



TOWN OF  
VICTORIA PARK

# Ordinary Council Meeting Minutes – 18 April 2023

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**WE'RE OPEN  
VIC PARK**

Please be advised that an **Ordinary Council Meeting** was held at **6:30 PM** on **Tuesday 18 April 2023** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Her Worship the Mayor Karen Vernon**

21 April 2023

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# 1 Declaration of opening

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

## Acknowledgement of Country

*Cr Bronwyn Ife read the Acknowledgement of Country.*

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

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

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

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

*Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.*

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

# 2 Announcements from the Presiding Member

## 2.1 Recording and live streaming of proceedings

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

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

## 2.2 Public question time and public statement time

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

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

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

When the presiding member speaks during public question time or public statement time any person then speaking, is to immediately stop and every person present is to preserve strict silence so that the presiding member may be heard without interruption.

### **2.3 No adverse reflection**

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

### **2.4 Town of Victoria Park Meeting Procedures Local Law 2019**

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

### **2.5 Mayor's report March to April 2023**

On **26 March**, I attended the first AFL home game for West Coast Eagles at Optus Stadium as a guest of the WA Football Commission, where a hot topic of conversation was Lathlain Precinct Zone 1 Perth Football Club community sporting facility upgrades.

Later that evening I gave the welcome speech at the Town's Twilight concert for Harmony Week. Congratulations to the Town and the events team for putting on a diverse and inclusive concert showcasing the multicultural musical styles of several countries.

On **5 April** I attended the Public Sector Audit Committee Chair Forum hosted by the Office of the Auditor General.

On **8 April**, I attended the President's Game Day Lunch for the first game of the WAFL season at Lathlain Park for Perth Football Club. Not the Demon's day but a good effort for the first game of the season.

On **13 April**, I was delighted to present several awards and officially open the Vic Park Youth Arts Awards and exhibition. This project received a Council arts grant and is the brainchild of local creative artist Renee Parnell of wrenscape. Over 300 artworks were submitted by youth aged between 6 and 18, and the standard is outstanding. It was a great event for Arts Season. Special thanks to the Town's arts officers Yvette and Chloe for their support and assistance in helping out with this event.

On **14 April**, in my role as patron of the Victoria Park Carlisle Bowling Club, I presented the awards to the best bowlers and teams at the annual Awards night.

On **15 April**, I held Share with the Mayor at the Library.

On **17 April** I presided at a citizenship ceremony where we welcomed 26 new Australian citizens from 16 countries.

### **3 Attendance**

<b>Mayor</b>	Ms Karen Vernon
<b>Banksia Ward</b>	Cr Peter Devereux Cr Wilfred Hendriks Cr Luana Lisandro
<b>Jarraah Ward</b>	Cr Jesse Hamer Cr Bronwyn Ife Cr Jesvin Karimi Cr Vicki Potter
<b>Chief Executive Officer</b>	Mr Anthony Vuleta
<b>Chief Operations Officer Chief Community Planner</b>	Ms Natalie Adams Ms Natalie Martin Goode
<b>A/Manager Governance and Strategy Strategic Projects Manager Manager Finance Environment Officer</b>	Mr Brad Sillence Mr Nick Churchill Ms Nana McIntosh Mr Brendan Nock
<b>Secretary Public liaison</b>	Ms Felicity Higham Ms Alison Podmore

#### **3.1 Apologies**

<b>Banksia Ward Chief Financial Officer Manager Development Services</b>	Deputy Mayor Claire Anderson Mr Duncan Olde Mr Robert Cruickshank
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#### **3.2 Approved leave of absence**

<b>Mayor</b>	Ms Karen Vernon
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## 4 Declarations of interest

### 4.1 Declarations of financial interest

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.7 - Disposal of the cafe space at Leisurelife by way of lease
Nature of interest	Financial
Extent of interest	I am a financial sponsor of an NBL1 player who plays for the Perth Basketball Association – Perth Redbacks. I also have ongoing relationships with Perth Basketball Association being: My children all play for the Club; My husband coaches several teams with the Club; I manage several teams with the Club.

Name/Position	Mayor Karen Vernon
Item No/Subject	17.1 - Attendance at 2023 Australian Local Government Association National General Assembly, Canberra - Mayor Karen Vernon
Nature of interest	Financial
Extent of interest	I am the person who will attend the national conference if approved by Council.

Name/Position	Cr Peter Devereux
Item No/Subject	17.2 - Conference Attendance - Climate Summit for Local Government 2023 - Cr Peter Devereux
Nature of interest	Financial
Extent of interest	If NOM is agreed to I will financially benefit by having my costs covered to attend the Climate Summit for Local Government

### 4.2 Declarations of proximity interest

Nil.

### 4.3 Declarations of interest affecting impartiality

Name/Position	Cr Vicki Potter
Item No/Subject	11.2 - Quarterly Progress Report Q3 January 2023 - March 2023
Nature of interest	Impartiality
Extent of interest	I work for an organisation that is involved with a project in the WCE community benefits strategy.



Name/Position	Cr Jesvin Karimi
Item No/Subject	12.2 - Vic Park Funding Program - Sport, Sport Equipment and Urban Forest Grants
Nature of interest	Impartiality
Extent of interest	The owners of Bread Espresso Bar are known to me.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	12.2 - Vic Park Funding Program - Sport, Sport Equipment and Urban Forest Grants
Nature of interest	Impartiality
Extent of interest	I have an impartiality interest for Two of the endorsed grant recipients for Urban Forrest Grants being:  Perth Montessori School as my daughter attended the primary school and Harold Hawthorn Senior Centre which I have attended events at the centre.

Name/Position	Cr Luana Lisandro
Item No/Subject	12.2 - Vic Park Funding Program - Sport, Sport Equipment and Urban Forest Grants
Nature of interest	Impartiality
Extent of interest	I have attending events and functions run by Harold Hawthorne Centre and a family member receives services from them.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	12.2 - Vic Park Funding Program - Sport, Sport Equipment and Urban Forest Grants
Nature of interest	Impartiality
Extent of interest	I have attended events held by Curtin Trinity Pirates Hockey Club, Montessori Children's Centre Foundation Inc and Harold Hawthorne Community Centre, and board meetings of Harold Hawthorne Community Centre.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.2 - Vic Park Funding Program - Sport, Sport Equipment and Urban Forest Grants
Nature of interest	Impartiality
Extent of interest	I have attended events held by Curtin Trinity Pirates Hockey Club, Montessori Children's Centre Foundation Inc and Harold Hawthorne Community Centre, and board meetings of Harold Hawthorne Community Centre.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.2 – Koolbardi Park Multi Court Facility
Nature of interest	Impartiality

Extent of interest	I have held discussions with Community members about the multi court facility at Koolbardi Park.
Name/Position	Cr Jesvin Karimi
Item No/Subject	13.4 - Kent St Sand Pit Detailed Design
Nature of interest	Impartiality
Extent of interest	I have attended events hosted by the Friends of Jirdarup. I have also held numerous discussions with Community members about the Kent St Sand Pit designs.

Name/Position	Deputy Mayor Claire Anderson
Item No/Subject	13.4 - Kent St Sand Pit Detailed Design
Nature of interest	Impartiality
Extent of interest	I have been in contact with the Friends of Jirdarup Bushland who have been a stakeholder in the consultation process.

Name/Position	Cr Luana Lisandro
Item No/Subject	13.4 - Kent St Sand Pit Detailed Design
Nature of interest	Impartiality
Extent of interest	I have attending events and functions run by the Friends of Jirdarup and have had discussions with the group in the past in relation to the Kent Street Sand Pit.

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.4 - Kent St Sand Pit Detailed Design
Nature of interest	Impartiality
Extent of interest	I have been involved with and attended events run by the Friends of Jirdarup

Name/Position	Mayor Karen Vernon
Item No/Subject	13.4 - Kent St Sand Pit Detailed Design
Nature of interest	Impartiality
Extent of interest	I have had meetings and communications with the Friends of Jirdarup Bushland regarding this project, and the detailed design.

Name/Position	Cr Peter Devereux
Item No/Subject	13.4 - Kent St Sand Pit Detailed Design
Nature of interest	Impartiality
Extent of interest	I have had discussions with Friends of Jirdarup about the Sandpit banksia woodland restoration

Name/Position	Cr Bronwyn Ife
Item No/Subject	13.4 - Kent St Sand Pit Detailed Design
Nature of interest	Impartiality
Extent of interest	I have had conversations with the Friends of Jirdarup around the Kent St Sandpit

Name/Position	Cr Wilfred Hendriks
Item No/Subject	13.5 - Carlisle Traffic Management Review 2023
Nature of interest	Impartiality
Extent of interest	I reside in Carlisle and have corresponded with residents who are concerned about dangerous intersections in Carlisle

Name/Position	Cr Peter Devereux
Item No/Subject	13.5 - Carlisle Traffic Management Review 2023
Nature of interest	Impartiality
Extent of interest	I live on Star St and was part of a petition expressing concern and calling for action because of the crashes and speed and volume of traffic in Star St Carlisle 20 years ago.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.5 - Carlisle Traffic Management Review 2023
Nature of interest	Impartiality
Extent of interest	I have had communications with local residents of Carlisle about concerns regarding traffic accidents in the suburb.

Name/Position	Cr Luana Lisandro
Item No/Subject	13.5 - Carlisle Traffic Management Review 2023
Nature of interest	Impartiality
Extent of interest	I have received correspondence from residents in relation to accidents at certain intersections within the study area.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.5 - Carlisle Traffic Management Review 2023
Nature of interest	Impartiality
Extent of interest	I have held discussions with Community members about their concerns about traffic accidents and issues at various intersections in Carlisle.

Name/Position	Cr Jesvin Karimi
Item No/Subject	13.7 - Disposal of the cafe space at Leisurelife by way of lease
Nature of interest	Impartiality
Extent of interest	I am a financial sponsor of an NBL1 player who plays for the Perth Basketball Association – Perth Redbacks. I also have ongoing relationships with Perth Basketball Association being: My children all play for the Club; My husband coaches several teams with the Club; I manage several teams with the Club.



Name/Position	Mayor Karen Vernon
Item No/Subject	13.7 - Disposal of the cafe space at Leisurelife by way of lease
Nature of interest	Impartiality
Extent of interest	I have attended committee meetings of and events held by the Perth Basketball Association, the proposed tenant.

## 5 Public question time

### 5.1 Response to previous public questions taken on notice at the Ordinary Council Meeting held on 21 March 2023

#### Herb Rowe, Carlisle

*2. The Aqualife ablution blocks have been renovated however the men's block has no privacy from the road and passageway and there are drains in the shower area but not outside them causing water build up, are you aware of this?*

Aqualife staff are aware of these concerns from patrons and are working with the Town's relevant internal departments to improve privacy.

Modifications have been completed which improve the existing privacy. But after these improvements, further issues were identified relating to lines of sight also affecting privacy. The Town has onboarded consultants who will be able to assist in ensuring compliance in the constrained spaces and options available. This affects ambulant access, disabled access, and universal access.

*3. The spa has ongoing periods where it is not operational, is there a reason for this?*

The spa is a highly utilised service with aging infrastructure, which requires regular servicing. The Town has a preventative maintenance program to manage this service, however, at times reactive maintenance occurs due to equipment faults. Staff endeavor to inform patrons at the earliest possibility, when maintenance is required.

*4. The ablutions block in the pool area have high usage and cleanliness issues, it is a large area, can you look into the cleaning regime?*

The daily cleaning regime is provided as follows:

- a. Cleaning of Aqualife is scheduled twice daily, with the main cleaning tasks such as floor and shower scrubs scheduled during the evening when the facility is closed.
- b. A daily refresh of the changerooms is carried out from 12 – 2 daily when consumables are replenished and changerooms given a general tidy up.

#### Gerald Milford, Lathlain

*2. Does the Council sanction pruning compliant trees just in case they don't comply before their next pruning?*

All pruning works are as per recommendation of the Towns qualified contracted Arborist. As part of this, all trees are pruned for compliance until the next cycle of pruning. This includes pruning for street clearance, path clearance, line of sight and power lines. If trees are reported as non-compliant between scheduled pruning times, then the Town will investigate and act accordingly.

3. *To what extent does the Town supervise the actions of contractors and can the Town stop them if they go too far?*

Yes, weekly monitoring is undertaken by Streetscape Supervisor, who works closely with the tree contractor.

## **5.2 Response to previous public questions taken on notice at the Agenda Briefing Forum held on 4 April 2023**

### **Sam Zammit, St James**

1. *Advised that he contacted the Town to get the drains cleaned but was told the job would be referred to a contractor, but they still haven't been cleaned. He asked the Town to do something to prevent the issues arising.*

The maintenance team inspected the drains in the vicinity of Sam Zammit's property. There are leaves matter in the drains and the team cleaned out the drains as much as possible on 6 April. The team has also arranged a contractor to educt the drains on 17 April 2023.

## **5.3 Public question time**

### **Gillian Kelley, Carlisle** (pre-submitted question read out by the Presiding Member)

1. *Right of way 33 (now Ceres Lane) was partially temporarily surfaced in 2016, this surface is now breaking down with pot-holes and excessive dust that is unhealthy, is 7 years deemed acceptable as temporary?*

The Chief Operations Officer advised that in a statutory sense 7 years is acceptable as there is no statutory timeframes for Councils to upgrade rights of way that are currently unsealed. Practically, most rights of way are privately owned, so it is good governance practice to proactively upgrade unsealed rights of way where budget is available.

### **Vince Maxwell, Victoria Park**

1. *Is it correct to say the deed area, a little over 9000sqm costs over \$300,000 per annum to maintain?*

The Chief Operations Officer clarified that the deed area is shown in purple in the attachment and not red, if that is the area being referred to, the Town has previously advised it would be \$75,000 per annum to maintain this to the Town's standard.

2. *If it's true the area is only \$75,000 to maintain, why did the 2021 report tell Council the deed needed to be amended and it was \$300,000 per annum?*

The Chief Operations Officer advised that some of the suppositions in the question are incorrect and cannot answer the question without compromising the Town's legal privilege.

3. *Can I get a clear and definitive answer on whether the area has been maintained by the Town a) for 2 years or b) since August 2022?*

The Chief Operations Officer advised that the 'Background' section of the February 2023 report provides clarity on some of the items referred to. Since August 2022, the Town has carried out all the maintenance of the non-deed area while the maintenance carried out for nearly two years is in the non-deed area as well, as specified in more detail in points 2 and 3. The items of risk within the deed area is less than \$2,000 per annum, primarily related to water costs because of the Town's liability and risk.

**Graham Ferstat, Burswood**

*1. There are two notices of motion for elected members to attend conferences, does the Town intend to send staff to these events?*

The Chief Executive Officer advised the Town does intend to send either one or two staff to the National Assembly.

*2. In financial years 2021, 2022 and 2023 how much has the Town spent on buying carbon credits?*

The Chief Operations Officer took the question on notice.

*3. In March 2023, \$15,000 per year was approval to report on climate change, what are the Town's expectations of this report and how will changes be measured to ensure they are effective and meet expectations?*

The Chief Operations Officer took the question on notice.

**John Gleeson, Carlisle**

*1. Did Woolworths get permission to demolish the buildings on Albany Highway and were there conditions on the new building going on the site?*

The Chief Community Planner confirmed that a demolition permit was given, but no development application has been submitted.

*2. Is it unusual to not have an application yet?*

Mayor Karen Vernon advised that no building can commence without a development application, but as yet nothing had been submitted for the new building proposed by Woolworths.

**Neil Kidd, Burswood**

*1. In relation to item 13.8, handed around photos, those marked 1, show the current state artwork, bridgework, and bollards which Mirvac had been maintaining until December 2022. The second set of photos marked 2 show trees in the entry which have died due to lack of reticulation. Is the deed referred to in item 13.8 enforceable or not, and if it is why is Council talking about compromising?*

The Chief Operations Officer advised the Town cannot comment at this point in time as it may compromise the Town's legal position.

*2. Who is going to take responsibility for keeping everything alive while the question is debated?*

The Chief Operations Officer advised the Town has care, control and management over those areas, so it will fall to the Town.



## 6 Public statement time

### Lesley van Schoubroeck, Friends of Jirdarup

Made a statement that she had been involved with the Kent Street Sandpit and Kensington bushland since 1991, and although Council committed to protecting the area in 1993, this the first-time money has been committed to the project.

The Friends of Jirdarup support the plan, and for the Town to ensure the restoration expertise at Curtin University is embedded into the process. The Friends of Jirdarup Bushland wish to stay involved and congratulate the Town on this work.

### Vince Maxwell, Victoria Park

Made a statement that the Town's mid-year budget review identified a \$5 million dollar surplus for 2021/2022 when it had been reported as \$2.5 million and rates were based on that. Ratepayers' money paid to the Town could have been spent across local businesses and he encouraged Councillors to question everything.

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

### COUNCIL RESOLUTION (61/2023):

**Moved:** Cr Jesvin Karimi

**Seconded:** Cr Vicki Potter

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 21 March 2023.
2. Receives the notes of the Lathlain Park Advisory Group Meeting held on 22 March 2023.
3. Confirms the minutes of the Special Council Meeting held on 3 April 2023.
4. Receives the notes of the Agenda Briefing Forum held on 4 April 2023.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 8 Presentation of minutes from external bodies

Nil.

## 9 Presentations

### 9.1 Petitions

Nil.

### 9.2 Presentations

Nil.

### 9.3 Deputations

Nil.

## 10 Method of dealing with agenda business

### COUNCIL RESOLUTION (62/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

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

11.1 Council resolutions status report – March 2023

11.2 Quarterly Progress Report Q3 January 2023 – March 2023

12.3 Development Application - Demolition of Hill View Clinic Building

13.1 Multi-Use Court Facility Alternate Locations within Town

13.2 Koolbardi Park - Multi Court Facility

13.3 Environment Plan 2023-2028

13.8 Burswood Peninsula Review of Deed Maintenance Requirements

14.1 Schedule of Accounts – February 2023

14.2 Financial Statements – February 2023

15.2 Sustainable Timber - Use In Town Construction

15.3 Policy evaluation - Policy 305 – Loan borrowing limitations

15.4 Policy Evaluation - Policy 011 - Elections

15.5 Record Keeping Policy

22.1.1 Tender Award - Oats Street Precinct Structure Plan and Planning Scheme Amendment TVP/22/20

22.1.2 Provision of Plumbing Services TVP/22/19

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

# 11 Chief Executive Officer reports

## 11.1 Council Resolutions Status Report - March 2023

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Governance Officer
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Outstanding Council Resolutions Report March 2023 [ <b>11.1.1</b> - 45 pages] 2. Completed Council Resolutions Report March 2023 [ <b>11.1.2</b> - 11 pages]

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> <li>Notes the Outstanding Council Resolutions Report as shown in attachment 1.</li> <li>Notes the Completed Council Resolutions Report as shown in attachment 2.</li> </ol>

### Purpose

To present Council with the Council resolutions status reports.

### In brief

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

### Background

- On 17 August 2021, Council resolved as follows:
- That Council:*
  - Endorse the inclusion of Council Resolutions Status Reports as follows:*
    - Outstanding Items – all items outstanding; and*
    - Completed Items – items completed since the previous months’ report to be presented to each Ordinary Council Meeting, commencing October 2021.*
  - Endorse the format of the Council Resolutions Status Reports as shown in Attachment 1.*

### Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The reports provide elected members and the community with implementation/progress updates on Council resolutions.

## Engagement

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

## Legal compliance

Not applicable.

## Risk management consideration

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

## Financial implications

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

## Analysis

- The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.

4. The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 1 March 2023 to 29 March 2023. A status update has been included by the relevant officer/s.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (63/2023):

**Moved:**

**Seconded:** Cr Vicki Potter

That Council:

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

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 11.2 Quarterly Progress Report Q3 January 2023 - March 2023

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Acting Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Community Benefits Strategy Q 1 Report Jan - Mar 2023 - with cover [<b>11.2.1</b> - 4 pages]</li><li>2. 2022 2023 - Q 3 - Quarterly Reports - Five-year capital works program including the Annual Strategic [<b>11.2.2</b> - 6 pages]</li><li>3. CBP Quarterly progress report January- March 2023 [<b>11.2.3</b> - 57 pages]</li></ol>

### Recommendation

That Council receives the quarterly written progress reports, for the third quarter period [ January 2023 – March 2023], relating to the:

1. Corporate Business Plan;
2. Five-year capital works program, including the 2022/2023 Annual Strategic Project Plan;
3. Economic Development Strategy 2018-2023;
4. Urban Forest Strategy;
5. Reconciliation Action Plan;
6. Disability Access and Inclusion Plan;
7. Climate Emergency Plan;
8. Community Benefits Strategy.

### Purpose

To present the quarter 3 (January 2023 – March 2023) progress updates to Council on the actions, projects and outcomes listed within the plans and strategies included in the recommendation.

