and sense of community
Update the 10-year Rights of Way Capital Works Program	Street Improvement	EN2 - A safe, interconnected and well maintained transport	Create better and more accessible road

		network that makes it easy for everyone to get around	networks within the Town
Initiate a review of the Rights of Way Strategy	Street Improvement	EN2 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around	Create better and more accessible road networks within the Town
Implement 2021/2022 Climate Emergency Plan actions	Environment	EN4 – A clean place where everyone knows the value of waste, water and energy	Take appropriate climate change mitigation and adaptation action
Develop a location business case for the Organisation Accommodation Project	Project Management	EN5 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed	Ensure the long-term asset and service provision sustainability of significant community buildings and other assets
Progress the delivery of the Edward Millen Park redevelopment to coincide with the Edward Millen House heritage restoration	Property and Leasing Project Management	EN6 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed	Better utilise and beautify existing parks and reserves for the benefit of the community
Initiate the Higgins Park and Playfield Reserve detailed design	Project Management	EN6 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed	Better utilise and beautify existing parks and reserves for the benefit of the community
Finalise the Kent Street Sandpit concept plan	Environment	EN6 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed	Better utilise and beautify existing parks and reserves for the benefit of the community
Continue advocating for external funding for the McCallum Park Active Area	Project Management C-Suite	EN6 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed	Better utilise and beautify existing parks and reserves for the benefit of the community

Investigate partnership and location opportunities available for the Victoria Park Xavier Hockey Club	Place Planning	CL2 – A community that is authentically engaged and informed in a timely manner	Improve the way the Town communicates, engages and manages relationships with the Community
Deliver the Etwell Street Revitalisation Upgrade	Project Management	CL3 – Well thought out and managed projects that are delivered successfully	Improve local amenity to create inviting places for people
Deliver stage one of the Archer and Mint Street Streetscape Improvement Plan	Project Management	CL3 – Well thought out and managed projects that are delivered successfully	Improve local amenity to create inviting places for people
Review the Meeting Procedures Local Law 2019	Governance and Strategy	CL8 - Visionary civic leadership with sound and accountable governance that reflects objective decision making	Provide for sound corporate governance

Next steps

11. The Corporate Business Plan will be updated to reflect any changes made by Council because of this report. Lead and supporting service areas will also be reviewed and clarified to capture any changes since the plan was adopted by Council. An example of this is the Healthy Community service area now being incorporated into the Community Development service area and the creation of the new Events, Arts and Funding service area.
12. The updated version will be made available on the Town’s website and as a paper version at the Town’s administration building and library. Any future reporting on Corporate Business Plan deliverables will take any changes into account.
13. A major review and reset of the Corporate Business Plan will be completed after the adoption of the major review of the Strategic Community Plan. The new Corporate Business Plan will be developed alongside the 2022/2023 annual budget, ready to be delivered in the 2022/2023 financial year.

Relevant documents

- [Corporate Business Plan 2017-2022](#)
- [DLGSC IPR Framework and Guidelines](#)

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

11.2 Resolutions from the 2021 Annual Meeting of Electors

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

Recommendation

That Council:

1. Receives the 13 resolutions carried at the Annual Meeting of Electors held on 28 July 2021.
2. Endorses the following actions in response to the resolutions.

Electors' Resolution

Council Action

Resolution 1

That Council:

1. Prioritises its review of whether a person should be able to park a vehicle on a verge in the Town of Victoria Park, recognizing that parking on verges inhibits its ability to achieve its Urban Forest Strategy outcomes and canopy targets.
2. As a result of point 1, Council reviews residential parking permits to readily allow residents to street park in areas with parking restrictions to stop them parking on their verges.
3. Investigates the prospect of allowing residents access to street parking permits in timed and paid parking zones within the Raphael Park area.
4. The Town of Victoria Park conduct community consultation within the Raphael Park area in reference to reviewing street parking restrictions.

That Council:

1. Requests the Chief Executive Officer to proceed with the scheduled Concept Forum item in September 2021, to discuss verge parking across the Town.
2. Considers parking management holistically, as part of consideration of the new Transport Strategy and Parking Management Plan.

Resolution 2

That the Town:

1. Investigate the management of the JA Lee Reserve including and specifically its continued designation as a dog exercise area as stated on the Town's website.
2. Replace and improve the existing on-site signage, and include additional signs on Streatley and Midgely Street frontages, in this 2021-2022 financial year.

That Council notes that the installation of replacement/additional signage is anticipated to be completed by 31 October 2021.

Resolution 3

That Council proceed with the Edward Millen House project with Blackoak as proposed on the Town's website.

That Council notes the elector's resolution.

<p>Resolution 4</p> <p>That the vote for motion number 1 on 22 July 2021 from the Special Meeting of Electors be set aside as it is unrepresentative due to the late hour preventing a representative attendance of electors.</p>	<p>That Council notes the elector’s resolution however, no further action can be taken.</p>
<p>Resolution 5</p> <p>That the Town provide a cost benefit analysis of the current road sweeper arrangement with the City of South Perth, in view of the phasing out the contract.</p>	<p>That Council notes the cost/benefit analysis provided in this report.</p>
<p>Resolution 6</p> <p>That the Town seriously consider imposing a levy on builders when they put an application in to build a building in the Town for the remuneration to be paid to the Town for the damage they do to Town infrastructure whilst the building is going on, and for the Town to inspect construction sites during construction periodically.</p>	<p>That Council approves the Chief Executive Officer to investigate administrative compliance improvement opportunities such as the potential realignment of certain positions within the organisational structure and report back on findings to the February 2022 Ordinary Council Meeting.</p>
<p>Resolution 7</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Implements game and event day parking restrictions in the surrounding street network in Lathlain prior to or as close to the commencement of the 2022 football season to mitigate impact on amenity. The surrounding street network is that identified in the Lathlain Park Management Plan. 2. Identifies the parking restrictions according to time, days, and months, by means of clear and regular interval signage in the streets; replacing faded signs as a priority. 3. Ensures the parking restrictions enable the safe passage of vehicles and pedestrians and allows for emergency access with consideration that one side of each street prohibits parking on game and event days as required. 4. Considers issuing resident parking permits similar to those implemented in Burswood Peninsula in December 2020. 5. Provides an implementation update on points 1, 2 and 4 through appropriate Town mechanisms such as the Ordinary Council Meeting on a regular basis, such as bi-monthly. 	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes the elector’s resolution when considering the draft Parking Management Plan, which includes the following proposed actions: <ol style="list-style-type: none"> a. Review the parking demands on event days to gather information to allow more efficient parking management for future events b. Use this information to educate visitors of the available and preferred parking locations c. Encourage the West Coast Eagles management to provide incentives for catching the train to attend events d. Improve the streetscape from Victoria Park Station to Lathlain Park to encourage the use of other forms of transport which reduces parking capacity requirements. 2. Notes that a review of signage in the Lathlain Park area and broadly across the Town is ongoing. Replacement of

faded/damaged signs is a priority and will continue to occur.

3. Requests the Chief Executive Officer to conduct a review (post major event with 4,500-6,500 patrons in attendance) of those roads impacted by events at Lathlain Oval and investigate those streets which will require parking to be reduced, on the basis of traffic safety, to one side only dependent on road width/occupancy levels and a risk assessment.

Resolution 8

That Council:

1. Includes the streets surrounding the Lathlain side of the Victoria Park train station within section '4.6 Victoria Park Station Parking Plan' in the final Town of Victoria Parking Management Plan to ensure there is ongoing parking management, including parking controls, to mitigate impact on amenity.
2. Investigates and determines parking controls around the streets surround the Lathlain side of the Victoria Park train station to manage Optus Stadium events at a minimum in line with those controls implemented in the Burswood Peninsula by the end of 2022.
3. Mitigates impact on amenity and investigates and determines parking controls in the streets surrounding the Lathlain side of the Victoria Park train station which is at least equitable to the current restrictions in place on the surrounding streets of the Victoria Park side of the Victoria Park train station by the end of 2022.

That Council notes the elector's resolution when considering the draft Parking Management Plan.

Resolution 9

That Council:

1. Retains sumps within the Town for the purpose of drainage.
2. Investigates adding additional Town sumps to the Public Open Space Strategy.
3. Does not include sumps in the Land Asset Optimisation Strategy.

That Council:

1. Endorses the Chief Executive Officer to retain existing drainage basins for the purpose of managing stormwater.
2. Notes that a future review of the Public Open Space Strategy will investigate the potential to add drainage basins into the Town's and 'Green Basins and Micro Parks' program.
3. Notes the review of the Land Asset Optimisation Strategy will be undertaken as part of the Corporate

	<p>Business Plan deliverables for FY 22. As part of the process drainage basins will be included for review as they are freehold land.</p>
<p>Resolution 10</p> <p>That Council requests the CEO to report back to the Council by December 2021:</p> <ol style="list-style-type: none"> 1. On a policy or plan on the viability of affordable and social housing for developers. 2. On a policy or plan on sustainable housing for developers. 	<p>The Council notes the actions within the draft Local Planning Strategy and intended preparation of a draft local planning policy relating to environmentally sustainable design.</p>
<p>Resolution 11</p> <p>That Council convene a citizens climate assembly along the lines of those held in Lamberth/Brixton and a national assembly, both held in the United Kingdom; within the next 12 months, preferably before 31 December 2021.</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes that the administration will continue to implement the endorsed Climate Emergency Plan. 2. Endorses the Chief Executive Officer to arrange a meeting with the community members who brought this motion, to determine the details of a Citizens Assembly and seek to understand how this assembly would operate (e.g. roles, outcomes sought) relative to the implementation of the endorsed Climate Emergency Plan.
<p>Resolution 12</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt a water sensitive urban design strategy for the whole of the Town and implement a stage plan to adapt all of the Town's infrastructure to water sensitive urban design by 2050. 2. Engages with all relevant external stakeholders in the development and implementation of a water sensitive urban design strategy. 	<p>The Council notes the action within the draft Local Planning Strategy to prepare a Stormwater Management Plan.</p>
<p>Resolution 13</p> <p>That Council investigate and implement a traffic calming treatment on Teague Street, between Harper Street and Harvey Street, Burswood.</p>	<p>That Council endorses the Chief Executive Officer to further investigate the traffic conditions on Teague Street, in the section between Harper Street and Harvey Street, using the Town's traffic warrant system and report back with findings by February 2022.</p>

Purpose

For Council to receive the resolutions from the Annual Meeting of Electors held on 28 July 2021 and endorse the resulting actions.

In brief

- The Annual Meeting of Electors was held on 28 July 2021.
- 13 resolutions were carried by electors at the meeting.
- These resolutions and their resulting actions are being presented to Council, as per Policy 053 – Meeting of electors.

Background

1. The Annual Meeting of Electors was held on 28 July 2021.
2. There were 24 electors present at the meeting.
3. 13 resolutions were carried by electors.
4. These resolutions and their resulting actions are being presented to Council, as per Policy 053 – Meeting of electors.

Strategic alignment

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

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

Engagement

Internal engagement	
Stakeholder	Comments
Infrastructure Operations	Provided comments and recommendations on the resolutions of the Annual Meeting of Electors.

Parking Services	Provided comments and recommendations on the resolutions of the Annual Meeting of Electors.
Place Planning	Provided comments and recommendations on the resolutions of the Annual Meeting of Electors.
Property Development and Leasing	Provided comments and recommendations on the resolutions of the Annual Meeting of Electors.
Ranger Services	Provided comments and recommendations on the resolutions of the Annual Meeting of Electors.
Technical Services	Provided comments and recommendations on the resolutions of the Annual Meeting of Electors.

External engagement	
Stakeholders	Electors
Period of engagement	Wednesday, 28 July 2021 from 6.30pm to 9.51pm
Level of engagement	3. Involve
Methods of engagement	Annual Meeting of Electors
Advertising	The Annual Meeting of Electors was advertised using the following methods: <ul style="list-style-type: none"> Public notice in The West Australia on Saturday 10 July 2021 Social media posts Town of Victoria Park website – public notice and event Public noticeboard at the administration building and library
Submission summary	A total of 13 motions were raised at the meeting. All motions were carried.
Key findings	The summary of information is provided in the analysis below.

Legal compliance

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

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

Risk management consideration

Risk 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					Low	

Environmental						Medium
Health and safety						Low
Infrastructure/ ICT systems/ utilities						Medium
Legislative compliance						Low
Reputation	Negative public perception and reduction in willingness to engage with the Town if resolutions are not supported by Council.	Minor	Likely	Moderate	Low	TREAT risk by providing reasons and justification why items are not supported.
Service delivery						Medium

Financial implications

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

Analysis

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

Resolution 1
<p>That Council:</p> <ol style="list-style-type: none"> 1. Prioritises its review of whether a person should be able to park a vehicle on a verge in the Town of Victoria Park, recognising that parking on verges inhibits its ability to achieve its Urban Forest Strategy outcomes and canopy targets. 2. As a result of point 1, Council reviews residential parking permits to readily allow residents to street park in areas with parking restrictions to stop them parking on their verges. 3. Investigates the prospect of allowing residents access to street parking permits in timed and paid parking zones within the Raphael Park area. 4. The Town of Victoria Park conduct community consultation within the Raphael Park area in reference to reviewing street parking restrictions. <p>For: 16 Against: 0</p>

Officer comment

The Town recently adopted its *Vehicle Management Local Law 2021* in July that regulates verge parking.

While verge parking does have some impact on the ability to provide continuous street tree provision to the Town and achieve UFS strategic outcomes, officers have gained an understanding that verge parking is perceived as essential by some members of the community, particularly in more built-up areas. In each case the adjacent property owner can choose to park on the verge, request the planting of street trees or both. For those residences with insufficient parking, permits are already available on the [Town Website](#).

The Parking Permit Policy available on the [Town Website](#) was reviewed in April 2020 and contains provisions whereby residents may apply for a parking permit.

The Towns draft Transport Strategy and Parking Management Plan, to be considered by Council in November 2021, do not include provisions to extend parking permits however, include:

- The issue of residential permits to be in line with the existing adopted policy
- Residential parking permits are not to be extended to new or improved activity centers
- Regularly review all permit types and their applications in line with future place planning.

A parking review including the Raphael Park Area review was conducted in March 2021. The report identified areas of high occupancy which resulted in community consultation and changes to the below streets. No other areas with high occupancy or compliance issues were identified.

Implemented timed parking restrictions:

- Hordern Street (Colomobo St and Armagh St) - 2P 8am-5:30pm Mon-Fri
- Armagh Street (Berwick St and Gloucester St) 4P 8am-5:30pm Mon-Fri
- Colombo Street (Berwick St and Gloucester St) 4P 8am-5:30pm Mon-Fri
- Raphael Carpark 2P 8am-5:30pm Mon-Fri.

Removal of verge parking restrictions:

- Colombo Street (Albany Highway and Hordern Street).

Proposed Council action

That Council:

1. Requests the Chief Executive Officer to proceed with the scheduled Concept Forum item in September 2021, to discuss verge parking across the Town.
2. Considers parking management holistically, as part of consideration of the new Transport Strategy and Parking Management Plan.

Resolution 2

That the Town:

1. Investigate the management of the JA Lee Reserve including and specifically its continued designation as a dog exercise area as stated on the Town's website.
2. Replace and improve the existing on-site signage and include additional signs on Streatley and Midgely Street frontages, in this 2021-2022 financial year.

For: 8 Against: 0

Officer comment

In March 2019, Council endorsed reserves across the Town as dog exercise areas, including JA Lee Reserve.

Dogs require exercise and the opportunity to socialise with other dogs for their health and well-being. The principle behind this outcome is that good health is the cornerstone of a happy and connected community.

A review of available information related to JA Lee reserve indicates:

- An inspection of the Towns database shows that no reports of dog fouling or dog related issues have been received in the last 12 months.
- The Town's Rangers conduct patrols of all parks for various issues, including dog fouling, however, no instances issues have been noted at JE Lee Reserve.

The Town had previously identified the need to replace/add signage to the reserve and installation is scheduled.

Proposed Council action

That Council notes that the installation of replacement/additional signage is anticipated to be completed by 31 October 2021.

Resolution 3

That Council proceed with the Edward Millen House project with Blackoak as proposed on the Town's website.

For: 10 Against: 5

Officer comment

On 2 August 2021, Council endorsed proceeding with the Ground Lease to Blackoak and for the Town to undertake the public consultation process under Section 3.58 of the *Local Government Act 1995*. This is a milestone achievement in continuing to proceed with the Edward Millen Heritage Redevelopment project.

Proposed Council action

That Council notes the elector's resolution.

Resolution 4

That the vote for motion number 1 on 22 July 2021 from the Special Meeting of Electors, be set aside as it is unrepresentative due to the late hour preventing a representative attendance of electors.

For: 9 Against: 6

Officer comment

The Town notes the electors' resolution however, the matter considered at the Special Meeting of Electors was passed at the Special Council Meeting held on 2 August 2021. No change can be made to a vote passed therefore, no further action can be taken or is required.

Proposed Council action

That Council notes the elector's resolution however, no further action can be taken.

Resolution 5

That the Town provide a cost benefit analysis of the current road sweeper arrangement with the City of South Perth, in view of the phasing out the contract.

For: 9 Against: 1

Officer comment

The most recent analysis done on this resource sharing indicated that there is a net benefit to Town to continue to service the City of South Perth.

A total of approximately three months a year is spent on road sweeping within the City of South Perth. The Town retains the service of the road sweeper for use within the Town for on demand sweeping and for programmed sweeping during the months when the Town's streets have higher sweeping demand.

Total income per year:	\$96,957
Operational costs:	
Staffing - operator	\$24,291
Repairs and maintenance	\$17,865
Depreciation	\$23,077
Administrative overheads	\$6,523
ToVP after hours street sweeping to the Town's benefit	\$24,789
Total expenditure per year:	\$95,546

Proposed Council action

That Council notes the cost/benefit analysis provided in this report.

Resolution 6

That the Town seriously consider imposing a levy on builders when they put an application in to build a building in the Town for the remuneration to be paid to the Town for the damage they do to Town infrastructure whilst the building is going on, and for the Town to inspect construction sites during construction periodically.

For: 8 Against: 2

Officer comment

Officers have further investigated the cost of reinstating damaged verge assets such as footpaths and kerbs, including compliance practices of various local governments within the WA metropolitan area. Officers also sought advice from the Western Australian Local Government Association. On a weekly basis, the Town processes numerous applications such as subdivision approvals, building permits, demolition licenses and other work-zone applications. All these activities relating to development in the Town have the potential to damage Council infrastructure. Proactively monitoring activities by third parties, liaising with contractors and administering enforcement does not necessarily equate to positive outcomes for stakeholders and can sometimes lead to lengthy disputes and escalations to Senior staff members.

Considering the staff resource implications required by other local governments to administer their bond system, it is estimated that the annual cost of reinstatement incurred by the Town has been less than the cost of additional full time employees required to administer the required actions associated with a verge bond or levy system. This new employee cost could however be reduced or eliminated if certain positions within the Town be realigned and co-located.

Further internal organisation restructuring opportunities will be considered with a view of improving the process and the enforcement of the Town's verge protection requirements. For example, a clerk of works position is an option being investigated to assist with managing external contractors on site. This will be further explored as part of the Street Improvement Operational Review.

Proposed Council action

That Council approves the Chief Executive Officer to investigate administrative compliance improvement opportunities such as the potential realignment of certain positions within the organisational structure and report back on findings to the February 2022 Ordinary Council Meeting.

Resolution 7

That Council:

1. Implements game and event day parking restrictions in the surrounding street network in Lathlain prior to or as close to the commencement of the 2022 football season to mitigate impact on amenity. The surrounding street network is that identified in the Lathlain Park Management Plan.
2. Identifies the parking restrictions according to time, days, and months, by means of clear and regular interval signage in the streets; replacing faded signs as a priority.

3. Ensures the parking restrictions enable the safe passage of vehicles and pedestrians and allows for emergency access with consideration that one side of each street prohibits parking on game and event days as required.
4. Considers issuing resident parking permits similar to those implemented in Burswood Peninsula in December 2020.
5. Provides an implementation update on points 1, 2 and 4 through appropriate Town mechanisms such as the Ordinary Council Meeting on a regular basis, such as bi-monthly.

For: 11 **Against:** 0

Officer comment

A parking area review was conducted March 2018 with the following findings and actions.

Parking Occupancy

To determine the occupancy of parked vehicles in the streets, three scenarios were observed and analysed including weekday traffic, a Lathlain Oval game day and AFL game day at Optus Stadium

Normal weekday traffic

Bishopsgate Street experiences a medium-high to very high occupancy rate. This may be due to its proximity to the train station. It may also be due to the demand from residents as much of this section of the street has experienced "urban infill" development.

Staines Street and Gallipoli Street (Staines Street and Howick Street) appear to be attractive to train commuters. This is due to its quiet nature and comfortably allows parking on both sides and two-way traffic flow. The effect, however, is limited to about halfway to Goddard Street and past Howick Street whereupon it has a low occupancy rate.

Forster Avenue has a medium-low to medium-high occupancy rate.

Keyes Street between Howick Street and Petherbridge Street has a medium-high occupancy rate. This is, however, adjacent to the Lathlain Primary School and appears to function as a carpark for the staff and visitors to the school.

Lathlain Oval game day

It is evident that patrons of the Lathlain Oval are trying to obtain parking as close as possible to the venue.

Parking management on the day resulted in the south side verge of McCartney Crescent being used for informal 90-degree angle parking and was very heavily utilized (this parking has since been formalised).

It was observed that there was significant illegal parking in Kessack Street and Saleham Street in contravention of the no parking signs installed specifically for the WAFL season.

Lathlain Place appears to be utilised for event parking and this may be adversely affecting some businesses in this location.

The impact of the event appears to be constrained within a 400m radius of the event entry gates.

AFL at Optus Stadium

It appears that the impact of the Stadium event has a limited impact on the parking occupancy rate in the nearby streets. However, the residual impact from the Lathlain Oval event is affecting these measurements. The only conclusion that can be drawn is that the parking occupancy at this time is less than the peak parking occupancy during the Lathlain Oval event.

General observations:

The Victoria Park Train Station has limited impact on the nearby streets with only a small length of Staines Street and Gallipoli Street being unduly affected. Bishopsgate Street shows a very high occupancy in the indented car parking bays on the south side closest to Rutland Avenue but as there are only four bays available these may be residents and not commuters.

There is underutilised parking available in Rutland Avenue between Bishopsgate Street and Roberts Road. This is ideally located to service the Victoria Park Railway Station and the Lathlain Oval.

There is underutilised parking available in the area within 800m of the Lathlain Oval.

It is noteworthy that the Western Australian Planning Commission document "Liveable Neighborhoods" states:

"Most people will consider walking up to 400 metres to access services and facilities, or 800 metres to a train station or higher-order centre."

It is therefore reasonable to assume that the current demand for event parking does not outweigh supply at this time.

