



TOWN OF
VICTORIA PARK

Special Council Meeting Agenda – 25 June 2020



**WE'RE OPEN
VIC PARK**

Please be advised that a **Special Council Meeting** will be held at **6:30 pm** on **Thursday 25 June 2020** in the Council Chambers, Town of Victoria Park administration building, 99 Shepperton Road, Victoria Park.

Ms Natalie Martin Goode – A/Chief Executive Officer

23 June 2020

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1 Declaration of opening

Acknowledgement of Country

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

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

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

2.2 Public question time and public statement time

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

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

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

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

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

2.3 No adverse reflection

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

2.4 Town of Victoria Park Meeting Procedures Local Law 2019

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

3 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
A/Chief Executive Officer	Ms Natalie Martin Goode
A/Chief Operations Officer Chief Financial Officer A/Chief Community Planner	Mr Jack Bidwell Mr Michael Cole Mr David Doy
Manager Governance and Strategy	Ms Danielle Uniza
Secretary	Ms Amy Noon

3.1 Apologies

Chief Executive Officer
Chief Operations Officer

Mr Anthony Vuleta
Mr Ben Killigrew

3.2 Approved leave of absence

Nil.

4 Declarations of interest

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

Declaration of financial interests

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

Declaration of proximity interest

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

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

Declaration of interest affecting impartiality

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

5 Public question time

6 Public statement time

7 Presentations

7.1 Petitions

7.2 Presentations

7.3 Deputations

8 Method of dealing with agenda business

9 Motion of which previous notice has been given

9.1 Council's support for underground rail

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

Motion

That Council:

1. Advises the WA Government that Council:
 - a. supports its Level Crossings Removal program;
 - b. supports an underground option for the replacement of the level crossings along the Armadale rail line at Archer/Mint St, Oats St and Welshpool Road as endorsed by Council in 2019;
 - c. is committed to working co-operatively and collaboratively with the WA Government and Metronet in all communications, consultations and engagements about the removal of the level rail crossings and in advocating for the inclusion of an underground option for consideration.
2. Requests the Chief Executive Officer to deliver a public awareness and education campaign about the proposed options for removal and replacement of the level crossings along the Armadale rail line at Archer/Mint St, Oats St and Welshpool Road, including:
 - a. why the Town supports an underground option at these stations;
 - b. the level of engagement the Town of Victoria Park has had with Metronet since the 2019 federal election about developing the options for replacement of these level crossings;
 - c. the need for appropriate consultation by the WA Government with the Town of Victoria Park and its community prior to making any decision on the preferred option to deliver the level crossing removal program along the Armadale rail line at Archer/Mint St, Oats St and Welshpool Road.
3. Approves expenditure of up to \$25,000 on the public awareness campaign.
4. Requests the Chief Executive Officer to allocate appropriate internal resources to support the delivery of the public awareness and education campaign.
5. Requests the Chief Executive Officer to report to the Ordinary Council Meeting in August 2020 about the progress of the public awareness and education campaign.

Reason

In March 2019 Council endorsed its Advocacy Priorities to include advocating for the removal of the rail crossings on the Armadale rail line.

In May 2019 the State and Federal government committed joint funding of \$415 million to remove the crossings at Archer/Mint St, Oats St and Welshpool Rd. An additional \$17.5 million was provided for planning at these level crossings for 2019/20.

In August 2019 Council endorsed a Metronet advocacy platform to support underground options for the removal of the crossings, and the undergrounding of the rail line generally.

Since then the Town staff have advised Elected Members that they have been advocating for an underground option at these train stations amongst other outcomes.

In early 2020, Metronet commenced formal business case engagement with the Town with a workshop, during which time Town staff repeatedly expressed concerns about the lack of inputs and assumptions being put into the options analysis. Only one workshop was held with the Town before Metronet halted the engagement process due to COVID-19.

On 9 June Metronet advised the Town of their intention to proceed with elevated rail options for these crossings, without any further input from the Town, without engagement with our community and without completion of the business case.

As such, the Town requested an urgent meeting with the Minister for Planning.

On 15 June the Town was advised that such request had been granted for a meeting on 2 July 2020.

On 16 June 2020, without notice to the Town or the community, the WA government made a public announcement via the Premier that the removal of the rail crossings would be replaced with elevated rail, in one of two possible elevated rail designs only.

Community reactions to the announcement, as well as the Town's lack of knowledge that this announcement was about to be made, indicates a need for urgent information to be given to our community to allow them to make informed decisions about any concerns they have, and to press for proper consultation before any further action is taken.

This Notice of Motion will provide an important opportunity for the Town to make our community aware of the process to date, the lack of consultation, and the need going forward for Metronet to provide our community with a proper community consultation on the options, including an underground option, and for the development of a proper business case before the WA government commits to elevated rail.

A public awareness campaign will require resources. It is appropriate to include approval for expenditure of an amount that is sufficient to enable such a campaign to begin.