### In brief

- At the Ordinary Council Meeting on 16 July 2019, Council resolved that quarterly written progress reports be presented to Council on the Corporate Business Plan, Annual Strategic Project Summary, five-year capital works program and a selection of strategies and plans. A resolution in July 2021 requested that a progress report on the Climate Emergency Plan also be included. A resolution in October 2021 requested that a progress report also be included for the Community Benefits Strategy 2019-2024.
- The progress reports were requested to enable Council to confidently oversee the Town's performance, allocation of finances and allocation of resources, as well as improve transparency and accountability to the Council and community.
- All progress reports for this quarter are attached to this report to be received by Council.

## Background

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

*That Council requests that the Chief Executive Officer:*

1. *Develops an Annual Strategic Project Summary for 2019/2020, containing a summary of the projects that are aligned to strategic outcomes in the Strategic Community Plan 2017-2027.*
  2. *Presents the 2019/2020 Annual Strategic Project Summary for adoption at the September Ordinary Council Meeting.*
  3. *Presents to Council, commencing from the October Ordinary Council Meeting, quarterly written progress reports on the actions, projects and outcomes within the Town's following plans and strategies:*
    - a. *Corporate Business Plan*
    - b. *2019/2020 Annual Strategic Project Summary*
    - c. *5 Year Capital Works Program*
    - d. *Economic Development Strategy 2018 – 2023*
    - e. *Urban Forest Strategy*
    - f. *Reconciliation Action Plan*
    - g. *Disability Access and Inclusion Plan*
2. The quarterly written progress reports were requested to enable Council to assess performance against strategies and plans, identify risks and significant variations in project performance and budgeting, receive information needed to be able to make informed decisions, and be able to take action to address any issues that arise. They were also requested to give Council and the community a higher level of transparency and accountability relating to strategic actions, plans and projects.
  3. At the Ordinary Council Meeting on 20 July 2021, Council resolved:
 

*That Council:*

    1. *Receives the community consultation results for the draft Climate Emergency Plan.*
    2. *Endorses the Climate Emergency Plan 2021 – 2031.*
    3. *Instructs the Chief Executive Officer to include the Climate Emergency Plan in the Quarterly written progress Reports to Council, commencing in the next quarter for 2021.*
  4. At the Ordinary Council Meeting on 12 October 2021, Council resolved to request quarterly progress reports on the programs within the Community Benefits Strategy 2019-2024.

## Strategic alignment

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

## Engagement

Internal engagement	
Stakeholder	Comments

Operations	Operations coordinate the progress reports for the 2021/2022 Annual Strategic Project Summary, Climate Emergency Plan and Five-Year Capital Works Program
Governance and Strategy	Governance and Strategy coordinate the progress reports for the Corporate Business Plan.
Place Planning	Place Planning coordinate the progress reports for the Economic Development Strategy 2018 – 2023 and Urban Forest Strategy.
Community Development	Community Development coordinate the progress reports for the Community Benefits Strategy, Reconciliation Action Plan and Disability Access and Inclusion Plan.
C-Suite	C-Suite review and approve all content related to their areas.

## Legal compliance

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

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not fulfilling Corporate Business Plan requirements	Minor	Unlikely	Low	Low	Allocating resources and managing workload to ensure legislative compliance is met.
Reputation	Negative public perception towards the Town if progress expectations are not being met.	Minor	Possible	Moderate	Low	Treat risk by providing commentary and reasoning within progress reports where



						expectations are not being met.  Avoid risk by frequently reporting to Council, allowing Council and community to be informed of progress in a timely manner and potentially mitigate further progress delays.
Service delivery	Not delivering services and programs expected by the community	Moderate	Possible	Medium	Medium	Treat risk by ensuring resources are allocated to perform desired works and activities.

## Financial implications

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

## Analysis

- Written progress reports will enable the Council to oversee the Town's performance and allocation of the Town's finances and resources. They will also help to inform the community about the Town's progress in relation to the plans and strategies.
- These reports on the actions, projects and outcomes, for the plans and strategies listed in the Council resolution, have been attached to this report. Further commentary for each report has also been included below.

### Corporate Business Plan

- The status of actions from the CBP are as follows.

Strategic outcome	Total actions	No. of actions completed	No. of actions in progress	No. of actions overdue
Social	43	2	41	0

Economic	20	2	18	0
Environment	81	2	79	0
Civic Leadership	58	5	53	0

8. Actions completed within the reporting quarter are as follows.

Completed actions
Review the Safer Neighbourhoods Plan
Administer the sponsorship program
Deliver the Destination Marketing sub-program
Deliver the sponsorship program
Evaluate Policy 251 – Rainforest Timbers – Use in Town Construction
Deliver the Disability Access and Inclusion Plan
Evaluate Policy 305 – Loan Borrowing Limitations
Review the ICT Security Plan
Review the Disaster Recovery Plan
Conduct a review of Place Planning’s operations
Introduce annual engagement calendar process

### 2022/2023 Annual Strategic Project Summary

9. The status of projects from the Annual Strategic Project summary contained within the combined report attachment titled “Quarterly Reports - Five-year capital works program including the 2021 2022 Annual Strategic Projects Plan” are as follows.

Total projects	No. of projects on track	No. of projects potentially delayed	No. of projects delayed	Complete
16	10	0	5	1

### Five-Year Capital Works Program

10. The status of projects from the Five-Year Capital Works Program contained within the combined report attachment titled “Quarterly Reports - Five-year capital works program including the 2022 2023 Annual Strategic Projects Plan” are as follows.

2022-2023

Total projects	Works in progress	Not yet started	Complete	Project Deleted
75	48	17	7	3

11. Subsequent years in the Five-Year Capital Works Program will be reported on after the finalisation of the budget and LTFP.

### Economic Development Strategy 2018 – 2023

12. The Economic Development Strategy 2018- 2023 (EDS) outlines 50 actions required to achieve the seven pathways for sustainable economic growth over the next five years. The EDS was adopted by council in March 2019.
13. The summary table below represents the number of actions progressed and completed since the adoption of the EDS.

<b>Outcome</b>	<b>Total actions</b>	<b>No. of actions completed</b>	<b>No. of actions in progress</b>	<b>No. of actions not started</b>
Pathway 1: Leadership	4	2	2	0
Pathway 2: Identity	2	0	2	0
Pathway 3: Local to Global Connections	5	1	2	2
Pathway 4: Smart Town- Digital Innovation	7	0	5	2
Pathway 5: Creating an Enabling Business Environment	8	1	6	1
Pathway 6: High Value Precincts	6	5	1	0
Pathway 7: High Value Sectors	18	1	14	3
<b>Total</b>	<b>50</b>	<b>10</b>	<b>32</b>	<b>8</b>

### Urban Forest Strategy

14. The Urban Forest Strategy (UFS) Implementation Action Plan (IAP) outlines 41 actions required to achieve the six strategic outcomes defined in the UFS over a 5-year period. The UFS was adopted by council in September 2018 and the IAP in September 2019.

15. The summary table below represents the number of actions progressed and completed since the adoption of the IAP.

<b>Outcome</b>	<b>No. of actions completed</b>	<b>No. of actions in progress</b>	<b>No. of actions not started</b>
<b>Strategic Outcome 1</b> Plant and protect sufficient trees by 2020 to achieve the 20% tree canopy target as supported by Council.	0	3	0
<b>Strategic Outcome 2</b> Maximize community involvement and collaboration in its implementation.	0	5	0
<b>Strategic Outcome 3</b> Increase tree diversity, whilst favoring local endemic and West Australian species that also support wildlife.	0	4	0
<b>Strategic Outcome 4</b> Maintain high standard of vegetation health.	0	3	0
<b>Strategic Outcome 5</b> Improve soil and water quality.	0	0	0
<b>Strategic Outcome 6</b> Improve urban ecosystems.	0	3	0

16. A summary of the progress for each of the action from the UFS Implementation Action Plan is attached in a separate schedule.

### Reconciliation Action Plan

17. The Town's Reflect Reconciliation Action Plan (RAP) was adopted by Council in November 2018.
18. The document outlines strategies and actions to support opportunities to strengthen the community, build strong relationships and foster greater awareness and understanding of Aboriginal culture and history.
19. The status of actions from the Reconciliation Action Plan are as follows.

<b>Category</b>	<b>No. of actions completed</b>	<b>No. of actions in progress/ongoing</b>	<b>No. of actions not started</b>
Relationships	14	3	1
Respect	32	3	1

Opportunities	14	3	3
Tracking and Progress	2	2	0

20. This quarter, the key progress highlights of the Reconciliation Action Plan included:

- Progression in the development of the Innovate RAP
- Engagement with the Mindeera Advisory Group regarding a number of key projects occurring within the Town.

### Access and Inclusion Plan

21. The Town's Access and Inclusion Plan was adopted by Council in December 2022 and is a legislative requirement for all local governments.

22. The status of actions from the Access and Inclusion Plan are as follows.

Category	No. of actions completed /ongoing	No. of actions in progress	No. of actions not started
Goal 1: Customer Experience - Services and Events	0	2	4
Goal 1: Customer Experience - Information	0	2	5
Goal 1: Customer Experience - Quality Customer Service	0	2	3
Goal 2: Physical Access - Building and Facilities	0	3	5
Goal 3: Active Citizenship - Complaints	0	0	4
Goal 3: Active Citizenship - Public Consultation	0	2	3
Goal 4: Employment	0	1	4
Goal 5: Governance and Impact	0	4	1
<b>Total</b>	0	16	29

23. This quarter, the key progress highlights of the Access and Inclusion Plan included:

- Developing the Implementation Plan for the approved Access and Inclusion Plan

## Community Benefits Strategy

24. The Community Benefits Strategy (CBS) was launched on 2 December 2019.
25. The CBS aims to deliver life-long learning opportunities, empower local community members, improve local amenities, and foster leadership and collaboration.
26. The strategy delivery partners have committed to deliver on the agreed benefits collectively and will each bring their strengths to the partnership.
27. The Town of Victoria Park, West Coast Eagles, Wirrpanda Foundation, and the Perth Football Club partnered in the design process of the CBS to collectively bring their own strengths to the partnership. The design process resulted in the creation of four programs, each program has a main delivery partner to ensure its success. Four programs as follows:
- Program 1: Youth Engagement, delivered by Wirrpanda Foundation to focus on engaging young people in constructive local activities and support parents with older children and adolescence.
  - Program 2: Healthy Relationship Awareness, delivered by West Coast Eagles and focuses on domestic violence awareness and prevention.
  - Program 3: Supporting Local Community Organisations, delivered by West Coast Eagles the program function is to support four not-for-profit groups or community groups over the first five years of the CBS.
  - Program 4: Recreational Groups and Sports Club Development, delivered by West Coast Eagles who aid with strategic planning, governance, structures, constitutions, long term planning and other club related management issues.
28. The status of actions from the CBS are as follows:

Category	No. of actions completed/ongoing	No. of actions in progress	No. of actions not started
Youth engagement program	3	0	0
Healthy relationship awareness	2	3	3
Supporting local community organisations	4	3	0
Recreational groups and sports club development	2	4	0

29. This quarter, the key progress highlights of the CBS are included in the attached CBS Progress Report.

## Climate Emergency Plan

30. The Town's Climate Emergency Plan (CEP) was adopted by Council on 20 July 2021.

31. The Climate Emergency Plan aims to:

1. Achieve a zero-carbon target for emissions generated by the Town of Victoria Park by 2030. The timeframe of 2030 has been chosen because it is the timeframe needed to curb emissions and limit the seriousness of climate change impacts.
2. Achieve at least 40% emissions reduction through direct action (i.e. not through carbon offsets).
3. Support the community and businesses in working towards their own zero carbon target.
4. Improve the resilience of the Town in responding to immediate climate change impacts.

32. The status of actions from the CEP are as follows.

Category	No. of actions completed	No. of actions in progress/ongoing	No. of actions not started
1 Embed a low carbon culture	3	2	2
2 Reduce emissions of facilities and assets	3	7	0
3 Reduce waste emissions	0	1	0
4 Switch to low carbon and renewables	0	3	0
5 Respond to immediate climate change impacts	0	7	2
6 Support and educate our community	0	11	1
7 Support and educate our businesses	0	10	0
8 Offset residual emissions	1	0	0

33. This quarter, the key progress highlights of the CEP are:

- Home composting workshop and trial program commenced February 2023.
- Reusable Nappy workshops held February and March 2023. Further workshop to be held in April 2023.
- Climate Impact Reporting developed, presented in Council March 2023.



- Sustainability Workshop series developed in partnership with Switch Your Thinking:
  - o Developing Healthy Soils for a Changing Climate – March 4
  - o Wonderful World of Worms – April 12
  - o How Much Does It Really Cost? An Introduction to Product Life Cycle Assessment – 10 May
  - o Planning Your Electrification Transformation – 21 June.
- The Low Carbon Schools Program has been established. This will commence in April and consist of four webinars and a session for the engaged schools to share successes.

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

## Relevant documents

[Corporate Business Plan](#)

[Economic Development Strategy 2018 – 2023](#)

[Urban Forest Strategy](#)

[Reconciliation Action Plan](#)

[Disability Access and Inclusion Plan](#)

[Climate Emergency Plan](#)

[Community Benefits Strategy](#)

### COUNCIL RESOLUTION (64/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council receives the quarterly written progress reports, for the third quarter period [January 2023 – March 2023], relating to the:

1. Corporate Business Plan;
2. Five-year capital works program, including the 2022/2023 Annual Strategic Project Plan;
3. Economic Development Strategy 2018-2023;
4. Urban Forest Strategy;
5. Reconciliation Action Plan;
6. Disability Access and Inclusion Plan;
7. Climate Emergency Plan;
8. Community Benefits Strategy.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 12 Chief Community Planner reports

### 12.1 Development application for Cafe/Restaurant and Serviced Apartments at No. 998 (Lot 4) Albany Highway, East Victoria Park

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Manager Development Services
<b>Responsible officer</b>	Chief Community Planner
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Aerial photo [<b>12.1.1</b> - 1 page]</li> <li>2. Revised Landscape Concept 28.2.23 [<b>12.1.2</b> - 5 pages]</li> <li>3. Applicant's Planning Report [<b>12.1.3</b> - 42 pages]</li> <li>4. Revised DA Drawings 24.3.23 [<b>12.1.4</b> - 9 pages]</li> <li>5. Waste Management Plan [<b>12.1.5</b> - 16 pages]</li> <li>6. Preliminary Management Plan [<b>12.1.6</b> - 4 pages]</li> <li>7. DRP Recommendation Final [<b>12.1.7</b> - 3 pages]</li> <li>8. Updated Traffic Impact Statement [<b>12.1.8</b> - 36 pages]</li> <li>9. SP P 5.4 Noise Management Plan [<b>12.1.9</b> - 20 pages]</li> <li>10. Applicant response for 998 Albany Highway [<b>12.1.10</b> - 3 pages]</li> </ol>

<b>Landowner</b>	Mahesh Amritlal Ramchand Pty Ltd
<b>Applicant</b>	Space Collective Architects
<b>Application date</b>	19 October 2022
<b>DA/BA or WAPC reference</b>	DA 5.2022.314.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Residential/Commercial
<b>R-Code density</b>	R80
<b>TPS precinct</b>	Precinct P11 'Albany Highway'
<b>Use class</b>	Restaurant/Cafe; Serviced Apartments
<b>Use permissibility</b>	Restaurant/Cafe - 'AA' (discretionary) use Serviced Apartments - 'AA' (discretionary) use
<b>Lot area</b>	686m <sup>2</sup>
<b>Right-of-way (ROW)</b>	ROW 125 adjoins the property at the rear – 5.0m wide ROW

<b>Local heritage survey</b>	N/A
<b>Residential character study area/weatherboard precinct</b>	N/A
<b>Surrounding development</b>	Adjoining three storey mixed use development to the north-west; adjoining single storey dwelling to the south-east; commercial development further to the south-east; Edward Millen site on opposite side of Albany Highway; apartments/flats on opposite side of ROW.

## Recommendation

That Council:

- A. Approve, by Absolute Majority, the application submitted by Space Collective Architects (DA Ref: 5.2022.314.1) for Restaurant/Cafe and Serviced Apartments at No. 998 (Lot 4) Albany Highway, East Victoria Park as indicated on the amended plans dated received 24 March 2023 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. Prior to submission of an application for a building permit, amended plans are to be submitted to the Town's satisfaction, incorporating the following amendments to the design:
    - a. Waste bin storage area roller doors to reflect actual installation requirements; and
    - b. Minimum 2.7m ceiling height for living areas.
  2. Prior to lodging an application for a building permit, plans showing compliance with the relevant Quiet House Design Package, or alternatively a detailed Noise Management Plan is to be submitted and approved by the Town, which demonstrates that the development has been designed to meet the relevant requirements of State Planning Policy 5.4 'Road and Rail Transport Noise' (SPP5.4). Any recommended mitigation or design measures are to be incorporated into the drawings submitted for a building permit and the development shall be constructed and maintained thereafter in accordance with the approved details.
  3. A notification in the following terms shall be registered on the Certificate of Title for the strata lots under section 70A of the Transfer of Land Act 1893 at the expense of the developer.

*Notice – This lot is situated in the vicinity of a transport corridor and is currently affected by transport noise.*
  4. Prior to the submission of a building permit application, the applicant is to submit a report prepared by a suitably qualified independent consultant, demonstrating to the satisfaction of the Town that each upper floor unit has been designed to exceed the minimum NatHERS energy rating requirements by at least 0.5 star.
  5. Prior to occupancy, the applicant submitting a report prepared by a suitably qualified independent consultant, providing as-built certification to the satisfaction of the Town that each upper floor unit exceeds the minimum NatHERS energy rating by at least 0.5 star.

6. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer related Advice Note)
7. Prior to the submission of an application for a building permit, a final 'Colour and Materials Schedule', is to be submitted for approval by the Town.
8. A zero lot gutter to be provided for the boundary wall adjoining the common boundaries with Nos. 996 and 1000 Albany Highway, unless otherwise approved in writing by the Town.
9. Prior to the submission of an application for a building permit, full details of finishes and treatment of boundary walls to be provided to the satisfaction of the Town. Any exposed portions of boundary wall which will be visible from adjoining properties or public places shall be decoratively treated to the satisfaction of the Town.
10. The surface of the boundary walls on the common boundary with Nos. 996 and 1000 Albany Highway to be of a matching colour to the remainder of the development, unless otherwise approved in writing by the Town. All exposed surfaces of the boundary wall(s) are to be finished to a clean and tidy state of repair prior to the commencement or occupation of the development.
11. A suitable security system being installed to the satisfaction of the Town that enables vehicular access to all on-site car parking bays by occupants, staff or visitors to the building.
12. Prior to the first occupation of the development hereby approved, all approved car parking spaces together with their access aisles shall be clearly paved, sealed, marked, drained in accordance with Australian Standards AS2890.1 and arranged within the car park so that all vehicles may at all times leave or enter the street in a forward gear. All parking bays and access aisles shall thereafter be maintained to the satisfaction of the Town.
13. Car parking bays shall be provided on site in accordance with the approved plans prior to occupation of the development, inclusive of the marking and allocation of bays as follows:
  - (a) A minimum of 8 bays for the exclusive use of the Serviced Apartments at all times;
  - (b) A minimum of 3 commercial bays.
14. All development is to be setback 0.5 metres from the right-of-way for the length of the common boundary with the right-of-way to allow for the future widening of the right-of-way.
15. The 0.5 metre wide portion of land adjacent to the right-of-way which is subject to future right-of-way widening shall be constructed, sealed and drained to the Council's specifications by the owner(s) at their expense, prior to commencement of the development.
16. Prior to the submission of an application for a building permit a Construction Management Plan shall be submitted to and approved in writing by the Town which includes the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways (including crossing points and lighting), vehicular access to the site during construction, unloading and loading areas, waste disposal, the location on site of building materials to be stored, safety and security fencing, sanitary facilities, cranes and any other details. Construction works shall take place in accordance with the approved details at all times.

17. The development shall be constructed and operated in accordance with the approved Waste Management Plan.
18. All plant, equipment and external fixtures, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the primary street or secondary street.
19. External clothes drying facilities shall be provided for each dwelling and shall be screened from view from the street or any other public place.
20. Prior to submission of an application for building permit a final landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Town. This is to include written confirmation from a landscape architect (or equivalent) that the proposed areas of deep soil planting and on-structure planting within the development have sufficient area and volume to sustain healthy plant and tree growth for the selected species.
21. Landscaping is to be completed prior to the occupation or strata titling of the building(s), whichever occurs first, and thereafter maintained to the satisfaction of the Town.
22. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot with the exception of the awning/canopy over the footpath.
23. Prior to occupation lighting to illuminate that portion of the right-of-way adjacent to the subject land is to be provided at vehicle and pedestrian entry points to the satisfaction of the Town.
24. To address the conditions of this development approval, a covering letter detailing compliance with each condition, copy of the final working drawings and relevant associated reports and information are to be submitted by the owner/applicant and be cleared in writing by the Town (refer to related advice note).
25. This approval is valid for a period of twenty four months only. If development has not commenced within this period, a fresh approval must be obtained before commencing or continuing the development.