Additional restrictions are not supported at this time based on measured occupancy however, should additional restrictions be triggered in future by the intervention matrix included in the draft Parking Management Plan, the requested level detail on signage can be included.

The Town has an ongoing signs audit program to identify and replace faded/damaged signs. Due to the high volume of signs identified, delays in replacement are being experienced.

From a technical perspective, low volume roads that have parking on both sides of the carriageway whilst also maintaining 3m between parked vehicles, is generally acceptable. The added advantage of this is that the speed environment is reduced as vehicles must yield and find gaps to allow other motorists to pass. It should be noted that overall available parking for the area would be reduced by this proposal.

A review of the Policy 351 – Parking Permit completed in April 2020, available on the [Town's website](#) allows one permit to access on-street parking where properties do not comply with the on-site parking requirements of the State Planning Policy 7.3. In addition, actions as part of the draft Parking Management Plan include:

- The issuance of residential permits to be in line with the existing adopted policy
- Residential parking permits are not to be extended to new or improved activity centers
- Regularly review all permit types and their applications in line with future place planning.

If endorsed by Council, there is a resolutions register that captures the decision and Council can choose to request a quarterly update as part of the regular corporate business plan reporting or more frequently.

Proposed Council action

That Council:

1. Notes the elector's resolution when considering the draft Parking Management Plan, which includes the following proposed actions:
 - a. Review the parking demands on event days to gather information to allow more efficient parking management for future events
 - b. Use this information to educate visitors of the available and preferred parking locations
 - c. Encourage the West Coast Eagles management to provide incentives for catching the train to attend events
 - d. Improve the streetscape from Victoria Park Station to Lathlain Park to encourage the use of other forms of transport which reduces parking capacity requirements.
2. Notes that a review of signage in the Lathlain Park area and broadly across the Town is ongoing. Replacement of faded/damaged signs is a priority and will continue to occur.
3. Requests the Chief Executive Officer to conduct a review (post major event with 4,500-6,500 patrons in attendance) of those roads impacted by events at Lathlain Oval and investigate those streets which will require parking to be reduced, on the basis of traffic safety, to one side only dependent on road width/occupancy levels and a risk assessment.

Resolution 8

That Council:

1. Includes the streets surrounding the Lathlain side of the Victoria Park train station within section '4.6 Victoria Park Station Parking Plan' in the final Town of Victoria Parking Management Plan to ensure there is ongoing parking management, including parking controls, to mitigate impact on amenity.
2. Investigates and determines parking controls around the streets surround the Lathlain side of the Victoria Park Train Station to manage Optus Stadium events at a minimum in line with those controls implemented in the Burswood Peninsula by the end of 2022.
3. Mitigates impact on amenity and investigates and determines parking controls in the streets surrounding the Lathlain side of the Victoria Park train station which is at least equitable to the current restrictions in place on the surrounding streets of the Victoria Park side of the Victoria Park Train Station by the end of 2022.

For: 9 Against: 0

Officer comment

The draft Parking Management Plan has not yet been considered for endorsement by Council. The areas identified within the draft Parking Management Plan align to the Town's existing place designations. Regardless of the place in which a street or area is aligned, the intent of the draft Parking Management Plan is to ensure all areas receive ongoing parking management through the intervention matrix.

The Town's event permits are restricted to the Peninsula area to address the impacts of a 60,000 seat stadium event. The attendance at Lathlain park is capped at approximately 10% of this figure at 6,500, as such extension of event day permits is not supported. A review of the Policy 351 – Parking Permit was completed in April 2020, available on the [Town's website](#), which allows one permit to access on-street

parking where properties do not comply with the on-site parking requirements of the State Planning Policy 7.3.

In addition, actions as part of the draft Parking Management Plan include:

- The issuance of residential permits to be in line with the existing adopted policy
- Residential parking permits are not to be extended to new or improved activity centres;
- Regularly review all permit types and their applications in line with future place planning.

Parking controls for the streets around Lathlain were last reviewed and updated in 2018. Since that review, significant additional parking was formalised along McCartney Crescent. Data was collected for the Lathlain side of the Victoria Park Train Station. Data collected indicated that the Victoria Park Train Station has limited impact on the nearby streets with only a small length of Staines Street and Gallipoli Street being unduly affected. Bishopsgate Street shows a very high occupancy in the indented car parking bays on the south side closest to Rutland Avenue but as there are only four bays available these may be residents and not commuters.

There is underutilised parking available in Rutland Avenue between Bishopsgate Street and Roberts Road. This is ideally located to service the Victoria Park Train Station and the Lathlain Oval.

There is underutilised parking available in the area within 800m of the Lathlain Oval. It is noteworthy that the Western Australian Planning Commission document "Liveable Neighborhoods" states:

"Most people will consider walking up to 400 metres to access services and facilities, or 800 metres to a train station or higher-order centre."

It is therefore reasonable to assume that the current demand for event parking does not outstrip supply at this time.

When these findings are considered against the Intervention Matrix in the draft Parking Management Plan, nil actions are identified: as occupancy does not reach the occupancy threshold trigger of 85% for on-street parking restrictions to implement timed parking to applicable streets.

As part of the draft Parking Management Plan, the Intervention Matrix is designed to guide parking management across the Town broadly. In addition, the plan identifies 10 key areas and details plans specific to those areas based on detailed assessments. The Lathlain precinct is one of these areas and the below actions and timelines are provided to assist in allocation of time and resources to guide parking management in this area.

Short-term 1-3 years

Review the parking demands on event days to gather information to allow more efficient parking management for future events.

Encourage West Coast Eagles management to provide incentive to game patrons attending to use public transport. Include public transport travel cost in ticket prices.

Improve streetscape from Victoria Park Train Station and Lathlain Park – to encourage use of other forms of transport and discourage vehicle use.

Medium-term 3-5 years

Use the parking information gathered from the parking review to provide education to visitors of the available and preferred parking locations.

Proposed Council action

That Council notes the elector’s resolution when considering the draft Parking Management Plan.

Resolution 9

That Council:

1. Retains sumps within the Town for the purpose of drainage.
2. Investigates adding additional Town sumps to the Public Open Space Strategy.
3. Does not include sumps in the Land Asset Optimisation Strategy.

For: 9 Against: 0

Officer comment

Resolution one is noted and supported.

Following the Town’s review of the Land Asset Optimisation Strategy (LAOS) as identified below, the Town will review the Public Open Space Strategy and include drainage basins that could be investigated for inclusion in the current ‘Green Basins and Micro Parks’ program. The ‘Green Basins and Micro Parks Program’ is a program of work that meets the objectives in the Town’s Urban Forest and Public Open Space Strategies. Eligibility for drainage basins into this program is based upon the limitations of stormwater management requirements, the development potential of the sump, gaps in the public open spaces. Each drainage basin will have to be assessed on an individual basis.

As part of the FY 22 LAOS review, the Town will investigate sumps in the LAOS. There are a number of factors to be considered when undertaking a review for the LAOS and each land holding is unique in zoning, site, access, sump capacity and ongoing sump requirements. Sumps are freehold land parcels and will be included and reassessed on their merit or otherwise for opportunities. Already as a requirement of the existing LAOS the engineering team are required to contribute to the analysis. It is worth noting that currently the majority of sumps cannot achieve outcomes other than stormwater catchment however, technology changes and infrastructure systems are ungraded over time. Removing sumps entirely is not appropriate as LAOS captures all freehold and controlled land, this does not mean that all land is seen as to be optimised but rather that it captures a snap shot in time of potential. Each land holding always requires a full analysis prior to any undertakings.

Proposed Council action

That Council:

1. Endorses the Chief Executive Officer to retain existing drainage basins for the purpose of managing stormwater.
2. Notes that a future review of the Public Open Space Strategy will investigate the potential to add drainage basins into the Town’s and ‘Green Basins and Micro Parks’ program.

3. Notes the review of the Land Asset Optimisation Strategy will be undertaken as part of the Corporate Business Plan deliverables for FY 22. As part of the process drainage basins will be included for review as they are freehold land.

Resolution 10

That Council requests the CEO to report back to the Council by December 2021:

1. On a policy or plan on the viability of affordable and social housing for developers.
2. On a policy or plan on sustainable housing for developers.

For: 9 Against: 0

Officer comment

The draft Local Planning Strategy proposes a range of actions to reform the Town's planning framework. Collectively, these actions are being referred to as the Vic Park Planning Reform Program. The Vic Park Planning Reform Program includes the following actions:

- Action 2.3: Investigate local demand for affordable housing, gaps in supply, and potential planning and non-planning strategies to address. Seek further advice from Council regarding the Town's role in addressing affordable housing. **Timeframe 3 to 5 years.**
- Action 5.1: Investigate opportunities to facilitate best practice environmental planning and ecologically sustainable development in buildings and places through the local planning framework. **Timeframe: 3 to 4 years.**

In addition to Action 5.1, the Town is already spearheading the Western Australian Local Government Association's investigation into better standards and provisions for ecologically sustainable development.

The Vic Park Planning Reform Program is extensive and ambitious, and there are several major projects that are identified as an immediate priority to enable further change such as those in Actions 2.3 and 5.1. These priorities include the finalisation of the Local Planning Strategy (LPS), the drafting of Local Planning Scheme No.2 (LPS2) and the completion of Precinct Structure Planning on Albany Highway and at Carlisle and Oats St Stations. These works (especially the completion of the LPS and LPS2), will enable the strategic studies identified above to occur and then influence the local planning framework.

In the shorter term (this financial year), the Urban Planning team intend upon developing a draft local planning policy relating to environmentally sustainable design.

Proposed Council action

The Council notes the actions within the draft Local Planning Strategy and intended preparation of a draft local planning policy relating to environmentally sustainable design.

Resolution 11

That Council convene a citizens climate assembly along the lines of those held in Lamberth/Brixton and a national assembly, both held in the United Kingdom; within the next 12 months, preferably before 31 December 2021.

For: 6 Against: 0

Officer comment

The intent of the Citizens Assembly is noted and supported.

Action 1.2 of the Climate Emergency Plan refers to the establishment of an advisory board or similar to be captured in Service Area Plans.

The Climate Emergency Plan also contains dedicated action plans for the respective community and business sectors. These respective action plans are not prescriptive, they simply provide information on how these sectors can calculate their own footprint and ways to reduce their emissions.

Given the above, the Town understands how important it is that our community is brought on our emissions reduction journey, and thus is happy to work with our community to implement the Climate Emergency Plan and beyond.

Regarding a Citizens Assembly specifically, the administration believes that the Town and Council would need clarity on the details of a Citizens Assembly and seek to understand how this assembly would operate (e.g. roles, outcomes sought) relative to the implementation of the Council-endorsed Climate Emergency Plan.

Proposed Council action

That Council:

1. Notes that the administration will continue to implement the endorsed Climate Emergency Plan.
2. Endorses the Chief Executive Officer to arrange a meeting with the community members who brought this motion, to determine the details of a Citizens Assembly and seek to understand how this assembly would operate (e.g. roles, outcomes sought) relative to the implementation of the endorsed Climate Emergency Plan.

Resolution 12

That Council:

1. Adopts a water sensitive urban design strategy for the whole of the Town and implement a stage plan to adapt all of the Town's infrastructure to water sensitive urban design by 2050.
2. Engages with all relevant external stakeholders in the development and implementation of a water sensitive urban design strategy.

For: 6 Against: 0

Officer comment

The Town's draft Local Planning Strategy identifies the need for a Stormwater Management Plan to be prepared in the coming two years. Should the draft Local Planning Strategy be approved by Council and subsequently the Department of Planning, Lands and Heritage, this piece of work will be planned and implemented by the Town.

The Town continues to strategically implement water sensitive urban design (WSUD) principles into selected projects, where possible. Some examples include:

- Garland Street upgraded works
- Archer and Mint Street upgrade works to include rain gardens in the median strip and permeable pavers to the parking area
- Future tree planting on sections along Albany Highway to be surrounded with permeable pavers.

These applications actively contribute to WSUD principles and help reduce water run-off whilst protecting natural systems in an urban environment.

The Council notes the action within the draft Local Planning Strategy to prepare a Stormwater Management Plan.

Resolution 13

That Council investigate and implement a traffic calming treatment on Teague Street, between Harper Street and Harvey Street, Burswood.

For: 6 Against: 0

Officer comment

Officers will investigate this matter based on available traffic count data and crash information. Currently, the site topography may prove challenging due to a significant crest.

The request will be assessed against the Town's Traffic Warrant System.

Proposed Council action

That Council endorses the Chief Executive Officer to further investigate the traffic conditions on Teague Street, in the section between Harper Street and Harvey Street, using the Town's traffic warrant system and report back with findings by February 2022.

6. Following endorsement by Council, an update on the status of actions will be provided at the Annual Meeting of Electors held for the purpose of the 2020/2021 Annual Report.

Relevant documents

[Annual Meeting of Electors minutes – 28 July 2021](#)
[Policy 053 – Meeting of electors](#)

Questions and responses

Cr Ronhhda Potter

1. Regarding to Resolution 7 and Kessack Street, how will that issue be addressed through the Parking Management Plan?

The Acting Chief Financial Officer advised that as it is not regarding a trigger for occupancy it would not be addressed under Parking Management Plan.

Principal Traffic and Design Coordinator advised that Kessack Street will be assessed and the Town will be determine what is appropriate.

2. Regarding Resolution 7 and implementation updates, is this something that is being considered and if so, how would it be presented back to Council?

The Acting Chief Financial Officer advised that it is not an option that the Town has proposed and so has not explored how updates will occur.

3. Referring to the Parking Management Plan, when do you foresee the review being finished and presented to Council?

The Acting Chief Financial Officer advised November 2021.

3. Referring to the Officer's response and parking incentives by the West Coast Eagles, is that something the Town has discussed with West Coast Eagles?

The Acting Chief Financial Officer advised that the West Coast Eagles have a Travel Plan and the Town would work to support the outcomes of the Parking Management Plan.

Cr Luana Lisandro

1. In regards to the West Coast Eagles Travel Plan, is that document available to elected members?

The Manager Development Services advised that it was submitted to the Town and advised that it can be provided to Council but would not available for members of the public.

2. Can the Council make amendments to include reporting on the Parking Management Plan?

The Acting Chief Financial Officer advised that as the Corporate Business Plan reporting schedule that does include deliverables associated with the Parking Management Plan has yet to be endorsed so the Town has not explored detailed actions such as progress reporting.

Cr Wilfred Hendriks

1. In regards to Resolution 5, is the amount of \$95,546 the total amount from South Perth or elsewhere?

Mayor Karen Vernon advised that to her it appears that the expenditure costs comes from the entire operation.

Manager Technical Services advised that is correct.

Cr Vicki Potter

1. In regards to Resolution 12, is it expected that the stormwater management plan will take into consideration water-sensitive urban design principals?

The Chief Community Planner advised yes.

Mayor Karen Vernon

1. In regards to Resolution 8, is it correct the data that was used was obtained in 2018?

The Acting Chief Financial Officer advised yes.

2. Is correct that you are looking to do more data collection but at the maximum is at the end of three years?

The Acting Chief Financial Officer advised that further scheduling beyond this financial year has yet to occur due to waiting for the outcome of the adoption of the Parking Management Plan.

3. What impact does the Town staff consider to have been had of AFL-W matches, and the playing of matches since 2018, together for the potential of the inclusion of large one-off events?

The Acting Chief Financial Officer advised that in his opinion since the review of 2018, there have been further investigations particularly in Macartney Crescent and from those results and from anecdotes from Town staff there has been no increase in issues.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

12 Chief Community Planner reports

12.1 No. 789 Albany Highway

Location	East Victoria Park
Reporting officer	Senior Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Attachment 1 - Development Plans [12.1.1 - 4 pages]2. Attachment 2 - Schedule of Submissions [12.1.2 - 3 pages]3. Attachment 3 - Applicants response to submissions [12.1.3 - 4 pages]4. Attachment 4 - Car Parking Calculations [12.1.4 - 2 pages]5. Attachment 5 - Site photos [12.1.5 - 10 pages]

Landowner	Oahu Management Pty Ltd ATF Oahu Property Trust
Applicant	Kevin Raykos Designs
Application date	5 May 2021
DA/BA or WAPC reference	5.2021.241.1
MRS zoning	Urban
TPS zoning	District Centre
R-Code density	Not applicable
TPS precinct	Precinct 11 - Albany Highway
Use class	Motor Vehicle Wash
Use permissibility	'AA' (discretionary) use
Lot area	44,792 square metres
Right-of-way (ROW)	Not applicable
Municipal heritage inventory	Not applicable
Residential character study area/weatherboard precinct	Not applicable

Surrounding development

Residential development to the north, west and south of the site.
Commercial to the east along Albany Highway.

Recommendation

That Council:

Refuses the development application for retrospective development approval submitted by Kevin Raykos Designs (DA Ref: 5.2021.241.1) for Retrospective Approval for Additions/Alterations to Motor Vehicle Wash and Signs at No. 789 (Lot 103) Albany Highway, East Victoria Park as indicated on the plans dated 15 June 2021, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, for the following reasons:

The alterations result in the loss of 6 car bays which will have an unacceptable impact on the availability of public car parking for the shopping centre;

Sign 2 is considered to be of an inappropriate scale and size and detracts from the building appearance, particularly for an incidental use of the site.

Requests the CEO to write to the landowner and tenant directing the following to occur within 60 days of the Council's decision:

(a) The car wash use is to vacate the six additional car bays (licensed area 2) and this area being reinstated to car parking available for use by any patrons of the shopping centre; and

(b) Sign 2 being removed.

Requests the CEO to inform submitters of the Council's decision.

Purpose

For Council to consider retrospective alterations to the car wash at No. 789 Albany Highway which was previously granted development approval by Council.

In brief

- Council at its meeting on 10 November 2015, approved an Unlisted Use (Car Wash) at the Park Centre Shopping Centre.
- Approval was granted for the use of six existing car parking bays within the undercroft car parking. The car wash was to service patrons of the Park Centre, to provide a hand car wash service whereby customers leave their car to be cleaned whilst shopping at the Centre.
- A local resident at the 16 March 2021 Ordinary Council Meeting raised concern that the car wash was occupying additional car bays and was no longer operating in accordance with the development approval.
- Following compliance action by the Town, a retrospective development application was lodged for the use of 12 car bays and signage.

Background

1. At the 10 November 2015 Ordinary Council Meeting, Council granted approval for an Unlisted Use (Car Wash) at No. 789 Albany Highway, East Victoria Park (the Park Centre Shopping Centre). Six car bays were approved to be used in the undercroft car bay for the car wash, with two car bays being used for the washing and vacuuming, three 'holding bays' where the cars are parked before they are picked up, and

one bay was converted to storage. The approval was clearly on the basis that the users of the car wash would be shopping centre patrons, already attending the site for shopping purposes.

2. At the 16 March 2021 Ordinary Council Meeting a local resident raised concern that the car wash at the Park Centre Shopping Centre was no longer operating in accordance with the November 2015 Council approval. An investigation into the use was undertaken which confirmed that a total of 12 car bays were being occupied, rather than six bays. The applicant was advised to lodge a retrospective development application or comply with the November 2015 development approval.
3. On 5 May 2021 the Town subsequently received a retrospective development application for the increase in car bays for the car wash from six to 12 bays and signage.

Application summary

4. The application seeks retrospective development approval for (a) an increase in the number of car bays allocated for use by the car wash from six bays to 12 bays; and (b) signage.
5. A maximum of two employees will be on site at any one time, with a maximum of 10 customers per day.
6. Customers to the car wash are said to be visitors to the Park Centre Shopping Centre.

Applicants submission

7. The applicant's submission states:

"We are asking Council to grant approval for the change of use of the 6 additional car bays, so a total of 12 car bays to be used within the car wash tenancy.

All other operations of the carwash are as per DA No. 5.2015.290.1."

8. Further information was requested from the applicant including:

- Who the customers are?
- Number of staff?
- Number of customers per day?
- Signage details to be provided.
- What each car bay is intended to be used for?
- How disposal of water is managed?
- What ventilation is relied on?
- How is odour managed?

9. The applicant advised via email the following:

- *"The customers are the general shopping centre customers, they get their cars washed while they shop.*
- *Number of staff is 2.*
- *Number of customers is on average 5 per day up to a maximum of 10 per day.*
- *Please see attached photo's showing the signage. The smaller sign at the entrance was the original sign when the current operator took over and the larger sign was installed by the shopping centre management.*
- *Please see attached updated drawing indicating what the car bays are used for.*
- *The wastewater is treated via a VGS unit and all excess treated water is then piped to sewer. Water Corp approval has already been obtained for this as per the original approvals. Ventilation is via the extensive openings at the entrance and exit to the carpark. There is minimal to no odours produced.*

The ongoing maintenance and cleaning of the pits and drains is completed every 3 months by Waste Water Management Solutions, see attached invoice of the work they perform. Please note that all approvals have already been obtained for this as per original approvals.

- The business is not expanding. The current car wash owner simply operates differently to the original owner who required minimal space. The current owner simply requires more space to achieve the same outcome.”

Relevant planning framework

Legislation	<p>Town Planning Scheme No. 1 (TPS1)</p> <p>Planning and Development (Local Planning Schemes) Regulations 2015</p> <p>Metropolitan Region Scheme (MRS)</p>
State Government policies, bulletins or guidelines	Not applicable.
Local planning policies	<p>Local Planning Policy No. 23 – Parking</p> <p>Local Planning Policy No. 30 – Car Parking Standards for Developments along Albany Highway</p> <p>Local Planning Policy No. 37 – Community Consultation on Planning Proposals</p> <p>Local Planning Policy No. 38 - Signs</p>
Other	Not applicable.

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <ul style="list-style-type: none"> • <i>The shopping areas are to be maintained as district centres offering a wide range of retail as well as community attractions including leisure and recreation uses, public/civic uses, community and social services. Large scale, open-air and other commercial uses considered inappropriate to a retail-based node will be encouraged to relocate in the commercial sectors of the precinct where various and colourful commercial uses will be promoted.</i> • <i>Signs will be controlled to ensure compatibility with the desired character of the particular area of the precinct, and, encouraged so as to continue the present vitality created by the diversity of sign types and characters.</i>
Local planning policy objectives	The following objectives of Local Planning Policy No. 23 – Parking are relevant in determining the application.

	<ul style="list-style-type: none"> To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand. To maintain a high standard of secure and attractive parking facilities.
Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015	<p>The following are relevant matters to be considered in determining the application.</p> <p>(g) Any local planning policy for the Scheme area</p> <p>(m) The compatibility of the development with its setting...</p> <p>(n) The amenity of the locality...</p> <p>(s) The adequacy of –</p> <p>(i) The proposed means of access and egress from the site; and</p> <p>(ii) Arrangements for the loading, unloading, manouevering and parking of vehicles</p> <p>(t) The amount of traffic likely to be generated by the development...</p> <p>(u) The availability and adequacy for the development of the following...</p> <p>(y) Any submissions received on the application</p>
Urban forest strategy	Not applicable.