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	An education and public awareness campaign will provide diverse means for our community to receive information.
CL02 - A community that is authentically engaged and informed in a timely manner.	The community has the opportunity to have their say in the outcome, and has an opportunity to understand the arguments for and against underground rail options.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	The community receives the information it needs to understand why the Town supports an underground rail option to be included for consideration.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	Local businesses will have the opportunity to participate in discussions about the impact on their businesses from the options for replacement of the rail crossings.
EC02 - A clean, safe and accessible place to visit.	The Town's preferred option for underground rail will deliver safe roads, and increase accessibility of public transport, roads and public open spaces.

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 Town's preferred option for underground rail can be considered as the only one that will create opportunities for future use of the land over the rail line to include diverse housing options to meet the needs of the Town's future population.
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	The Town's preferred option for underground rail can be considered as providing an optimal opportunity for a safe, interconnected and well-maintained transport network.
EN03 - A place with sustainable, safe and convenient transport options for everyone.	The Town's preferred option for underground rail can be considered as providing an optimal opportunity for the creation of sustainable, safe and convenient transport options for everyone.
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	The Town's preferred option for underground rail can be considered as providing an optimal opportunity for the building of sustainable facilities for everyone on the land over the rail line.
EN06 - Appropriate, inviting and sustainable green	The Town's preferred option for underground rail can

spaces for everyone that are well maintained and well managed.	be considered as providing an optimal opportunity to use the land created over the rail line for more green spaces for everyone.
EN07 - Increased vegetation and tree canopy.	The Town's preferred option for underground rail can be considered as providing an optimal opportunity to use the land created over the rail line for more tree canopy and vegetation.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	The community will receive the information it needs to understand the issues around the Town's preferred option for underground rail, and the WA government's preferred option for elevated rail to replace the level crossings.

Officer response to notice of motion

Location	Carlisle Welshpool
Reporting officer	David Doy
Responsible officer	Natalie Martin Goode
Voting requirement	Simple majority
Attachments	Nil

Officer comment

1. The State Government's Level Crossing Removal program presents an unprecedented investment in the Town's public transport infrastructure. The Town has been working with METRONET to inform the potential options for removing the level crossings at Oats St, Mint/Archer St and Welshpool Road.
2. Since the Town adopted the METRONET Advocacy Platform in August 2019, the Town has been advocating for an underground option that allows land above the rail corridor to be repurposed.
3. Following the State Government's recent announcement of their intention to deliver an elevated rail option at all three crossings, the Town has been discussing the next steps with METRONET who intend to conduct information sessions and engage a community reference group over the coming months.
4. METRONET is required to conduct a business case process and submit the proposal to Infrastructure Australia to formally acquire the federal government funding that has been committed for these projects. Despite METRONET still completing this business case, the State Government has announced that an elevated rail structure will be the preferred option.
5. While the Town is disappointed with the process that has led to this outcome, the Town is committed to continuing to work with METRONET to achieve the best possible outcome for the local community and recommends continuing its advocacy to achieve this.
6. There are several different ways Council can now respond to the announcement and advocate.
7. Council may choose to advocate for an underground option only (as outlined in the Motion), however there are risks associated with this, including:
 - The State Government may proceed with an elevated rail option without allowing the Town the opportunity to influence the public realm, rail/station design and the planning framework (including the nature of adjacent development).
 - The State Government may delay or withdraw investment from the level crossings and stations in Victoria Park.
 - The State Government may introduce Development WA as the primary delivery mechanism for the development and delivery of the public realm and immediate precinct or use another mechanism to obtain control greater control.
 - The State Government may concede and pursue a below ground option without cover, resulting in an open trench, poor amenity and less connectivity to that offered by an elevated rail option (although this is considered to be a very low likelihood).