#### **Advice Notes**

- AN1 With regards to a public art contribution, the contribution being either:
- a. payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct; or
  - b. the owner/applicant is to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development. The public art is to be maintained thereafter by the owner/occupiers.
- AN2 A detailed Noise Management Plan is to be prepared, in accordance with the [State Planning Policy 5.4 Road and Rail Noise Implementation Guidelines](#), by a suitably qualified acoustic consultant.

- AN3 This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Council.
- AN4 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
- AN5 With respect to clearing the conditions of this development approval, a building permit cannot be issued until those conditions of the development approval requiring clearance 'prior to the submission of an application for the relevant building permit' are given written planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of a building permit application. Should a building permit application be submitted without written planning clearance, then the building permit application will be put on hold until written planning clearance is obtained, or the application may be refused.
- AN6 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Council.
- AN7 A Drainage Management plan including details of the on-site stormwater disposal including soakwell sizes and locations to be submitted prior to the issue of a building permit.
- AN8 All stormwater drainage for commercial/industrial and multi residential developments (5 or more units) shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
- AN9 This approval is for the use of the upper floor units as Serviced Apartments. Any alternative use or occupation of the units will require further Development Approval to be obtained from the Town.
- AN10 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application.
- AN11 Plans are to be assessed by a suitably qualified person to confirm compliance with the Disability (Access to Premises – Building) Standards, Building Code of Australia and relevant Australian Standards. A Copy of the certified plans is to be provided as part of the building permit application.
- AN12 In addition to the disabled access and facility requirements of the Building Code of Australia, it is the responsibility of the building owner/developer to ensure the development complies with the Disability Discrimination Act 1992. Further information may be obtained from the Disability Services Commission.

AN13 Existing crossovers that are not used as part of the development or redevelopment shall be removed and the verge, kerbing and footpath (where relevant) shall be reinstated prior to occupation of the new development, to the satisfaction of the Town.

AN14 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street that the building faces.

AN15 Any modifications to the approved drawings, other than those authorised by this approval, may require the submission of an application for an Amendment to Development Approval and reassessment of the proposal.

AN16 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination by the State Administrative Tribunal within 28 days of the date of this decision.

B. Request the CEO to advise submitters of Council's decision.

## Purpose

The application proposes variations to development requirements prescribed by the Town's Town Planning Scheme No. 1 (TPS 1), which in accordance with clause 29 of TPS 1, requires Council determination.

## In brief

- The application proposes the construction of a three storey building comprising of two Restaurant/Cafe tenancies, car parking, amenities and services on the ground floor, with there being four Serviced Apartments on each of the two upper levels (ie. total of 8 Serviced Apartments).
- The application proposes variations to the standards of TPS 1 in relation to the proposed plot ratio and front setback, and a variation to Local Planning Policy 23 'Parking' in relation to a shortfall of on-site car parking.
- The application has been the subject of review by the Town's Design Review Panel, who support the proposal subject to conditions.
- The application is recommended for approval by Absolute Majority.

## Background

Nil.

## Application summary

1. An application has been received for a three storey mixed use development comprising the following:

### *Ground floor*

- Two Restaurant/Cafe tenancies;
- The use of the front setback area for outdoor dining for the Restaurant/Cafes.
- A lobby providing a reception area and lift access to the Serviced Apartments.

- Car parking bays accessed from the right-of-way at the rear, with there being eight bays for the Serviced Apartments, two bays for staff of the Restaurant/Cafe Tenancies, and one universal access bay for commercial visitors.
- Bin storage space with collection to be from the right-of-way.
- Bike storage space and service areas.
- Limited landscaped spaces.
- Development set back 0.5m from the right-of-way to make provision for future widening of the right-of-way.

#### *First floor*

- Four Serviced Apartments (2 bed, 2 bath), inclusive of one unit to be designed to the Platinum standard for Liveable Housing (the remaining dwellings are designed to the Silver standard).
- Landscaped internal courtyards.

#### *Second floor*

- Four Serviced Apartments (2 bed, 2 bath).

## **Applicants submission**

2. The application is accompanied by supporting information inclusive of the following:
  - Development application drawings (see Attachment 2);
  - Landscaping plan (see Attachment 3);
  - Planning Report (see Attachment 4);
  - Traffic Impact Statement (see Attachment 5);
  - Waste Management Plan (see Attachment 6).
  - Noise Management Plan (see Attachment 7).
  - Preliminary Management Plan for the Serviced Apartments (see Attachment 8).
3. In supporting of delivering high quality design outcomes, the following design features are highlighted by the applicant:
  - The building recognises an Art Deco influence along Albany Highway.
  - There is a strong visual connection with Edward Millen park.
  - 50% of apartments with a northern aspect, and 50% of apartments with a park view.
  - 100% of apartments with cross ventilation.
  - Natural light to main corridors.
  - Ground floor alfresco dining activates the street.
  - Apartments facing the street provide passive surveillance.
  - Provision is made on the roof for solar PV panels.
4. With respect to management of the proposed Serviced Apartments, the Preliminary Management Plan outlines how the apartments will be managed, complaint management and contact details for the manager.



5. The Traffic Impact Statement concludes that the development will have no material impact upon the traffic operations and safety of the surrounding road network.
6. The Noise Management Plan concludes that noise received at the development from future traffic travelling on Albany Highway will exceed the external noise criteria of State Planning Policy 5.4 and therefore noise mitigation measures will need to be implemented as well as a notification on the title.

## Relevant planning framework

<b>Legislation</b>	Town of Victoria Park Town Planning Scheme No. 1 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>
<b>State Government policies, bulletins or guidelines</b>	State Planning Policy 7.0 'Design of the Built Environment' State Planning Policy 7.3 'Residential Design Codes'
<b>Local planning policies</b>	Local Planning Policy 23 'Parking' Local Planning Policy 7 'Vehicle Access to Properties Via a Right-of-Way' Local Planning Policy 16 'Albany Highway Residential/Commercial Design Guidelines' Local Planning Policy 29 'Public Art Private Developer Contribution' Local Planning Policy 31 'Serviced Apartments and Residential Buildings including Short-Term Accommodation' Local Planning Policy 33 'Guide to Concessions on Planning Requirements for Mixed Use, Multiple Dwelling and Non-Residential Developments'
<b>Other</b>	Nil

## General matters to be considered

<b>TPS precinct plan statements</b>	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <p><i>"This area shall be redeveloped as a mixed use area combining both residential and commercial uses. Future development shall be of medium to high density residential together with compatible, small scale commercial uses. Where commercial uses are developed these are to be orientated to Albany Highway, while residential is to be above or behind the commercial floorspace. Commercial uses are not permitted unless combined with residential uses and must not comprise more than one third of the overall Development.</i></p> <p><i>Careful control will be exercised over the nature of commercial uses and their site layout and design in order to minimise potential conflict with residential uses. In particular a high level of visual amenity, security and privacy is to be ensured while noise disturbance will be minimised.</i></p> <p><i>Adequate car parking must be provided on-site to ensure that both commercial and residential needs are satisfied. Some of the car parking bays may be shared between the two uses."</i></p>
<b>Local planning policy objectives</b>	The following objectives of Local Planning Policy 7 are relevant in determining the application.

- To encourage development abutting rights-of-way that provides an appropriate building interface, increases activation and safety, and promotes surveillance.

The following objectives of Local Planning Policy 16 are relevant in determining the application.

- Protect the amenity of existing and future residential areas.
- Encourage development consistent with the style and character of adjacent commercial areas along Albany Highway, and complementary to adjacent residential development.

The following objectives of Local Planning Policy 23 are relevant in determining the application.

- To ensure the adequate provision of parking for various services, facilities and residential development and to efficiently manage parking supply and demand.

The following objectives of Local Planning Policy 31 are relevant in determining the application.

- To facilitate the development of appropriately located and high quality accommodation other than permanent residential dwellings within the Town.
- To protect the residential amenity of permanent and long term residents and minimise the perceived negative impacts that may be caused by the transient nature of alternative forms of accommodation.
- To recognise the positive contribution that Serviced Apartments and Residential Buildings including Short Term Accommodation may have on the local economy.

**Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015**

The following are relevant matters to be considered in determining the application :

(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the *Planning and Development (Local Planning Schemes) Regulations 2015* or any other proposed planning instrument that the local government is seriously considering adopting or approving;

(c) any approved State Planning Policy;

(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;

	<p>(n) the amenity of the locality including the following — (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;</p> <p>(s) the adequacy of - (i) the proposed means of access to and egress from the site; and (ii) arrangements for the loading, unloading manoeuvring and parking of vehicles.</p> <p>(y) any submissions received on the application.</p>
<b>Urban forest strategy</b>	<p>This application has the following impacts, in regards to the Town's Urban Forest Strategy.</p> <ul style="list-style-type: none"> <li>Proposes new on-site trees and landscaping – the site is currently vacant.</li> </ul>

## Compliance assessment

- The table below summarises the planning assessment of the proposal against the key 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.
- With respect to the assessment of this application, Local Planning Policy 31 outlines that applications for Serviced Apartments will be subject to assessment against the R-Codes requirements for Multiple Dwellings.

Planning element	Applicable development standard	Proposed
<b>Land use</b>	Restaurant/Cafe and Serviced Apartments are both discretionary land uses.	Requires Council's discretion
<b>Plot ratio</b>	Maximum total plot ratio of 1.0 (686m <sup>2</sup> ) with the non-residential component not exceeding 0.33 (226m <sup>2</sup> )	Total plot ratio of 1.26 (864m <sup>2</sup> ) with the non-residential component being 0.15
<b>Building height</b>	Maximum 3 storeys (11.5m)	3 storeys (11.49m)
<b>Street setback</b>	3m minimum	2.2m minimum
<b>Side setback</b>	Nil setbacks permitted, with maximum two storeys to one boundary	Three storeys to both side boundaries
<b>Car parking</b>	Minimum 16 bays for Restaurant/Cafe; Minimum 16 bays for Serviced Apartments.	3 bays for Restaurant/Cafe; 8 bays for Serviced Apartments.

<b>Vehicle access</b>	Vehicle access from right-of-way	Vehicle access from right-of-way
<b>Deep soil area and tree planting</b>	<p>Minimum 10% of site area to be deep soil planting (ie. minimum 68.6m<sup>2</sup>).</p> <p>The shortfall in deep soil area can be provided by on-structure planting at twice the shortfall (ie. 114m<sup>2</sup> required).</p> <p>Minimum 22.8m<sup>2</sup> new tree canopy cover</p>	<p>11m<sup>2</sup> deep soil area.</p> <p>26m<sup>2</sup> of on-structure planting</p> <p>48.8m<sup>2</sup> tree canopy cover</p>
<b>Energy Efficiency</b>	Development to incorporate at least one energy efficiency initiative that exceeds minimum practice, or all dwellings exceed the minimum NATHERS rating for apartments by at least 0.5 stars.	Applicant indicates that it is anticipated that the development will exceed the minimum NATHERS rating by at least 0.5 stars. This can be a condition of approval. It is noted that the drawings make provision for solar PV panels on the roof.
<b>Universal design dwellings</b>	Minimum 20% dwellings meet Silver standard	7 dwellings meet Silver standard and 1 dwelling meets Platinum standard

## Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The development is generally of a high standard, provides an alternative form of accommodation and activates the street.

## Engagement

Internal engagement	
Stakeholder	Comments
Building	No objection subject to appropriate conditions
Engineering	No objection subject to appropriate conditions
Environmental Health	No objection subject to appropriate conditions
Parks	No objection subject to appropriate conditions



External engagement	
<b>Stakeholders</b>	Owners and occupiers of properties within a 200m radius
<b>Period of engagement</b>	28 days – 17 February 2023 to 17 March 2023
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Written submissions
<b>Advertising</b>	Letters to affected owners and occupiers.
<b>Submission summary</b>	Five submissions - two in support; one objecting; two stating they neither support or object.
<b>Key findings</b>	<p>Supporting submissions – development will add value to the community; sensible infill close to good public transport.</p> <p>Objecting submission – lack of car parking</p> <p>Other submissions – inadequate parking; should be 16 bays for the apartments; footpaths and street lighting in the area need attention.</p>

Other engagement	
Stakeholder	Comments
Town's Design Review Panel	<p>The design has been the subject of review by the Town's Design Review Panel (DRP) on three occasions, being once prior to the application lodgement and then on two further occasions post-lodgement. The applicant has been receptive to making design improvements in response to the DRP's feedback.</p> <p>The DRP had a final meeting on 8 March, with Panel resolving to support the proposal. Attachment 8 details the DRP's views on the strengths and weaknesses of the design and those matters they consider should be further addressed through conditions of approval, inclusive of the following:</p> <ul style="list-style-type: none"> <li>• <i>Provide privacy screening to selected Level 2 bedroom windows, ensuring that access to natural light and cross ventilation is not unduly impacted.</i></li> <li>• Resolve staircase design to address fire protection and fire escape requirements and minimise impact on amenity.</li> <li>• Ensure the universally accessible apartment satisfies the Liveable Home Standards or equivalent to ensure ease of use, with particular regard to impact of room layout on furniture placement.</li> </ul>

- Screen any roof top mechanical plant. Details of the screen to be designed and in keeping with the rest of the building.
- *Suitable roof access in keeping with the NCC to be provided.*
- Waste bin storage area roller doors reflect actual installation requirements and allow unrestricted access to remove waste bins for pickup.
- Provide a bin standing area external to the car park to allow bin pickup without compromising car park security.
- Public art to be developed and be readily understood as an artwork in full public view.
- *Recommend additional natural light and ventilation be provided to Level 2 apartments through the introduction of openable skylights, particularly to apartments with a narrow frontage to the balcony.*
- *Consider swapping the location of bath and store in the south-eastern apartments that address the lane. Scope to rearrange layout to improve amenity and increase the floor area of the abutting northern apartments at their entry/dining area and better resolve the laundry arrangement.*
- Use of structural soils or root cell system to provide additional root zone under the vehicular access for the car park trees.

It should be noted that following the above DRP meeting, the applicant has submitted further revised drawings (at Attachment 2) which satisfactorily address the above items in italicised font and has provided a written response addressing the other matters (see Attachment 10).

## 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	Moderate	Likely	High	Low	Accept – provide Council with all relevant information to



	Administrative Tribunal against Council's decision, including any conditions.					make an informed decision.
Reputation	Negative public perception towards the Town.	Moderate	Possible	Medium	Low	Accept - provide Council with all relevant information to make an informed decision.
Service delivery	Not applicable.					

## Financial implications

<b>Current budget impact</b>	Not applicable.
<b>Future budget impact</b>	Not applicable.

## Analysis

9. The assessment of the application has given consideration to the relevant provisions of the Scheme, and applicable State and local planning policies. The following matters have been identified as the key matters requiring consideration:

- Proposed land uses
- Building bulk/plot ratio
- Setback to Albany Highway
- Side setbacks to boundaries
- Deep soil area and landscaping
- Car parking
- Public art
- Design quality
- Other Scheme considerations

### *Proposed land uses*

10. The application proposes two distinct land uses, being two tenancies to be used as 'Restaurant/Cafe' and the eight upper floor units to be used as 'Serviced Apartments'. Both land uses are 'AA' (discretionary) uses under TPS 1.
11. The upper floor units are to be used as 'Serviced Apartments' rather than conventional residential units for permanent accommodation (classified as 'Multiple Dwellings'). Serviced Apartments are defined

under TPS 1 as “a group of units or apartments providing - (a) self-contained short stay accommodation for guests; and (b) any associated reception or recreational facilities”.

12. For the proposed Serviced Apartments, the plans depict provisions on the ground floor including a reception area, luggage storeroom and bike store, as well as eight parking bays, being one bay for each unit.
13. The Town’s Local Planning Policy 31 applies to applications proposing Serviced Apartments. A review of the application against LPP31 has concluded that the development is acceptable principally in terms of satisfying the locational criteria of the policy for this type of accommodation, and measures being in place to appropriately manage the property. In this respect, the applicant has submitted a Preliminary Management Plan (see Attachment 7) outlining how the owner intends to manage bookings, complaints and the property more generally.
14. Both of the proposed land uses are considered appropriate to the site location and can be managed to minimise any impact upon adjoining properties, and accordingly the proposed land uses are supported.

#### *Building bulk/plot ratio*

15. The development proposes a plot ratio of 1.26 (864m<sup>2</sup>) in lieu of a maximum of 1.0 (686m<sup>2</sup>). Having regard to Council’s Local Planning Policy 33, approval has been granted in a number of other instances for a plot ratio variation where the resulting building scale is considered appropriate, and the additional plot ratio is not manifesting itself in poor design outcomes. In this instance the building scale and form is consistent with the emerging context of developments along Albany Highway and does not result in unreasonable amenity impacts upon adjacent properties. Furthermore, the Town’s Design Review Panel are generally satisfied that the development is of a high standard and warrants support.

#### *Setback to Albany Highway*

16. The TPS1 Precinct Plan provides for a 3.0 metre minimum setback from Albany Highway. In other instances, a nil setback to Albany Highway has been supported, so as to result in an activated frontage at the street boundary. In the instance of the adjoining development at No. 996 Albany Highway (approved in 2014) a minimum 2.2m setback was considered acceptable given the interface to the Edward Millen Park opposite. The current application for No. 998 Albany Highway proposes a varied street setback, with the minimum setback being 2.2m. This is considered to be acceptable, noting that the front setback area is to be utilised for outdoor dining which provides a street activation benefit.

#### *Boundary Walls*

17. The development proposes three storey boundary walls to both the north-west and south-east boundaries. The Acceptable Outcomes standard under the R-Codes is for boundary walls to be a maximum of two storeys, and to one boundary only. It is noted that the proposed boundary wall to the north-west boundary is a comparable length, height and location to the boundary wall of the building to the north-west in which case the wall has no impact upon this property. In the case of the boundary walls to the south-eastern boundary, while the walls will be imposing upon the adjoining property given its current use as a single storey dwelling, it is reasonably expected that this property will be redeveloped at some future time in a similar manner. As per the Town’s Local Planning Policy 16, development within this area is encouraged to be built boundary-to-boundary with side setbacks being minimised. In this context, the building of three storey boundary walls to both boundaries is considered to meet the Element Objective of the R-Codes for side setbacks to “be consistent with the desired streetscape character.”

#### *Deep soil area and landscaping*

18. The Acceptable Outcomes standard under the R-Codes is for development to have deep soil planting at a rate of 10% of the site area, therefore requiring a minimum of 68.6m<sup>2</sup> deep soil planting in this instance. The R-Codes then allow for any shortfall in deep soil planting to be made up through on-

structure planting at a rate of twice the shortfall. In this instance, with a deep soil area of 15.8m<sup>2</sup> and a shortfall of 52.8m<sup>2</sup>, then a minimum of 105.6m<sup>2</sup> on-structure planting should be provided, whereas 31.6m<sup>2</sup> on-structure planting is provided.

19. The intent of the deep soil area provision is to have space available for planting of trees to increase canopy coverage. The R-Codes standards separately require the development to have a minimum of 1 medium tree and small trees to suit the area. In this regard the landscape concept plan (see Attachment 3) indicates the intent to provide 7 trees on-site. While this is a positive, none of the areas where the trees are to be planted satisfy the recommended minimum area/widths for planting ie. the largest area, being the landscaped courtyard to the south-east on Level 1 is approximately 27m<sup>2</sup> in lieu of a recommended minimum of 36m<sup>2</sup>.
20. The R-Codes acknowledge that in some instances, there may be constraints that restrict the ability to provide deep soil areas and planting. In this case the site is 686m<sup>2</sup>. While a reduction in the dwelling density and building footprint would free up opportunity for additional landscaping and planting zones, Officers have regularly supported a quality over quantity argument. In this respect, the Town's Design Review Panel, including its landscape architect member, have commented that the *"landscape approach is well considered in terms of the materiality and plant selection."*
21. Having regard to these considerations, the proposed deep soil area and landscaping provision is supported on the basis of a condition being imposed requiring the applicant to provide advice from a landscape architect (or similar) that the proposed areas of deep soil planting and on-structure planting within the development have sufficient area and volume to sustain healthy plant and tree growth for the selected species.