Compliance assessment

Change of use application		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use		X
Car parking	X	
Signage		X

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.	Community consultation was undertaken in accordance with Local Planning Policy No. 37.

Engagement

Internal engagement	
Stakeholder	Comments
Engineering	No objection. Conditions recommended.

Health	Object. The current space and room is too small for the proposed activity. This space is ok for fewer cars but if it is expanded it should be moved away from the undercroft car park as the draining and ventilation might not be adequate for this operation.
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External engagement	
Stakeholders	Owners and occupiers of surrounding properties.
Period of engagement	20 July 2021 to 3 August 2021 (14 days), as per Local Planning Policy No. 37 – Community Consultation on Planning Proposals.
Level of engagement	2. Consult
Methods of engagement	Written Submissions; Your Thoughts.
Advertising	As above.
Submission summary	A total of four submissions were received during the community consultation period, all objecting to the application.
Key findings	<p>A summary of the submissions received during the community consultation period can be found in Attachment 2. The main issues raised through the submissions were:</p> <ul style="list-style-type: none"> • Size of the signage. • Number of undercroft car bays already limited. • Car parking at the shopping centre is already at capacity. • Car wash facility was not intended for the site originally. • Car wash facility is essentially a light industrial activity. <p>The applicant’s response to the submissions can be found in Attachment 3.</p>

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.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					

Legislative compliance	The proponent has a right of review to the State Administrative Tribunal against Council's decision.	Moderate	Unlikely	Medium	Low	Accept
Reputation	Negative public perception towards the Town either from persons who oppose or support the development.	Moderate	Likely	Medium	Low	Accept
Service delivery	Not applicable.					

Financial implications

Current budget impact	No impact.
Future budget impact	The applicant has a right of appeal to SAT against any conditions of approval or a refusal. Should the applicant pursue an appeal through SAT, then there may be costs associated with obtaining legal and/or other representation.

Analysis

Car Parking

10. The Town's Local Planning Policy No. 30 – Car Parking Standards for Developments along Albany Highway (LPP3) provides a reduction to car parking requirements for shops and restaurants along Albany Highway which are zoned District Centre or certain Commercial zoned properties.
11. LPP30 reduces the car parking requirements of Local Planning Policy No. 23 – Parking (LPP23) for a shop from one car bay for every 10 square metres of retail floor area, to one car bay for every 20 square metres of retail floor area. The restaurant car parking requirements are also reduced from 1 car bay for every 4.5 square metres of sit-down dining area to 1 car bay for every 6 square metres of sit-down dining area.
12. The Park Centre is zoned District Centre and largely comprises shops and restaurants, therefore qualifying for a reduced car parking requirement.
13. As part of the expansion of the Coles in 2017, a car parking calculation was undertaken which categorised the Park Centre shopping centre into four main land uses being retail/shop, banks and building societies, office and fast-food outlet and restaurant. Refer Attachment 4 for the car parking assessment.

14. Based on the car parking assessment, and the applicable parking ratios applying under LPPs 23 and 30, a total of 639 car bays were determined as being required to be provided on site. A total of 780 car bays are actually provided on site, resulting in a theoretical surplus of 141 car bays.
15. Despite this, the Town is still required under deemed clause 67 to consider the adequacy of car parking provided. In this respect it is noted that:
 - a) it is observed on site that there is regularly limited parking available on-site. The actual demand for parking bays exceeds the theoretical parking bay surplus.
 - b) the parking ratios applicable under the policy do not distinguish the role of the centre. In other words, a shopping centre having a wider catchment will result in more parking than a shopping centre serving a local catchment only. In this respect the Park Centre serves a regional functional.
 - c) the car park at the Park Centre is used for parking by patrons of other nearby businesses along Albany Highway. This is influenced by parking restrictions for on-street and other parking areas, the visibility and convenience of use of these bays. Therefore, a proportion of car bays within the Park Centre car park are occupied by patrons of other businesses and/or commuters.
16. The combination of these factors result in available parking at the centre generally being very limited, and there being a disconnect between the parking ratios applying under LPP30 and the actual parking demands.
17. Of the 12 car parking bays proposed to be used for the car wash, six are required solely for detailing for a maximum of two cars, two car bays are required for washing for one car, and three car bays are required for cars either waiting to be washed or collected. One car bay has already been converted to storage. This results in an overall loss of six useable car bays for visitors to the shopping centre.
18. Furthermore, in issuing the previous approval for the site, Council was told that the six approved car bays would only be used by shopping centre patrons. Information obtained by the Town, although disputed by the applicant, indicates that this is not necessarily the case, and that on occasions cars from nearby car yards are being washed at the premises.
19. Having regard to the above, Officers do not support the loss of a further 6 bays for use by the car wash operation, as this further limits the available on-site car parking across the site.

Land Use

20. At the 10 November 2015 Ordinary Council Meeting, Council approved the change of use to Unlisted Use (Car Wash) at No. 789 Albany Highway, East Victoria Park. A car wash at the time was not specifically mentioned within the zoning table of the Town's Town Planning Scheme No. 1 (TPS1) and was therefore considered an Unlisted Use.
21. As part of Scheme Amendment No. 80, several land uses were added to the zoning table within TPS1 including 'Motor Vehicle Wash'. 'Motor Vehicle Wash' is a 'AA' (discretionary) use within the District Centre zone meaning that the use is not permitted unless the Council has granted development approval.
22. 'Motor Vehicle Wash' is defined as *"means premises primarily used to wash motor vehicles"*. Whilst the site is primarily occupied by the Park Centre Shopping Centre, the use of the car bays for car washing reasonably falls within the land use 'Motor Vehicle Wash' of the zoning table.
23. The November 2015 Ordinary Council Meeting concluded that *"having regard to the Statement of Intent contained within Precinct Plan P11 for the Albany Highway Precinct, and the low-impact nature of the proposed use, the application is considered to be appropriate and consistent with the District Centre Zone within which it is located."*
24. A key consideration of the previous conclusion was the reference to the low-impact nature of the proposed use. The increase from six car bays to 12 car bays changes the impact of the use and the availability of car bays for use by patrons to the shopping centre.

25. The applicant as part of the initial development application advised that the method of cleaning the cars was with steam which resulted in minimal water runoff. Based on inspections undertaken by Town staff, a high-pressure hose is now being used, resulting in airborne water spray within the undercroft carpark.
26. In addition, the applicant has advised that the cars being serviced are from people visiting the shopping centre. During the inspection by Town staff, one of the car wash employees advised that the car wash was also servicing cars from nearby motor vehicle sales premises. This statement was disputed by the operator. Refer Attachment 5 for photos taken during the inspection of the premises.

Signage

27. As part of the expansion of the car wash, signage has been installed above the entrance to the existing undercroft carpark and within the carpark. All three signs are classified as a 'wall sign' under the Town's Local Planning Policy No. 38 – Signs (LPP38).
28. LPP38 permits a wall sign which has an aggregate area of 0.4m^2 per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m^2). Three wall signs are proposed with the following dimensions:
 - Sign 1: $2.295\text{m} \times 0.59\text{m} = 1.35\text{m}^2$
 - Sign 2: $4.8\text{m} \times 2.4\text{m} = 11.52\text{m}^2$
 - Sign 3: $1.8\text{m} \times 1.8\text{m} = 3.24\text{m}^2$
29. Signs 1 and 3 are considered to be acceptable as both signs are of a size and scale appropriate to the scale of the building.
30. Sign 2 is not acceptable as the size of the sign is inappropriate to the scale of the building. The car wash is incidental to the predominant shopping centre use of the site. The sign installed above the entrance to the undercroft is larger than both the Kmart or Coles signs located directly above, which are both substantial tenancies within the centre.
31. Accordingly, it is recommended that Sign 2 be removed within 60 days of Council's decision.

Conclusion

32. The retrospective expansion of the car wash is not considered to be acceptable, with the car wash use placing more pressure on the remaining car parking for visitors to the shopping centre. Based on the above, the application is recommended for refusal, with conditions imposed which require within 60 days the additional 6 bays to be reinstated for general public use, and sign 2 being removed.

Questions and responses

Cr Wilfred Hendriks

1. Who is making the application?

The Manager Development Services advised Kevin Raykos Designs and Hawaiian as the land owner has signed off on the application form.

2. Are Hawaiian in support?

The Manager Development Services advised he can only assume that they are as they signed off on it.

3. Is there an agreement between Town and Hawaiian that they can park along Albany Highway?

The Manager Development Services advised that there is no agreement. It is a private carpark controlled and managed by Hawaiian.

Cr Ronhhda Potter

1. Are we aware of how many car bays are in the underground car park collectively, including car bays being used by the car wash?

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

Cr Wilfred Hendriks

1. Is there a health issue with the detergents and system they are using now?

The Manager Development Services advised that the Town's Environmental Health team has investigated and were satisfied it was within health compliance.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on how many car bays are in the underground car park collectively, including car bays being used by the car wash.

12.2 No. 384 Berwick Street - Temporary Sales Office

Location	East Victoria Park
Reporting officer	Senior Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 - Development Plans [12.2.1 - 2 pages] 2. Attachment 2 - Applicant's Submission [12.2.2 - 7 pages] 3. Attachment 3 - Site Photos [12.2.3 - 10 pages]

Landowner	Berwick EVP Pty Ltd
Applicant	Rowe Group
Application date	5 May 2021
DA/BA or WAPC reference	5.2021.242.1
MRS zoning	Urban
TPS zoning	Residential
R-Code density	R60
TPS precinct	Precinct 12 - East Victoria Park
Use class	Unlisted Use (Temporary Sales Office), Signage and Landscaping
Use permissibility	Discretionary Use
Lot area	11,027 square metres
Right-of-way (ROW)	Not applicable
Municipal heritage inventory	Not applicable
Residential character study area/weatherboard precinct	Not applicable
Surrounding development	Hillview Bushland to south-east; Edward Millen House and Parking including associated buildings occupied by the Department of Communities along the north-east boundary; Carson Street School to the north-west. The residential development on the opposite side of Berwick Street is zoned Residential R20.

Recommendation

That Council:

1. Approves, by Absolute Majority, the application submitted by Rowe Group (DA ref: 5.2021.242.1) for Retrospective Approval for Unlisted Use (Temporary Sales Office), Signage and Landscaping at No. 384 (Lot 3) Berwick Street, East Victoria Park, as indicated on plans dated received 5 May 2021 in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the following conditions:
 - 1.1 This development approval is valid until 1 September 2022, after which time the use shall cease operation, unless further development approval is granted. On or prior to the end of this period, the sales office, signage and associated works are to be permanently removed from the Lot.
 - 1.2 The development is to be carried out in accordance with the approved plans, unless otherwise authorised by the Town.
 - 1.3 A minimum of 5 car parking bays are to be provided on site of which 4 bays are to be for the exclusive use of customers/visitors and 1 bay for the exclusive use of staff.
 - 1.4 All car bays and access aisles shall be maintained clear of obstructions for use as car parking at all times.
 - 1.5 All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.

Advice notes:

AN1 A carparking space for people with a disability is required where there are 5 or more car parking spaces.

AN2 A Building Approval Certificate is required to be obtained from the Town to certify that the building works have been constructed in accordance with the Building Code of Australia.

AN3 Your attention is drawn to the need to comply with the requirements of Part D3 of the Building Code of Australia - Access for People with Disabilities, including parking, sanitary facilities and tactile indicators in accordance with AS 1428.1, AS 1428.4, AS 1428.5 and AS/NZS 2890.6.

AN4 All vehicles are to exit onto Berwick Street in a forward gear.

Purpose

The Town has received an application for retrospective approval of a temporary sales office, signage and landscaping at No. 384 Berwick Street, East Victoria Park. This temporary sales office, signage and landscaping relates to a recent Joint Development Assessment Panel (JDAP) approval for 39 Grouped Dwellings and 32 Multiple Dwellings at the same address.

As the application proposes an 'Unlisted Use (Temporary Sales Office)', the Town's staff do not have the delegation to determine the application, and accordingly, the matter is referred to Council for determination.

In brief

- The application seeks retrospective approval for a temporary structure facing Berwick Street. This structure is proposed to be used for the purpose of a sales office for a recently approved grouped and multiple dwelling development at the site. Signage and landscaping are also included in the application, with signage advertising the proposed new dwellings on site.
- A temporary sales office is not a defined use under the Town's Town Planning Scheme No. 1 and is therefore considered as an 'Unlisted Use'.
- Determination of an application for an 'Unlisted Use' is at the Council's discretion having regard to the objectives of the zoning and the appropriateness of the land use.
- The application is recommended for approval, subject to conditions and advice notes.

Background

1. On 20 October 2020, a development application for 39 Grouped Dwellings and 32 Multiple Dwellings was lodged with the Town for No. 384 Berwick Street, East Victoria Park. The Joint Development Assessment Panel at its meeting on 17 May 2021, conditionally approved the development.
2. A demolition permit was lodged with the Town on 12 May 2021 for the demolition of the National Archives Building on the site.
3. Aerial images show the construction of the temporary sales office in December 2020. Following compliance action, a retrospective development application for the temporary sales office was lodged with the Town on 5 May 2021.

Application summary

4. The application seeks retrospective approval for a temporary sales office (Unlisted Use). The applicant has sought a time limited approval for the temporary sales office to September 2022.
5. The applicant has advised that the sales office will be operated by appointment only.
6. The works in this application include a temporary sales office, car parking, signage and landscaping.
7. Signage has been installed on temporary fencing along the Berwick Street frontage (approximately 70.8 metres in length) and partially along the side elevation with the Hill View Bushland (9.81 metres in length).

Applicants submission

8. The applicant has advised the following:

"This Application seeks development approval for a temporary site office and associated front fencing, advertising signage, car parking and landscaping at the subject site. The development is temporary and will be removed during the future construction of the dwellings at the subject site. As such, we seek a 'time-limited' approval of the site office and associated items, expiring in September 2022.

The site office and associated features occupy approximately 562m² of the western corner of the subject site, bound by the site office, decking and internal fencing. The site office is set back 11.63m from Berwick Street and 1.0m from the north-west lot boundary. The site office has an area of 38.03m², and an adjacent deck and wheelchair-accessible ramp with an area of 30.95m².

Temporary front fencing to accommodate signage panels are located along the full extent of the Berwick Street boundary. The signage panels have a maximum height of 2.4m. The signage panels are provided to advertise the future dwellings at the subject site. Additional temporary hoarding is located within the subject site, to separate the site office from the balance of the construction site.

Five (5) car parking bays are provided on site for the use of the site manager and associated construction / management personnel. The car parking is located adjacent to paved manoeuvring areas connecting the existing vehicle crossovers to the site office. {Note – the applicant has subsequently clarified that 1 bay will be for staff and the other 4 bays will be for visitors}.

The paved manoeuvring areas are surrounded by landscaping, and additional landscaping is provided on the deck.”

Relevant planning framework

Legislation	<ul style="list-style-type: none"> • Planning and Development Act 2005 • Planning and Development (Local Planning Schemes) Regulations 2015 • Town Planning Scheme No. 1 (TPS1) • TPS1 Precinct Plan 12 – ‘East Victoria Park Precinct’
State Government policies, bulletins or guidelines	Not applicable
Local planning policies	<ul style="list-style-type: none"> • Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas • Local Planning Policy 37 – Community Consultation on Planning Proposals • Local Planning Policy 38 - Signs
Other	Not applicable

General matters to be considered

Town Planning Scheme No. 1 Provisions	<p>The following provisions contained within the Town’s Town Planning Scheme No. 1 are relevant to consideration of the application:</p> <p>Clause 16 ‘Unlisted Uses’ and Clause 28 ‘Determination of an Unlisted Use’</p>
TPS precinct plan statements	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <p><i>“The East Victoria Park Precinct will be enhanced and consolidated as a residential neighbourhood in which a range of housing types of low scale is predominant.</i></p> <p><i>A large part of the precinct is to remain low to medium density, with some higher density housing permitted close to Albany Highway to take advantage of the array of amenities offered here. Specialised forms of accommodation and a limited number of non-residential uses, to serve the needs of the local population, may be permitted in these areas.”</i></p>

<p>Local planning policy objectives</p>	<p>The following objectives of Local Planning Policy 3 'Non-Residential Uses In or Adjacent to Residential Areas' are relevant in determining the application.</p> <ul style="list-style-type: none"> (a) to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties; (b) to provide for non-residential uses which serve the needs of the community; (d) to minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses; (e) to ensure that the appearance and design of non-residential development is compatible with surrounding residential properties and the streetscape in terms of building size and scale, the provision of adequate landscaping treatments, the retention of existing mature trees and the suitable design and location of advertising signage; (f) to maintain and enhance the amenity of residential environments through ensuring appropriate landscaping treatments, location of car parking and vehicular access legs, and the protection of visual privacy when considering applications for non-residential development.;
<p>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</p>	<p>The following are relevant matters to be considered in determining the application.</p> <ul style="list-style-type: none"> <i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i> <i>(g) any local planning policy for the Scheme area;</i> <i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development</i> <i>(n) the amenity of the locality including the following -</i> <ul style="list-style-type: none"> <i>(i) environmental impacts of the development;</i> <i>(ii) the character of the locality;</i> <i>(iii) social impacts of the development.</i> <i>(s) the adequacy of -</i> <ul style="list-style-type: none"> <i>(i) the proposed means of access and egress from the site; and;</i> <i>(ii) arrangements for the loading, unloading, manoeuvring of vehicles;</i> <i>(y) any submissions received on the application</i>
<p>Urban forest strategy</p>	<p>Not applicable.</p>

Compliance assessment

Non-residential development		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use		X
Plot ratio	X	
Building height	X	
Street setback	X	
Side setback	X	
Car parking	X	
Vehicle access	X	
Landscaping		X
Signage		X

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Community consultation was undertaken for the proposal to provide the community with an opportunity to make comments regarding the retrospective temporary sales office.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	Ensure sufficient information is provided regarding the retrospective temporary sales office to allow the community to be appropriately informed.

Engagement

Internal engagement	
Stakeholder	Comments

Building	No objection. Conditions imposed.
Engineering	No objection. Conditions imposed.
Parks	No objection. Conditions imposed.
Place Planning	No comments.

External engagement	
Stakeholders	Owners and occupiers of surrounding properties.
Period of engagement	22 June 2021 to 13 July 2021 (21 days), as per Local Planning Policy No. 37 – Community Consultation on Planning Proposals.
Level of engagement	Consult
Methods of engagement	<ul style="list-style-type: none"> • Letters to owners and occupiers within a 100 metre radius of the site; • Sign on site; • Southern Gazette Newspaper Notice.
Advertising	As above.
Submission summary	No submissions received.
Key findings	Not applicable.

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.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					

Legislative compliance	The proponent has a right of review to the State Administrative Tribunal against Council's decision, including any conditions.	Moderate	Unlikely	Medium	Low	Accept
Reputation	Negative public perception towards the Town dependent upon the decision.	Moderate	Likely	Medium	Low	Accept
Service delivery	Not applicable.					

Financial implications

Current budget impact	No impact.
Future budget impact	No impact.

Analysis

Land Use

9. In determining an application for an Unlisted Use, Council is to exercise its discretion to determine if the use meets the objectives and purpose of the zoning, with consideration to matters outlined within deemed clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
10. The proposed land use is considered to be inoffensive in nature, not resulting in adverse impacts to the area of adjoining neighbours in terms of noise, traffic generation (noting that the sales office will operate by appointment only), emissions or other activities that would make it incompatible with surrounding residential and public purpose uses. The proposal is therefore consistent with the requirements of Local Planning Policy 3.
11. Display and information/sales offices are commonly developed as part of large residential projects. The proposed temporary use of a sales office will assist in gaining pre-sales to facilitate the redevelopment of the site, as per the approved grouped and multiple dwelling development.
12. In relation to the above, it is noted that the land use is proposed to be in place for a maximum period until September 2022.

Car Parking

13. No local planning policy prescribes an applicable car parking ratio requirement for a temporary sales office. In the absence of a policy prescription, but car parking remaining a valid consideration in terms of impacts of the proposed land use on the locality, Council must consider the proposal on its merits.

14. An "Office" land use is considered to be the equivalent land use under Local Planning Policy No. 23 'Parking', in which case one car bay is required per 40m² of office space. The office and associated deck have a total area of approximately 40m², therefore requiring one car bay. A total of five car bays have been constructed on the site, with one being for staff and the other four being for visitors to the sales office. The number of car bays will suitably cater for the number of customers and staff to the site at any one time.

Landscaping

15. LPP3 requires a minimum of 25 percent of the site area to be landscaped. As the site has a total area of 11,027m², a total of 2,756m² (25%) would be required to be landscaped. The development incorporates approximately 105m² of landscaping around the car park area.
16. As the non-residential use is temporary in nature and would result in the removal of any landscaping once the development proceeds, the requirement to provide a compliant amount of landscaping is considered unnecessary, and the extent of landscaping currently provided is sufficient.

Signage

17. The existing signage, being signage to advertise a proposed development, is a "Development sign" under the Town's Local Planning Policy No. 38 – Signs. A development sign is permitted where it is limited to one sign per lot and is only in place for the duration of the development/transaction period. There are no limitations upon the size of a development sign.
18. Whilst the sign presents as one continuous sign, it is formed by multiple different signage panels which all advertise different components of the approved development on the site.
19. In considering an application for or involving an advertisement, the Council is to have regard to the matters listed in deemed clause 67 and Clause 30A of the Town Planning Scheme. The following table contains an assessment of the signage against the considerations listed within Clause 30A of the Town Planning Scheme.

TPS1 – Clause 30A considerations	Officer comments
(a) the impact of the sign on the quality of the streetscape where it is to be displayed and more generally of the district;	<p>The signage is not considered to adversely impact on the amenity of the locality.</p> <p>The signage will also provide additional safety and security measures to the site once construction has commenced, with substantial excavation proposed to the Berwick Street lot boundary.</p>
(b) whether the size of the sign appropriately relates to the architectural style, design and size of a building on which the sign is to be displayed, and in measuring the size of a sign a polygon shall be taken immediately around the text, graphics or image of the sign and not the entire background, except where the finish or colour of the background differs	<p>The size of the signage is appropriate to the size of the lot and the approved development on the site.</p>

substantially from the background against which the sign is to be displayed.	
(c) whether the colour scheme and materials of the sign are compatible with the architectural style and design of a building on which the sign is to be displayed;	Not applicable. The sign is freestanding rather than affixed to a building.
(d) whether the colour scheme and materials of the sign are compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed; and	The signage is a high quality and is consistent with the approved development of the site. The colours and materials of the signs are appropriate to the area.
(e) how many signs are on the land where the sign will be displayed.	Whilst there are multiple signage panels, the signs all read as one continuous sign, with renders of the approved development being incorporated.