8. Alternative to the advocacy position in the Town's endorsed METRONET Advocacy Platform (which is reinforced in the Motion) the Town considers that there is merit in an alternative approach and instead adopt a preparedness to negotiate with METRONET on an elevated rail outcome. The reason for the approach is to mitigate some of the risks mentioned in paragraph 7 and ensure the Town remains a key and influential stakeholder through the processes that are to come. The Town could maintain its preference for the positions outlined in the Advocacy Platform but be prepared to negotiate an elevated rail outcome for a range of potential benefits. This approach might afford the Town the best opportunity to secure high quality public realm improvements and longer-term planning framework updates that deliver great outcomes for the local community. This position is worthy of some consideration given the likelihood that an elevated rail option will continue to be pursued by the State Government and could be reflected in an amendment to point 1(b) of the motion.
9. Matters that might be pursued during a negotiation with the WA State Government include such things as (but are not limited to):
 - (a) Funding for high quality public realm improvements, activation, community and commercial opportunities, and public open space (active and passive) creation;
 - (b) funding the planned upgrade to Archer Street and Mint Street (design currently being public advertised);
 - (c) immediate landscaping improvements to Burswood Station;
 - (d) all structures be reviewed by the State Design Review Panel and Office of the Government Architect prior to design approval; and
 - (e) funding to develop station precinct plans to enable future development around Oats St and Carlisle Stations (including the Carlisle Town Centre).
10. This path of advocacy risks conceding the opportunity for an underground option and accepting that the WA State Government may be unlikely to change their position to proceed with an elevated rail structure given their recent public announcement.
11. The Town's Advocacy Framework developed in 2018 speaks to Advocacy success relying heavily on concerted and coordinated effort, consistency of approach and messages, and collaboration between several parties (voices), with a focus on the greater good, which is required to realise long-lasting, mutual benefits to large numbers of impacted people. Interests must rise above political agendas, situational and personal gains.
12. The Framework includes the following 5 principles:
 - (a) Partnership Approaches – collaborative and collective efforts toward project delivery
 - (b) Relationship Building – developing meaningful relationships with decision makers
 - (c) Third Party Advocacy – providing opportunities and materials to others to recommend and endorse Town projects and programs
 - (d) Civic Engagement – giving our people (employees, Councillors and community) a role to play
 - (e) Social Advocacy – proactively seeking support for communities experiencing discrimination or disadvantage
13. To meet these principles, an advocacy awareness and education campaign in response to the Motion would seek to develop and provide information on each of the options (and their impacts) being considered in the Business Case for level crossings removals. It is important to provide a fuller context to those in the community most interested and affected. The Town's endorsed Metronet Advocacy Platform would be the basis of the information contained in the campaign.
14. It is recommended the advocacy awareness and education campaign provides facts and empowers people to seek to understand the significance of the project on the future of Carlisle and East Victoria Park. It will encourage people to consume all the information available and seek more opportunities to be informed and have a say, so they can form and share their own views in an appropriate way, as affected community members.
15. The campaign would ultimately seek to open the conversation to a broader audience and encourage more people to lend their voices in a positive and proactive manner, requesting decision makers to listen to people outside government, who are directly impacted. The primary objective would be to

seek more consultation opportunities from METRONET for our community to have a say, measured by acknowledgement of community feedback in the Business Case that will be put to Infrastructure Australia.

Legal compliance

Nil.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<p>Reputational The Town seeks a negotiated elevated rail outcome which eliminates any potential for underground rail, affecting the Town’s reputation to those community members committed to underground rail.</p>	Moderate	Likely	High	The Town will work closely with METRONET to influence all communications to residents and businesses to ensure accurate information and feedback is recorded to influence quality public realm and design improvements.
<p>Reputational Negative ratepayer perception regarding expenditure on a campaign – spending this budget on advocacy rather than other services and/or while in a COVID recovery environment.</p>	Moderate	Possible	Moderate	Advocacy campaign to express significance of the project with long lasting impacts and reasoning for the need to advocate now, potentially missing a once only opportunity to influence the ultimate outcome.
<p>Reputational Negative perception around pressing State Government on an already determined position with potentially little influence, fracturing relationships and future advocacy opportunities.</p>	Moderate	Likely	High	<p>Advocacy campaign to remain positive, factual and objective – sharing information on all options and encouraging community to join the Town in collaborating with Metronet, voice their perspective and seek more consultation opportunities to better understand and have a say.</p> <p>Active Council and Officer Relationship Management.</p>

<p>Financial impact A concerted campaign against elevated rail may result in the state government withdrawing investment from the Town and electing not to remove the level crossings. This may cause reputational damage amongst community members.</p>	Major	Possible	High	Town staff will maintain communication and a working relationship with METRONET to mitigate this risk and resolve any tension that may result from a public campaign against an elevated rail option.
<p>Reputational Should state government concede to pursue an underground option, this may result in a trench only. This option would likely have less connectivity and poorer amenity than the elevated option, which could lead to reputational damage.</p>	Major	Unlikely	Moderate	Should the state government reconsider their position, the Town will advocate strongly for a cut and cover option that creates land above the rail line that will become available for other uses.
<p>Reputational Without the Town's cooperation, the state government may assume control of precinct planning via Development WA or some other mechanism. This can further remove the Town from the planning process and may result in reputational damage from planning impacts outside of the Town's control.</p>	Moderate	Likely	High	The Town will continue to work with the state government on precinct planning around train stations to influence planning and design outcomes.

Financial implications

Current budget impact	Sufficient funds exist within the current annual budget for Communications and Engagement to address this recommendation and any expenditure incurred for the remainder of 2019/20.
Future budget impact	It is likely that the majority of the \$25,000 in funding sought for the public awareness campaign will be spent in July 2020. Accordingly, the balance of any funds remaining from the \$25,000 at the end of June 2020 will be carried over to 2020/21.

Relevant documents

Town of Victoria Park METRONET Advocacy Platform

10 Public question time

11 Public statement time

12 Closure