#### Car Parking

22. Under the applicable parking ratios of the Town's Local Planning Policy 23, a minimum of 16 car bays are required for the Serviced Apartments, and a minimum of 16 car bays are required for the Restaurant/Cafe.
23. Earlier plans for the development included 16 car bays for the Serviced Apartments in the form of car stackers. However, in consideration of the practicality that short-term users of the Serviced Apartments would be unfamiliar with the operation of the car stackers and therefore not use them, the car stacker bays were removed at the Town's recommendation.
24. The submitted Traffic Impact Statement addresses the car parking shortfall as follows:
  - *There are currently 9 on-street bays along Albany Highway with 2-hour parking allowed and on-street parking permitted along Baillie Avenue as illustrated in the diagram below which would be able to accommodate the subject site's parking shortfall for the commercial tenancy.*



- *The development proposes to provide 1 parking bay per service apartment. To minimise parking impacts, it is proposed that a booking system be implemented, whereby apartment rooms and parking bays are booked simultaneously to manage the on-site parking supply. This approach would allow guests to determine the availability of parking spaces upon making a booking, which would have an influence on the decision to drive a vehicle or not. As a result of this booking system, it is anticipated that no parking shortage should arise in the proposed car park for the proposed service apartment development.*
  - *The site is included within Zone 1 as per Transperth zone Map and there are 4 bus routes serving this site: Route 220, 930, 282, and 283; and the Armadale & Thornlie train lines. The site has good access to public transport facilities, with four bus routes that connect the Perth CBD with Armadale, Thornlie, and Kalamunda and two train lines that connect the CBD with Thornlie and Armadale.*
25. In considering variations to the applicable car parking requirements, *Clause 77D (2) of the Planning and Development (Local Planning Schemes) Regulations 2015* outlines that the local government must be satisfied that:
- (a) Reasonable efforts have been made to comply with the minimum on-site parking requirement without adversely affecting access arrangements, the safety of pedestrians or persons in vehicles, open space, street trees or service infrastructure; and
  - (b) The lower number of parking spaces is adequate for the demands of the development, having regard to the likely use of the car parking spaces, the availability of off-site parking facilities and the likely use of alternative means of transport.
26. With respect to the car parking shortfall for the Serviced Apartments, while LPP23 calls for two car bays per Serviced Apartment, it is considered that groups of people, families etc occupying the units on a holiday or other short-term basis, are more likely to only have one vehicle. Furthermore, the measures proposed by the applicant to restrict parking to 1 bay per unit at the time of booking is accepted. Accordingly, the parking provision for the Serviced Apartments is considered to be adequate for the demands of the use and is supported.
27. In relation to the parking provision for the Restaurant/Cafe spaces, it has been assumed that 1/3 of the floor area will be kitchen/storage and other back-of-house spaces, and the sit down dining area will be 2/3 of the overall floor area. The parking requirement for the Restaurant/Cafe spaces has been calculated based upon this, resulting in a 16 bay parking requirement. 3 on-site bays are provided and allocated for the Restaurant/Cafe, with two being nominated as staff bays and one being a universal access bay for visitors.
28. Access to the on-site parking is via the rear right-of-way, with the Restaurant/Cafe tenancies being located fronting Albany Highway. Even if the development were to provide the required number of on-site car bays for the Restaurant/Cafe tenancies, the Officers view is that as matter of convenience and easy access to the tenancies, as well as safety and security, patrons would instead park in the on-street bays along Albany Highway.
29. Furthermore, Officers consider that the actual parking demand generated by the development would be less noting the likelihood that some patrons would live or work in the area (or be residing in the Serviced Apartments) and would instead walk to the premises, and depending upon the nature of the actual tenant, there would be short-term use and frequent turnover of the available on-street bays.
30. It is also commented that there is little in the way of night-time activity in this section of Albany Highway, and therefore there would be a greater number of on-street parking bays available at this time than the nine bays referred to in the Traffic Impact Statement.
31. Data provided by the Town's Parking team is that there is a low rate of occupancy of nearby on-street parking bays.

32. Taking into consideration these factors, Officers are satisfied that the parking provision is adequate for the Restaurant/Cafe uses.

#### *Public art*

33. Under Local Planning Policy 29, the development is required to make a contribution of 1% of the value of the development towards public art ie. a minimum contribution of \$28,000 in this instance.
34. The applicant originally proposed to satisfy this requirement through the provision of 'feature art deco tiles' in the outdoor dining area, front entrance and lobby. However, this does not satisfy the criteria for public art, principally to be within a place viewable by the public.
35. The applicant has confirmed their intent to further develop a new public art concept post approval of the development.
36. The matter is intended to be addressed by way of a condition of approval.

#### *Design quality*

37. In reviewing the application, the Officers assessment has included consideration of the Town's Local Planning Policy 33 and State Planning Policy 7.0 (SPP7.0), both which seek to ensure a high standard of development is delivered. This has included feedback from the Town's Design Review Panel.
38. Overall, Officers and the Town's Design Review Panel are satisfied that the development satisfies the ten Design Principles of SPP7.0 and relevant design considerations under LPP33, and that development delivers a high quality outcome for the site.

#### *Other Scheme considerations*

39. Having regard to the range of matters required to be considered under Clause 67 of TPS 1, Officers have concluded that the relevant matters are satisfied in order for the development to be supported.
40. Having regard to Clause 29 of TPS 1, Officers are satisfied that approval of the development would be consistent with orderly and proper planning and the amenity of the locality and would not have an adverse effect upon the users of the development, surrounding properties or the future development of the locality.

## **Relevant documents**

Nil

### **COUNCIL RESOLUTION (78/2023):**

**Moved:** Cr Wilfred Hendriks

**Seconded:** Cr Jesvin Karimi

That Council:

- A. Approve, by Absolute Majority, the application submitted by Space Collective Architects (DA Ref: 5.2022.314.1) for Restaurant/Cafe and Serviced Apartments at No. 998 (Lot 4) Albany Highway, East Victoria Park as indicated on the amended plans dated received 24 March 2023 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. Prior to submission of an application for a building permit, amended plans are to be submitted to the Town's satisfaction, incorporating the following amendments to the design:
    - a. Waste bin storage area roller doors to reflect actual installation requirements; and
    - b. Minimum 2.7m ceiling height for living areas.
  2. Prior to lodging an application for a building permit, plans showing compliance with the relevant Quiet House Design Package, or alternatively a detailed Noise Management Plan is to be submitted

and approved by the Town, which demonstrates that the development has been designed to meet the relevant requirements of State Planning Policy 5.4 'Road and Rail Transport Noise' (SPP5.4). Any recommended mitigation or design measures are to be incorporated into the drawings submitted for a building permit and the development shall be constructed and maintained thereafter in accordance with the approved details.

3. A notification in the following terms shall be registered on the Certificate of Title for the strata lots under section 70A of the Transfer of Land Act 1893 at the expense of the developer.

*Notice – This lot is situated in the vicinity of a transport corridor and is currently affected by transport noise.*

4. Prior to the submission of a building permit application, the applicant is to submit a report prepared by a suitably qualified independent consultant, demonstrating to the satisfaction of the Town that each upper floor unit has been designed to exceed the minimum NatHERS energy rating requirements by at least 0.5 star.
5. Prior to occupancy, the applicant submitting a report prepared by a suitably qualified independent consultant, providing as-built certification to the satisfaction of the Town that each upper floor unit exceeds the minimum NatHERS energy rating by at least 0.5 star.
6. Prior to lodging an application for a building permit, the applicant/owner is to contribute a sum of 1% of the value of the total construction value towards public art. (Refer related Advice Note)
7. Prior to the submission of an application for a building permit, a final 'Colour and Materials Schedule', is to be submitted for approval by the Town.
8. A zero lot gutter to be provided for the boundary wall adjoining the common boundaries with Nos. 996 and 1000 Albany Highway, unless otherwise approved in writing by the Town.
9. Prior to the submission of an application for a building permit, full details of finishes and treatment of boundary walls to be provided to the satisfaction of the Town. Any exposed portions of boundary wall which will be visible from adjoining properties or public places shall be decoratively treated to the satisfaction of the Town.
10. The surface of the boundary walls on the common boundary with Nos. 996 and 1000 Albany Highway to be of a matching colour to the remainder of the development, unless otherwise approved in writing by the Town. All exposed surfaces of the boundary wall(s) are to be finished to a clean and tidy state of repair prior to the commencement or occupation of the development.
11. A suitable security system being installed to the satisfaction of the Town that enables vehicular access to all on-site car parking bays by occupants, staff or visitors to the building.
12. Prior to the first occupation of the development hereby approved, all approved car parking spaces together with their access aisles shall be clearly paved, sealed, marked, drained in accordance with Australian Standards AS2890.1 and arranged within the car park so that all vehicles may at all times leave or enter the street in a forward gear. All parking bays and access aisles shall thereafter be maintained to the satisfaction of the Town.
13. Car parking bays shall be provided on site in accordance with the approved plans prior to occupation of the development, inclusive of the marking and allocation of bays as follows:

- (a) A minimum of 8 bays for the exclusive use of the Serviced Apartments at all times;
  - (b) A minimum of 3 commercial bays.
14. All development is to be setback 0.5 metres from the right-of-way for the length of the common boundary with the right-of-way to allow for the future widening of the right-of-way.
  15. The 0.5 metre wide portion of land adjacent to the right-of-way which is subject to future right-of-way widening shall be constructed, sealed and drained to the Council's specifications by the owner(s) at their expense, prior to commencement of the development.
  16. Prior to the submission of an application for a building permit a Construction Management Plan shall be submitted to and approved in writing by the Town which includes the route that construction vehicles will take to and from the site, the temporary realignment of pedestrian access ways (including crossing points and lighting), vehicular access to the site during construction, unloading and loading areas, waste disposal, the location on site of building materials to be stored, safety and security fencing, sanitary facilities, cranes and any other details. Construction works shall take place in accordance with the approved details at all times.
  17. The development shall be constructed and operated in accordance with the approved Waste Management Plan.
  18. All plant, equipment and external fixtures, including but not restricted to air-conditioning units, satellite dishes and non-standard television aerials, but excluding solar collectors, are to be located such that they are not visible from the primary street or secondary street.
  19. External clothes drying facilities shall be provided for each dwelling and shall be screened from view from the street or any other public place.
  20. Prior to submission of an application for building permit a final landscaping plan detailing size, location and type of planting to be provided to the satisfaction of the Town. This is to include written confirmation from a landscape architect (or equivalent) that the proposed areas of deep soil planting and on-structure planting within the development have sufficient area and volume to sustain healthy plant and tree growth for the selected species.
  21. Landscaping is to be completed prior to the occupation or strata titling of the building(s), whichever occurs first, and thereafter maintained to the satisfaction of the Town.
  22. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot with the exception of the awning/canopy over the footpath.
  23. Prior to occupation lighting to illuminate that portion of the right-of-way adjacent to the subject land is to be provided at vehicle and pedestrian entry points to the satisfaction of the Town.
  24. To address the conditions of this development approval, a covering letter detailing compliance with each condition, copy of the final working drawings and relevant associated reports and information are to be submitted by the owner/applicant and be cleared in writing by the Town (refer to related advice note).
  25. This approval is valid for a period of twenty four months only. If development has not commenced within this period, a fresh approval must be obtained before commencing or continuing the development.
-

## Advice Notes

- AN1 With regards to a public art contribution, the contribution being either:
- a. payment directly to the Town which will be placed in the Town's Community Art Reserve with the funds being used by the Town to provide public art within the same Town Planning Scheme Precinct; or
  - b. the owner/applicant is to provide public art on the development site in accordance with the procedures outlined in the Town's Developers Public Art Handbook, which includes the submission of details for approval by Council. The public art is to be completed and installed to the satisfaction of the Town prior to the occupation of the development. The public art is to be maintained thereafter by the owner/occupiers.
- AN2 A detailed Noise Management Plan is to be prepared, in accordance with the [State Planning Policy 5.4 Road and Rail Noise Implementation Guidelines](#), by a suitably qualified acoustic consultant.
- AN3 This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Council.
- AN4 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.
- AN5 With respect to clearing the conditions of this development approval, a building permit cannot be issued until those conditions of the development approval requiring clearance 'prior to the submission of an application for the relevant building permit' are given written planning clearance by the Town. It is recommended that the relevant information be submitted prior to the submission of an application for a building permit in order to avoid delays in the processing of a building permit application. Should a building permit application be submitted without written planning clearance, then the building permit application will be put on hold until written planning clearance is obtained, or the application may be refused.
- AN6 The applicant/owner should refer to the Requirements of Other Council Business Units, enclosed with this development approval, which are relevant to the submission of a building permit and/or the carrying out of the development for which this approval is granted. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of the Council.
- AN7 A Drainage Management plan including details of the on-site stormwater disposal including soakwell sizes and locations to be submitted prior to the issue of a building permit.
- AN8 All stormwater drainage for commercial/industrial and multi residential developments (5 or more units) shall be designed and signed by a practicing Hydraulic Consultant. An overland flow path is to be included in the design to ensure diversion of stormwater from the developments during storm events.
- AN9 This approval is for the use of the upper floor units as Serviced Apartments. Any alternative use or occupation of the units will require further Development Approval to be obtained from the Town.
- AN10 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate sign licence application.



- AN11 Plans are to be assessed by a suitably qualified person to confirm compliance with the Disability (Access to Premises – Building) Standards, Building Code of Australia and relevant Australian Standards. A Copy of the certified plans is to be provided as part of the building permit application.
- AN12 In addition to the disabled access and facility requirements of the Building Code of Australia, it is the responsibility of the building owner/developer to ensure the development complies with the Disability Discrimination Act 1992. Further information may be obtained from the Disability Services Commission.
- AN13 Existing crossovers that are not used as part of the development or redevelopment shall be removed and the verge, kerbing and footpath (where relevant) shall be reinstated prior to occupation of the new development, to the satisfaction of the Town.
- AN14 The owner or occupier is required to display the street number allocated to the property in a prominent location clearly visible from the street that the building faces.
- AN15 Any modifications to the approved drawings, other than those authorised by this approval, may require the submission of an application for an Amendment to Development Approval and reassessment of the proposal.
- AN16 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination by the State Administrative Tribunal within 28 days of the date of this decision.

B. Request the CEO to advise submitters of Council’s decision.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Iffe

**Against:** Nil

## 12.2 Vic Park Funding Program - Sport, Sport Equipment and Urban Forest Grants

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Community Development Officer – Grants, Donations and Administration
<b>Responsible officer</b>	Chief Community Planner
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment One Sport Grants Round Two 2022-23</li> <li>2. Attachment Two Sport Equipment Grants Round Two 2022-23</li> <li>3. Attachment Three Urban Forest Grants Round One</li> </ol>

Recommendation	
That Council:	
1.	<p>Endorse the following recommended Sport and Sport Equipment and Urban Forest grant applications:</p> <ol style="list-style-type: none"> <li>a. Sports grants:               <ol style="list-style-type: none"> <li>i. Curtin Panthers Netball Club Incorporated - \$4,265.00;</li> <li>ii. Curtin Trinity Pirates Hockey Club Incorporated - \$2,616.00;</li> </ol> </li> <li>b. Sport equipment grants:               <ol style="list-style-type: none"> <li>i. Curtin Panthers Netball Club Incorporated - \$733.52;</li> <li>ii. Curtin Trinity Pirates Hockey Club Incorporated - \$1,123.75;</li> </ol> </li> <li>c. Urban Forest grants:               <ol style="list-style-type: none"> <li>i. Montessori Children’s Centre Foundation Inc- \$7,500.00;</li> <li>ii. Bread Espresso Bar- \$7,500.00;</li> <li>iii. Harold Hawthorne Community Centre- \$10,000.00;</li> </ol> </li> </ol>
2.	<p>In accordance with section 9.49A(4) of the <i>Local Government Act 1995</i>, authorise the following officers to sign the corresponding documents in alignment with Category 2 documents in <i>Policy 009 - Execution of Documents</i>;</p> <ol style="list-style-type: none"> <li>a. Sport and Sport Equipment Letter of Agreements - Manager Community;</li> <li>b. Urban Forest Letter of Agreements - Manager Place Planning.</li> </ol>

### Purpose

To provide Council with oversight of the Town’s Sport, Sport Equipment and Urban Forest grants applications and assessments for Council endorsement.

### In brief

- The Town’s Vic Park Funding Program increases opportunities for local collaboration and partnership between the Town and community to enhance the Town’s strategic objectives.
- Due to funds remaining for both Sport and Sport Equipment Grant it was recommended that a second round be opened in early 2023.
- The Vic Park Funding – Sport and Sport Equipment program opened 23 January 2023 and closed 17 February 2023.

- The Urban Forest Grants funding program round opened 28 October 2022 and closed 24 February 2023.
- The Town received the following applications with a total funding requested of \$55,610.09
  - Two Sport grants - \$6,881.00
  - Two Sport Equipment grants - \$7,429.09
  - Urban Forest grants - \$41,300.00
- A review of applications by the Town's Community Funding Panel concluded the following number of grants sufficiently met the criteria and are recommended for Council endorsement with a total funding request of \$33,738.27
  - Two Sport Grants – totaling \$6,881.00
  - Two Sport Equipment Grants totaling \$1,857.27 (25% of \$7,429.09)
  - Urban Forest Grants totaling \$25,000.00

## Background

1. The Town acknowledges the significant role it plays in supporting the community through the provision of funding opportunities and the impact these opportunities can have within the community.
2. The Town aims to enhance the success and prosperity of the local community while ensuring transparency of funding decisions and accountability of those parties receiving community grant funding.
3. At the December 2019 Ordinary Council Meeting, item 14.5 Policy 114 Community Funding was adopted by Council (with subsequent amendments).
4. To improve efficiency and transparency in December 2019, Town officers reviewed all funding around practices and procedures delivered by the Town. This review initiated a project to procure a funding platform to manage the Town's funding.
5. In March 2020, the Town procured the online grant funding platform Smartygrants. The implementation of this platform aims to improve the Town's governance, increase transparency, and improve efficiency within Town processes in relation to funding.
6. Further to the adoption of Policy 114 Community Funding at the December 2019 Ordinary Council Meeting, Council resolved that the Chief Executive Officer investigate:
  - a. The establishment of a panel for the assessment of applications for community funding to commence in July 2020; and
  - b. Future decision on community funding being reported to Council.
7. At the July 2020 Ordinary Council Meeting, Council endorsed the CEO to establish a panel of no less than three members to assess all eligible applications received. The panel will assess applications against the requirements and assessment criteria and present a report to Council for endorsement.
8. In making a recommendation to Council the CFAP will provide the following information to ensure Council can make accurate timely and transparent decisions:
  - a. Details of all applications include title, project scope amount of assistance applied for (ex GST), evaluation and score.
  - b. The information provided will be inclusive of successful, unsuccessful, and ineligible applications.

9. To ensure that the CFAP continues to be fit-for-purpose and remains meaningfully engaged, membership for the panel positions were recruited via direct approach to ensure the appropriate skills, knowledge and experience could be applied to the assessment process.

## Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 – Accountability and good governance	Funds are managed with full, accurate and timely disclosure of financial information relating to the Council. Town Grant funds are maximised by seeking the greatest possible benefit to the community within the available monetary resources.

Economic	
Community priority	Intended public value outcome or impact
EC2 – Connecting businesses and people to our local activity centres through place planning and activation.	To connect businesses, community groups, residents to gain a strong sense of place by activating public spaces and local activity centres to gain an inclusive, engaged and empowered community.

Environment	
Community priority	Intended public value outcome or impact
EN1- Protecting and enhancing the natural environment.	Protect and enhance the natural environment by environmental sustainability, conserve and support the creation of more green space and shaded areas in the Town.

Social	
Community priority	Intended public value outcome or impact
S3 – Facilitating and inclusive community that celebrates diversity.	Funds used for organisations to facilitate an inclusive community through local celebrations including food markets, local performances from culturally diverse artists, multicultural art exhibitions, sporting events and storytelling.
S4 – Improving access to arts, history, culture, and education.	To support local organisations and individuals to deliver services and initiatives that encourage awareness of arts, history, culture and education.

## Engagement

Internal engagement	
Stakeholder – Assessment Panels	Sports and Sports Equipment Funding Assessment Panel Urban Forest Funding Assessment Panel

Engagement	Consultation and management of grant administration Consultation and Panel evaluation
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External engagement	
Stakeholders	All community
Period of engagement	4 January to 17 February 2023 (Sport and Sport Equipment Grants) 28 October 2022 to 24 February 2023 (Urban Forest Grants)
Level of engagement	1. Inform
Methods of engagement	Town's website Town's social media platforms – Facebook and Town's e-newsletters Direct email Grants workshop
Advertising	Town's website Town's social media platforms – Facebook and Town's e-newsletters Digital Marketing Direct email
Submission summary	Two Sport grant submissions were received Two Sport equipment grant submissions were received Five Urban Forest grant submissions were received
Key findings	<u>Sport grant program:</u> Two submissions are recommended for Council endorsement Nil submissions are not recommended for Council endorsement <u>Sport Equipment grant program:</u> Two submissions are recommended for Council endorsement Nil submissions are not recommended for Council endorsement <u>Urban Forest grant program:</u> Three submissions are recommended for Council endorsement Two submissions are not recommended for Council endorsement

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
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Financial	Loss of funds if successful programs/events are cancelled or do not deliver on intended purpose	Moderate	Likely	High	Low	TREAT – Acquittal process to be well organised and communicated to all successful participants.
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Not applicable					
Reputation	Negative public perception towards the Town should applications not be funded	Minor	Possible	Medium	Low	TREAT – Transparent approval process. Managed by an online platform and council endorsed Town funding panel.
Service delivery	Not applicable					

## Financial implications

<b>Current budget impact</b>	<p>The budget allocations for 2022/23 were:</p> <p><b>Sport and Sport Equipment grants</b> - \$40,000</p> <ul style="list-style-type: none"> <li>\$17,839.28 was expended in Round One 2022/23 (Sport Equipment \$7,839.28 and Sport Grant of \$10,000)</li> <li>\$22,160.72 is available to be expended in the second-round of 2022/23 funding.</li> <li>Sport and Sport equipment budget remaining if recommendations in this report are adopted by Council = \$13,422.45</li> </ul> <p><b>Urban Forest grants</b> - \$25,000</p> <ul style="list-style-type: none"> <li>This funding will be fully expended if recommendations in this report are adopted by Council.</li> </ul>
<b>Future budget impact</b>	Not applicable – allocated funds will be expended this financial year.