20. Given the above, the signage is considered to be consistent with the aims and objectives of Local Planning Policy 38 – Signs and the applicable provisions of the Scheme.
21. Having regard to the above, it is recommended that the development application be conditionally approved.

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

12.3 77A Ashburton Street, East Victoria Park - Proposed Home Business (Yoga Hut)

Location	No. 77A (Lot 119) Ashburton Street, East Victoria Park
Reporting officer	Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Simple Majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 – Site Aerial - No. 77 A (Lot 119) Ashburton Street, East Victoria Park [12.3.1 - 1 page] 2. Attachment 2 - Latest DA plan set - No. 77 A (Lot 119) Ashburton Street, East Victoria Park [12.3.2 - 4 pages] 3. Attachment 3 - Applicants submission and client testimonials - No. 77 A (Lot 119) Ashburton Street, [12.3.3 - 6 pages]

Landowner	Anthony Hajichristou
Applicant	Julia Kimberley Williams
Application date	25 November 2020
DA/BA or WAPC reference	5.2020.652.1
MRS zoning	Urban
TPS zoning	Residential
R-Code density	R20
TPS precinct	Precinct P12 – East Victoria Park
Use class	Home Business
Use permissibility	'AA' (discretionary) use
Lot area	791m ²
Right-of-way (ROW)	No
Municipal heritage inventory	No
Residential character study area/weatherboard precinct	No - outside specified areas (General Area)
Surrounding development	Low density small scale Single Houses and Grouped Dwellings surrounding the subject site within the Ashburton Street cul-de-sac. Kent

Street High School and Harold Rossiter Park are located within 200m of the subject site.

Recommendation

That Council refuses the application submitted by Julia Kimberley Williams (DA Ref: 5.2020.652.1) for Retrospective Approval for Home Business at 77A (Lot 119) Ashburton Street, East Victoria Park as indicated on the documents dated received 25 November 2020 and 5 July 2021, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, for the following reasons:

1. The scale and intensity of the proposed use is considered to be incompatible with the surrounding residential development contrary to objectives b), c) and d) of Local Planning Policy 2 – Home-Based Businesses and objectives a), d) and f) of Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas.
2. The proposed use, due to its scale, intensity and traffic/parking impacts, is considered to be inconsistent with matters a), g), m), n), s), t), u), x), and z) of deemed clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Advice to Applicant

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

Purpose

For Council to consider an application seeking retrospective approval for a Home Business at 77A Ashburton Street, East Victoria Park.

As the application is for a change of land use to a non-residential use, which in this instance is not supported by staff, staff do not have delegation to determine this application. As such, the matter is referred to Council for determination.

In brief

- The application seeks retrospective approval for a Home Business.
- The proposed use of Home Business is an 'AA' (discretionary) use within the 'Residential' zone.
- Community consultation concluded on 28 July 2021 after a period of 14 days. 15 Letters were sent to adjoining owners and occupiers. No submissions were received.
- It is considered that the intensity and scale of the proposed Home Business is inappropriate. Additionally, the amenity impacts associated with the use are considered likely to negatively impact the adjacent neighbouring properties.

Background

1. On review of the Town's historical aerial imagery, a grouped dwelling (duplex) has existed at the subject site since circa 1975.
2. On 1 October 2020 the Town was notified that a business was operating from the subject property (77A Ashburton Street), with it being alleged by a member of the public that the street was more congested during operation of the business.
3. On 10 October 2020, the Town sent a warning letter to the landowner advising that the yoga business operating from the premises was unauthorised. Advice was given to either cease the land use or submit an application for retrospective approval.
4. On 25 November 2020, the Town received a retrospective application for development approval from the applicant who resides at the same address proposing 'car parking' and 'cover deck'. On further inspection, the application was also requesting approval to operate a 'home business' (yoga studio) in addition to the proposed works, with the rear covered deck forming a platform for a yoga tent to which the business would operate from. This was in addition to the proposed extra car parking at the front and side of the grouped dwelling for the participants and owners.
5. On 5 July 2021, the Town received modified plans (Attachment 2). The amended plan was developed from meetings held between the applicant, the applicant's associate and the Town to resolve the issue of parking associated with the 'home business'.
6. The existing dwelling on the subject site is approved as a 'Grouped Dwelling' and has on-site vehicle parking for 2 cars.
7. It is noted that the business website is still operational, and bookings can be made currently even though the applicant was directed to cease operation until a determination was provided.

Application summary

8. The development application is for a change of use from 'Grouped Dwelling' to a 'Grouped Dwelling and 'Home Business' (Yoga Studio)' for the existing dwelling at 77A Ashburton Street. The categorisation of the application as being both 'Grouped Dwelling' and 'Home Business' reflects the use by both the applicant as her primary residence (ie. Grouped Dwelling) and the operation of the proposed business (Home Business).
9. On the development application form, the applicant describes the proposal as being 'Car Parking' and 'Cover Deck'. The applicant then further describes the nature of the 'home business' land use within an associated cover letter, with a rear existing deck to be covered by a tent to which two types of yoga classes are conducted from.
10. The existing covered deck at the rear of the subject lot measures 4.5m x 4.5m, totaling 20.25m². A tent is proposed to be erected over the deck where the yoga classes will be conducted from.

11. The applicant has not stated what days the classes run. However, on review of the business website, bookings can be made from Monday-Thursday. Two classes are proposed to be conducted each day, the first from 6:00pm-7:00pm and the second from 7:30pm-8:30pm. The 30-minute gap is to allow participants to enter/exit the property without interfering with participants from other classes. Class numbers are stated to be a maximum of four people per class.
12. The Applicant has worked with the Town to address the issue of car parking by proposing to widen the existing single crossover to a double crossover to better accommodate up to five vehicle parking bays (3 participant bays, 2 staff bays), 1 Motorcycle/scooter bay and bicycle parking in front of bay 4.
13. Landscaping treatments have also been provided along the south-western side boundary (abutting 79 Ashburton Street) to screen the proposed bays and associated vehicles. No additional landscaping details are provided (species type, numbers to be planted etc.). Additionally, concrete 'grass pave' pavers are proposed to be used for car bays 2-4 to soften the car parking bays when viewed from the street.

Applicants submission

14. It is noted that the applicant's submission and associated testimonial contained personal information (names, vehicle license registrations). As such, some personal details have been redacted. The applicant has submitted the following information (Attachment 3) in regard to the proposal.

"About Yoga Classes

Yoga is a practice of moving your body in alignment with your breath and mind. The style of yoga that is taught at Yogi Hunter is focused on mindfulness body movement to stretch the body. Typically, classes will run for 45-60 minutes and they are designed for any fitness level and age to enjoy. It is designed as a small class environment (maximum of four people per class) where yoga and community connectivity are central to the experience. As the teacher and sole trader at Yogi Hunter I pride myself on creating this unique space to help guide and teach my students at the level that supports them.

Timing/Schedule

The schedule has changed to 2 classes 6:00pm and 7:30pm. 6:00pm Flow Yoga is a more active class with postures and movements designed to increase your heart rate and get the body warm. These classes are typically set up with a 40-minute active phase and 20-minute cool down phase, concluding with breathwork and meditation. 7:30pm class was actually suggested by a neighbour on Esperance Street as she could never make a yoga class in other yoga studios. She wanted to do class after the kids were in bed. This is how this class made it to the schedule and is one of the favourites of students. This class is the slower, more relaxing class, known as Restorative Yoga, Yoga Nidra and Yin Yoga. These classes have not a lot of movement to create a more calm and relaxing feeling in the deep stretching and breath work. Therefore, the later time slot works best as the class is quiet and subdued for participants to fall into a deep meditation and relaxation. There is a 30-minute gap between classes to allow enough time for people to leave and arrive with no interference with parking.

About Yoga Classes

All students are encouraged to walk, cycle, carpool (car sharing) and get dropped off to reduce any parking concerns on the street. Students have access to my Sharewaste composting bins and TerraCycle Collection Point for bread tag and bottle caps."

Relevant planning framework

Legislation	Town Planning Scheme No. 1 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
State Government policies, bulletins or guidelines	State Planning Policy 7.3 - Residential Design Codes Volume 1
Local planning policies	Local Planning Policy 2 – Home based businesses (LPP2) Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas (LPP3) Local Planning Policy 23 – Parking Policy (LPP23)
Other	Not Applicable.

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <ul style="list-style-type: none"> • <i>"...The East Victoria Park Precinct will be enhanced and consolidated as a residential neighborhood in which a range of housing types of low scale is predominant..."</i> • <i>"...Other types of accommodation, and some non-residential uses to serve the day-today needs of local residents are appropriate to these localities..."</i>
Local planning policy objectives	<p>The following objectives of Local Planning Policy 2 'Home Based Businesses' are relevant in determining the application.</p> <ul style="list-style-type: none"> • b) To ensure that the use of land for any home-based business activity is small in scale, unobtrusive and compatible with surrounding buildings and uses; • c) To protect the character of the locality • d) To ensure that home-based business activities do not have a prejudicial effect on the amenity of their locality by reason of any form of emissions or increased numbers of vehicle movements; <p>The following objectives of Local Planning Policy 3 'Non-Residential Uses in or Adjacent to Residential Areas' are relevant in determining the application.</p> <ul style="list-style-type: none"> • a) to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties; • d) to minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic

	<p>generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses;</p> <ul style="list-style-type: none"> • f) to maintain and enhance the amenity of residential environments through ensuring appropriate landscaping treatments, location of car parking and vehicular access legs, and the protection of visual privacy when considering applications for non-residential development.
<p>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</p>	<p>The following objectives of Local Planning Policy 23 'Parking Policy' are relevant in determining the application.</p> <ul style="list-style-type: none"> • a) to ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand. <p>The following are relevant matters to be considered in determining the application.</p> <ul style="list-style-type: none"> a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area; g) Any local planning policy for the Scheme area; m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development; n) The amenity of the locality including the following - <ul style="list-style-type: none"> i. The character of the locality; ii. Social impacts of the development. s) The adequacy of - <ul style="list-style-type: none"> i. The proposed means of access to and egress from the site; and ii. Arrangements for the loading, unloading, maneuvering and parking of vehicles; t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety; u) The availability and adequacy for the development of the following - <ul style="list-style-type: none"> - Access by older people and people with disability; x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;

z) Any other planning considerations the local government considers appropriate.

Compliance assessment

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

Residential development		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Parking and access	Dwelling located in 'Location A' due to proximity to high frequency bus route (Kent Street) - 1 resident car bay required, 2 (staff) bays provided. The applicant states they are the sole trader.	No

Home Based Business		
Planning element:	Permissibility/deemed-to-comply	Requires the discretion of the Council
Home-based business activities shall be small scale and unobtrusive such that they -		
do not employ more people than that permitted under the respective land use definition, or alternatively no more than 2 people external to the occupants of the dwelling household in any other instance; and	1 employee (applicant acting as sole trader)	No
do not include provision for the fuelling, repair or maintenance of motor vehicles; and	N/A - not proposed	No
do not: 1. exceed any size limitation specified in the definition for the specific home-	Due to the built strata lot configuration, lot size is calculated to be half the parent lot size - 395.5m ² .	No

based business use being carried out; or 2. occupy an area greater than one third of the land or one third of the floor area of the dwelling/building(s) on the land from which it is conducted; whichever is the lesser;	The home business occupies 20.25sqm at the rear of the dwelling which equates to 5.12% of the lot area associated with the subject site.	
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Change of use application		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use	Home business – “AA” (discretionary) land use	Yes
Car parking	No car parking ratio prescribed for ‘Home business’ under LPP 2 or LPP 23. Maximum 4 participants per class, 5 car bays provided and 1 motorcycle/scooter bay provided	Yes
Signage	None proposed	No

Based upon the above table, the following development standards require the discretion of Council.

Element	Permissibility	Recommendation
Land use	Home business – Discretionary “AA” land use	Not supported.

17. Due to the operational nature of the proposal (number of participants, hours of operation, car parking demand), it is not considered to meet the definition of a ‘Home Occupation’ which is an exempt land use in residential zones under the *Planning and Development Regulations (Local Planning Scheme) 2015*.

18. A ‘Home Business’ land use is a discretionary (AA) use within the ‘Residential’ Zone.

19. Under TPS1, a ‘Home Business’ is defined as follows:

means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession –

(a) does not involve employing more than 2 people who are not members of the occupier’s household; and

- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

20. In considering the location of the business, its association with an existing dwelling and its scale. The land use is considered a 'Home Business'.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The proposal, due its parking impacts and operational nature, is considered to have an adverse impact upon Ashburton Street and surrounding properties.

Engagement

Internal engagement	
Engineering	<p>Original plans showed the existing single width crossover servicing a double width driveway which was not supported.</p> <p>The applicant has demonstrated on the latest plans (Attachment 2) that the existing crossover is to be widened to 6m to better accommodate vehicle access into the double-width driveway.</p> <p>No objections to the use of 'Grass Pave' paving material internally. However, the associated crossover is to be built to the specifications of the Town.</p>

External engagement	
Stakeholders	Owners and occupiers of adjoining properties
Period of engagement	14 July 2021 - 28 July 2021 (14 days)
Level of engagement	2. Consult

Methods of engagement	Letters provided to owners and occupiers of adjoining properties.
Advertising	Letters outlined the proposed change of use and uploading of relevant documents and information on the Town's consultation portal.
Submission summary	No submissions received
Key findings	N/A - no submissions received

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	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 applicant has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council.	Minor	Unlikely	Low	Low	Accept
Reputation/ Image	Negative public perception towards the Town may result regardless of the outcome	Minor	Unlikely	Low	Low	Accept
Service Delivery	N/A	N/A	N/A	N/A	N/A	N/A

Financial implications

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

Analysis

21. Town Planning Scheme No. 1 requires the exercise of discretion when considering the appropriateness of the proposed 'Home Business' use on a 'Residential' zoned lot, taking into consideration Council policies and the potential amenity impact on surrounding properties.

22. It is noted the application was lodged in November 2020. Since then, planning regulations and the Town's 'Home Occupation' policy has been amended to 'Home-Based Businesses', with the policy adopted at the August OCM.

23. Nevertheless, the proposal is considered to be inconsistent with the newly adopted Local Planning Policy 2 (LPP2) with respect to Clause 3(a) which states:

"...A home-based business should not cause injury to or adversely affect the amenity of the neighbourhood or surrounding properties, including by way of light emissions, noise, fumes, odours, dust, vibration, electrical interference, waste water, or any other form of waste products..."

24. Due to the number of participants accessing the site at night during the stated operating hours, it is difficult to accept that the proposal will not adversely affect the amenity of the neighbourhood, given that the Town received complaints about the unauthorised land use due to the traffic generated by the land use. Additionally, light and noise associated with participants and their motor vehicles could be considered to adversely affect the amenity of the neighbourhood.

25. The proposal is also inconsistent with Local Planning Policy 2 (LPP2) with respect to Clause 3(b) which states:

"...home-based business proposed from/in association with a Grouped Dwelling or Multiple Dwelling will generally not be supported by the Council unless it can be demonstrated that the amenity of the residents of other dwellings within the Grouped or Multiple Dwellings complex/development will not be adversely affected..."

26. The subject site's dwelling forms part of a duplex with 77 Ashburton Street. It has not been demonstrated how the proposal will mitigate its impact on the current/future residents of the other dwelling. Consideration is once again given to the number of participants accessing the subject site every day that the business is proposed to operate. A worst-case scenario would be eight cars accessing the site between the stated operating hours during a weeknight. This can lead to additional noise generated from participants and their cars along with headlight glare affecting the adjoining dwellings. This is beyond the intensity considered reasonable for a residential area.

27. The proposal is also inconsistent with Local Planning Policy 2 (LPP2) with respect to Clause 6(a) which states:

"...Other than a Home Store, any home-based business should not generate any vehicular traffic to the site that, in the opinion of Council, is substantially greater than that which is normal to the residential neighbourhood in which it is located..."

28. Due to the operational nature of the proposal generating up to eight additional vehicle movements per day from the subject site from participants, this is viewed as a substantial increase in traffic. Typically, the subject site could produce on average four vehicle trips by residents. However, this could be increased further to 20 vehicle trips per operating day (four trips by two residents, 16 by participants). It is once again acknowledged that the proposal provides facilities for other modes of transport and the applicant encourages a range of transport options which could lessen the impact of vehicles however this is difficult to control via the applicant or by planning conditions.

29. The proposal is considered to be inconsistent with Local Planning Policy 3 (LPP3) with respect to Clauses 1-3 and 12 ('Preferred Location', 'Traffic Generation', 'Control of Noise, Pollution or Other Impacts Associated with the Use' and 'Hours of Operation'). The location of this non-residential use on a local road with possible light, noise and traffic generation, which are at levels that could be considered to affect the amenity of adjoining properties and the neighbourhood, during non-standard business hours, do not align with the provisions of LPP3.

30. With respect to the provision of on-site car parking, on review of the street block, each dwelling typically provides either one or two car parking bays. The minimum number required under the R-Codes for each dwelling is one car parking bay due to its proximity to a high frequency bus route (Kent Street).

31. While the plans state one of the 'client bays' is a small car bay, the plans demonstrate sufficient space (10m) to fit 2 standard bays in tandem along the existing driveway. A length of 10m is considered sufficient as per LPP 23 as no barrier separates the two bays.

32. In regard to the Town's Local Planning Policy 23 (LPP 23) - *Parking*, Clause 6.1(d) states:

"...Where tandem car parking is proposed for a non-residential use, only one of the two tandem car bays shall be calculated as part of the approved car parking requirement for the development..."

33. The plans depict the provision of five on-site car bays, comprising :
- Three bays (one for staff/resident and two for clients) on the newly paved area to the side of the dwelling; and
 - Two bays over the existing driveway (one for staff/resident and one for a client).
34. However, the parking of client vehicles in a tandem configuration is not supported given the inconvenience of accessing such bays. Tandem parking is inconvenient as it may rely upon a client having to move their vehicle to let another client out. Accordingly when discounting one of the tandem parking bays for clients, a maximum of four on-site bays are provided (two for staff and two for clients).
35. Noting the applicant expects a maximum of four clients per class, the provision of two on-site bays for clients is insufficient.
36. The applicant has made efforts to contain parking on-site with some management practices to assist with managing vehicles accessing the property. With respect to Clause 6(a) of LPP2, which states:
- “...Any home-based business resulting in the attraction of customers/visitors to the site shall:
- i. demonstrate how customers will park on the site, or otherwise be serviced by available on-street parking adjacent to the site; and/or
 - ii. confirm that visitations will occur by appointment only, and include an appropriate interval between appointments, to avoid customer overlap and minimise parking and traffic generation to the site...”
37. The proposal aims to accommodate two participants’ vehicles on site (taking into account the restrictions associated with tandem configurations) with facilities provided for bicycles and a motorcycle/scooter along with proximity to public transport. Additionally, this section of Ashburton Street exhibits large verges which could accommodate on-street parking.
38. It is acknowledged that the applicant has taken into account the Town’s comments and has taken positive steps to lessen the impact of the additional car parking on-site by providing parking spaces for various modes of transport. The applicant also introduced additional landscaping elements, as shown on the current plans (Attachment 2), to soften the appearance of the car bays when viewed from the street and adjoining property (79 Ashburton).
39. Classes are appointment only and a 30-minute interval is proposed between classes which assist in avoiding overlap of participants.
40. However, having regard to Council’s Local Planning Policies, the land use is not considered appropriate at this location. In particular, the location of a home-based yoga studio of the intensity at hours proposed, in a low-density residential area, is contrary to the provisions of LPP2 and LPP3.

41. On balance of the analysis conducted above and giving due regard to the relevant planning requirements, the proposal is considered to be incompatible with the surrounding sensitive residential land uses given its intensity, hours of operation and insufficient parking and is recommended for refusal.

Relevant documents

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

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

[Local Planning Policy 2 – Home Based Businesses](#)

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

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

Cr Jesvin Karimi left the meeting at 7.55pm.

Questions and responses

Cr Brian Oliver

1. Has the Council approved any other similar home businesses of this nature and if so, how many?

The Manager Development Services advised that he cannot recall.

Mayor Karen Vernon advised she recalled one a few years ago for one application in Hubert Street.

The Manager Development Services confirmed there was one application on Hubert Street.

Deputy Mayor Bronwyn Ife

1. Does the staff have a view of an appropriate number of cars parked on the street?

The Manager Development Services advised the Town is of the view that a car bay for each participant.

2. Is this a situation where a 12-month trial and neighbour feedback could be applicable?

The Manager Development Services advised that a time trial could be considered by Council and other considerations could be regarding number of students, hours of operation, number of participants per class, and conditions around parking.

Cr Claire Anderson

1. Has the Town monitored the traffic in the street and recorded data specifically during the stated class time frames? If not, what are the requirements to monitor traffic?

The Manager Development Services advised no, the Town has not recorded traffic data for the stated class time frames. Even if this were to occur, it would be the case that the traffic volumes on the street are well within the allowable limits for the road type. The issue is not the traffic generated by the proposal from a road capacity perspective, but rather whether the traffic generated by the use is reasonable from a land use and amenity perspective.

2. Has the noise been monitored and measured?

The Manager Development Services advised that noise has not been monitored and measured.

Cr Ronhhda Potter

1. Has there been any complaints by neighbours around noise or parking with this business?

The Manager Development Services advised that at least one resident had enquired about a legal business at this premise due to traffic on the street. No submissions were received through the community consultation.

Cr Luana Lisandro

1. Has the applicant submitted an application to increase the crossover?

The Manager Development Services advised that in attachment 2 the applicant proposes the widening of the crossover as part of this development approval.

Mayor Vernon

1. Noting the report refers to plural complaints, how many separate complaints were received by the Town?

The Manager Development Services advised one complaint.

2. How many meetings were held with Town staff and the applicant between 25 November 2020 and 5 July 2021 when the modified plans were received?

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

3. In regards to paragraph 7, when was the applicant directed to cease operating the business until a determination was made?

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

4. In regards to paragraph 10, is the size of the 20.25m² area which the tent is proposed to cover considered by officers to be a relevant consideration?

The Manager Development Services advised that the size of the tent is relevant in terms of the land use classification, but has little relevance to the Officer's assessment of the application.

5. In regards to paragraph 24, what weight should be given to the lack of any objections being made by the surrounding residents in assessing the potential for adverse amenity impacts?

The Manager Development Services advised that public comments are one of many matters to be considered in determining any application. Some weight should be given to no objections being received, but greater weight should be given to considering the impact of the proposal on the amenity of surrounding properties.

6. In regards to paragraph 26, is a home business that operates for only 2 hours per day (with a maximum of 8 clients), 4 times a week considered to be a more intense use than a home business that operates 5 days a week with up to 10 clients per day?

The Manager Development Services advised that in his view that is the case. Having up to 4 clients per hour visit the site within a two hour window only, is a more intense use than a use which spreads its clients over the course of a day.

7. Is it said to be a more intense as there are people all there at one time?

The Manager Development Services advised yes.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on how many meetings were held with Town staff and the applicant between 25 November 2020 and 5 July 2021 when the modified plans were received.
2. Include information on when the applicant was directed to cease operating the business until a determination was made.

Cr Jesvin Karimi returned to the meeting at 8.06pm.

12.4 COVID-19 Action Plan- Closing Report

Location	Town-wide
Reporting officer	Place Leader (Economic Development)
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	1. COVI D-19 Action Plan- Edition Two [12.4.1 - 15 pages] 2. CAP Key Actions, Measures and Outcomes [12.4.2 - 4 pages]

Recommendation

That Council notes:

1. The projects that have been undertaken as part of the COVID-19 Action Plan.
2. The closure of the COVID-19 Action Plan.

Purpose

To present a closing report for the COVID-19 Action Plan.

In brief

- At the Special Council Meeting on 7 May 2020, Council adopted the COVID-19 Response Strategy "Restart Vic Park". The Strategy provides a series of objectives for recovery and establishes the need to prepare and deliver a COVID-19 Action Plan (CAP).
- The CAP is a dynamic document overseen by the COVID-19 Response Working Group (CRWG). The CAP details the actions and projects for the Town to implement to achieve the objectives of the COVID-19 Response Strategy. It includes both new projects and existing projects of the Town that have been repurposed for COVID-19.
- To deliver new projects, Council endorsed a \$500,000 budget. A total of \$169,881.30 was spent delivering projects in the 2020/21 financial year.
- At the end of June 2021, all projects in the CAP have either been completed or commenced.

Background

1. At the Special Council Meeting on 7 May 2020, Council adopted the COVID-19 Response Strategy "Restart Vic Park". The Strategy provides a series of objectives for recovery and establishes the need to prepare and deliver a CAP.
2. The CAP is a dynamic document overseen by the CRWG. The CAP details the actions and projects that the Town implements to achieve the objectives of the COVID-19 Response Strategy. It includes both new projects and existing projects of the Town that had been repurposed for COVID-19.
3. The CRWG was created following the first lockdown period in response to COVID-19 Pandemic and includes the following staff:
 - a. Presiding Member/Mayor
 - b. Deputy Presiding Member and Jarrah Ward Representative/Deputy Mayor
 - c. Banksia Ward Representative/Elected Member

- d. Local Recovery Coordinator/Chief Community Planner
 - e. Chief Executive Officer
 - f. Chief Operations Officer
 - g. Chief Financial Officer
4. The CRWG initially met on a monthly basis, although the frequency of meetings has reduced at the discretion of the group (as per the Terms of Reference).
 5. The COVID-19 Action Taskforce (CAT, previously Economic and Social Recovery Taskforces) manages the ongoing reviewing, updating and implementing of the CAP. The process includes the following:
 - a. Ideas for projects and actions are drawn from a variety of sources and collated on a Master List.
 - b. The CAT prepares a quantitative score to measure alignment of ideas with the COVID-19 Response Strategy and facilitates a workshop to select a shortlist of Priority Projects.
 - c. Priority Projects are assigned a "Project Champion" who undertake project scoping using a standard template. Project Champions assess whether there are sufficient resources to implement the project and whether the project is likely to achieve recovery outcomes.
 - d. Projects considered low risk by Administration were implemented immediately and shown to the CRWG for information only. For higher risk projects, CRWG reviewed the Priority Project documentation, including recommendations from the Project Champions, and advised Administration if the projects could be implemented or would require Council approval. The majority of projects were low risk and CRWG did not recommend Council approval.
 - e. The first edition of the CAP was endorsed by Council at the Ordinary Council Meeting on 18 August 2020. The second edition (with additional projects) was endorsed on 20 October 2020 (see Attachment 1).
 - f. Quarterly reporting of the CAP has occurred to provide regular updates on the progress of the Plan. This report was endorsed at the following Ordinary Council Meetings:
 - (i) October 2020
 - (ii) February 2021
 - (iii) July 2021
 6. A Master List, which contained all ideas for recovery projects, was managed by the CAT. It included COVID-19 recovery ideas from the following sources:
 - a. Elected Members and the CRWG;
 - b. Town staff;
 - c. Community feedback, including the Restart Vic Park Community Impact Survey;
 - d. The Covid-19 Economic Impact and Opportunity Assessment; and
 - e. The Business Advisory Group
 - f. Existing projects from Town plans and strategies that could generate recovery benefits.
 7. To deliver new projects, Council endorsed a \$500,000 budget. A total of \$169,881.30 was spent delivering projects in the 2020/21 financial year.
 8. At the end of June 2021, all projects in the CAP have either been completed or commenced.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact ¹⁹
CL03 - Well thought out and managed projects that are delivered successfully.	The CAP provides a comprehensive list of projects that were scoped, budgeted, assessed for alignment with recovery objectives, and endorsed by the

	CRWG. The CAP guides implementation of projects to achieve the recovery objectives in the COVID-19 Recovery Strategy. The dynamic approach taken to maintain the document has ensured that projects have emerged throughout the recovery process and allowed for ongoing monitoring of project resourcing and timing.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The CAP has provided a high-level framework for approving spending of COVID-19 recovery funds. Projects have been endorsed by the CRWG and updates to the CAP document approved by Council.

Engagement

Internal engagement	
Stakeholder	Comments
CRWG	CRWG are aware of the progress of projects within the CAP and that Administration will seek the formal closure of the Plan.
CAT	The CAT held a final meeting to seek final updates on relevant projects.

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	The CAP is not closed off and community expectation is that new projects will continue to be delivered.	Minor	Possible	Medium	Low	TREAT risk by endorsing the closure of the CAP.
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	Funds cease to exist in the 2021/22 budget and are not required.
Future budget impact	Not applicable.

Analysis

9. A breakdown of the new projects that were funded by the COVID-19 Recovery budget can be found below (for more detail, please see the minutes of the 20 July 2021 OCM):
 - a) COVID-19 Economic Impact and Opportunity Assessment.
 - b) Business Grants Program.
 - c) Market Trial Series.
 - d) Gallipoli St Local Centre Upgrade.
 - e) Maker Spaces Study.
 - f) Localised campaign.
 - g) COVID-19 event costs; and
 - h) COVID-19 second wave communications.
10. In addition to these projects, several other COVID-19 specific projects were undertaken prior to the endorsement of the CAP (these were added into the first version of the CAP, however budget was not expended from the COVID-19 Recovery budget). The impact of the above and these additional 'first response' projects have been assessed, and measures and outcomes achieved can be found in Attachment 2.
11. The COVID-19 Reserve was dissolved at the 2 August 2021 Special Council Meeting.
12. It is recommended that the COVID-19 Restart Strategy remains active, ensuring it is available to guide a recovery from any future lockdown periods that might occur.
13. With 100% of projects completed or in progress, there is no operational need for the CAP to continue to exist. It is recommended the CAP be closed.

Relevant documents

Not applicable.

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

12.5 Club Night Lights Program Application - Harold Rossiter Park

Location	East Victoria Park
Reporting officer	Community Development Officer (Clubs, Events and Bookings)
Responsible officer	Manager Community
Voting requirement	Simple Majority
Attachments	1. D 21 37946 Petition_-_ VPSC floodlighting upgrades for Harold Rossiter Park D Qc 9 H 86 m 2 Uq T Pe [12.5.1 - 4 pages]

Recommendation

That Council:

1. Approves the submission for up to \$130,000 grant application by the Town of Victoria Park to the Department of Local Government, Sport and Cultural Industries (DLGSC) through Club Night Lights Program (CNLP) to upgrade the Floodlights at Harold Rossiter Park.
2. Notes the petition received on 16 March 2021 (Council resolution 30/2021), requesting an upgrade of lighting facilities on the playing fields at Harold Rossiter Park, will be included in the grant application as supporting information.

Purpose

For Council to receive the report in response to the petition for the request for upgrading the lighting on the playing fields at Harold Rossiter Park.

To seek Council approval for the Town of Victoria Park to submit a Club Night Lights Program (CNLP) grant application for up to \$130,000 to Department of Local Government, Sport and Cultural Industries (DLGSC) by 30 September 2021. If the application is successful, the funds will be available in the 2022/2023 financial year.

In brief

- In 2019/2020, the Town commissioned detailed designs for floodlighting of Harold Rossiter Park to provide 100 lux lighting for two soccer pitches, and low lux level community lighting that automatically activates at night.
- Harold Rossiter Park flood light project was originally listed on the 2020/2021 capital works budget but was deferred due to the impact of the COVID-19 pandemic. The project is now listed for consideration in the 2022/2023 Capital Works Program and Long-Term Financial Plan.
- The Town is preparing a Club Night Lights Program (CNLP) application for submission to the DLGSC by 30 September 2021. Applications are submitted a financial year in advance. A 2021/2022 application will result in funds being made available in 2022/2023 financial year if the application is successful. The Town is seeking one third CNLP funding to make the project financially viable, enabling delivery of needed infrastructure upgrades for the community at popular parks and reserves in line with the Public Open Space Strategy.
- This report is seeking approval only to submit the application to DLGSC by 30 September 2021. Pending the outcome of this report, a further request (via a Council report in November 2021) would be presented to Council seeking a financial commitment.

Background

1. In April 2020, the Town completed the detailed design stage of the Harold Rossiter Park floodlighting project. The project was then listed for completion in the 2020/2021 financial year. Due to the impact of the COVID-19 pandemic the project was deferred by Council and is now listed to be nominated for the 2022/2023 financial year for completion.
2. At the Ordinary Council Meeting of 16 March 2021, a petition was presented to Council as follows:

“We the undersigned, being electors of the Town of Victoria Park and/or members and/or supporters of the Victoria Park Soccer Club, do respectfully request that Council:

Upgrade the lighting facilities at Harold Rossiter Park to allow sufficient lighting for an amateur competition and match practice to occur on all playing fields, this being floodlighting to the extent necessary to light the entire field which will benefit the Victoria Park Soccer Club while using the facilities and benefit the wide neighbouring community and users of Harold Rossiter Park with respect to use, safety and security.”
3. The petition (item 2 above) received 47 signatures.
4. The petition was received by Council, Council Resolution (30/2021).
5. Since deferral of the project the Town has investigated appropriate funding opportunities to provide financial assistance towards completion of the project.
6. The Club Night Lights Program (CNLP), which is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC), CNLP provides financial assistance to community groups and LGAs to develop sports floodlighting infrastructure.
7. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. The maximum grant offered for standard grant applications is one third of the total estimated project cost (excluding GST) up to a maximum grant of \$1 million.
8. The CNLP will provide \$10million over four years to fund sports floodlighting and community sporting venues. The maximum grant offered for standard grant applications is one third of the total estimated project cost (excluding GST) up to a maximum grant of \$1 million.
9. Successful projects valued over \$300,000 can claim 25% of their grant upon the signing of a major works contract. 50% of the grant may then be claimed once expenditure has reached 50%. The final 25% of the grant is to be claimed upon the completion of the project. It is important to note that the Club Night Lights Program still primarily operates on a reimbursement basis. Grantees are required to demonstrate that the expenditure of funds has occurred prior to submitting a claim for payment.
10. Through consultation within the Town of Victoria Park, Football West and Victoria Park Soccer Club and communication with regular users of the park it has been identified that upgrading the floodlights and Harold Rossiter Park is required.
11. Completion of the floodlight project will increase physical activity in two areas, traditional organised sport, and passive community use. Current floodlighting is limiting training and match play opportunities for the Victoria Park Soccer Club. The Club are not able to host night matches and have poor lighting for training resulting in team training being spread across two locations. Upgrading the floodlights will increase the club’s ability to attract and maintain club members by providing better training facilities and the opportunity to host night matches.
12. Passive community use will be increased as the floodlight designs have provisions for low lux levels that provide sufficient lighting for walking and low intensity activity in the evening. This is particularly important during winter as the Town receives several requests for the lights to be turned on so community can access the park after daylight hours.

13. The community lighting would be automatically controlled by a timer/ PE cell. Additional community lighting will allow for increased security at the park as result of passive surveillance with improved visibility during the evening. It is anticipated that the upgrading of floodlights at Harold Rossiter Park will increase the use of the park and the quality of playing surfaces assisting Victoria Park Soccer Club to remain competitive in all competitions, and assist in the attracting and retaining of players.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Renewed facilities which meet current standards and maximised facility usage, through a well planning project management framework.
CL07 - People have positive exchanges with the Town that inspire confidence in the information and the timely service provided.	Victoria Park Soccer Club has engaged with the Town and continued to advocate for the flood lighting project to be completed at Harold Rossiter Park.

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.	Provide quality well-lit active playing surfaces for members of the Victoria Park community through the provision of high-quality sporting infrastructure.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Facilitate an active lifestyle for members of the Victoria Park community through the provision of quality recreation facilities. Promote participation in community sport through the provision of high-quality playing surfaces

Engagement

Internal engagement	
Clubs, Events and Bookings Officer and Manager Community	Manager Community provided support to complete the application if supported by the Strategic Assets Advisory Group (SAAG), Parks Operation, Finance and Governance teams.
Clubs, Events and Bookings Officer and Reserves and Capital Works Supervisor	Reserves and Capital Works Supervisor confirmed the project is supported and would be completed by the Parks Operation Team in 2022/2023 should the project go ahead.

Clubs, Events and Bookings Officer and Finance Manager	<p>Finance Manager supports the approach to seek approval from Council to submit the CNLP application to DLGSC in September 2021.</p> <p>Finance Manager supports the approach to seek financial commitment from Council in November 2021 after the caretaker period has ended.</p>
Clubs, Events and Bookings Officer and Coordinator Governance and Strategy	<p>Coordinator Governance and Strategy supports the approach to seek approval from Council to submit the CNLP application to DLGSC in September 2021.</p> <p>Coordinator Governance and Strategy supports the approach to seek financial commitment from Council in November 2021 after the caretaker period has ended.</p>
Clubs, Events and Bookings Officer and Senior Place Leader (Strategic Planning)	Senior Place Leader (Strategic Planning) provided information that the Public Open Space Strategy Supports the project and maximising the use of Harold Rossiter Park primarily as a sporting venue.
Clubs, Events and Bookings Officer and Strategic Asset Advisory Group	At the July and August 2021 Strategic Asset Advisory Group (SAAG) meetings the CNLP application was discussed and supported by SAAG to seek approval from Council to submit the CNLP application to DLGSC in September 2021 and to seek financial commitment from Council in November 2021 after the caretaker period has ended.

External engagement	
Victoria Park Soccer Club	Since Victoria Park Soccer Club moved to Harold Rossiter Park in 2021 the Town has retained an open line of communication with the club to ensure that facility upgrades are discussed and considered to ensure the site can continue to meet the demands of the growing club. The club has continued to advocate for floodlighting upgrades at Harold Rossiter Park, with floodlights deemed to be their highest priority.
Period of engagement	January 2021 to present.
Level of engagement	2. Consult
Methods of engagement	<p>Meetings, phone calls and written correspondence.</p> <p>Victoria Park Soccer Club submitted a petition to the Town on 16 March 2021 with 47 signatures.</p> <p>Emails regarding floodlights have been sent to the Clubs, Events and Booking Officer on 8.08.21, 2.08.21, 1.08.21, 30.07.21 and 9.06.21.</p>
Advertising	Not Applicable.
Submission summary	Victoria Park Soccer Club have identified the floodlight project at Harold Rossiter Park as their highest priority and will continue to advocate for the floodlight project until it is completed.

Key findings	The Town of Victoria Park supports the need for the project, and this is demonstrated in the completion of the detailed design, nominating the project on the 2020/2021 Capital Works program and Long Term Financial Plan (deferred due to COVID-19), and listing again for nomination in the 2022/2023 financial year.
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Other engagement	
Department of Local Government, Sport and Cultural Industries	Project discussed with relevant officers at the Department of Local Government, Sport and Cultural Industries (DLGSC). DLGSC provided information to assist with the application process.
Football West	Project discussed with Football West who provided a letter of support to be submitted with the application to DLGSC. The letter states, <i>Victoria Park Football Club has continued to grow its level of participation in football in recent years. However, to utilise the oval to its full potential, 100 Lux is the minimum requirement for Football West competitive amateur night matches.</i>
Curtin Victoria Park Cricket Club	Project discussed with Curtin Victoria Park Cricket Club who use Harold Rossiter Park in the summer and while it does not have a direct impact, they are supportive of the project going ahead.
Personal Trainers	Project discussed with personal trainers and group fitness operators who book and use Harold Rossiter Park all year round. Support is provided for the project as low-level community lighting will provide an increase in early morning and evening visibility for sessions.
Perth Training and Obedience Dog Club	Project discussed with Perth Training and Obedience Dog Club who book and use Harold Rossiter Park all year round in line with the school terms. They are supportive of the project as the new flood lights will increase the space.

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	Nil					
Environmental	Nil					
Health and Safety	Nil					
Infrastructure / ICT Systems / Utilities	Not Applicable					
Legislative Compliance	Not Applicable					
Reputational	Not approving the CNLP application for submission to DLGSC will impact the Town and Elected Members reputation and relationship with the Victoria Park Soccer Club.	Moderate	Almost Certain	High	Low	Treat: Council approve the CNLP application for submission to DLGSC.
Service Delivery	Not Applicable					

Financial implications

Current budget impact	Nil. The report is only requesting approval to submit the CNLP application to DLGSC.
Future budget impact	There would be a requirement to list \$390,000 (expenditure) from municipal funding and \$130,000 (grant revenue) for consideration in 2022/23 Capital Works Budget and Long-Term Financial Plan.

Analysis

14. There is evidenced based need to complete the flood lighting project providing 100lux led lighting to two soccer pitches. The Public Open Space Strategy (POSS) identifies Harold Rossiter Park primarily as a formal sporting space that is underutilised in winter, due primarily to a lack of floodlighting for training and night matches.

15. By upgrading the floodlights, this will assist in maximising the park's use in winter and assist with the winter turf management by increasing the capacity to evenly spread wear and tear on the surface during nighttime training sessions.
16. Appendix C of the POSS recommends the completion of a masterplan. Completing the floodlighting project does not compromise the ability to develop a masterplan for Harold Rossiter Park.
17. Victoria Park Soccer Club have continued to advocate for this project's completion to support the club's continued growth in providing Junior and Senior Soccer opportunities in the Town of Victoria Park. Completion of the project will allow the Victoria Park Soccer Club to move all training and match requirements to Harold Rossiter Park. Currently the club is spread across two venues in the Town, Harold Rossiter Park and Parnham Park.
18. The detailed design was completed in April 2020 with the project listed on the 2020/2021 budget for completion. This decision was deferred by Council due to COVID-19. This project will be managed by the Town of Victoria Park.
19. Due to the caretaker period the Town is only seeking approval to submit the CNLP application to DLGSC before 30 September 2021 in line with their closing date.
20. A November 2021 Ordinary Council Meeting (OCM) report will be submitted requesting Council accept the grant funds of up to \$130,000 should the application be successful. The November 2021 OCM report will also request Council to formally allocate/list the full project amount of \$390,000 in the 2022/2023 budget, list the project in the Long-Term Financial Plan and the Five-Year Capital Works Plan if the CLNP application is successful.
21. The DLGSC will be assessing applications in late November/early December 2021. If Council rejects the proposal in the November OCM report the Town can withdraw its CNLP application without impacting its reputation with DLGSC.
22. The Town is required to review, rank, prioritise and submit CNLP applications to the DLGSC, upon approval by Council. This is the only CNLP application the Town will be submitting in 2021 and has received a priority ranking of 1/1.

Relevant documents

[Public Open Space Strategy](#)

Questions and responses

Mayor Karen Vernon

1. If the funding application is successful, when will the grant funding have to be expended by?

The Chief Community Planner advised the grant must be expended by June 2023.

2. If the project is to be listed in the 2022/23 budget, when is the project likely to be completed?

The Chief Community Planner advised the project would likely be completed in early to mid 2023.

3. In regards to paragraph 7, given this project was originally listed for consideration in the 2020/21 capital works list, if this application for funding is successful, are there any options to bring the project forward for completion in the current financial year?

The Chief Community Planner advised that the Town would need to fully fund the project and allocate the full \$390K project amount in 2021/2022 financial year as a budget amendment. This is an extremely tight timeline and may impact training and usage until mid 2022. The soccer seasons is from February through to September.

4. If the application is successful, when will the Town hear that it has been successful?

The Chief Community Planner advised early January 2022.

5. Is there an option for Council to approve the funding for it in the 2022-2023 budget but for the project to be delivered earlier in the 2022 calendar year?

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

6. If the Town is successful, what capacity is there for Council to consider providing funding in a mid year or monthly budget review, allowing the project to then begin by the beginning of the 2022 – 2023 financial year (from July 2022 onwards)?

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

7. If the funding application is not successful, what other external funding options are open to the Town to fund the floodlighting?

The Chief Community Planner advised that there are two options. One is an application could be submitted in the next financial year, and delivered in the following financial year. The second option is that Local Roads and Community Infrastructure (LRCI) Program Funding Phase 3 may be available but will need to be investigation further. The Chief Community Planner advised that information would be provided under further consideration.

8. When referring to the Local Roads and Community Infrastructure Program Funding Phase 3 are you referring the Phase 3 Commonwealth Government allocation of over \$540,000 that the Town received notice of earlier this year?

The Chief Community Planner advised that she is not sure.

9. Given that the Victoria Park Soccer Club took up the opportunity to express an interest in becoming the lead tenant at Harold Rossiter Park and the likely long lead in time for floodlighting to be installed, is that seen as something that will negatively impact club's growth over the years?

The Chief Community Planner advised that she could not comment on this regard.

10. Is there any issue with Victoria Park Soccer Club continuing to maintain the premise in Parnham Park whilst we wait for floodlighting to be installed?

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

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on whether there is an option for Council to approve the funding in the 2022-2023 budget but for the project to be delivered earlier in the 2022 calendar year.
2. Include information on whether if the Town is successful, what capacity is there for Council to consider providing funding in a mid year or monthly budget review, to allow the project to then begin by the beginning of the 2022 – 2023 financial year (from July 2022 onwards).
3. Include further information on the option of external funding using the Local Roads and Community Infrastructure (LRCI) Program Funding Phase 3.
4. Include information on whether there are any issues with Victoria Park Soccer Club continuing to maintain the premise in Parnham Park whilst the Town wait for floodlighting to be installed.

13 Chief Operations Officer reports

13.1 Community Sporting and Recreation Facilities Fund CSRFF Grants Application

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

Recommendation

That Council approves submitting a \$2 million grant application to the Department of Local Government, Sport and Cultural Industries (DLGSC) through the Community Sport and Recreation Facilities Fund (CSRFF) for the McCallum Park Active Area project.

Purpose

To seek Council approval for the Town to submit a Community Sport and Recreation Facilities Fund (CSRFF) grant application to Department of Local Government, Sport and Cultural Industries (DLGSC) by 30 September 2021.