## Analysis

10. The Sport and Sport Equipment and Urban Forest Grants were promoted across various platforms to reach target audiences.
11. The Sport and Sport Equipment and Urban Forest Grants were accessible to the community via SmartyGrants application platform on the Town’s website.
12. The Town delivered a free grant writing workshop to the community on 8 February 2023. The workshop provided the community with information on the following:
  - a. An introduction to grants, including what they are, information on where to find them and an explanation of eligibility and assessment criteria
  - b. The process of best-practice project planning to prepare for grant success
  - c. Information on how to address grant criteria
  - d. An explanation of the grant writing approach; what are assessors looking for and how do you give them what they need?
  - e. Answers to specific grant writing questions the attendees may have.

## Sport Grants

13. The Town’s internal Sports Grant Funding Assessment Panel consisted of Town officers:
  - a. Club Development Officer – Clubs, Events and Bookings
  - b. Manager, Infrastructure Operations
  - c. Customer Relations Officer – Customer Relations
  - d. Coordinator, Health and Fitness – Aqualife
14. Applications were assessed individually and then received with a formal panel meeting by the Town’s Sport Grants panel members in line with Policy 114 Community Funding and the criteria outline for the Vic Park Funding program.
15. The Town’s initial assessment questions are as follows:
  - a. Eligibility
  - b. Applicant details (organization, auspice arrangements etc.)
  - c. Project details (brief description, risks, locations, dates etc.)
  - d. Assessment criteria questions

16. The Town’s assessment criteria questions are as follows:

Assessment criteria questions	Weighting per question per panel member
Question 1: How does the project/initiative align with the Town’s Strategic Community Plan 2022-32 objectives?	(Weighting 40%) <ul style="list-style-type: none"> <li>• Five points per panel member</li> <li>• Total of 20 points available</li> </ul>
Question 2: What measures have you taken to ensure this initiative is suitable and inclusive of all members?	(Weighting 20%) <ul style="list-style-type: none"> <li>• Five points per panel member</li> <li>• Total of 20 points available</li> </ul>
Question 3:	(Weighting 30%) <ul style="list-style-type: none"> <li>• Five points per panel member</li> </ul>

How do you know the project is needed by the community (research, survey, time to upgrade)? How many people will benefit?	<ul style="list-style-type: none"> <li>Total of 20 points available</li> </ul>
Question 4: Demonstrate the applicant's ability to deliver proposed initiative within a time period	(Weighting 10%) <ul style="list-style-type: none"> <li>Five points per panel member</li> <li>Total of 20 points available</li> </ul>
	Total weighting for four questions = 100% Total score available = 80 points

17. The Sports funding attracted two applications, with a total requested of \$6,881.00

18. It is recommended that Council endorse two applications for a requested funding total of \$6,881.00.

19. Evaluation summaries related to all Sport grant applications, recommended are provided in Attachment One.

20. The Town recommends the following tabled applications for endorsement by Council:

### Sport Funding Recommendations

Applicants:	Project	Amount
<b>Sport Panthers Netball Club Incorporated</b>	Club Coaching Squad and Umpiring Squad development	\$4,265.00
<b>Curtin Trinity Pirates Hockey Club Incorporated</b>	CUHC Summer Schools Program	\$2,616.00
<b>Total</b>		\$6,881.00

21. All Sport Grant applications are recommended for endorsement.

### Sport Equipment Grants

22. The Sports Equipment grants application form was aligned with the Town's Strategic Community Plan outcomes.

23. The Town's internal Sports Equipment Grants Funding Assessment Panel consisted of Town officers:

- a. Manager Infrastructure Operations
- b. Community Development Officer, Clubs, Events and Bookings
- c. Coordinator Health and Fitness – Aqualife
- d. Customer Relations Officer

24. Applications were assessed individually and then reviewed at a formal panel meeting by the Town's Sport Equipment Grants panel members in line with Policy 114 Community Funding and the criteria outline for the Vic Park Funding Program.



25. The Town's initial assessment questions are as follows:
- Eligibility
  - Applicant details (organisation, auspice arrangements etc.)
  - Project details (brief description, risk, locations, dates etc.)
  - Assessment criteria questions.

26. The Town's assessment criteria questions are as follows:

Assessment criteria questions	Weighting per question per panel member
Question 1: What are you planning to purchase from the grant funding?	Weighting 20% <ul style="list-style-type: none"> <li>Five points per panel member</li> <li>Total 20 points available</li> </ul>
Question 2: Why is the uniforms and equipment necessary? Please explain the needs for the items.	Weighting 30% <ul style="list-style-type: none"> <li>Five points per panel member</li> <li>Total 20 points available</li> </ul>
Question 3: How does the purchasing of uniforms or equipment align with the Town's Strategic Community Plan? (2022-32 objectives)	Weighting 40% <ul style="list-style-type: none"> <li>Five points per panel member</li> <li>Total 20 points available</li> </ul>
Question 4 Is the sporting club located in the Town? If not, does the sports club service the Town of Victoria Park community?	Weighting 10% <ul style="list-style-type: none"> <li>Five points per panel member</li> <li>Total 20 points available</li> </ul>
	Total weighting for four questions = 100% Total score available = 80 points

27. The Sports Equipment funding attracted two applications, with total requested of \$7,429.09

28. It is recommended Council endorse two applications for a requested funding of \$1,857.27 (25% of cost).

29. Evaluation summaries related to all Sport equipment grant applications, recommended, and not recommended, are provided in Attachment Two.

30. The Town recommends the following table applications for endorsement by Council:

### Sport Equipment Funding Recommendations

Applicants	Project	Amount
<b>Curtin Panthers Netball Club Incorporated</b>	Sports Equipment, Coaching Polos, and Training Polos.	\$733.52 (25% of cost)
<b>Curtin Trinity Pirates Hockey Club Incorporated</b>	CUHC Summer Schools Program - (Junior Equipment Packs)	\$1,123.75 (25% of cost)

<b>Total</b>	<b>\$1,857.27</b>
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31. All Sports Equipment applications are recommended for endorsement.

## Urban Forest Grants

32. The Urban Forest grants application form was aligned with the Town’s Strategic Community Plan and the following six key Urban Forest Implementation Action Plan outcomes:

- Plant and protect sufficient trees by 2020 to ultimately achieve a 20% canopy target.
- Maximise community involvement and collaboration.
- Increase tree diversity whilst favouring local endemic and West Australian species (where appropriate) that also support wildlife.
- Maintain high standard of tree health.
- Improve soil and water quality.
- Improve the urban ecosystem.

33. The Town’s internal Urban Forest Grants Funding Assessment Panel consisted of Town officers:

- a. Manager Place Planning
- b. Youth Programs Officer – Community Development
- c. Place Leader - Strategic Planning
- d. Place Leader - Strategic Planning

34. Applications were assessed individually and then reviewed at a formal panel meeting by the Town’s Urban Forest Grants panel members in line with Policy 114 Community Funding and the criteria outline for the Vic Park Funding Program.

35. The Town’s initial assessment questions are as follows:

- a. Eligibility
- b. Applicant details (organisation, auspice arrangements etc.)
- c. Project details (brief description, risks, locations, dates etc.)
- d. Assessment criteria question

36. The Town’s assessment criteria questions are as follows:

Assessment criteria questions	Weighting per question per panel member
Question 1: Urban Forest Targets Which actions from the Urban Forest Strategy Implementation Action Plan does the project progress and how?	Weighting 25 % <ul style="list-style-type: none"> <li>• Five points per panel member</li> <li>• Total 20 points available</li> </ul>
Question 2: Place Impact How does the project positively influence the experience of the place?	Weighting 15 % <ul style="list-style-type: none"> <li>• Five points per panel member</li> <li>• Total 20 points available</li> </ul>
Question 3: Environmental services	Weighting 15 % <ul style="list-style-type: none"> <li>• Five points per panel member</li> </ul>

Provide details on how the project will positively contribute to environmental services (e.g., improvements in water management, soil health, biodiversity, and ecology).	<ul style="list-style-type: none"> <li>Total 20 points available</li> </ul>
Question 4: Project costs How does the project represent "good value for money"? (e.g., projects costs incurred in both implementation and ongoing maintenance).	<p>Weighting 15 %</p> <ul style="list-style-type: none"> <li>Five points per panel member</li> <li>Total 20 points available</li> </ul>
Question 5: Community Support Explain how the project is supported by community and encourages community member involvement to achieve social outcomes whilst communicating the benefits of the Urban Forest. (i.e., Consider volunteers that will assist with organising the activity, the extent of which your event will be providing opportunities for local organisations and businesses to be involved and the extent to which you will be purchasing goods and services from local businesses)	<p>Weighting 15 %</p> <ul style="list-style-type: none"> <li>Five points per panel member</li> <li>Total 20 points available</li> </ul>
Question 6: Health Outcomes How does the project contribute to positive health outcomes? (e.g., Mental health, physical activity, air and water quality are positively affected by the urban forest).	<p>Weighting 15 %</p> <ul style="list-style-type: none"> <li>Five points per panel member</li> <li>Total 20 points available</li> </ul>
	<p>Total weighting for six questions = 100%</p> <p>Total score available = 120</p>

37. The Urban Forest funding attracted five applications, with a total requested of \$41,300.00.

38. It is recommended Council endorse three out of five submitted applications for a requested funding of \$25,000.00 (which is the budget for Urban Forest Grants).

39. Evaluation summaries related to all Urban Forest grant applications, recommended, and not recommended, are provided in Attachment 3.

40. The Town recommends the following table applications for endorsement by Council:

### Urban Forest Funding Recommendations

Applicants	Project	Amount
Montessori Children's Centre Foundation Inc	Growing Our Love for Trees- Part A	\$7,500.00

<b>Bread Espresso Bar</b>	Café Garden Retreat	\$7,500.00
<b>Harold Hawthorne Community Centre</b>	Seasons in Sight Project	\$10,000.00
<b>Total</b>		<b>\$25,000.00</b>

41. Three Urban Forest applications are recommended for endorsement.

### Urban Forest Funding Not Recommended

<b>Applicants</b>	<b>Project</b>	<b>Amount</b>
<b>Montessori Children’s Centre Foundation Inc</b>	Growing Our Love for Trees- Part B	\$10,000.00
<b>Liminal Place</b>	Re-wild and Re-connect Workshop.	\$1,300.00
<b>Total</b>		<b>\$11,300.00</b>

42. Two Urban Forest applications are not recommended for endorsement.

43. Subject to Council endorsement, successful Sport, Sport Equipment and Urban Forest grant applications will be notified of the decision within five business days of Council resolution.

44. If an applicant is not satisfied with the endorsed outcome, a complaint can be formally lodged via the Town’s Customer Service Delivery Management Practice and complaints guidelines within 14 days of notification of successful and unsuccessful applications. Information on how to lodge a complaint will be contained within the letter and outlined in the Vic Park Funding section on the Town’s website.

45. The Town encourages previous unsuccessful applicants to contact the Town for feedback to support future applications.

46. Successful Sport, Sport Equipment and Urban Forest grant applicants are required to complete the Town’s acquittal reporting documentation within three months of completion of the program or event.

47. As the community funding program is administered by an internal panel, the letter of agreement is a standard template, and the recommendations are endorsed by Council, officers are seeking authorisation under 9.49A(4) of the *Local Government Act 1995*, (in line with Category 2 within *Policy 009 Execution of Documents*), for the Manager Community, and Manager Place Planning to sign off respective agreements, rather than the CEO.

### Relevant documents

[Policy 009 Execution of Documents](#)

[Policy 114 Community Funding](#)

## Further consideration

48. At the Agenda Briefing Forum held on 4 April 2023, the following information was requested:

49. *Provide information on any discussions between Harold Hawthorne and Connect Vic Park in preparation for the grant.*

Harold Hawthorne has advised that no collaboration or discussion was had with Connect Vic Park regarding lessons learnt from their grant application, however Harold Hawthorn consulted and collaborated with Clontarf Aboriginal College in developing their design of the six seasons garden, learning from the six seasons garden Clontarf completed last year.

### COUNCIL RESOLUTION (79/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Luana Lisandro

That Council:

1. Endorse the following recommended Sport and Sport Equipment and Urban Forest grant applications:
  - a. Sports grants:
    - i. Curtin Panthers Netball Club Incorporated - \$4,265.00;
    - ii. Curtin Trinity Pirates Hockey Club Incorporated - \$2,616.00;
  - b. Sport equipment grants:
    - i. Curtin Panthers Netball Club Incorporated - \$733.52;
    - ii. Curtin Trinity Pirates Hockey Club Incorporated - \$1,123.75;
  - c. Urban Forest grants:
    - i. Montessori Children's Centre Foundation Inc- \$7,500.00;
    - ii. Bread Espresso Bar- \$7,500.00;
    - iii. Harold Hawthorne Community Centre- \$10,000.00;
2. In accordance with section 9.49A(4) of the *Local Government Act 1995*, authorise the following officers to sign the corresponding documents in alignment with Category 2 documents in *Policy 009 - Execution of Documents*:
  - a. Sport and Sport Equipment Letter of Agreements - Manager Community;
  - b. Urban Forest Letter of Agreements - Manager Place Planning.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 12.3 Development Application - Demolition of Hill View Clinic Building

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Planning Officer
<b>Responsible officer</b>	Manager Development Services
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - Heritage Impact Statement - 15 Hillview Terrace EAST VICTORIA PARK - 5.2022.487.1 [<b>12.3.1</b> - 19 pages]</li> <li>2. Attachment 2 - Demolition Plan - 15 Hillview Terrace, EAST VICTORIA PARK - 5.2022.487.1 [<b>12.3.2</b> - 1 page]</li> <li>3. Attachment 3 - Site Feature Survey - 15 Hillview Terrace EAST VICTORIA PARK - 5.2022.487.1 [<b>12.3.3</b> - 1 page]</li> <li>4. Attachment 4 - ID Plan - Edward M Illen Buildings - Hillview Terrace EAST VICTORIA PARK - 5.2022.487 [<b>12.3.4</b> - 1 page]</li> <li>5. Attachment 5 - Certificate of Title- 15 Hillview Terrace, EAST VICTORIA PARK - 5.2022.487.1 [<b>12.3.5</b> - 1 page]</li> <li>6. Attachment 6 - Applicant Response to Submissions - 15 Hillview Terrace, EAST VICTORIA PARK [<b>12.3.6</b> - 2 pages]</li> <li>7. Attachment 7 - Letter DR P 2176-50253 Demolition of Hillview Clinic - Edward Millen Home (fmr) [<b>12.3.7</b> - 3 pages]</li> <li>8. Attachment 8 - Current Edward Millen Master Plan Final [<b>12.3.8</b> - 1 page]</li> </ol>

<b>Landowner</b>	Town of Victoria Park
<b>Applicant</b>	Town of Victoria Park
<b>Application date</b>	19/12/2022
<b>DA/BA or WAPC reference</b>	5.2022.487.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Parks and Recreation Reserve Public Purpose (Civic Use & Community Purpose)
<b>R-Code density</b>	None
<b>TPS precinct</b>	East Victoria Park (P12)
<b>Use class</b>	N/A
<b>Use permissibility</b>	N/A
<b>Lot area</b>	47220 m <sup>2</sup>

<b>Right-of-way (ROW)</b>	N/A
<b>Local heritage list</b>	Yes - Edward Millen House (fmr) - Category 1 place 'Place of Exceptional Significance'
<b>State Heritage List</b>	Yes - Edward Millen House (fmr) - Place Number: 02176
<b>Residential character study area/weatherboard precinct</b>	N/A
<b>Surrounding development</b>	Predominantly public open space and the unoccupied Edward Millen House, with Single Dwellings, Grouped Dwellings, and Mixed-Use Development and commercial in close proximity.

## Recommendation

1. That Council:
  - A. Approve the application and plans dated 22/02/2023 submitted by the Town of Victoria Park (DA Ref: 5.2022.495.1) for proposed demolition of the former Hillview Clinic building at No. 15 (Lot 900) Hillview Terrace, East Victoria Park 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. No trees are to be removed as part of the proposed demolition works.
    2. Prior to demolition, a photographic archival record of the former Hillview Clinic (Block C) shall be prepared in accordance with the Heritage Council's Guide to Preparing an Archival Record. A copy shall be provided to the Heritage Council for its records.
    3. A program of monitoring any structural movement and potential vibration impacts on adjacent buildings (Rotunda/Edward Millen House and Former Ward Block) shall be implemented at the commencement of works. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.
    4. A demolition permit is required to be applied for and obtained from the Town prior to demolition of the existing building(s) and/or structure(s) on the site.
    5. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implemented to the satisfaction of the Town, a Demolition Management Plan addressing the following matters:
      - a. How materials and equipment will be delivered and removed from the site;
      - b. Parking arrangements for contractors;
      - c. Demolition waste disposal strategy and location of waste disposal bins;
      - d. Details of large trucks or similar equipment which may block public thoroughfares during demolition;
      - e. Demolition traffic and pedestrian management; and
      - f. Managing noise, odour and dust emissions; and
      - g. Other matters likely to impact on the surrounding properties.

6. If the development subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

#### Advice Notes

- AN1 Rat baiting is to be provided and set in the proposed building to be demolished, for a minimum of 14 days prior to an application for a demolition permit being submitted to the Town. It is recommended that certification from a licensed pest management technician/registered pest management business be provided as part of the demolition permit application to confirm that the required rat baiting has occurred.
- AN2 Any work involving the handling and removal of asbestos must be undertaken in accordance with the Health (Asbestos) Regulations 1992.
- AN3 Unauthorised verge tree pruning or removal is subject to a penalty under the Activities on Thoroughfares and Public Places Local Law 2000, Division 1 – General, 2.1 General Prohibitions.
- AN4 The Town's street tree(s) are to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the owner/applicant's cost.

## **Purpose**

For Council to consider an application to demolish the Hillview Clinic building located on the site of Edward Millen House (fmr), as the property is listed on the State Register of Heritage Places and the Town's Heritage List, and Officers do not have the delegation to determine the application.

## **In brief**

- The application seeks approval for the demolition of the former Hillview Clinic building at No. 15 Hillview Terrace. The single storey brick and tile building constructed in the 1960s, is located on the Edward Millen House (Site) accessible from Hillview Terrace.
- The Edward Millen House (fmr) site is listed on the State Register of Heritage Places and the Town of Victoria Park's Heritage List, which comprises of a complex of hospital buildings including the Hillview Clinic building.
- A 14 day community consultation period concluded on Thursday 9 March 2023. 5 submissions were received, with none of the submissions objecting to the proposed development, and 5 being in support.
- The demolition of the Hillview Clinic building is to allow for the future redevelopment of the parkland within the Edward Millen Precinct.
- In accordance with the current Town of Victoria Park Register of Delegations and Sub-Delegations, applications for development approval which propose demolition of an existing building listed in the State Register of Heritage Places or the Town's Heritage List requires approval from the Council.
- It is recommended that the application be approved subject to conditions.

## **Background**

1. Edward Millen House (fmr) was formally registered as a State Heritage Listed place on 29 June 1999.
2. The Edward Millen Precinct has long been identified by the Town as an area for enhancement and revival. This has involved the project now known as the Edward Millen Adaptive Heritage and Landscape



Redevelopment, which includes the redevelopment of the landscape portion of the Edward Millen Precinct.

3. In 2019, the Town commissioned Hassell to undertake an extensive and community collaborative process to establish a Masterplan for the Edward Millen Park, excluding the heritage structure/buildings.
4. At the 18 February 2020 Ordinary Council Meeting, Council adopted the Edward Millen Park Masterplan to provide a vision for the Precinct. The future of the landscape portion has been outlined within the Landscape Masterplan, which proposes the removal of the Hillview Clinic building. A copy of the Landscape Masterplan appears at Attachment 8.
5. At the 16 June 2022 Ordinary Council Meeting, Council Awarded the contract associated with the Edward Millen Reserve Landscape Master Plan Tender to Hassell Ltd.
6. Since the contract has been awarded by Council, the Town has proceeded into the Edward Millen Park detailed design phase.

## **Application summary**

7. The application seeks approval to demolish the former Hillview Clinic building, located on Edward Millen House (fmr) site.
8. The proposed demolition will include the full removal of the single storey, white painted brick, and terracotta tiled roofed former Hillview Clinic building. In addition to the main Hillview Clinic building, the proposal will seek the removal of the remaining covered walkway structure between the Hillview Clinic and former Ward Block.
9. The application proposes the retention of all trees located on the Edward Millen Park site and all other buildings on-site.
10. The demolition of the Hillview Clinic building is intended to make way for the future redevelopment of Edward Millen Park as per the approved Landscape Masterplan.