In brief

- The CSRFF, which is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC), provides financial assistance to community groups and Local Government Authorities (LGA) to develop basic infrastructure for sport and recreation, capped at one-third of the total infrastructure cost (excluding GST).
- LGAs are required to review, rank, prioritise and submit CSRFF grant applications to DLGSC, upon approval by Council.
- At the June 2020 OCM Council listed an indicative amount of \$1.6 million for consideration in the Council's revised Long-Term Financial Plan for the project.
- CSRFF and DLGSC are listed as a 'Public Target' for external funding opportunities in the project's advocacy plan.

Background

1. At the 16 June 2020 OCM, Council approved the McCallum Park Active Area Concept Report, listed the detailed design for consideration in the 2020/21 Annual Budget and listed an indicative amount of \$1.6 million for consideration in the Council's revised Long-Term Financial Plan.
2. The Town has since completed the detailed design to 85% to enable an application to the Department of Biodiversity, Conservation and Attractions (DBCA).
 - (a) Development approval is required by the DBCA as the project site is located within the Swan River Development Control Area.
 - (b) Once approval is granted, the Town will finalise the 100% design and specifications, including addressing any conditions listed as part of the DBCA approval.

3. The development of key messaging, strategic communications and an advocacy plan to assist the attraction of funding and support to deliver the project was developed alongside the detailed design.
 - (a) The CSRFF was identified in the advocacy plan as a 'Public Target' that could assist with delivering the project.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	New and upgraded facilities which meet current and future needs, through a well planned project management framework.
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.	New and upgraded facilities, keeping them well maintained, modern, fit for purpose to allow for 'all' community use.
Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Facilitate an active lifestyle for members of the Victoria Park community through the provision of quality recreation facilities.

Engagement

Internal engagement	
Community Planning	Assistance with the CSRFF process and input into the report
Other engagement	
Department of Local Government, Sport and Cultural Industries	Officers have discussed the proposed grant submission with DLGSC as part of the application process. DLGSC expressed their appreciation for the initial contact and look forward to the application.
Whitney Consulting	Whitney Consulting has been assisting the Town with preparing and facilitating the CSRFF Forward Planning Grant application.

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 application will limit the Town's ability to secure external funding for the project.	Major	Likely	High	Low	TREAT risk by investigating other external funding opportunities that can be pursued alongside this resolution.
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	Approval of the recommendation will assist the Town with identifying potential external funding and reduce the financial requirement of the Town to facilitate the development in 2023/24.

Analysis

4. The CSRFF program aims to increase participation in sport and recreation, with an emphasis on physical activity, by providing financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation.
 - (a) The maximum grant offered for standard grant applications is on third of the total estimated project cost (excluding GST) up to a maximum of \$2 million.
 - (b) The DLGSC will assess the total eligible cost of each project (excluding GST) from the information provided as part of the application process.

- (c) State Government funding for any project cannot exceed two-thirds of the total project cost.
 - (d) Applicants must be either a local government or a not-for-profit sport, recreation or community organisation incorporated under the WA Association Incorporation Act 2015.
5. There are three grant categories under the CSRFF:
- (a) CSRFF small grants, projects between \$7,500 and \$300,000;
 - (b) CSRFF annual grants, projects between \$300,001 and \$500,000; and
 - (c) Forward planning grants, projects over \$500,001.
 - (d) The McCallum Park Active Area falls within the threshold of the forward planning grant category.
 - (e) The Town will be applying for the 2023/24 funding year to align with the construction of the Main Roads WA Causeway Pedestrian and Cycling Bridge project (MRWA Bridge).
 - (f) The MRWA Bridge project is estimated to commence in 2022/23 and continue through 2023/24. The early construction will have impacts on the McCallum Park Active Area site, and therefore it is proposed that the construction of the Active Area is aligned to the delivery of the bridge to reduce impacts on either project.
6. As part of the concept development stage, an opinion of probable cost (OPC) was estimated at approximately \$5 million for the project.
- (a) Through the detailed design stage, this OPC was refined and adjusted to meet the technical specifications and market conditions at the time.
 - (b) The 85% detailed design OPC is estimated at approximately \$6.5 million. This increase is due to
 - (i) A significant increase in market material costs (e.g. steel);
 - (ii) Significant increase in bulk earthwork and civil construction costs due to competitive market conditions;
 - (iii) Increase in technical specifications for car parking and trafficable pavement, including turn arounds and waste disposal; and
 - (iv) Increase in lighting design and specification to ensure full compliance with Australian Standards.
 - (c) The Town is working through the design and specifications to determine if any cost-saving measures can be achieved through tendering efficiencies or reductions in scope to account for the increase in market conditions. Some savings preliminarily identified include:
 - (i) Reducing the quantity of shade structures;
 - (ii) Removing timber slatted seating treatments to walls;
 - (iii) Reduce specification on concrete finishes;
 - (iv) Reduce extent of timber decking;
 - (v) Retain existing basketball hoops instead of replacement;
 - (vi) Reduce tree and plant stock size to tubestock;
 - (vii) Remove some park furniture; and
 - (viii) Reduce feature lighting specification.
 - (d) At present, the Town is working towards an indicative project budget of \$6 million, of which a \$2 million CSRFF grant application would achieve the maximum one-third threshold.
-

Relevant documents

Not applicable.

Questions and responses

Mayor Karen Vernon

1. How long will it take to get development approval from the Department of Biodiversity, Conservation and Attractions?

The Chief Operations Officer advised that it is estimated to be completed by the end of 2021.

2. What conditions would the Department of Biodiversity, Conservation and Attractions be likely to impose on the proposed development?

The Chief Operations Officer advised that it would most likely be allowance for a dewatering and asphalt, salt and soil management plan to be prepared. Also for allowance for an arborist to be on site during construction excavation and works.

3. Has an allowance been made in the Town's Opinion of Probable Costs for compliance with any Department of Biodiversity, Conservation and Attractions conditions?

The Chief Operations Officer advised that no allowance has been made as the anticipated conditions are unlikely to significantly impact the budget.

4. Regarding paragraph 6(b) of the officer report, given the 85% detailed design Opinion of Probable Costs is estimated at \$6.5 million, what is the estimated additional cost for the project once the 100% detailed design is done?

The Chief Operations Officer advised that no additional cost is estimated.

5. What factors led to the suggested increase in the technical specifications referred to paragraph 6(b)(iii) and (iv) of the officer report?

The Chief Operations Officer advised that further investigations undertaken during design development identified additional requirements for increased trafficable areas for events and service vehicles to accommodate major events, alternative waste vehicle maneuvers for accessing the commercial site and an increase in required minimum specs from general use to international event standard lighting over the skate and BMX areas.

6. Is it now being suggested the concept plans are to include a dedicated permanent commercial site?

The Chief Operations Officer advised that it is for a commercial site and to allow vehicles to access it.

7. If the Town is successful in obtaining the Community Sport and Recreation Facilities Fund funding for 2023 -2024, will that funding be at risk if the construction of the Main Roads WA Bridge project is delayed beyond 2023 - 2024?

The Chief Operations Officer advised that the Town has allowed for the alignment to the bridge construction milestones to be included as part of the Community Sport and Recreation Facilities Fund funding application and it is not anticipated the funding will be at risk.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

Cr Ronhdda Potter left the meeting at 8.14pm and returned at 8.16pm.

13.2 Macmillan Precinct Masterplan Working Group - Terms of Reference

Location	Town-wide
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. MPMWG draft Terms of Reference [13.2.1 - 3 pages]

Recommendation

That Council endorses the Terms of Reference for the Macmillan Precinct Masterplan Working Group contained in Attachment 1.

Purpose

To endorse the Terms of Reference for the Macmillan Precinct Masterplan Working Group (MPMWG) as included in Attachment 1.

In brief

- The MPMWG met for the first time on 15 July 2021. During this time, the Draft Terms of Reference was reviewed by the Group.
- On 5 August 2021, at the Group's second meeting, the MPMWG finalised the Terms of Reference and there was consensus to present it to Council for endorsement.
- The administration recommends that Council endorses the MPMWG Terms of Reference.

Background

1. At the Ordinary Council Meeting held on 20 April 2021, Council resolved to establish a Macmillan Precinct Masterplan Working Group, endorsed the composition of the Group and endorsed the selection criteria for an expression of interest process to select the community members of the Group.
2. On 23 April 2021, an expression of interest process commenced to appoint members of the community to the working group. This process closed on 9 May 2021, and 20 applications were received.
3. On 15 June 2021, OCM, Council appointed the membership of the MPMWG. On 15 July 2021, the Group met for the first time and elected a presiding member, deputy presiding member and reviewed the draft Terms of Reference.
4. Following the draft Terms of Reference review, the final version was presented to the Group at the second meeting on 5 August 2021. The Group reached a consensus to present the final Terms of Reference to Council for endorsement.
5. The MPMWG is not a decision-making body. It is a collaborative Group of Elected Members, Community Members and Stakeholder Representatives. Town staff offer administrative assistance to the Group.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact

CL03 - Well thought out and managed projects that are delivered successfully.	The MPMWG provide input into the overall engagement process for Stage 3 – Masterplan.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	The Terms of Reference clarifies the roles, responsibilities, and expectations of the members of the Group. An appropriate Terms of Reference will help to ensure the experience of the community members within the Group will be a positive one.

Engagement

External engagement	
Stakeholders	Macmillan Precinct Masterplan Working Group Members
Period of engagement	N/A
Level of engagement	4. Collaborate
Methods of engagement	The draft terms of reference were included in the meeting agenda for the Group's 15 July 2021 meeting. This draft was collaboratively reviewed by members during the meeting and finalised at the 5 August 2021 meeting.
Advertising	N/A
Submission summary	N/A
Key findings	Support for the draft Terms of Reference

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	Not applicable.
Environmental	Not applicable.				Medium	Not applicable.
Health and safety	Not applicable.				Low	Not applicable.
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	Not applicable.

Legislative compliance	Not applicable.	Low	Not applicable.
Reputation	Not endorsing the Terms of Reference means the Group will lack clarity around member roles, responsibilities and expectations reflecting poorly on the Town's ability to collaboratively work with its community.	Low	
Service delivery	Not applicable.	Medium	Not applicable.

Financial implications

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

Analysis

6. The MPMWG met, for the first time, on 15 July 2021 and one of the items discussed was the draft Terms of Reference.
7. The Terms of Reference includes the following purpose for the MPMWG, which was endorsed by Council at the 20 April 2021 OCM:
 - a. The purpose of the Macmillan Precinct Masterplan Working Group (the Group) is to guide the progression of 'Stage 3 – Masterplan' of the Macmillan Precinct Redevelopment Project, with the objective of delivering the Masterplan Report for Council consideration by December 2022.
8. The draft Terms of Reference were collaboratively reviewed by the Group and presented back at the 5 August 2021 meeting.
9. There was consensus in the MPMWG to accept the draft Terms of Reference in full and present them to Council for endorsement.
10. Administration recommends that Council endorses the MPMWG Terms of Reference.

Relevant documents

[Policy 101 Governance of Council Advisory and Working Groups](#)

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

13.3 Kent St Sand Pit Concept Options - Response to Council

Location	Town-wide
Reporting officer	Environmental Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Kent St Sand Pit Flora and Vegetation Assessment [13.3.1 - 74 pages] 2. Kent St Sand Pit Fauna Assessment [13.3.2 - 105 pages]

Recommendation

That Council:

1. Receives the reported outcomes for 15 June 2021 Ordinary Council Meeting resolutions.
2. Approves that the Administration adjust the draft designs in accordance with the survey findings and feedback received.
3. Approves that the reviewed designs be presented to Council by December 2021 Ordinary Council Meeting.

Purpose

- To present to Elected Members the outcomes of the 15 June 2021 Ordinary Council Meeting (OCM) resolution.
- Seek approval that the Administration adjust the draft designs in accordance with the survey findings and feedback received; and
- Seek approval that the reviewed designs be presented to Council by December 2021 OCM.

In brief

- In February 2021 Council approved the development of a Kent St Sand Pit Concept Plan.
- The Kent St Sand Pit Concept Options' first draft was developed and presented to Council at the 15 June OCM.
- Council requested the Chief Executive Officer report to Council by no later than the September Council meeting as to:
 - a) the outcome of the detailed site surveys and the geotechnical report;
 - b) any alterations to the draft Kent St Sand Pit Concept Options that should be considered having regard to the survey results and report in 3(a);
 - c) whether expert advice on restoration and revegetation of banksia woodland should be obtained before release of the Concept Options for consultation;
 - d) an update on what, if any, discussions or advice the Town has had or obtained from the Department of Biodiversity Conservation and Attractions, Water Corporation, SERCUL or any other professional advisers.
 - e) provide Elected Members with updates on the outcomes of point 2c.
- This report outlines the outcomes of the above.
- The Administration requests approval from Council to adjust the draft designs, and that said adjusted designs are presented to Council by November 2021 OCM.

Background

1. In December 2020 Council received the Opportunities and Considerations Report for Kent St Sand Pit. Remaining within the boundaries of the current planning framework (Parks and Recreation Reserve) and following the direction set by previous recommendations and decisions about the site, this report provided information on design options for rehabilitation of the site to inform future site planning.
2. Building on this report, at its meeting of 15 December 2020 Council approved - amongst other items - the development of a concept plan for Kent St Sand Pit:

That Council:

1. *Receive the draft Kent St Sand Pit Opportunities and Considerations Report.*
2. *Approve the release of the draft Kent St Sand Pit Opportunities and Considerations Report for community information and feedback and to inform the development of a concept plan.*
3. *Request the CEO to present the concept plan to Council in May 2021.*
4. *Requests the CEO to list for consideration to allocate finance in the midyear budget to commence the weeding at the Kent St Sandpit.*
3. The Informing staff and community survey and workshop feedback indicates an appetite to use the site for recreational and cultural purposes, with revegetation being a strong focus, enhancing Kensington Bushland and creating amenities for the Town's community and visitors.
4. Building on this community feedback, the first draft Kent St Sand Pit Concept Options were developed and presented to Council at the 15 June OCM.
5. At the 15 June OCM Council made the resolutions below:

Requests the Chief Executive Officer to:

- a) undertake detailed site surveys of the flora, fauna, water mains connections, stormwater and groundwater capacity, and obtain a geotechnical report;*
- b) consider whether to hold discussions or obtain advice from the WA Department of Biodiversity Conservation and Attractions, Water Corporation, SERCUL or any other professional advisers, and if so, to undertake those discussions or obtain that advice before September 2021;*
- c) seek advice and promote discussion with Curtin University and the Town's Mindeera Advisory Group in relation to the Kent St Sand Pit site, around culturally appropriate revegetation, and creation of a natural learning space for Noongar culture.*
- d) list for consideration in the 2021/22 budget sufficient funds to undertake the surveys and report referred to in 2(a), and any advice referred to in 2(b).*

Requests the Chief Executive Officer report to Council by no later than the September Council meeting as to:

- a) the outcome of the detailed site surveys and the geotechnical report;*
- b) any alterations to the draft Kent St Sand Pit Concept Options that should be considered having regard to the survey results and report in 3(a);*
- c) whether expert advice on restoration and revegetation of banksia woodland should be obtained prior to release of the Concept Options for consultation;*
- d) an update on what, if any, discussions or advice the Town has had or obtained from the Department of Biodiversity Conservation and Attractions, Water Corporation, SERCUL or any other professional advisers.*

e) provide Elected Members with updates on the outcomes of point 2c.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	The conversion of the site to public open space for recreational and cultural purposes, with revegetation being the prime focus, would not only protect and enhance the adjacent precious remnant Kensington Bushland but also potentially create an excellent amenity for the Town's community and wider visitors.
EN07 - Increased vegetation and tree canopy.	Given the size of the site, the revegetation of Kent St Sand Pit would contribute significantly to the Town's canopy cover.

Engagement

Internal engagement	
Stakeholder	Comments
Staff	Representatives from Parks, Place Planning, Engineering, Natural Areas and Environment were included in a working group to oversee the development of the Kent St Sand Pit Opportunities and Considerations Report and the Concept Plan.
	8 March - 22 March 2021 – all staff were invited to provide feedback via the Your Thoughts survey on what they would like to see included in future planning for the Kent St Sand Pit.
	24 April 2021 – 15 staff were engaged in a workshop to explore future use options for the Kent St Sand Pit.
Elected members	<p>25 May Concept Forum</p> <p>Elected Members raised considerations such as:</p> <ul style="list-style-type: none"> • Greater proportion of site revegetation relative to passive recreation space. • Universal access for all of the proposed entry points. • Path materiality. • Site surveys to feed into the design (e.g. flora and fauna surveys, geotechnical) and eventual on-ground implementation (e.g. appropriateness of plant types within certain areas of the site relative to prevailing site conditions, potential competition with other species etc). <p>NOTE: This feedback is being considered and will be included within the broader community consultation regarding the proposed draft concepts proposed</p>

External engagement	
Stakeholders	The whole of the Town community.
Period of engagement	8 March - 22 March 2021 – community survey 24 March 2021 – a community workshop 25 May 2021 – Elected Member Concept Forum
Level of engagement	4. Collaborate
Methods of engagement	Community survey, community workshop, Concept Forum.
Advertising	Newspaper advertisement, Town website, posters, social media.
Submission summary	132 submissions were received. For a summary of the submissions, please see the attachment to this report.
Key findings	From March community engagement: 74 of the 132 submitters voted 'revegetation' as the most important thing to be included within the Kent St Sand Pit area; 18 for 'walking trails'; 15 for 'places to play'; 10 for 'universal access'; 12 for 'gathering spaces'.

6. Following the 15 June 2021 OCM resolution of Council, the Town contacted each of the below organisations, inviting commentary on if they foresaw any issues with the proposed design elements being integrated into the site, or any broader considerations that the Town should be cognisant of.

Other engagement	
Stakeholder	Comments
Mindeera Advisory Group	See below point 10. <i>Expert advice on restoration and revegetation of banksia woodland</i>
Department of Primary Industries and Regional Development	The South Perth office of the Department of Primary Industries and Regional Development (DPIRD) is located next to the Kent Street Sand Pit (Tip Site) as well as the Kensington Bushland. DPIRD supports the revegetation planned for the area and the development of walking trails to match that in Kensington Bushland.

<p>Department of Water and Environmental Regulation</p>	<p>Based on the information provided, the majority of the design components would be consistent with the restrictions on use, noting that any ground disturbing works would have to be undertaken/managed in accordance with the Town's site management plan (SMP). I also note that more intensive use of the site places greater importance on adhering to the general provisions of the SMP, such as maintaining the site cover, and inspections to assess the cover and remove any asbestos-containing material that may become visible due to erosion.</p> <p>The proposed construction of a 'Central structure acting as educational space' may require an assessment for landfill gas risk, as noted in the restrictions on use:</p> <p><i>Due to the presence of buried waste beneath the site generating landfill gas (such as carbon dioxide) the construction of buildings with enclosed spaces or large areas of impermeable surfaces (such as asphalt car parks or sporting courts) is not permitted without further assessment of landfill gas.</i></p> <p>The Town should also be aware of the referral requirements under section 58(6) of the CS Act that require a 'responsible authority' to seek and consider the advice of the CEO of DWER as to the suitability of the land for development prior to granting approval 'under a scheme' for any proposed development of that land. Given the preliminary nature of the proposal, please note that this written feedback is not purporting to be formal advice provided by a delegate of the CEO under section 58(6).</p> <p>It is recommended that finalised plans are provided to DWER for comment in due course.</p>
<p>Curtin University</p>	<p>Professor Kingsley Dixon (Director of Curtin University Centre for Mine Site Restoration) - who specialises in Black Cockatoos – has suggested that fast growing plants, such as macadamia and pecan trees, be integrated into the site to provide a food source for Black Cockatoos.</p>
<p>Water Corporation</p>	<p>Water Corporation informed the Town that there is a possibility of a mains water connection (e.g. for irrigation or drinking fountains) on the corner of Kent Street and Etwell Street.</p> <p>If desired, the Town simply needs to apply for a service connection.</p>
<p>Department of Biodiversity, Conservation and Attractions</p>	<p>No comment</p>
<p>CSIRO</p>	<p>No comment</p>

Birdlife Australia	No comment
Kaarakin	No comment
South East Regional Centre for Urban Landcare (SERCUL)	No comment

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	As the land is owned by the Town under a 999-year lease and was gifted to provide financial endowment there is the potential for loss of alternative revenue and other social benefits as a result of not exploring options outside of the current Parks and Recreation Zoning.	Major	Possible	High	Medium	Seek the preference of the Town's community in terms of potential revenue generation and social outcome opportunities to offset a portion of the rates revenue.
Financial	Precedent for the State Government to take back endowment land as they required.	Major	Possible	High	Medium	Liaison and negotiation with State and Federal Government regarding future plans for the site.
Environmental	Not applicable					
Health and Safety	Not applicable					

Infrastructure/CT Systems/Utilities	Not applicable
Legislative Compliance	Not applicable
Reputation	Not applicable

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation. Pending approval of the future concept, detailed design phase will be undertaken.
Future budget impact	Subsequently, pending Council approval, funding for construction will be required from Town's budget and potentially external sources to develop the site.

Analysis

7. The below provides an overview to the site investigations and consultations that were undertaken, in accordance with Council resolutions.
8. Outcome of the detailed site surveys and the geotechnical report
 - a. Flora and Fauna Survey
The Administration commissioned a flora and fauna survey of the site over June and July 2021.

Fauna

The survey found that:

- The majority of the site (93.98%) supports highly disturbed parkland habitat which provides limited habitat value to native fauna and is likely to primarily be used by common and widespread native and non-native fauna with non-specific habitat requirements.
- The highest fauna habitat value in the site is associated with the native bushland habitat which occurs over 6.02% of the site.
- A total of 14 native fauna species were recorded within the site, including two threatened fauna species: *Calyptorhynchus latirostris* (Carnaby's cockatoo) and *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo).
- It is possible that a further six conservation significant species not recorded during the field survey may occur within the site. Pacific swift and peregrine falcon may occur occasionally for short periods. Swan Coastal Plain shield-backed trapdoor spider, quenda, Perth slider and black-striped snake may occasionally occur within the site due to it being adjacent to and part of a larger patch of native bushland (Kensington Bushland).
- Rainbow bee-eaters, which are listed as marine under the EPBC Act, reportedly occur within and utilise the batters along the northern boundary of the site for nesting (Emerge Associates 2020). The species occurs in south-western Australia from

approximately September to April and breeding occurs between November and January. As the survey was undertaken outside of these time frames, the use of the site by this species could not be confirmed. However, the site provides suitable foraging and breeding habitat for this species.