## **Applicants submission**

11. In support of the development application, a Heritage Impact Statement has been submitted, prepared by Hocking Heritage + Architecture (see Attachment 1). Supporting documents also include a Demolition Plan (see Attachment 2) detailing the extent of the proposed demolition of the former Hillview Clinic building.
12. The Heritage Impact Statement provides information describing the proposal in more detail including the following:

“Town of Victoria Park are seeking to demolish the former Hillview Clinic located on the Edward Millen Home (fmr) site. The place is entered on the State Register of Heritage Places (PN. 2176) as Edward Millen Home (fmr) and whilst the entry refers predominantly to the original hospital buildings constructed between 1912 and 1936, mention is made that the Hillview Clinic building constructed in 1968 was constructed to care for autistic children and contributes to the understanding of the development of the place as a health care site. The Statement of Significance attributed to the place does not refer to the Hillview Clinic building being of specific heritage significance.”

“A conservation plan was prepared in 2001 by Considine Griffiths Architects with Robin Chinnery, Historian and is attached to a Heritage Agreement entered into by Heritage Council and the owner

of the place dated 2005. The requirements of the conservation plan and Heritage Agreement are that Edward Millen Home (fmr) should be retained and conserved. The conservation plan designates the Hillview Clinic building as being of little significance with corresponding policy stating that "fabric of spaces or elements of little significance may be retained or removed depending on the future use requirements". The 2001 conservation plan concludes that the Hillview Clinic is unlikely to demonstrate cultural heritage significance."

13. The Heritage Impact Statement provides the following assessment of the impact on the heritage value of Edward Millen Home (fmr) from the proposed demolition of the former Hillview Clinic building:

"The proposed demolition of the former Hillview Clinic building will not impact on the documented heritage values of Edward Millen Home (fmr).

The statement of significance is used as part of the benchmark for assessing the impact of change to a place and in the instance of Edward Millen Home (fmr), the statement of significance is related to the Rotunda Hospital building, the former ward block and the fumatory building. The Hillview Clinic building is not mentioned in the main statements.

Demolition of the former Hillview Clinic building will not:

- Harm the aesthetic values of the Rotunda Hospital building and the former ward block with their formal landscaped setting or tree lined approach.
- Harm the understanding of the healthcare system between 1912 and 1997 – the extant buildings and landscape elements retains the potential to illustrate elements of health care services during this period. The changes undertaken in 2012 to the former Hillview Clinic building have eroded all evidence of the former hospital use of the place.
- Harm the community's sense of place. The original Rotunda Hospital building and the former ward block with their formal landscaped setting remain extant and are the primary place of connection for the community sense of place. The Hillview Clinic was constructed as a centre for the treatment of individuals with autism. This function ceased with the conversion to an administration offices in 2012. Any contribution to the community's sense of place for this earlier function has already been lost.
- Harm the quality of the architectural detailing of the former Rotunda Hospital building or the ward block.
- Harm the aesthetic value of the Rotunda Hospital building as a fine example of Federation Queen Anne architecture or its landmark qualities on the site.
- Erase the connection of Elizabeth Baillie to the place or the fact that the place was established in 1912 as an alternative to home birth.
- Harm the amenity of the parkland setting for the community.
- Harm the rarity value of the Rotunda Hospital being constructed as an example of a hospital in a residential style, close to the city on a large site which has largely retained its original building and landscape qualities.
- Harm the connection between the rehabilitation of ex-servicemen or the care for patients with tuberculosis.

The demolition of the former Hillview Clinic building will result in the loss of part of the story related to the care and treatment of autistic children. This is an important aspect of the place's history but was a use that functioned for only a relatively short period of time. This aspect of the health care provision on the site could be told through interpretation rather than through retention of built fabric."

14. The Heritage Impact Statement concluded that the demolition of the former Hillview Clinic building is in keeping with the following recommendations, outlined within conservation policy established in the 2001 conservation Plan:

“Policy nos. 13-21 on pages 158-159 of the conservation plan set out the general actions arising out of the statement of significance. The actions recommend retention of the key buildings and the associated landscape setting. Demolition of the former Hillview clinic building is not contra to these recommendations.

Section 7.2.4 relates to policies arising from the graded zones of significance. Policy no. 28 on page 162 states that fabric of spaces or elements of little significance may be retained or removed depending on the future use requirements. Demolition of the former Hillview Clinic building is in accordance with this policy.

The demolition of the place does not affect the site and landscape recommendations established in policy numbers 30-36.

Section 7.3.5 deals with policies relating to areas of little significance and intrusive elements. Policy no. 99 relates solely to Hillview Clinic and states:

Hillview Clinic is a typical example of a utilitarian building constructed in the 1960s. Whilst the fabric of the building is not of heritage significance, it is competently designed hospital building and is well and inconspicuously located on the site. The retention of the building is encouraged if a useful purpose can be found for it. Original elements should be retained if possible. The building may be extended or adapted and if this option is considered, any new works should be carried out with respect for the existing design of the building and without attempting to alter the aesthetics of the building to reflect earlier heritage structures on the site.

Demolition of the former Hillview Clinic building is excluded under this policy recommendation. Whilst the external shell of the building remains extant and not altered following the 2012 works, all evidence of former hospital/clinical occupation of the space was erased following the internal demolition. The building is no longer used and is beginning to show signs of deterioration externally. The current owners also no longer have a use for the place. Demolition will allow further opportunities on the site to be realised in line with the policy requirements of the conservation plan.

Therefore, it is concluded that demolition of the former Hillview Clinic building will not adversely harm the heritage values of Edward Millen Home (fmr) and the works should be permitted. It is recommended that interpretation of the original functions of the Hillview Clinic building be undertaken as part of any future redevelopment/landscaping of the site.”

15. The Towns Project Team has confirmed that within the final design phase of the Edward Millen Park redevelopment project guided by the Landscape Master Plan, integration of heritage has been addressed through the interpretation strategy:

“A heritage interpretation strategy was developed by heritage consultants Element during the design development phase of the park redevelopment project. This aspect of the site's heritage is proposed to be represented in interpretive signage and other design elements.”

## Relevant planning framework

### Legislation

- Town Planning Scheme No. 1
- Planning and Development (Local Planning Schemes) Regulations 2015 - herein also referred to as 'the Regulations'
- Heritage Act 2018
- Heritage Regulations 2019

<b>State Government policies, bulletins or guidelines</b>	<ul style="list-style-type: none"> <li>• State Planning Policy 3.5 - Historic Heritage Conservation</li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• Local Planning Policy 43 - Heritage List</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Heritage Agreement - Hillview/Edward Millen Home 15 Hillview Terrace, East Victoria Park</li> <li>• Register of Heritage Places – Assessment Documentation</li> </ul>

## General matters to be considered

<b>TPS precinct plan statements</b>	<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"> <li>• Public spaces such as parks, reserves and streets will be used, maintained and enhanced so that they contribute to the pleasant environment of the precinct. Safe and accessible movement for pedestrians, cyclists, public transport and vehicles will continue to be an important aim for the precinct.</li> </ul>
<b>Local planning policy objectives</b>	<p>The following objective of Local Planning Policy No.32 - Heritage list is relevant in determining the application.</p> <ul style="list-style-type: none"> <li>• ensure that the heritage list is maintained in a manner and form that is consistent with the local planning scheme.</li> </ul>
<b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b>	<p>The following are relevant matters to be considered in determining the application.</p> <p>(k) the built heritage conservation of any place that is of cultural significance;</p> <p>(l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;</p> <p>(w) the history of the site where the development is to be located;</p>
<b>Heritage</b>	<p>Heritage Agreement - Hillview/Edward Millen Home, 15 Hillview Terrace, East Victoria Park</p> <p>Register of Heritage Places – Assessment Documentation</p>
<b>Urban forest strategy</b>	<p>This application has the following impacts, in regards to the Town's Urban Forest Strategy.</p> <ul style="list-style-type: none"> <li>• The proposed demolition of the Hillview Clinic building does not propose removing any trees on the Edward Millen House Site.</li> </ul>

## Compliance assessment

16. Due to the nature of the proposed works (demolition of a building), there are no relevant development standards to assess the application against (i.e. maximum heights: setbacks etc.). Instead, the application is to be assessed having regard to general planning principles, policies and orderly and proper planning.

## Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The proposal will retain trees and vegetation on the site.
EN4 - Increasing and improving public open spaces.	The proposal will facilitate the vision for enhancements of the public open space located within Edward Millen Park, while leading to increased gathering spaces.

## Engagement

Internal engagement	
Stakeholder	Comments
Building Services	No objection. Request that appropriate conditions be imposed.
Parks Operations	No objection. Request that appropriate conditions be imposed.

External engagement	
<b>Stakeholders</b>	Owners and occupiers of surrounding properties within a 100m radius
<b>Period of engagement</b>	23 February to 9 March 2023
<b>Level of engagement</b>	Consult
<b>Methods of engagement</b>	Written Submissions and Your Thoughts (the Town's online engagement tool)
<b>Advertising</b>	Advertising of the proposal comprised of 450 letters being sent to owners and occupiers of surrounding properties (within a 100m radius), a PerthNow (Southern Edition) Newspaper Advertisement published once a week during the consultation period and 2 consultation signs being displayed on site.
<b>Submission summary</b>	Five (5) submissions received, all in support of the proposal
<b>Key findings</b>	<p>Attachment 6 contains the public submissions and the applicant's response to submissions.</p> <p>The main reasons for support of the proposal include:</p> <ul style="list-style-type: none"> <li>• The community support for the redevelopment of Edward Millen Park.</li> <li>• The minor significance of the Hillview Clinic building to the heritage value of Edward Millen House (fmr) site.</li> </ul>

## Other engagement

Heritage Council	The Town referred the proposal and submitted documentation to the State Heritage Council for its advice, as required under Section 73 (1) of the <i>Heritage Act</i> . The State Heritage Council referral advice letter supports the proposal in accordance with the plans submitted, subject to recommended conditions. See Attachment 7 for the State Heritage Council advice.
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## 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	Moderate damage to the environment and heritage listed asset, which is repairable.	Moderate	Unlikely	Medium	Medium	Accept risk and ensure that Demolition is to be in accordance with the plans submitted.
Health and safety	Asbestos related illnesses caused from improper handling of asbestos during demolition.	Major	Possible	High	Low	Accept risk and ensure that demolition and handling of asbestos is to be in accordance with relevant asbestos disposal standards.
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	Negative public perception towards the Town.	Minor	Unlikely	Low	Low	Accept risk and ensure rationale for Council's decision is documented.

Service delivery	Not applicable.
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## Financial implications

<b>Current budget impact</b>	Nil.
<b>Future budget impact</b>	A future separate report will come to Council to consider proceeding with the demolition contract following a tender process. If endorsed this is estimated to utilise \$125,000 from the Edward Millen Park capital budget.

## Analysis

17. As noted above, the Hillview Clinic Building is located within the Edward Millen House (fmr) site which is State Heritage Listed and a Category 1 place under the Town's Heritage List. The demolition of a building on a place listed in the Town's Heritage List requires Council determination in accordance with the current Town of Victoria Park Register of Delegations and Sub-Delegations.
18. Through the assessment of the proposal, the Town has referred the Heritage Impact Statement (HIS) to the State Heritage Council for advice. The State Heritage Council has reviewed the proposal and support the proposal, subject to conditions.
19. The five public submissions received during the community consultation period support the proposal.
20. The Town agrees with the conclusion provided by Hocking Heritage + Architecture within the Heritage Impact Statement and agrees with advice provided by the Heritage Council, including their recommended conditions.
21. It is recommended that Council support the proposed development on the grounds that:
  - a. The Hillview Clinic Building is of minor significance to the Edward Millen House (fmr) State heritage listing.
  - b. Demolition of the former Hillview Clinic building will not adversely harm the heritage values of Edward Millen Home (fmr).
  - c. Existing trees surrounding the Hill View Clinic Building are to be retained.
  - d. The demolition of the Hillview Clinic building is to facilitate the park portion of the Edward Millen Precinct being redeveloped to provide better public open space that will benefit the wider community of the Town of Victoria Park.

## Relevant documents

Not applicable.





**Moved:** Mayor Karen Vernon**Seconded:** Cr Vicki Potter

1. That Council:

A. Approve the application and plans dated 22/02/2023 submitted by the Town of Victoria Park (DA Ref: 5.2022.495.1) for proposed demolition of the former Hillview Clinic building at No.

15 (Lot 900) Hillview Terrace, East Victoria Park 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. No trees are to be removed as part of the proposed demolition works.
2. Prior to demolition, a photographic archival record of the former Hillview Clinic (Block C) shall be prepared in accordance with the Heritage Council's Guide to Preparing an Archival Record. A copy shall be provided to the Heritage Council for its records.
3. A program of monitoring any structural movement and potential vibration impacts on adjacent buildings (Rotunda/Edward Millen House and Former Ward Block) shall be implemented at the commencement of works. The Heritage Council is to be notified immediately if any impact occurs and advised on a recommended course of action by a suitably qualified structural engineer.
4. A demolition permit is required to be applied for and obtained from the Town prior to demolition of the existing building(s) and/or structure(s) on the site.
5. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Town, and thereafter implemented to the satisfaction of the Town, a Demolition Management Plan addressing the following matters:
  - a. How materials and equipment will be delivered and removed from the site;
  - b. Parking arrangements for contractors;
  - c. Demolition waste disposal strategy and location of waste disposal bins;
  - d. Details of large trucks or similar equipment which may block public thoroughfares during demolition;
  - e. Demolition traffic and pedestrian management; and
  - f. Managing noise, odour and dust emissions; and
  - g. Other matters likely to impact on the surrounding properties.
6. If the development subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

**Advice Notes**

- AN1 Rat baiting is to be provided and set in the proposed building to be demolished, for a minimum of 14 days prior to an application for a demolition permit being submitted to the Town. It is recommended that certification from a licensed pest management technician/registered pest management business be provided as part of the demolition permit application to confirm that the required rat baiting has occurred.
- AN2 Any work involving the handling and removal of asbestos must be undertaken in accordance with the Health (Asbestos) Regulations 1992.
- AN3 Unauthorised verge tree pruning or removal is subject to a penalty under the Activities on Thoroughfares and Public Places Local Law 2000, Division 1 – General, 2.1 General Prohibitions.
- AN4 The Town's street tree(s) are to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the owner/applicant's cost.

**Carried by exception resolution (8 - 0)****For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife**Against:** Nil

## 13 Chief Operations Officer reports

### 13.1 Multi-Use Court Facility Alternate Locations within Town

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Project Support
<b>Responsible officer</b>	Strategic Projects Manager
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Multi Use Court Alternative Location Analysis [13.1.1 - 18 pages]

Recommendation
That Council notes the potential locations for a multi-use court within the Town, but due to the proposal by Metronet to construct a 'Youth Zone' under the Oats Street railway crossing, no further action be taken at this time.

### Purpose

The purpose of this report is to advise Council of the results into investigations for a new multi-use court facility within the Town, following the removal of the basketball facilities at Koolbardi Park.

### In brief

- At the Ordinary Council Meeting on 13 December 2022, the Council resolved:
  - *Notes the recommended options for the multi-use courts at Koolbardi Park and for further investigations into a final preferred multi-use at Koolbardi Park.*
  - *Requests the CEO to carry out a further investigation of Options 2, 3, 5 and 7 in the Officer's report and bring a report back to Council by April 2023.*

### Background

1. Investigations and advice was sought from staff and consultants on options available and is outlined in the analysis report attached.

### Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces.	To improve the function and nature of the Town's parks and reserves.
EN5 - Providing facilities that are well-built and well-maintained.	A new multi-use facility will provide the community with additional sporting options which promotes a healthy lifestyle.

## Engagement

Internal engagement	
Place Leader Strategic Planning	Assistance with site assessment and alignment with the implementation of the Social Infrastructure Strategy and Local Planning Strategy.
Place Leader – Urban Design	Assistance with site assessment and alignment with the implementation of the Public Open Space Strategy through the Public Places Program.
Manager Infrastructure Operations	Workshopping of possible locations.
Reserves & Capital Works Supervisor	Workshopping of possible locations.

External engagement	
Other local authorities	Project advice
Consultants	Estimates for construction of multi-use courts

## Legal compliance

[Environmental Protection \(Noise\) Regulations 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	Unplanned project not previously identified in the LTFP	Major	Possible	High	Low	TREAT risk by ensuring that the project is identified and re-prioritised where possible.
Environmental	Potential breach of DWER noise guidelines	Minor	Unlikely	Low	Medium	TREAT risk by undertaking noise modelling of the various options prior to constructing
Health and safety					Low	

Infrastructure/ ICT systems/ utilities						Medium	
Legislative compliance	Potential breach of DWER noise guidelines	Minor	Unlikely	Low	Low		TREAT risk by undertaking noise modelling of the various options prior to constructing
Reputation	Establishment of multi-use without proper consultation	Moderate	Unlikely	Medium	Low		TREAT risk by developing a consultation strategy if the decision is to proceed with any currently unidentified options
Service delivery	Increased requirements due to unplanned asset/service	Minor	Unlikely	Low	Medium		TREAT risk by updating the LTFP and service requirements if not in an approved Strategy or Masterplan

## Financial implications

<b>Current budget impact</b>	Sufficient funds are not required within the annual budget.
<b>Future budget impact</b>	Not applicable

## Analysis

2. Officers have undertaken investigations into potential sites that could accommodate a multi-use court facility and the full report is attached.
3. There are several benefits in Metronet constructing a basketball half court as part of the Oats Street upgrade rather than Council allocating funds on a new multipurpose court facility elsewhere.
4. Alternative locations within the Town are identified in the Report, but require additional Town funding and are medium to longer term prospects.

## Relevant documents

Not applicable.

## COUNCIL RESOLUTION (66/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council notes the potential locations for a multi-use court within the Town, but due to the proposal by Metronet to construct a 'Youth Zone' under the Oats Street railway crossing, no further action be taken at this time.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 13.2 Koolbardi Park - Multi Court Facility

<b>Location</b>	Carlisle
<b>Reporting officer</b>	Project Support Coordinator
<b>Responsible officer</b>	Strategic Projects Manager
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Koolbardi Park Multi Court Facility - analysis table [13.2.1 - 1 page]

Recommendation
That Council endorses Option 5, Recreational Space, in addition to the current tennis use, as the preferred multi-use option at Koolbardi Park.

### Purpose

This report aims to investigate potential alternative sports options for Koolbardi Park. Its purpose is to provide information for the Council to decide on the future purpose of the multi-use courts. The investigation will explore various sport options that can be added to the existing facilities at the park. The findings of this report will inform the Council's decision on how best to use the multi-use courts to meet the demands of the local population.

### In brief

At the Ordinary Council Meeting on 13 December 2022, the Council resolved:

*That Council:*

- Notes the recommended options for the multi-use courts at Koolbardi Park and for further investigations into a final preferred multi-use at Koolbardi Park.
- Requests the Chief Executive Officer to carry out a further investigation of options 2, 3, 5 and 7, in the officer's report and bring a report back to Council by April 2023.

### Background

1. At the December 2022 Ordinary Council Meeting, the Council were presented with seven multi-use options for Koolbardi Park following the removal of the basketball infrastructure. Four were deemed suitable, and further information was to be presented to Council on these options. They were Volleyball, Pickleball, Recreational Space and Tennis only.
2. This report includes information gathered from relevant sporting bodies, consultants and staff regarding the four potential options for the multi-use courts at Koolbardi Park.

### Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces.	To improve the function and nature of Koolbardi Park multi-use recreational facilities.
EN5 - Providing facilities that are well-built and well-maintained.	The review of the multi-use courts will provide the community with additional sporting options which promotes a healthy lifestyle.

## Engagement

Internal engagement	
Place Planning	Alignment with the implementation of the Social Infrastructure Strategy and the Public Open Space Strategy.
Leisure Life	Advice on Pickle Ball sport being introduced at Leisure Life

Other engagement	
West Coast Synthetic Surfaces	Advice and quotation on multi-use court recreational space
Volleyball WA	Advice on sport

## 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	Implementing a change to the multi-use courts will incur unbudgeted expenses	Moderate	Likely	High	Low	TREAT risk by allocating funds for changes
Environmental	Complaints are ongoing due to the noise created by the multi-use sporting activity	Minor	Possible	Low	Low	TREAT by making an informed decision on multi-use sport with minimal noise
Health and safety	Park users can continue to use the facilities to the betterment of their health	Minor	Likely	Medium	Low	TREAT by promoting the benefits of the facility
Infrastructure/ ICT systems/ utilities	Equipment required for new multi-use purpose	Minor	Likely	Medium	Medium	TREAT by allocating funding to provide appropriate equipment/changes

Legislative compliance	Breach of noise regulations is raised again by the public	Minor	Possible	Low	Low	TREAT by making an informed decision on best use taking into consideration noise concerns
Reputation	Negative media	Major	Likely	High	Low	TREAT by making an informed decision on best use of multi-use area and undertaking ingoing communications strategy
Service delivery	Not applicable.					

## Financial implications

<b>Current budget impact</b>	n/a.
<b>Future budget impact</b>	A future budget allocation of \$25,000 will be required to create the recreational space play area at Koolbardi Park.