Flora

- A total of 31 native and 28 non-native (weed) species were recorded in the site.
- Three individuals of the priority 4 flora species, *Dodonaea hackettiana*, were recorded in the south-western portion of the site.
- No threatened flora species were recorded within the site.
- No threatened or other priority flora species are considered likely to occur in the site due to lack of suitable habitat.
- The vegetation within the site was classified into the following two plant communities:
 - o Mixed shrubland which occurs on the perimeter of the site and extends over 0.26 ha. This community was mapped as being in 'degraded' condition.
 - o Non-native which occurs across the remainder of the site and extends over 4.06 ha. This community was mapped as being in 'completely degraded' condition.
- The mixed shrubland vegetation is part of a larger patch of the 'banksia woodlands of the Swan Coastal Plain' threatened ecological community (TEC). This TEC is listed as 'endangered' under the Environment Protection and Biodiversity Conservation Act 1999.
- The mixed shrubland vegetation also represents the 'banksia woodlands of the Swan Coastal Plain' priority ecological community (PEC).
- The mixed shrubland plant community contributes to a larger patch of native vegetation that provides habitat for native fauna species including some of conservation significance.

With respect to the proposed future use of the site, Emerge has indicated that the main item to be mindful of is the few plants of the priority flora species *Dodonaea hackettiana* that were found in part of the site near Baron-Hay Court. It is important that said area of the site is retained, and that these plants are not impacted during works.

Similarly, the threatened ecological community mixed shrubland which occurs over the perimeter of the site must be retained and enhanced through restoration and revegetation works.

The provision of enhanced habitat for the fauna that traverses the Sand Pit and greater Jirdarup Bushland Precinct should also be a string focus for the area. As such, the revegetation efforts should comprise species of a similar composition to that found within the adjacent Kensington Bushland.

b. Geotechnical Survey

The Administration commissioned a geotechnical survey to:

- Review of the site to identify potential issues that may affect the proposed works, to determine if the proposed works are feasible.
- Recommend appropriate site preparation procedures;

- Provide recommendations for additional geotechnical or environmental investigation works required for the site.

At the time of reporting the geotechnical survey was still in progress, as the desktop review and site testing has taken longer than anticipated.

Test pitting is currently being undertaken on site.

The Administration will provide the formal geotechnical report, as well as any potential issues that may affect the proposed works as soon as they are available, currently anticipated to be September 2021.

Preliminary findings from eight test pits undertaken indicate that the majority of the samples taken are made up of sand, with any waste under the surface being solid construction waste. The consultants believe that there will be little risk of subsidence on site as a result of any hard structures such as paths or access ramps.

c. Mains Water Connection

Water Corporation informed the Town that there is a possibility of a mains water connection (e.g. for irrigation or drinking fountains) on the corner of Kent Street and Etwell Street.

If desired, the Town simply needs to apply for a service connection.

If the site were to connect to mains then the revegetated areas could be irrigated through a temporary irrigation system, such as during the first few two-three years of plant establishment.

d. Stormwater

Stormwater drains from Kent Street and Etwell Street flow into a Water Corporation compensation basin located in the southeast corner of the site and water from Baron Hay Court flows into a basin in the southwest section of the site.

It is anticipated that these compensation basins would stay on site, with the southeast corner compensation basin potentially being planted with Forest Vegetation that can be seasonally inundated and assist with nutrient removal from the incoming stormwater.

The majority of the remaining site is covered with sand, which will readily allow infiltration.

The stormwater capacity and infiltration of the site has historically not been a problem for the Town, and it is anticipated that any proposed works on site will not negatively impact on this infiltration, nor be negatively be impacted by said stormwater.

e. Groundwater Capacity

Previous site investigation revealed that the site is underlain by the unconfined superficial aquifer that extends to a depth of approximately 32.5m below ground level.

Based on information presented within the Department of Water website, groundwater is expected to be approximately 7.5 metres below ground level.

Given that the works on site will not be dug down more than one metre, the Town does not consider that groundwater will have an adverse effect on the proposed works.

The contamination status of the site excludes water from being drawn from superficial aquifer below.

PLEASE NOTE: The forthcoming geotechnical report will also further address stormwater and groundwater capacity.

9. Advice the Town has obtained from the Department of Biodiversity Conservation and Attractions, Water Corporation, SERCUL or any other professional advisers.

The Town sought advice from a range of agencies, seeking their expertise regarding any potential issues with the proposed design elements being integrated into the site, or any broader considerations that the Town should be aware of. The feedback received has been outlined in the 'Other Engagement' section, above.

10. Expert advice on restoration and revegetation of banksia woodland

The Town also sought engagement with the Curtin University - which included elder Professor Simon Forrest and Professor Dixon (an expert on Black Cockatoos) - as well as the Town's Mindeera Advisory Group in relation to the Kent St Sand Pit around appropriate revegetation and creation of a natural learning space for Noongar culture. The Town met with Professor Forrest and Professor Dixon on 23/07/21. The learnings from this meeting are outlined below:

Simon Forrest's thoughts on the site:

- a. Pathways are good for community access.
- b. Revegetation proposed is supported. Need to ensure that this revegetation blends with Kensington Bushland, rather than two distinct areas.
- c. Ensure that the perimeter embankments have a more gentle, natural look.
- d. Remove all fencing to the site. This will let the land breathe.
- e. Allow access and open interaction with the bush
- f. Make the design of the site reflective of Noongar culture i.e. with a view to "Cultural Restoration". This could include the integration of:
 - i. the six Noongar seasons referenced in the design
 - ii. culturally significant fauna in symbolism
 - iii. yarning circles (circles for learning). If located and designed with elders, yarning circles for knowledge exchange would be more culturally appropriate than, for instance, an amphitheatre. A small shelter could integrate with the yarning circle, but the shelter itself should not be the focal point.
- g. Curtin University worked with elders to find the Noongar energy spot that became the Yarning circle site. The yarning circle should be centred around Noongar energy spot. Simon has offered help locate this appropriately.

Kingsley Dixon's thoughts on the site:

- h. Could plant pecans and almonds on the verges to create fast-growing food source for Black Cockatoos.
- i. Focus should be restoration rather than revegetation, as a Banksia woodland can be restored (which should be the aim as this is the shared vision of the Traditional Owner's).

- j. Understorey – this is where the biodiversity is in Banksia woodland. There are challenges in seed, propagation capability etc, but the Town can partner with Curtin and others to generate a best practice restoration effort.

The Administration met with the Mindeera Advisory Group on 11 August 2021, who were supportive of the 23/07/21 meeting outcomes. The Mindeera Advisory Group have also requested to visit the site. At the time of reporting, this site visit is anticipated to occur in September 2021. The Administration will report on any additional outcomes of this site visit to Council.

11. Alterations to the draft Kent St Sand Pit Concept Options that should be considered having regard to the survey results and report

The Town anticipates the below adjustments to the draft Kent St Sand Pit Concept Options based on the survey results and input of experts to date. The following outlines the re-considerations:

- a. Review path to ensure that this avoids the priority flora species *Dodonaea hackettiana* that were found in part of the site near Baron-Hay Court;
- b. Ensure that the perimeter embankments have a more gentle undulation associated with natural landform.
- c. Remove all fencing within the site.
- d. Review the design incorporating Noongar cultural considerations i.e. with a view to "Cultural Restoration". This could include the integration of:
 - i. the six Noongar seasons referenced in the design; and
 - ii. culturally significant fauna in symbolism
 - iii. yarning circles (location for knowledge exchange).
- e. Could consider planting pecans and almonds (e.g. on the verges of the site) to create fast-growing food source for Black Cockatoos.
- f. Ensure there are no large impermeable surfaces on site.

12. The design consultants have indicated that the above considerations can be incorporated into the next stage of design revisions.

13. Based on the received and pending survey findings and feedback received, the Administration requests approval from Council to adjust the draft designs, and that said adjusted designs are presented to Council by December 2021 OCM.

Relevant documents

Nil.

Questions and responses

Mayor Karen Vernon

1. How long is it likely to take for the referral requirements under section 58(6) of the Contaminated Sites Act to seek and consider the advice of the CEO of the Department of Water and Environmental Regulation to be completed as per the response from Environmental Regulation on page 102?

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

2. What did the Town seek Professor Dixon's advice about – was it the restoration/revegetation of the site, or only in relation to black cockatoo habitat?

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

3. Is there any reason why Professor Dixon's advice about the focus needing to be on restoration rather than revegetation, the importance of the understorey, and has not been included in the officer's recommendation for adjustments to the draft options?

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

4. If the focus of this project were to be on restoration rather than revegetation, what adjustments would be required to the concept options produced so far?

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

5. In the Conclusions to The Fauna Assessment (p26 of 13.3.2) the authors say that quendas are particularly considered likely to occur and they refer to targeted surveys being required to confirm the existence of quendas at the site. That is not referred to in the officer's report section covering the outcomes of the site surveys at paragraph 8(a) of the officer's report. Is there any reason for that?

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

Cr Wilfred Hendriks

1. Can the non-native vegetation in the sandpit be removed?

The Chief Operations Officer advised that the Town does not intend to disturb any of the existing vegetation. She advised that the Town would follow subject matter expert advice.

2. Is it known if the water is contaminated?

The Chief Operations Officer advised that to the depth of the investigation it is not contaminated.

3. When the technical report comes through, will it contain information on that?

The Chief Operations Officer advised that it will.

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on how long is it likely to take for the referral requirements under section 58(6) of the Contaminated Sites Act to seek and consider the advice of the CEO of the Department of Water and Environmental Regulation and to be completed as per the response from Environmental Regulation on page 102?
2. Include information on what did the Town seek Professor Dixon's advice about. Whether it was the restoration/revegetation of the site, or only in relation to black cockatoo habitat.

3. Include information on whether there is any reason why Professor Dixon's advice about the focus needing to be on restoration rather than revegetation, and the importance of the understorey, and has not been included in the officer's recommendation for adjustments to the draft options.
4. Include information on whether if the focus of this project were to be on restoration rather than revegetation, what adjustments would be required to the concept options produced so far.
5. Include information on whether there is any reason why in the Conclusions to The Fauna Assessment (p26 of 13.3.2) the authors say that quendas are particularly considered likely to occur and they refer to targeted surveys being required to confirm the existence of quendas at the site is not referred to in the officer's report section covering the outcomes of the site surveys at paragraph 8(a) of the officer's report.

13.4 Portion of ROW 54 Closure

Location	East Victoria Park
Reporting officer	Land and Properties Project Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Woolworths Group Letter - ROW 54 [13.4.1 - 1 page] 2. ROW 54 - STAGE 1 [13.4.2 - 1 page] 3. ROW 54 - STAGE 2 [13.4.3 - 1 page] 4. Submitter 1 [13.4.4 - 3 pages] 5. Submitter 2 [13.4.5 - 5 pages] 6. Submitter 3 [13.4.6 - 2 pages] 7. Submitter 4 [13.4.7 - 1 page] 8. Submitter 5 [13.4.8 - 3 pages]

Recommendation

That Council:

1. Notes the outcomes of the notice to invite public submissions on the proposal to request the Minister for Lands (WA) to close and amalgamate a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park.
2. Authorises the Chief Executive Officer and Mayor to execute all necessary documentation under the Town's Common Seal, in accordance with sections 58 and 87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* to request the Minister for Lands (WA) to close a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park and amalgamate into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.

Purpose

A resolution of Council is sought pursuant to sections 58 and 87 of the *Land Administration Act 1997* to lodge a formal request to the Minister for Lands (WA) to close and amalgamate a 445m² portion of road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park and consolidate the unallocated Crown Land into the Town's adjoining freehold land being Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.

In brief

- At the Ordinary Council Meeting of 19 November 2019, the Council resolved to delegate to the Chief Executive Officer and the Mayor the authority to execute all necessary documentation under the Town's Common Seal in accordance with section 58 and section 87 of the *Land Administration Act 1997*, and regulation 9 of the *Land Administration Regulations 1998* to satisfy conditions precedent 2.3(c) within the contract of sale for 355-357 Shepperton Road, East Victoria Park to Fabcot Pty Ltd.
- Conditions precedent 2.3(c) requires closing and amalgamating a 445m² portion of dedicated road situated between 355-357 Shepperton Road and land owned by Fabcot Pty Ltd on Albany Highway to facilitate a proposed development by Fabcot Pty Ltd. The contract obligates the Town to satisfy conditions precedent before the sale can proceed.

- At the Ordinary Council Meeting of 15 June 2021, the Council resolved to give notice and invite public submissions to request the Minister for Lands (WA) to close and amalgamate a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park pursuant to section 58 and section 87 of the *Land Administration Act 1997* and regulation 9 of the *Land Administration Regulations 1998*.
- Five submissions were received during the public submission period. Four have objected to the closure, two of which are primarily concerned with maintaining safety and the continuation of through traffic from Oats Street to Shepperton Road.

Background

1. Council, at its Ordinary Council Meeting of 15 June 2021, resolved to give notice and invite public submissions to close and amalgamate a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park, into adjacent land owned in freehold by the Town of Victoria Park.
2. The subject portion of dedicated road required to be closed is 5m wide and 89.4m long (as per the attached sketch – Stage 1). It is sealed with a thin layer of dense graded asphalt, approximately 25mm to 30mm thickness. The seal and pavement are likely to be more than 20 years old. The overall condition rating varies between 3 and 4.1 (0-5 scale with 5 being best). The underlying formation is unknown.
3. The closure and amalgamation of the subject portion of dedicated road is in accordance with condition precedent 2.3 (c) within the contract of sale for 355-357 Shepperton Road, East Victoria Park. This condition requires the Town to close and amalgamate a portion of the dedicated road into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.
4. A Local Government may request the Minister for Lands to close the road pursuant to section 58 of the *Land Administration Act 1997* provided the Local Government has published the proposal in a newspaper circulating in its district of motion for that resolution for no less than 35 days, and the Local Government has considered all submissions received within the period concerning the proposal set out in the notice.
5. Once a road is closed, the land automatically becomes unallocated Crown Land. A Local Government may then request the Minister for Lands to amalgamate the unallocated Crown Land into the adjoining land pursuant to section 87 of the *Land Administration Act 1997*. The adjoining land is 355-357 Shepperton Road, East Victoria Park owned in freehold by the Town of Victoria Park.
6. Subsequent to section 58 and section 87 of the *Land Administration Act 1997*, it is anticipated one new land parcel will be created.
7. Considering the existing connection with a crossover onto Shepperton Road is non-compliant and poses safety issues for vehicles entering and exiting the road, the closure and amalgamation of a portion of the road will facilitate the creation of a new crossover and slip lane with the realignment of the road. This will be achieved by excising a portion of land from the amalgamated land parcel and ceding it back to the Minister for Lands (as per the attached sketch – Stage 2).
8. There is no loss of road for the public as the construction of a new public road from the appropriate portion of the new land parcel will allow through traffic from Oats Street to Shepperton Road and provide a continuation of the road network. No physical closure will occur until such time as the construction of the public road is complete as a requirement of the new development.
9. Realigning the road will result in safer ingress and egress of vehicles by creating a slip lane and new access point further away from the bend and the intersection, consequently, the cross over will be upgraded to a compliant design standard.

10. The realignment of the road is also an outcome sought to support the redevelopment of a number of land holdings. The Town owns some of these landholdings and has contractually agreed to work within its limitations as a Local Government to coordinate the realignment of a portion of the road.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The road closure allows a future repositioning of the current access point as part of a planning outcome which will have a positive impact in reducing antisocial and crime related activity, and improving safety.

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	The road closure will allow a future repositioning of the current access point as part of a planning outcome which will bring a non-compliant cross over onto Shepperton Road up to a current safer design standard by creating a slip lane and new access point further away from the traffic light intersection.

Engagement

Internal engagement	
Planning	Consultation for the sale of 355-357 Shepperton Road. No concerns with road closure.
Assets	No concerns raised.
Property and Leasing	Input into the report and the process to undertake the road realignment.
Street Operations	Consultation on traffic issues.

External engagement	
Stakeholders	Public at large.
Period of engagement	21 June 2021 to 25 July 2021
Level of engagement	2. Consult
Methods of engagement	Written submissions accepted.

Advertising	Notification on public notice boards and the West Australian newspaper notice.
Submission summary	Four submissions received.
Key findings	Three objections to the road closure.

Legal compliance

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

[Regulation 9 of the Land Administration Regulations 1998](#)

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The Town does not continue with the process to give effect to the closure and amalgamation of the subject portion of road resulting in the inability for the required land assembly to occur, preventing settlement of the contract of sale being greater than \$2M.	Severe	Possible	High	Low	TREAT risk by ensuring Council follow the legal advice received and the advice and guidance from relevant Government agencies including Department of Planning, Lands and Heritage.
Environmental	Not Applicable					
Health and safety	Property remains undeveloped. Vacant land can reduce the quality of streetscapes and potentially become a dumping ground for waste or antisocial behaviour. The Town does not progress the realignment of the	Moderate	Possible	Medium	Low	TREAT risk by continuing the realignment process by closing and amalgamating the subject portion of road.

	road, maintaining the non-compliant status of the crossover.						
Infrastructure/ ICT systems/ utilities	Not Applicable						
Legislative compliance	The Minister for Lands (WA) is ultimately responsible for determining requests for the closure of roads and amalgamation of unallocated Crown Land. It is possible that the Minister may decide to refuse or modify the road dedication request notwithstanding Council's resolution.	Moderate	Possible	Medium	Low	TREAT risk by providing the required information as per Regulation 9 of the Land Administration Regulations 1998 and sufficient jurisdiction for the road closure and amalgamation request.	
Reputation	The Town does not endorse the closure and amalgamation request which may be seen as a breach of contract obligations. Potential reputational risk on future land dealings with the Town to be seen as unwilling to follow through on contracts.	Moderate	Possible	Medium	Low	TREAT risk by delivering on contractual obligations by progressing with the realignment of the road.	
Service delivery	Not Applicable						

Financial implications

Current budget impact	<p>Sufficient funds exist within the annual budget to address this recommendation.</p> <p>The Town is in the process of satisfying its obligations in the contract of sale to Fabcot Pty Ltd as part of the delivery of 355-357 Shepperton Road East Victoria Park, which is in line with Council's resolution to enter into the contract of sale.</p>
Future budget impact	<p>Once the subject portion of road is closed and a new road is created to facilitate a realignment, the Town will be formally responsible for the maintenance and repair of the road in its entirety. The Town's Street Operations service area has advised that this has been undertaken historically as part of the Town's maintenance and works programs and therefore this would not impact the current budget. The road will newly be constructed so will have lower maintenance than the existing situation.</p>

Analysis

11. Advertising the proposal to permanently close a 445m² portion of road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park has been undertaken in accordance with section 58 of the *Land Administration Act 1997* and its regulations. Notice of the proposed closure was published in the West Australian newspaper and placed at the Town of Victoria Park Library and administration centre notice boards.
12. Five submissions were received during the consultation period. Four have objected to the closure, two of which are primarily concerned with maintaining the continuation of through traffic from Oats Street to Shepperton Road as well as road safety. This is in fact the nature of the process, the existing connection will not be physically closed until such time as the new access is constructed.

Submission	Summary	Officer Response
1. Submitter 1	<p>Submission was provided on behalf of their client (an adjoining property owner), they have no objection to the closure of the road subject to the Town ensuring that rear access between Oats Street and Shepperton Road is uninterrupted and maintained at all times throughout the realignment process.</p>	<p>Fabcot Pty Ltd have acknowledged the importance of the road in relation to its continued operation to allow access to other properties along its extent and have confirmed access to properties along the extent of the road will be maintained from Shepperton Road to Oats Street. They have also stated access may be modified slightly within the site from time to time during the works, however, access will be generally maintained.</p>

<p>2. Submitter 2</p>	<p>Submission is not supportive of the proposed road closure. The submission received detailed their belief that the Town is not exercising its powers under section 58 of the <i>Land Administration Act 1997</i> for a public purpose because the proposed closure is for the sole purpose of satisfying a condition precedent between the Town and a private entity. They also state that development approval must be obtained for the proposed crossover and slip lane to Shepperton Road therefore it is premature to progress the closure and realignment of the road whilst it is unclear if the crossover and slip lane onto Shepperton Road will be approved. Additionally, Submitter 2's opinion is that insufficient evidence has been provided by the Town in relation to the assertion that the realignment of the road is safer and more compliant than the current configuration.</p>	<p>A Local Government may resolve to exercise its powers under section 58 of the <i>Land Administration Act 1997</i> as a local government function to close a road within its district. There is no prohibition on the closure of the road under section 58 of the <i>Land Administration Act 1997</i> where that closure is required to facilitate the development of a private developer. Notwithstanding there is no requirement that the road closure must be for a public purpose. Ceding a portion of the amalgamated land parcel to the State as a public road to facilitate the realignment and safer crossover will ensure the public has a legal right of access to continue using the land. The Town has received legal advice that the closure decision can allow the Town to progress being a signatory to the Form 1A for Fabcot Pty Ltd to lodge the development application and progress the development.</p>
<p>3. Submitter 3</p>	<p>Submission is seeking further clarification in relation to whether alternate access will be provided after the road closure to ensure traffic can continue to travel from Oats Street to Shepperton Road. Additionally, they would like the Town to confirm whether Main Roads WA have approved the realignment of the road and new crossover onto Shepperton Road.</p>	<p>Fabcot Pty Ltd has acknowledged the importance of the road in relation to its continued operation to allow access to other properties along its extent and have provided written assurance access to properties along the extent of the road will be maintained via an alternative access route allowing through traffic from Oats Street to Shepperton Road. Main Roads WA has confirmed the repositioning of the new access point onto Shepperton Road will satisfy their Development Control Policy 5.1 requirements. It will also achieve rationalisation of driveways to reduce conflict on</p>

the road network and bring the existing non-compliant crossover to a current safer design standard and upgraded traffic outcome.

4. Submitter 4

Submission is concerned the proposed closure will create road safety issues and would like the Town to implement the creation of an alternative access route prior to the road being closed.

The existing access will not be physically closed until the new and safer access is constructed. To upgrade the crossover to a safer, compliant design standard, the Town resolved to facilitate the realignment of the road by creating a new access point further away from the bend and intersection with the inclusion of a slip lane. The closure is essentially the first stage in a multi-stage process required to create a new crossover and slip lane. Once constructed, the outcome of the road realignment will result in safer ingress and egress of vehicles whilst providing a continuation of the road network for the benefit of residents and local businesses without any loss of road for the public. The Town supports maintaining uninterrupted access along the road from Oats Street to Shepperton Road throughout the realignment process. Notwithstanding the Developers written assurance, a Traffic Management Plan and Traffic Impact Assessment will form part of the Development Application for 1022-1032 Albany Highway, examining impacts and mitigation. Upon its review, the Town will have an opportunity to impose controls and conditions as deemed necessary to maintain public safety and access.

5. Submitter 5

Submission states "extra traffic would impact a lot of us"

The Town's priority is to maintain public safety and believes the closure and realignment will not have an adverse impact on the community.

13. The State of WA owns all local roads, vested to the Local Government for care, control, and management. Should Council support the road closure application, Council requests the Minister for Lands to approve the closure and the Department of Planning, Lands and Heritage undertake the closure process arranging the disposal and amalgamation of the closed portion of road with the adjoining owners land, in accordance with section 87 of the *Land Administration Act 1997*, ensuring all conditions are met.
14. The Town confirms it has complied with section 58(2) and (3) of the *Land Administration Act 1997*.

Relevant documents

Not applicable.

Questions and responses

Mayor Karen Vernon

1. Has a development application been lodged for 1022-1032 Albany Highway by Woolworths? If so, when was it lodged, and to which authority?

The Chief Operations Officer advised that it has not yet been lodged.

2. Would that application be made to Council?

The Manager Development Services advised that the value of the development will determine who the responsible agency will be.

3. Paragraph 39 refers to the existing connection with a crossover onto Shepperton Road as being non-compliant and posing a safety issue for vehicles entering and exiting the road. How is it non-compliant, and what are the safety issues posed?

The Chief Operations Officer advised that the crossover is non-compliant due to its proximity to the busy Shepperton Road and Albany Highway intersection, inadequate line of sight due to the bend, and lack of deceleration lane.

4. How will the new public road become a requirement of the new development? Who will make that decision?

The Chief Operations Officer advised that the Town would condition the development approval to include the new road as a requirement of the new development. The Manager Development Services has already addressed who will make the decision.

5. How long will it take for the construction of the new public road to occur?

The Chief Operations Officer advised that subject to developer's work schedule, however the developer has acknowledged the importance of maintaining access for the public during development.

6. Who is responsible for constructing the new public road from a portion of the newly amalgamated land?

The Chief Operations Officer advised that it is the developer.

7. In paragraph 42, reference is made to realignment of the road. Is this a reference to the ROW?

The Chief Operations Officer advised that yes it does relate to the alignment of the ROW.

8. Regarding paragraph 42, what will the Town's role be in coordinating the realignment of the road/ROW? Does that mean working with Main Roads WA and/or others?

The Chief Operations Officer advised that the Town will be working with Main Roads WA to facilitate the creation of a new crossover and entry/exit point onto Shepperton Road.

9. Will the Town incur costs in coordinating the realignment of the road?

The Chief Operations Officer advised no.

10. How long will the realignment of the ROW take to complete?

The Chief Operations Officer advised that it is subject to the developer's work schedule.

11. How will public access to the road be preserved during the construction of the new public road?

The Chief Operations Officer advised that it is to be determined once the development application has been lodged.

12. Will the public access to the road be preserved during the realignment of the ROW works?

The Chief Operations Officer advised that the developer intends to realign services and subsequently realign the ROW prior to any major project works commencing.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

13.5 Progress of Updated Rights of Way Strategy 2021

Location	Town-wide
Reporting officer	Principal Design and Traffic Coordinator
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. CONFIDENTIAL - Town of Victoria Park - ROW Asset List [13.5.1 - 5 pages] 2. Locality Plan 2021 - ROW Assets in the Town of Victoria Park [13.5.2 - 1 page]

Recommendation

That Council endorses an extension of time for the Town to present findings on a review of the Rights of Way (ROW) Strategy and an updated 10 Year ROW Capital Works Program from September 2021 to December 2021; which is required due to the potential major nature of the item to be presented falling within the "caretaker" period of the October 2021 Council elections and potential financial decision to fund future projects.

Purpose

To provide Elected Members with a progress update on the ROW Strategy as requested through the June 2021 Ordinary Council Meeting.

In brief

- At the Ordinary Council meeting of 15 June 2021, Council resolved (Resolution No 119/2021) the following:
 1. *Receives the report findings for the potential upgrades to Rouse Lane.*
 2. *Requests the Chief Executive Officer to initiate a review of the Rights of Way Strategy, including a presentation to Elected Members at a Concept Forum, and report to Council by the September Council meeting as to the progress of the review of the Strategy."*
 3. *Requests the Chief Executive Officer to provide a further report to Council by September 2021 and present an updated 10 year Rights of Way (ROW) Capital Works Program for endorsement.*
- As part of Council resolution 119/2021, a presentation to concept forum for the overall ROW Strategy is planned to be delivered on the 28 September 2021.
- At this stage, the financial implications which is recommended through the future ROW capital works program will have changes that may potentially represent a "major decision" for Council.
- As Council will be requested to endorse a major decision within the "caretaker" period due to October 2021 Council elections, it is preferred to postpone such a decision until after the elections, in December 2021.
- This will also allow some extra time for staff to revisit certain site inspection assessment outcomes to fine tune the revised ROW Strategy and draft ROW capital works program.

Background

1. In June 2021, a Council item was presented to consider issues related to lighting in the Rouse Lane. As part of the resolution, it was also recommended that a further report be brought back to Council by September 2021 to endorse an updated overall Rights of Way Capital Works Program.
2. An additional resolution was added to the officer recommendations for a review of the Rights of Way Strategy (including an Elected Member Concept Forum to be presented before a formal Council item).
3. Given the timing issues with presenting technical findings at the 28 September 2021 Elected Members Concept Forum, Caretaker period and potentially having an item endorsed by Council before Elected Members having received information on the ROW Strategy, staff recommend suggest delaying the endorsement of the proposed 10 Year Rights of Way Capital Works Program
4. As noted in the June 2021 report, Council first adopted a Rights of Way (ROW) Strategy in May 1998 and was later amended in August 2003 to reflect changes in the status and use of various Rights of Way in the Town. This Strategy is now outdated and requires much-needed updates.
5. The new Strategy will focus on Rights of Way that are currently unsealed. Thus far, 28 Right of Way sections has been identified for major improvements. It is important to note that some Rights of Way have multiple sections, as indicated in our GIS database. An example of this is Ceres Lane (ROW 33) which has A, B and C laneway sections. This will be counted as three separate sections even though they technically form part of one ROW.
6. The proposed civil works will incorporate new kerbing, drainage, pavement upgrade, lighting and other ancillary treatments to ensure the finished product functions to serve residential access and is safe for public use.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Projects are delivered on time/on budget with minimal disruption to property owners abutting the ROW during construction.

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.	To ensure Rights of Way assets are maintained in good condition and continue to function as alternative roadway access for those residents/business owners who are located directly adjacent.

Engagement

Internal engagement	
Stakeholder	Comments
Asset Planning	Rights of Way database in GIS will need to be updated to ensure accuracy of information

Street Operations	Certain drainage hot spots within Rights of Way require additional design input
Land Administration team	All remaining unsealed ROWs, except for 3 of them, are recommended to remain open to the public

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	No major Council decisions to be made during "Caretaker" period. Adopting a 10 Year Rights of Way Strategy will have a considerable impact on long term financial planning	Moderate	Almost certain	High	Low	TREAT – Postpone adoption of final Rights of Way Strategy due to unknown long term financial implications
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	Current GIS database on ROW's requires updating to ensure information is current and accurate	Minor	Possible	Medium	Medium	TREAT – Technical staff to review and provide feedback to Assets Planning Service Area to update database.
Legislative compliance	Most Rights of Way in the Town are privately owned. The Town has reduced legislative powers in relation to enforcement of parking regulations and compliance to the road traffic code.	Minor	Almost certain	Medium	Low	ACCEPT – Properties and leasing team investigating numerous Rights of Way for potential road dedication purposes. Likely to be a long term action which will be ongoing

Reputation	Expectation by the community that once the 10 year Capital Works Program is adopted, priority will not change	Minor	Almost certain	Medium	Low	ACCEPT – Council decision.
Service delivery	External design support may be required to have shelf ready design projects for future years	Minor	Almost certain	Medium	Medium	TREAT – Engage external consultants as required depending on internal resources

Financial implications

Current budget impact	<p>Sufficient funds exist within the current 2021/2022 annual budget for two (2) unsealed Rights of Way projects to be constructed this financial year. Project details below.</p> <p>ROW 46 – A budget of \$240,000 has been allocated to this project</p> <p>ROW 33 Ceres Lane – A budget of \$390,000 has been allocated to this project.</p>
Future budget impact	<p>The impact on future years is subject to review. The current estimate of probable costs for each ROW is yet to be reviewed with affected cross functional teams. Further information will be provided at the Elected Members Concept Forum on the 28 September 2021.</p>

Analysis

7. As part of the assessment process, technical staff have established updated multi-criteria assessments to review the desirability and priority for upgrade works to be completed on Rights of Way in the Town.
8. The multi-criteria assessment used parameters such as length of ROW, number of existing properties currently having ROW access, number of properties abutting the ROW, crime statistics from WA police, ROW condition and other potential factors such as constructability. At this stage, no weightings have been set, which will need to be determined and discussed at the Elected Members Concept forum.
9. Within the current 2021/2022 financial year, two unsealed Rights of Way projects will be progressed. The projects include ROW 46 located in Victoria Park, bounded by Washington Street, McMillen Street, Leonard Street and ROW 33 (Ceres Lane) located in Carlisle, bounded by Bishopsgate Street, Lion Street, Raleigh Street and Archer Street.
10. As a result of the long-term financial implications to commit and fund a 10 Year Capital Works Plan, Council will potentially be making a major decision. As this decision is to be presented just prior to the October 2021 Council elections, it falls within what is defined as a “caretaker period”.

11. It is therefore preferable for a resolution to be made after the October 2021 elections in December 2021. This allows for both the Elected Member Concept Forum to be presented as originally planned for September and further fine-tuning analysis works to be done to facilitate the finalisation of the ROW Strategy before the final item in December.

Relevant documents

[LPP 7 - Development and Vehicle Access to Properties Abutting Rights-of-Way](#)

Questions and responses

Cr Brian Oliver

1. With regards to point 2 of Council's decision from June 2021, what is the update on the progress of this strategy?

The Principal Traffic and Design Coordinator advised that there will be a progress report presented at concept forum this month.

Further consideration to be added to the Ordinary Council Meeting agenda

Nil.

14 Chief Financial Officer reports

14.1 Schedule of Accounts for July 2021

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Finance Manager
Voting requirement	Simple majority
Attachments	1. Payment Summary - July 2021 [14.1.1 - 8 pages]

Recommendation

That Council:

1. Confirms the accounts for 31 July 2021, 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 31 July 2021.

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	608859 – 608862	\$24,385.87
Creditors – EFT Payments		\$7,389,460.14
Payroll		\$1,166,372.30
Bank Fees		\$11,655.69
Corporate MasterCard		\$17,394.72
Total		\$8,609,268.72

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

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

Relevant documents

[Procurement Policy](#).

Questions and responses

Mayor Karen Vernon

1. *Can I seek details on The Trustee for the S&S Carrick for the amount of \$15,972?*

The Manager Development Services advised that they are architects employed to undertake the old Municipal Heritage survey.

2. *Can I seek details on Thomson Reuters for the amount of \$20,916?*

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

3. *For Western Power for the amount of \$2,395,200, is this for SUPP6?*

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

4. *Can I seek details on WSP Parsons Brinkerhoff for the amount of \$43,931?*

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

Further consideration to be added to the Ordinary Council Meeting agenda

1. Include information on the details of Thomson Reuters for the amount of \$ \$20, 916.
2. Include information on the details of Western Power for the amount of \$2,395,200.
3. Include information on the details of WSP Parsons Brinkerhoff for the amount of \$43,931.

14.2 Financial Statements for July 2021

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Finance Manager
Voting requirement	Simple majority
Attachments	1. Financial Statements - July 2021 [14.2.1 - 43 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 31 July 2021, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 31 July 2021.

In brief

- The financial activity statement report is presented for the month ending 31 July 2021.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended [date].

Background

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

Revenue

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

Expense

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

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

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

Strategic alignment

Civic Leadership	
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 – 31 July 2021 complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that the Financial Activity Statement Report – 31 July 2021 be accepted.

Relevant documents

Not applicable.

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

15 Committee reports

15.1 Review of Policy 404 - Fireworks management

Location	Town-wide
Reporting officer	Principal Environmental Health Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	1. Existing Policy-404- Fireworks-management [15.2.1 - 3 pages] 2. Draft Policy 404 - Fireworks management [15.2.2 - 4 pages]

Recommendation from the Policy Committee:

That Council:

1. Endorse the draft revised Policy 404 – Fireworks Management (as shown in Attachment 2) for public consultation; subject to the following amendment:
 1. Amend point 1 of the policy to read as follows:

“When considering a Fireworks Event Notice, the Town’s principal considerations will include:

 - a. The environmental health impact of the fireworks event upon the community and surrounding natural environment (including surrounding bird and animal life); including but not limited to the noise impact
 - b. Ensuring the community is reasonably informed of the fireworks event.
2. Give local public notice for a period of 28 days that comprise a notice in a local newspaper for three consecutive weeks and notice via the Town of Victoria Park’s social media channels and Your Thoughts.

Purpose

To review Council Policy 404 - Fireworks Management (Policy 404).

In brief

- Policy 404 has been identified for review as part of Council’s adopted policy work plan.
- Applications for fireworks displays will continue to be assessed having regard to Policy 404.
- A number of amendments are proposed to the policy to provide greater clarity in the assessment of applications, to clarify the Town’s role in the process and to address issues that have arisen in relation to the current policy.
- Given that fireworks display can sometimes have negative impact upon the community, it is recommended that the draft revised policy be advertised for public comment.

Background

1. The Policy 404 was created to assist in the management of fireworks displays in the Town. As part of that process, public consultation took place with comments being sought from surrounding local governments and major entertainment, sporting, and educational establishments within the Town. All comments that were received were tabled for Council information and taken into consideration in forming the final version of the policy that was submitted to Council for endorsement.
2. On 28 September 2004, Council adopted Council Policy HLTH5 – Fireworks Management to assist in the control of fireworks displays in the Town, particularly at Graduation Ceremonies held at Curtin University. In previous years, complaints from residents located in the Town and surrounding local governments had been received with respect to fireworks noise.
3. Previously, some venues within the Town sought exemption from compliance with the policy with such applications being referred to Council for determination. At its meeting on 16 October 2008, Council delegated to the Town’s Chief Executive Officer the authority to approve exemptions without referral to Council for determination and for applications to only be referred to Council where deemed necessary by the Chief Executive Officer.
4. Policy 404 was last reviewed and amended by Council on 20 August 2019 as part of the minor review of policies. Only minor administrative amendments were made at this time. A full review of the policy was not undertaken.
5. In the period since Fireworks Management Policy and Procedure HLTH5 was endorsed by Council on 28 September 2004, there has been significant built environment and demographic changes that necessitates a review of the policy.
6. The Department of Mines, Industry Regulation and Safety (DMIRS) is responsible for the approval of fireworks displays. When DMIRS receive an application to hold a fireworks display, support is sought from the local government responsible for the area in which the fireworks display is proposed. In considering whether or not to support an application to hold a fireworks display in the Town, applications are assessed against the requirements of Policy 404.
7. Since the adoption in 2004 of Policy 404, the following exemptions to the policy have been applied for in the Town:
 - a) Chinese New Year and Chinese Consulate National Day Celebration.
 - b) Graduation Ceremonies at Curtin University.
 - c) Crown Perth.
 - d) Private weddings.
8. At its meeting on 20 April 2021, Council adopted a work plan to complete the review of a number of policies. Policy 404 was one of the policies identified for review.

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	Public notification of all fireworks activities that may cause a noise nuisance within the Town.

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.	Simplify the approval process easier for anyone that wants to do business in the Town. Increase tourism within the Town.
EC02 - A clean, safe and accessible place to visit.	Improved management of noise nuisances relating to fireworks displays.

Engagement

Internal engagement	
Stakeholder	Comments
Environmental Health	The Town's Environmental Health Officers have provided input into the revised draft policy.

Other engagement	
Stakeholder	Comments
Place Planning	No comments to make.
Community Development	No comments as they have not had any request for fireworks as part of a booking.
Ranger Services	<p>Requested that in assessing an application for a fireworks event, consideration should be given to parking and traffic management. This is not considered necessary, as fireworks are normally associated with an event, already the subject of traffic management, rather than being the primary purpose of an event. ie. traffic and parking is generated by an event, not fireworks at the event.</p> <p>Also requested that in relation to the public notification provisions for a fireworks event, this include advice to residents to secure their dogs during events. While the sentiment is understood, in advising residents of an event the resident can already make an informed decision as to whether or not to secure their dogs.</p>

Legal compliance

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

[Local Government Act 1995](#)

[Dangerous Goods Safety Act 2004](#)

[Dangerous Goods Safety \(Explosives\) Regulations 2007](#)

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	Engagement of consultants	Low	Likely	Low	Low	TREAT risk by ensuring that there is a budget allocation for unforeseen spent.
Environmental	Noise nuisances disrupting residents, pets and bird & wildlife	Moderate	Likely	Low	Low	TREAT risk by ensuring that affected area is notified and noise modelling undertaken in problem areas.
Health and safety	Noise complaints	Moderate	Likely	Low	Low	TREAT risk by ensuring that affected area is notified and noise modelling undertaken in problem areas.
Infrastructure / ICT Systems/Utilities	Nil	Nil	Nil	Nil	Nil	Nil
Legislative compliance	Breach of legislation.	Moderate	Likely	Low	Low	TREST risk by approving fireworks events in accordance with Regulation 18 of the <i>Environmental Protection (Noise) Regulations 1997</i> .

Reputation/ Image	Increased fireworks related noise complaints	Moderate	Likely	Low	Low	TREAT risk by ensuring that the contractor undertakes sufficient notification.
Service Delivery	Increased work for Town's staff	Low	Likely	Low	Low	TREAT risk by ensuring that the applicant submit the application on time and a late application fee charged for any late application

Financial implications

Current budget impact	This policy review will not result in any current budgetary changes.
Future budget impact	This policy review will not result in any future budgetary changes.

Analysis

9. A review of Policy 404 (as shown in Attachment 1) has been completed by Council officers. This review has considered:
- the effectiveness of the current policy including any issues of interpretation, application, gaps or deficiencies.
 - similar policies of other local governments;
 - alignment with relevant State legislation, policy and guidelines;
 - greater clarity in the objectives of the policy;
 - improving the presentation and ease of use (for both the public and Council officers) of the policy.
10. The major issues identified with the current policy include:
- The policy scope and policy objectives are very brief.
 - The policy scope is brief and does not clarify the Town's role in the approval process for a fireworks event.
 - There is no definition of important terms used;
 - There is no clarity regarding the assessment process for a fireworks application nor the assessment criteria used;

- e) A lack of clarity as to what constitutes an event.
11. In view of the above, the policy has been amended inclusive of the following:
- a) Re-arranged the sequence and flow of headings and sub-headings of the policy in a logical manner;
 - b) Improved and expanded the policy scope and policy objective.
 - c) The policy scope clarifies the Town's role, and that of other agencies, in the approval process.
 - d) Provided definitions for important terms that are used in the policy.
 - e) Consistent with advice received from the Department of Water and Environmental Regulation (DWER), included clarification that if a fireworks event is likely to exceed the assigned noise levels under the *Environmental Protection (Noise) Regulations* then an approval under Regulation 18 will be required before the Town supports a fireworks application.
 - f) Provided clarity on the assessment process and the assessment criteria that will be considered by the Town when assessing an application (see clause 3).
 - g) In clause 4, outlined the circumstances where the Town will offer no objection to a fireworks application.
 - h) Outlined relevant conditions that will be applied to the Town's support of a fireworks event, including greater clarity on the public notification requirements (see clause 7).
12. The amended policy will ensure greater clarity and consistency in the approval process. The policy seeks to recognise the benefits that can arise from fireworks displays, while also considering the impact upon local amenities and surrounding communities.
13. In view of the above, it is recommended that Council consent to public advertising of draft amended Policy 404 as shown in Attachment 2, for 28 days to seek public comments. A further report will be presented to Council in the future following the conclusion of the public advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the amended policy (in its current form or in a further modified form).

Further considerations

15. Following the Policy Committee held on 23 August 2021, further information is provided as responses to questions taken on notice:
- (a) What would be the costs and implications of employing an ornithologist to assess the impact on bird life of fireworks applications?

Following the Policy Committee meeting, an ornithologist was contacted, and they have provided advice including the following:

- There is no need to engage an ornithologist for every application. Instead their Technical Guidance Note (TGN) should inform the Town's policy.
- It is a fact that pyrotechnics (includes fireworks) negatively impact on birds and other wildlife in the vicinity.
- Under the Department of Biodiversity, Conservation and Attractions (DBCA), *Biodiversity Conservation Act 2016*), previously *Wildlife Conservation Act 1950*), it is considered an offence to intentionally scare listed wildlife, and therefore a pyrotechnics display that would negatively impact wildlife could constitute an offence.

- This situation could be exacerbated if species listed under the Australian Government, *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) are also affected. In the context of the Town this would primarily relate to Red-tailed Black Cockatoo (*Calyptorhynchus banksii*), and Carnaby' Black Cockatoo (*Zanda latirostris*). Other species of birds within the impact area of a display are also likely to be negatively affected.
- The ornithologist recommended the following:
 - The Town to begin communications with relevant Department of Biodiversity, Conservation and Attractions (DBCA) section to determine if a scare/disturbance license is required.
 - If required, the Town apply for the license to scare birds under the DBCA *Biodiversity Conservation 2016*.
 - The Town engage with stake holders (BirdLife Australia, DBCA & WA Museum), to determine the presence of birds and the species in question using the environs of the proposed pyrotechnic display areas.
 - The Town to maintain a 'current' map of all known roost sites for EPBC Act listed species, within the Town, allowing for compliance appraisal of future requests from private entities who wish to engage in pyrotechnic display events.
 - The Town to check for presence of birds, of all species, and particularly roost sites at proposed public pyrotechnic display areas.
 - The Town post event to check for the presence of birds, or other wildlife that may have been negatively impact, (died), in the immediate vicinity of a pyrotechnic event.
 - The Town to establish a data capture system within the environment section of Town relating to pyrotechnic displays and possible negative impacts of birds and other wildlife.
 - The Town may wish to include wildlife safety issues in their application form relating to private pyrotechnic events.

14. In view of the above advice, it is considered necessary to liaise with the DBCA before proceeding further with the policy review, and that further consideration be given to the resourcing and other implications of the ornithologist advice. Accordingly, Officers recommend that further consideration of the item be deferred to the November 2021 Policy Committee.

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

16 Motion of which previous notice has been given

Nil.

17 Questions from members without notice on general matters

Cr Wilfred Hendriks

1. With the development on Berwick Street, is it okay for no toilet for the showroom?

The Manager Development Services advised that there is no requirement from a planning perspective but will confirm with the building team.

2. How is the weeding at Kensington Bushland progressing?

The Chief Operations Officer advised she thought mid-September but will confirm.

3. Can we apply for floodlighting at Higgins Park using the Club Night lights Funding Program?

The Chief Community Planner took the question on notice.

18 Confidential matters

Nil.

19 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 8.39pm.

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

Signed:
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Dated this: Day of: 2021