## Analysis

3. At the December 2022 Ordinary Council Meeting seven options were presented as potential multi-use sports for Koolbardi Courts, these were:
4. - Netball (Disregarded due to Noise and court dimension issues)
- Volleyball (Disregarded due to Noise and inappropriate court surface)
- Pickleball (Disregarded as it has commenced as a trial at the indoor courts at Leisurelife)
- Outdoor Badminton (Disregarded for noise and equipment issues)
- Recreational Space
- Hockey, and ((Disregarded due to Noise and inappropriate court surface)
- Single Use Tennis Courts
5. The Koolbardi Park Multi Court Facility - analysis table attachment provides details on the four potential options for the multi-use courts at Koolbardi Park.
6. Option 2 (Volleyball) and Option 3 (Pickleball)
  - a. After considering the information on Options 2 (Volleyball) and Option 3 (Pickleball), it seems that neither sport may be suitable to introduce at the multi-use courts in Koolbardi Park. Therefore, it is not recommended to include them as options for the park. It is advisable to focus on other sports that can be comfortably accommodated in the multi-use courts. By doing so, the community can enjoy a more versatile and practical facility that can cater to a wider range of sporting activities.



7. Option 5 (Recreation Use)
  - a. Option 5 is a recommended choice for the multi-use court. This is because it will allow tennis to continue while also providing a space for community youth to enjoy a range of recreational activities.
8. By choosing option 5, the multi-use court can serve as an extension of the existing play space for youth, which can promote physical activity and health lifestyles among children and adolescents. Additionally, this option allows for a more versatile and practical use of the space, which can benefit a wider range of users in the community.
9. Overall, Option 5 is a practical and beneficial choice for the multi-use court, as it can provide both recreation and sports opportunities for the community while making the most of the available space.
10. Option 7 (Tennis)
  - a. Based on the information provided, Option 7 (Tennis Only) is not recommended as it is preferred to maintain some multi-use functionality on the courts.
11. While the court may currently have basketball lines, these do not necessarily need to be removed for tennis to be played. If required, the surface could be repainted and line-marked specifically for tennis to ensure the court is optimised for this sport.
12. By considering Option 7, the Town can maximise the use of the existing infrastructure while also providing a high-quality and dedicated space for tennis players in the community. Overall, this option seems like a practical and beneficial choice for the court.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (67/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council endorses Option 5, Recreational Space, in addition to the current tennis use, as the preferred multi-use option at Koolbardi Park.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

### 13.3 Environment Plan 2023-2028

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Environment Officer
<b>Responsible officer</b>	Manager Technical Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Environment Plan Community Elected Member and Staff Feedback (1) [ <b>13.3.1</b> - 22 pages] 2. DRAFT Town of Victoria Park Environment Plan 2023 2028 [ <b>13.3.2</b> - 72 pages]

<b>Recommendation</b>
That Council approves releasing the draft Environment Plan 2023-2028 for community consultation.

#### Purpose

To present to Council the draft Environment Plan 2023-2028 and seek approval to release for community consultation.

#### In brief

- The Town is committed to protecting and enhancing it’s environment, showing leadership through best-practice environmental management and promoting growth and development within defined environmental parameters.
- Given that the Environmental Plan 2013-2018 has reached the end of its life and that the Town has a dedicated Environment mission under the Strategic Community Plan 2022 – 2032, a new guiding document is required.
- The new Environment Plan 2023-2028 will be the main informing document directing environmental management by the Town. The purpose of this plan is to identify environmental focus areas and associated actions the Town aims to implement over the next five years.
- The priority focus areas are Climate Change; Water Management, Land Use and Built Environment; Natural Areas and Biodiversity; and Waste Management.
- The Town seeks approval to release the draft Environment Plan 2023-2028 for community consultation.

#### Background

1. A diverse range of community and land use considerations can impact upon and therefore need to be considered within the management of the environment. These considerations include a growing population, expected to increase to 75,000 people by 2050 from the current 35,000 (Strategic Community Plan 2017 – 2032), a rapidly expanding food industry, residential, industrial, retail and technology/university precincts, Lathlain precinct development, Crown Entertainment Complex, Optus Stadium and the Belmont Park Precinct Development. The Town is also home to numerous parks and recreation reserves.
2. The Town is committed to protecting and enhancing its environment, showing leadership through best-practice environmental management and promoting growth and development within defined environmental parameters.
3. Initially, the Town of Victoria Park identified within the Town’s Plan for the Future 2011 – 2026 and the Strategic Community Plan 2013 – 2028 a need to document the environmental management activities

being undertaken by the Town, identify any gaps and guide future environmental management activities.

4. The Town of Victoria Park Environmental Plan 2013 – 2018 was subsequently developed and was the main strategic document directing environmental management by the Town.
5. Given that the Environmental Plan 2013-2018 had reached the end of its life and that the Town has a dedicated Environment mission under the Strategic Community Plan 2022 – 2032, a new guiding document is required.
6. The new Environment Plan 2023-2028 will be the main informing document directing environmental management by the Town. The purpose of this plan is to identify environmental focus areas and associated actions the Town aims to implement over the next five years.
7. There have been a series of stages that the Town has been through leading to the development of the draft Environment Plan 2023-2028. These stages include:
  - (a) Environment Plan review – community feedback – Farmers Market and Your Thoughts engagement - December 2018 – February 2019
  - (b) Development of working draft Environment Plan – October 2019
  - (c) Staff consultation round 1 and review of the draft – June 2020
  - (d) Staff consultation round 2 – April 2021
  - (e) C-Suite – May 2021
  - (f) Environment Plan Review – June-October 2021
  - (g) Concept Forum – November 2021
  - (h) Elected Member feedback period – Jan-Feb 2022
  - (i) Review of the Environment Plan based on feedback from Elected Members, as well as the development of the new Strategic Community Plan 2022-2032 and the
  - (j) Staff review – January-February 2023
  - (k) Draft Environment Plan 2023-2028 developed – March 2023
8. NOTE: The Town acknowledges that significant time has passed since the close of the Environmental Plan 2013-2018 and the development of the Environment Plan 2023-2028. Reasons for the delay include: There has been significant work undertaken between the close of the Environmental Plan 2013-2018 and the development of the Environment Plan 2023-2028. This includes:
  - (a) A key informing document – the Strategic Community Plan – was under review, and a new iteration was developed. The Community Priorities of this needed to inform the focus areas of the Environment Plan 2023-2028;
  - (b) It took time for the wealth of relevant feedback from stakeholders on the previous iteration of the initial draft to be digested and integrated.
  - (c) Similarly, relevant frameworks such as the Sustainable Development Goals, the recent Global Biodiversity Framework, and the Nature-Positive approach also needed to be integrated.
  - (d) Priority projects, such as developing and implementing the Climate Emergency Plan.

## Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The Natural Areas and Biodiversity focus area of the Environment Plan 2023-2028 aims to adopt a nature-positive approach to protect, restore and renew nature; and develop and implement biodiversity strategies and plans.

EN2 - Facilitating the reduction of waste.	The Waste Management focus area aims to encourage and implement projects and initiatives that reduce waste production and greenhouse gas emissions. Facilitation and implementation of projects and initiatives that aim to divert waste from landfill through repair, repurposing, reuse or recycling is also a focus.
EN3 - Enhancing and enabling livability through planning, urban design and development.	Land Use and Built Environment focus area has the following aims: <ul style="list-style-type: none"> <li>• To ensure planning decisions consider environmental impacts and outcomes.</li> <li>• To encourage ecologically sustainable development, reduce greenhouse gas emissions, energy and water consumption, and increase local biodiversity.</li> <li>• Provide integrated and sustainable transport options.</li> </ul>
EN4 Increasing and improving public open spaces.	As above.
EN5 - Providing facilities that are well-built and well-maintained.	As above.
EN6 - Improving how people get around the Town.	The Environment Plan has a focus on sustainable transportation initiatives.

## Engagement

Internal engagement	
Stakeholder	Comments
Staff	<p>Question re: air quality not being explicitly included in the document.</p> <p>Include reference to the Property Asset Management Plan, Parks &amp; Recreation Asset Management Plan and Fleet Asset Management Plan</p> <p>Include the Local Planning Strategy (LPS) environmental objectives.</p> <p>Pool cars and parking cars should be electric or hybrid, at least.</p> <p>Money should be spent on consolidating the Kent St Tip/Kensington Bushland/George St Reserves.</p> <p>All plantings done by the Council should be eco-sourced endemic species. Street trees and park trees should focus on food trees for the Red Tail/Carnaby Cockatoo.</p> <p>Full details of the commentary and Town response can be found attached to this report.</p>

Elected Members	<p>The document has a lot of information in it. The document seems to be a mix of some quite old information that could be considered outdated and some up-to-date info (e.g. some old waste discussion and other parts with new government strategy or PV system goals for 2027 that have already been done. It would be good to be clear on how the different elements link together and avoid as much as possible generic information and include only recent and specific information and put older examples in an appendix.</p> <p>Links to relevant frameworks and partnerships are very helpful and relevant to demonstrate benchmarking and learning/demonstrating with others also...e.g. Agenda 2030 which for example the Victorian next state of the environment report is using as a specific framework. EMRCs use of the SDGs in their regional environment strategy is another good example that shows the relevance of what is done locally against global frameworks/benchmarks.</p> <p>It would be great to see more explicit priorities and targets.</p> <p>Aboriginal acknowledgement at the beginning of the document.</p> <p>The content is good but I feel the document is a bit disjointed. I would like to see the action plans for each focus area to be incorporated where the focus area is first explained. Even on the proforma water management is mentioned twice, energy management is mentioned twice etc. to bring home my point. Also consider combining 'Continuing future actions' and 'new actions' for each focus area to make the document less disjointed. Perhaps just call them actions.</p> <p>Full details of the commentary and Town response can be found attached to this report.</p>
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External engagement	
Stakeholders	<i>Community.</i>
Period of engagement	<i>December 2018 – February 2019.</i>
Level of engagement	2. Consult
Methods of engagement	<i>Farmers market pop-up engagement hub Your Thoughts engagement</i>
Advertising	<i>Newspaper advertisement Town website Posters Social media</i>
Key findings	With the closure of the Environment Plan 2013-2018, the community was asked what they would like to see addressed within a new Environment Plan. The

commentary received covered a suite of themes, including climate change and energy, biodiversity, waste and water.

Some of the comments included:

**Climate Change**

- More education and help around building and renovating sustainably or in an eco-friendly manner.
- Encourage bike riding and walking in the Town
- Creating pedestrian and cycling infrastructure that people want to use (solar lighting, shade, safe and connected paths etc).

**Biodiversity**

- Strong linkages with the Urban Forest Strategy. With an emphasis on increasing tree canopy and biodiversity.
- Native vegetation, Verge Gardens, Sustainable Gardens
- Investigate mechanisms to preserve existing trees on private land, such as incentive schemes.

**Waste**

- Address and incentivise waste reduction - including composting.
- Waste management education
- Three bin waste system with organic bin

**Water**

- More education and incentives around grey water solutions.
- Implement WSUD into all planning policy.
- Assisting all local schools to be Waterwise Schools (Water Corp) and Waste Wise Schools (Waste Authority WA).

Full details of the commentary and Town response can be found attached to this report.

**Legal compliance**

Not applicable.

**Risk management consideration**

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council’s risk appetite	Risk treatment option and rationale for actions
Financial	The impact that the proposed commitments will have on the	Moderate	Likely	High	Low	Treat: It is anticipated that many of the actions within the Environment Plan

	Town's future budgets.					<p>simply involve Officer time to implement.</p> <p>The major unbudgeted expense area is the implementation of the Kent St Sand Pit restoration project. This project is complementary to the Urban Forest Strategy, so may be part funded from this budget, as well as potential grant funding.</p> <p>The Town will ensure that future budget impacts are accommodated within the Long-Term Financial Plan (LTFP).</p>
Environmental	If the Town does not suitably manage our environment, then we are at risk of not meeting our obligation to contribute to the maintenance and protection of the environment for the benefit of current and future generations.	Moderate	Likely	High	Medium	Treat: Development of the Environment Plan will be the main informing directing environmental management by the Town over the next five years.
Health and safety	N/A				Low	
Infrastructure/ ICT systems/	N/A				Medium	

utilities						
Legislative compliance	N/A				Low	
Reputation	Risk amongst some community members that the Town may be operating outside of its remit, that some of the focus areas or actions are not the role of Local Government.	Moderate	Likely	High	Low	The Town will attempt to bring our community along on the Town's journey through dedicated education programs and engagement.
Service delivery	The breadth of actions within the Environment Plan will require commitment from a suite of organisational Service Areas to deliver those actions.	Moderate	Almost Certain	High	Medium	Undertake targeted engagement with Town Service areas to establish: <ul style="list-style-type: none"> <li>• Lead responsibility</li> <li>• Support responsibility</li> <li>• Staged actions (e.g. staged actions to meet longer term targets)</li> </ul> <p>This will be captured in an Implementation Plan.</p>

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	<p>The indicative cost to implement the new (unbudgeted) actions under the Environment Plan 2023-2028 is estimated at \$1.957M.</p> <p>NOTE: The largest component of this is the implementation of the Kent St Sand Pit restoration project. This project is complementary to the Urban Forest Strategy, so may be part-funded from this budget, as well as potential grant funding.</p>



## Analysis

9. The Community Priorities identified under the Town's *Strategic Community Plan 2022 – 2032* have informed the focus areas of the Environment Plan 2023-2028. These focus areas, together with the Community Priorities with which they align, are:
  - (a) Climate Change (EN1, EN2, EN3, EN5, EN6).
  - (b) Water Management (EN1, EN3, EN4, EN5).
  - (c) Land Use and Built Environment (EN1, EN3, EN4).
  - (d) Natural Areas and Biodiversity (EN1, EN3, EN4).
  - (e) Waste Management (EN2).
10. Each focus area is broken into:
  - (a) Pressures
  - (b) What have we done? (Previous activity and achievements)
  - (c) Objectives and future actions
11. The objectives of the Environment Plan 2023-2028 include:

Focus Area	Climate Change	Water Management	Land Use and Built Environment	Natural Areas and Biodiversity	Waste Management
<b>Objectives</b>	<p>Reduce greenhouse gas emissions by achieving zero carbon emissions by 2030.</p> <p>Enable our community to take action on climate change action.</p>	<p>Protect and enhance surface and groundwater resources to achieve a high quality of natural water resources, thereby creating a healthier environment for our plants, animals and humans.</p> <p>Utilise water resources in a sustainable manner.</p> <p>Promote water management and water conservation.</p>	<p>To ensure planning decisions consider environmental impacts and outcomes.</p> <p>To encourage ecologically sustainable development to reduce greenhouse gas emissions, energy and water consumption, and increase local biodiversity.</p>	<p>Adopt a nature-positive approach, so that nature is protected, restored and renewed.</p> <p>Develop and implement biodiversity strategies and plans.</p>	<p>To encourage and implement projects and initiatives that reduce waste production, and hence of greenhouse gas emissions.</p> <p>To facilitate and implement projects and initiatives that aim to divert waste from landfill through repair, repurposing, reuse or recycling.</p>

12. The objectives of the Environment Plan 2023 – 2028 give due regard to how the Town can contribute to the United Nations Sustainable Development Goals (SDGs) (as drawn from the Integrating Sustainable Development Goals into Local Government Strategic Planning Processes - A How to Guide (State of NSW and Department of Planning, Industry and Environment, 2020)) and align to these where possible or relevant. The SDGs are being applied at a Federal, State and local government level across the country and internationally.
13. To support the implementation of the objectives are a suite of associated actions that aim to affect greater management of natural areas, reduce our emissions, improve surface and ground water quality, conserve water use, manage land sustainably and reduce solid waste entering landfill. Each action under these respective focus areas has been assigned a responsible officer, an estimated cost and a timeframe, key performance indicator and the SDG(s) that the action relates to.
14. Some of the actions include:

- (a) Promote alternative forms of passive transport such walking, cycling and the use of public transport to our community.
  - (b) Install voltage optimiser systems at both Aqualife and Leisurelife facilities.
  - (c) Install photovoltaic system at Depot, Library and Leisurelife.
  - (d) Undertake Climate Impact Reporting.
  - (e) Implement the Waterwise Council Action Plan.
  - (f) Provide education (and possible incentivisation) to residents on grey water systems and rainwater tank installation.
  - (g) Develop a new Stormwater Management Strategy to determine the best strategies for improving flood management, stormwater reuse and recharge to improve water quality of the receiving waters of the Swan River and aquifers.
  - (h) Develop a catchment water quality program that monitors the health of the receiving water bodies and provides education to our community and business on the importance of reducing pollution and keeping contaminants out of stormwater.
  - (i) Integrate environmental considerations into statutory development approvals processes, as well as the Town's own construction. This needs to be inclusive of the impact of development on flora and fauna.
  - (j) Advocate for, and provide education to the community on, sustainable development options.
  - (k) Undertake Banksia Woodland restoration of Kent St Sand Pit.
  - (l) Review the Kensington Bushland Management Plan.
  - (m) Develop a Restoration Plan for Hillview Bushland and Kent St Sand Pit.
  - (n) Partner with other Councils within the South East Corridor Council Alliance Catchment to establish biodiversity corridors within the region (namely be through the 'Restore our Rivers' program).
  - (o) Develop an organisational Biodiversity Policy to gain organisational commitment to a nature-positive approach.
  - (p) Develop a Biodiversity Strategy for the Town to recreate and accelerate the recovery of Town ecosystems.
  - (q) Investigate suitable international tools for the Town to benchmark, monitor and report on the progress of our biodiversity conservation efforts.
  - (r) Optimise community involvement in local small-scale recycling solutions and initiatives.
  - (s) Using implementation tools forthcoming from the Waste Avoidance and Resource Recovery Strategy 2030, identify local, fit-for purpose solutions that support a move towards becoming a circular economy.
  - (t) Investigate the feasibility of a reuse shop in partnership with other Councils.
  - (u) Investigate the feasibility of installing filtered water bottle refill stations at major public places.
  - (v) Investigate the feasibility of the Town installing container collection points in our facilities and in public spaces for community use, as well as points for use at events. If container points are used at events, there could be an opportunity for these points to be made available to community groups at events (e.g. through an Expression of Interest process).
15. The Environment Plan will be reviewed annually. Major reasons for this include:
- (a) Some of the projects included in this Plan will require more detailed costing. An annual review will ensure it reflects current funding and expenditure requirements.
  - (b) Consideration must be given to the evolving nature of environmental systems.
  - (c) Consideration must be given to any new strategic directions from State and Federal Governments that require effective implementation at a Local Government level.
16. Implementation and monitoring of progress of the Environment Plan 2023-2028 will be assisted by the development of an implementation plan. This will breakdown the actions into steps or milestones and will expand on the timeframe and identify potential partners.

17. Should Council approve the release of the draft Environment Plan for community consultation, it is anticipated that the subsequent timelines will be as follows:
- (a) Community consultation – May 2023
  - (b) Review of Plan based on community feedback – June/July 2023
  - (c) Final Environment Plan to Council – August 2023

## Relevant documents

Not applicable.

## Further consideration

18. *At the Agenda Briefing Forum held on 4 April 2023, the following information was requested:*
19. *Ensure Agenda 2030 and SDGs are mentioned in 7.1, appendix 1 under international treaties and agreements.*

This has been added to the draft plan attachment.

20. *Provide information on the recycling facilities and education available at the Town's buildings which are used by the public.*

- (a) The Town of Victoria Park has recycling stations for residents to recycle multiple household for small batteries and fluorescent globes, ink cartridges and mobile phones located at:
  - (i) Leisurelife Centre, 248 Gloucester Street, East Victoria Park
  - (ii) Town Administration, 99 Shepperton Road, Victoria Park
  - (iii) Library, 27 Sussex Street, East Victoria Park (Batteries)
  - (iv) <https://www.victoriapark.wa.gov.au/Your-property/Rubbish-and-recycling/Recycle-batteries-fluoro-globes-phones-ink-cartridges-and-car-batteries>
- (b) The Town of Victoria Park Library also has a plastic card recycling bin (including IDs, licenses, credit cards, business cards, gift cards, key cards) and a mask recycling bin (non-woven disposable plastic-based face masks including 3-ply surgical, dust masks, KN95, and N95 masks). A mask recycling bin is also found at the Administration Building.
- (c) The Town does have marked municipal waste and recycling bins within some of our facilities, but these are not necessarily public-facing. The Town will need to ensure that the same bins are provided for public use.

21. *Provide the name and number for the Town's Green Building Policy.*

Local Planning Policy 36 - Climate Control (Energy Efficiency).

### COUNCIL RESOLUTION (68/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council approves releasing the draft Environment Plan 2023-2028 for community consultation.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 13.4 Kent St Sand Pit Detailed Design

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Environmental Officer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Kent Street Sand Pit Detailed Design Community Consultation Feedback and Response [ <b>13.4.1</b> ] 2. Kent Street Sand Pit Detailed Design [ <b>13.4.2</b> - 14 pages] 3. Kent St Sand Pit Detailed Design Preliminary Opinion of Probable Cost [ <b>13.4.3</b> - 1 page]

### Recommendation

That Council:

1. Endorse the Kent Street Sand Pit Detailed Design as referenced in attachment two ("Kent St Sand Pit Detailed Design") of this report;
2. Approve the development of Tender documentation for future works.

### Purpose

To present Council with the Kent Street Sand Pit Detailed Design for endorsement.

### In brief

- At the Ordinary Council meeting held on 17 May 2022, the Council resolved to endorse the Kent St Sand Pit Concept Plan (Council resolution 112/2022: *That Council receives and endorses the Kent Street Sand Pit Concept Design*).
- Further to Council resolution, the Town has been progressing to the next stage of planning for the Kent St Sand Pit, which is Detailed Design.
- A working draft of the detailed design was initially developed, with feedback sought from a range of stakeholders to date, including Town staff, Friends of Jirdarup Bushland, Simon and Roni Forrest, Kingsley Dixon, Urban Forest Strategy Working Group, and Mindeera Advisory Group. Specialist advise regarding bushfire design considerations was also sought.
- In January 2023, the Town released an updated detailed design for community consultation.
- The outcome of this consultation has informed the current draft design.
- The Town is now seeking Council endorsement of the Kent St Sand Pit Detailed Design and approves the development of Tender documentation for future works.

### Background

1. At the Ordinary Council meeting held on 17 May 2022, the Council resolved to endorse the Kent St Sand Pit Concept Plan (Council resolution 112/2022: *That Council receives and endorses the Kent Street Sand Pit Concept Design*).
2. Further to the Council resolution, the Town has been progressing to the next stage of planning for the Kent St Sand Pit, which is Detailed Design.

3. An initial working draft of the detailed design was developed, with feedback sought from a range of stakeholders to date, including Town staff, Friends of Jirdarup Bushland, Simon and Roni Forrest, Professor Kingsley Dixon, Urban Forest Strategy Working Group, and Mindeera Advisory Group. Specialist advice regarding bushfire design considerations was also sought.
4. Elected Members were also presented with the draft design at the 25 October 2022 Concept Forum, as well as a formal comment period that closed on 9 November 2022.
5. A project group meeting with members of Friends of Jirdarup Bushland, Michael Just (Curtin University), and Town staff was held on 17 November 2022, with further meetings held with the Urban Forest Strategy Working Group and Mindeera Advisory Group (see Engagement section).
6. The draft design was then amended based on the collective stakeholder commentary received (see 13 December 2022 Ordinary Council Meeting report).
7. At the 13 December 2022 Ordinary Council Meeting, the following resolution was passed:  
*That Council approve the draft Kent St Sand Pit Detailed Design be released for community consultation in January 2023.*
8. In January 2023 the Town released an updated detailed design for community consultation.
9. The outcome of this consultation has informed the current draft design. The details of this commentary, the consideration from the Town and the impact of said commentary on the reviewed design can be found in the Analysis section of this report.

## Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The conversion of the site to public open space for recreational and cultural purposes, with restoration 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 visitors from the wider community.
EN4 - Increasing and improving public open spaces.	The conversion of the site to public open space for recreational and cultural purposes, with restoration 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 visitors from the wider community. Given the site's size, the Kent St Sand Pit restoration would contribute significantly to the Town's canopy cover.

## Engagement

10. The Town has engaged with a broad range of stakeholders (community, Elected Members, project working group (Friends of Jirdarup Bushland, Curtin University, Town staff), Urban Forest Strategy Working Group, Mindeera Advisory Group), since the commencement of the detailed design phase. These stakeholders and their comments prior to the community consultation phase can be found in the respective 15 November and 13 December OCM reports.

11. Below is an extract of some of the community and other stakeholder comments, and associated Town response, from the 16 January – 6 February 2023 round of consultation.
12. The full consultation results can be found in the Kent Street Sand Pit Detailed Design Community Consultation Feedback and Response, attached to this report.

	Comments	Response
Community	<p>The designs look great, representing a significant improvement to the site without being over the top in terms of development. For example, the hard packed pathways and benches mean a low impact (economically and environmentally) but provide great amenability. Where the car park is, could there be a water bottle drink station/bubbler? Just to fill up with water before going for a walk through the site.</p>	<p>Noted. The Town is happy to consider a drink fountain for the site.</p>
	<p>Can the park information signs have information on the reserve (flora, fauna, historic use, bush forever details etc), similar to the signs in the balance of the reserve?</p>	<p>Noted. The detail of the interpretive signage will be determined as part of the broader site artwork. It is anticipated that this will be aesthetically similar to the signage found in Kensington Bushland.</p>
	<p>Not an environmental expert but more hollows for birds? bat boxes? on ground watering stations for lizards?</p>	<p>The public art will be an integral a part of the cultural restoration of the site. Nesting hollows and bat boxes are established within Kensington Bushland and the Town is happy to consider these for Kent St Sand Pit.</p>
	<p>A drink fountain at the Baron-Hay entrance.</p>	<p>Drink fountain at Baron-Hay entrance can be considered.</p>

	<p>In general it appears to be a good, accessible design. What is missing:</p> <ul style="list-style-type: none"> <li>• Wheelchair tyre washing facilities (there are boot cleaning facilities)</li> <li>• Details of the accessible wheelchair points</li> <li>• Tactile ground surface indicators proposed for each ramp</li> <li>• Shared space beside ACROD bay: need to check compliance</li> <li>• Details of what backrests and seat arms are available on the seating at each of the resting points</li> </ul>	<p>Noted. These will be considered in an amended design.</p>
	<p>I have some concern about the use of so much timber decking in an area classified as bushfire prone. I assume a Bushfire Assessment is going to be undertaken or has already been undertaken. Pending the BAL report outcomes it may require that the deck is enclosed (possible safety issue with entrapment spaces and use by people in anti social ways. I'm not sure of the difference between FFL and NGL so this might not be an issue). Given we have actually had bushfire in this general area I think it would be more appropriate to consider an alternative to the timber deck for a non combustible or bushfire resistant product. Metal grating that is accessibility friendly can give a very beautiful finish and is more robust, requiring less maintenance in the long term. It also allows the plants to grow underneath so won't disrupt the growth of plants. Overall I think it is a better choice for the long term health of the park and councils maintenance budgets.</p>	<p>Noted. The material to be selected for the decking will be revised to a non-combustible option, such as Traxion, Gripmesh or anodised aluminium.</p>
	<p>I would be interested to know if this space will be secured at night to stop anti social behaviour, we already have the park across the road where drug deals etc go down. I am not against it, but feel the security of locals needs to be taken into consideration.</p>	<p>Noted. The Town appreciates the need to ensure community safety and will consider security requirements going forward as part of site operation. This may include securing the site at night.</p>
	<p>Should include opportunities for kids to engage with the bushland - nature play or nature walkway.</p>	<p>Noted. Some nature play elements may be incorporated into</p>

		<p>the precinct (e.g. Harold Rossiter Reserve).</p>
	<p>The Council deliberately constructed the review and consultation process to enable it to propose and approve one single use consideration without any due respect to the broader community wishes. Yes of course the Council will consider they did - but the process never gave any consideration for use of the site as a community open access area/sporting groups. The single focus on the bushland proposal satisfies a handful of birdwatchers.</p>	<p>The Town has responded to the wishes expressed by the majority of our community during the previous Concept Design stage. Further, given that it is classed as a contaminated site, the Department of Water and Environmental Regulation limited the scope of use of the site to passive recreation and revegetation. Active recreation could not be pursued.</p>
	<p>I'd prefer to see the incorporation of a fenced off part of the space for people to exercise dogs so that this activity is not limited to Harold Rossiter Park.</p>	<p>Whilst your point re: a dog exercise area is noted, the use potentially conflicts with the intended restoration of flora and fauna on the site.</p>
	<p>The paths have been designed to be 2mtr wide, with no reference to emergency services being able to access. Consideration should be given to making these 3mtrs wide with an access ramp for 4wd ambulance or fire appliances being able to access the entire site or at the least the basin areas.</p>	<p>Noted. Advice from bushfire consultants informed the design of the site, including pathway width consideration. It is likely that in the</p>



		<p>event of a bushfire within the site, firefighters may (are likely to) operate from the road reserve. Primary paths can provide access point and can be limited to 3m. Ambulance width is 2.5m. Given the reasonably small size of the site, the 3m perimeter path will be sufficient for mobilisation around the sand pit.</p>
	<p>Place major importance on re-vegetating the land for the benefit of black cockatoos.</p>	<p>The Town is working with the Curtin University restoration team. As part of this, provision of faunal habitat, inclusive of Black Cockatoos, is a key focus.</p>
	<p>(Missing) Attraction for young families. Possibly a nature play area for kids to play, sit and have a picnic as well as going for a walk.</p>	<p>Some nature play elements may be incorporated into the precinct. There are some seating areas. Picnic areas were explored previously, however were removed because of the potential rubbish and food waste risk.</p>
	<p>Concerned about the possible anti-social environment this will encourage. Would be interested to know if this space will</p>	<p>Noted. The Town appreciates the</p>

	<p>be secured at night to stop anti-social behaviour. Not against it, but feel the security of locals needs to be taken into consideration.</p>	<p>need to ensure community safety and will consider security requirements operationally going forward. This may include securing the site at night.</p>
	<p>Public toilet facilities would make it more accessible for families as well as shaded picnic tables.</p>	<p>Regarding toilet facilities, unfortunately the contaminated site status of the site means that the Town can't construct buildings such as public toilets.</p>
<p>Department of Planning Lands and Heritage</p>	<p>It is noted that in the Landscape Design, a number of paths are proposed to be formalised within Bush Forever area 48. There is the potential for the path locations to impact on relatively intact native vegetation.</p> <p>Proper planning and construction of the path layout is required to ensure that fragmentation of remnant bushland and habitat is avoided. Internal fencing may be required to restrict pedestrian traffic into the bushland.</p> <p>Any clearing of native vegetation within Bush Forever area 48 will require relevant environmental approvals.</p>	<p>Noted. The only disturbance to Bush Forever will be the pathway to the Etwell St side of the site. That said, the Town will ensure that fragmentation of remnant bushland is minimised. We may explore a boardwalk approach for that path instead that will allow the plants to grow underneath.</p>
<p>Water Corporation</p>	<p>No comments received.</p>	
<p>Department of Water and Environmental Regulation</p>	<p>It is noted that the online resources that are provided for reference for the community consultation process, makes sufficient cross-reference to the approved 'Site Management Plan' (SERS, 2017) for guiding the proposed development for recreational use.</p>	<p>Noted.</p>

	The site was classified 'remediation for restricted use' by the department on 18/7/2017 and was found to be suitable for passive recreational use, subject to implementation of the site management plan developed for the site. The department recommends that the Town of Victoria Park ensure that the final version of the SMP (ie. SERS, 3 July 2017) report is being referenced, as approved via this department and DoH at that time.	
Department of Biodiversity, Conservation and Attractions	No further comments received.	
Disability Access and Inclusion Working Group	Met with group on the 8 March 2023. The group was supportive of the design and intent.	
Urban Forest Strategy Working Group	No further comments received from the group. The group were supportive of the iteration that was released for community consultation.	
Mindeera Advisory Group	The Town met with the group on 22 February 2023. The group was supportive of the design and intent.	
Simon Forrest	Simon was supportive of the design.	

## 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	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.

	benefits as a result of not exploring options outside of the current Parks and Recreation Zoning.						
Financial	Precedent for the State Government to take back endowment land as they required.	Major	Possible	High	Medium	Liaison with the State Government regarding the design of the site. Department of Planning, Lands and Heritage; Department of Water and Environmental Regulation supportive of design.	
Environmental	Should the Kent St Sand Pit Detailed Design not be adopted, then the opportunity to undertake a best-practice restoration effort – with key stakeholders – may be missed.	Major	Rare	Medium	Medium	Adopt the Kent St Sand Pit Detailed Design.	
Health and Safety	Not applicable.						
Infrastructure/ICT Systems/Utilities	Not applicable.						
Legislative Compliance	Not applicable.						
Reputation	Given the community support and the key stakeholders that have been involved, should the Kent St Sand Pit Detailed Design not be adopted, then there may be a	Major	Rare	Medium	Medium	Adopt the Kent St Sand Pit Detailed Design.	

reputational risk to the Town.

## Financial implications

<b>Current budget impact</b>	There is no budget impact to the 2022/23 budget with the endorsement of the detailed design.
<b>Future budget impact</b>	<p>Pending Council endorsement of the design, funding for construction works will be required.</p> <p>Preliminary estimates are that the works will cost \$1,650,625 over a six-year period (see Kent St Sand Pit Detailed Design Preliminary Opinion of Probable Cost attached to this report). This cost is broken down as follows:</p> <ul style="list-style-type: none"><li>(a) Preliminary (e.g. site surveys, certification) and site works - \$455,550</li><li>(b) Hard Surfaces (e.g. paths, ramps, car park, yarning spaces) - \$508,125</li><li>(c) Feature Locations Items (e.g. shelter, seats, bike rack, bin) - \$184,100</li><li>(d) Softworks (e.g. plants) - \$502,850.</li></ul> <p>The works may be able to be supplemented through grant funding (e.g. Lotterywest).</p> <p>An initial sum of \$300,000 has been requested as part of the 2023/24 budget.</p> <p>Seed collection in 2023/24 is anticipated to be funded by the Natural Areas Maintenance budget. This will also encompass annual propagation research and development, estimated at \$5,000/year.</p>

## Analysis

13. 1,500 people engaged with the Your Thoughts consultation page; 68 submissions were received.
14. Of those who made submissions, 88% were supportive of the design.
15. Following the community consultation feedback, together with the input of Traditional Owners, the following amendments were made to the final draft design:
  - a. Wheelchair tyre washing facilities (there are boot cleaning facilities).
  - b. Details of the accessible wheelchair points.
  - c. Tactile ground surface indicators proposed for each ramp.
  - d. Drink fountains placed at Baron-Hay entrance and at main car park.
  - e. Materiality of the access ramp decking has been revised from timber to a non-combustible composite material, such as Traxion, anodised aluminium or Gripmesh material.
16. Some of the other commentary received relates to the future operationalisation of the site, such as site security and installation of nesting boxes. These are important and will be considered during the implementation of the design itself.
17. The design itself can be found in the *Kent Street Sand Pit Detailed Design* document attached to this report (see Design Responses: Detail Plan 1, 2 and 3).

18. Given the support from the community and stakeholders, the Administration requests that Council endorse the Kent St Sand Pit Detailed Design.
19. With the endorsement of the Kent St Sand Pit Detailed Design, the Town will initiate development of Tender documentation and release to market.
20. It is anticipated that the strategic staging of major works for the project is as follows:
  - a. Restoration Plan development (FY 2022/23).
  - b. Tender documentation for works for construction (FY 2022/23).
  - c. Preliminary (e.g. site surveys, certification) and site works (2023/24).
  - d. Construct parking area, paths and features (FY 2024/25-2025/26).
  - e. Coordinate progressive works for planting of restoration areas (from FY 2024/25).
  - f. Complete progressive works within restoration areas (FY 2028/29).
  - g. Ongoing maintenance of infrastructure and restoration areas (FY 2028/29 onwards).

## Relevant documents

Not applicable.

## Further consideration

Nil.

### COUNCIL RESOLUTION (80/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesvin Karimi

That Council:

1. Endorse the Kent Street Sand Pit Detailed Design as referenced in attachment two ("Kent St Sand Pit Detailed Design") of this report;
2. Approve the development of Tender documentation for future works.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 13.5 Carlisle Traffic Management Review 2023

<b>Location</b>	Carlisle
<b>Reporting officer</b>	Traffic and Transport Engineer
<b>Responsible officer</b>	Manager Technical Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Carlisle Area Crash Map [13.5.1 - 1 page]

### Recommendation

That Council:

1. Receives a report update on the progress of the notice of motion resolved at the OCM meeting held 13 December 2022 to conduct a review of traffic management in Carlisle.
2. Requests the CEO to present a finalised report in July 2023

### Purpose

Given the number of road network changes proposed, both temporary and permanent due to the Metronet project and other led Council initiatives the safety of local roads and how traffic volumes and speeds are being managed needs to be examined in greater detail.

The main purpose of this traffic study is to analyse and evaluate the existing and future traffic conditions in the area of Carlisle to identify any problems and propose recommendations for improvements to the road network.

### In brief

- At the 13 December 2022 Ordinary Council Meeting (OCM), Council requested the Chief Executive Officer to review traffic management in Carlisle and report on the outcome to Council by April 2023.  
*That Council requests the Chief Executive Officer to:*
  1. *conduct a review of traffic management in Carlisle within the streets bounded by Roberts Rd, Orrong Road, Briggs St and Rutland Avenue, including but not limited to:*
    - (a) *the relevant traffic accident data within this area;*
    - (b) *the speed limits and any proposals to reduce speed;*
    - (c) *the extent of existing traffic interventions and calming treatments and their effectiveness;*
    - (d) *whether further traffic interventions and calming treatments are required on streets and intersections including Star/Lion, Bishopsgate/Lion and Planet/Mercury;*
    - (e) *if further traffic interventions and calming treatments are required, the locations, types, indicative costs and timing of implementation of such further interventions and calming treatments;*
    - (f) *how consultation with the community can be achieved.*
  2. *report on the outcome of the review to Council by April 2023.*
- At this stage, this report provides a high level review with limited detail, as staff are in the process of gathering more information. Additional time is required to compile the necessary data for a

detailed assessment. This was advised in the report by staff to address the notice of motion put forward at the 13 December 2022 OCM.

- Increased traffic volumes on Roberts Road, Archer Street and Oats Street over the last five years and anticipated increases in traffic, diversion of traffic during railway crossing removals and railway line upgrades is likely an impact that will need to be addressed in coming years with a future works plan to be developed.

## Background

1. The scope of the study will focus on existing traffic data, field surveys, and an evaluation of the impact of forecast developments on traffic. This will include:
  - (a) Current Traffic Conditions, traffic Volumes and Speed
  - (b) Risk Priority Intersections based on the latest crash data
  - (c) Future Interventions
2. The study area encompasses the locality of Carlisle bounded by Roberts Road, Orrong Road, Briggs Street and Rutland Avenue.
3. A preliminary analysis of historical traffic conditions has been conducted and staff are in the process comparing data from 2014-2015 and 2022-2023. It is important to note that the data used in this study will exclude COVID-19 lockdown periods as may have significantly altered normal traffic patterns. Careful consideration of this factor has been given to ensure the accuracy of the results and avoid any potential biases.
4. At this stage, this report only provides a high level review, with limited detail as staff are in the process of gathering more information and there was inadequate time provided by Council staff to compile the necessary data for a detailed assessment. This was the advice provided by Technical staff in the notice of motion response put forward at the 13 December 2022.
  - (a) The findings indicate a significant increase in traffic on Roberts Rd and Orrong Rd, while the rest of the network experienced a minor increase of less than 5%. This analysis provides an overview of traffic trends over 8 years.
  - (b) Throughout this period, the traffic speed on the network has remained essentially constant. However, it is worth noting that on the following roads, the average speed has exceeded the speed limit by approximately 5km/hr:
    - (i) Roberts Rd
    - (ii) Oats St
    - (iii) Archer St (from Star St to Orrong Rd)
    - (iv) Rutland Ave
    - (v) Star St
5. Based on the previously gathered data, technical officers have conducted an analysis and have identified a list of intersections that require further attention and prioritisation.
  - (a) Following the analysis of all 67 intersections, it was determined that a total of 25 intersections are in need of some form of intervention to address the safety issues. Presently, various ongoing projects are being implemented to improve safety at these particular intersections.
  - (b) Excluding the intersections along Orrong Rd, only six intersections have not yet undergone any traffic calming treatment implemented.
  - (c) A crash map has been developed as a reference document, delineating the prevailing incident statistics within the region and identifying the intersections that lack any planned treatment.



- (d) Interventions chosen to improve safety should be aligned with objectives in the Integrated Transport Strategy that not only address crashes but also induces amenities that promote pedestrian and cycling activity where appropriate.

## Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN6 - Improving how people get around the Town.	Safely and efficiently transporting users to their destinations.

Social	
Community priority	Intended public value outcome or impact
S1 - Helping people feel safe.	Developing traffic management strategies that prioritise the safety of both drivers and residents.

## Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Place Planning have reviewed the report and the motion. Place Planning note that the motion refers to an analysis focusing on speed and crashes rather than traffic volume. Place Planning is supportive of this intent. Place Planning are supportive of focusing on identified local streets and intersections where speeds are high and crash data indicates a danger to safety (high crash incidents at low speeds is not necessarily an indicator for a need to intervene). Place Planning support future interventions in local streets being undertaken via a comprehensive design process resulting in a range of integrated transport themes being addressed over and above (but still including) driver safety. These interventions will occur in the Integrated Transport Programs Skinny Street Sub-Program and Place Planning is supportive of locations identified in this report and a future study being targeted.

Other engagement	
Stakeholder	Comments
Main Roads WA	Main Roads has been approached on multiple occasions to solicit their support and approval for several of the projects outlined in this report. Our primary focus at present is centred on the rejection by the authorities of the proposed Lion Street and Star Street intersection as a Blackspot project, where we suggested the installation of a single-lane roundabout. Despite requesting additional information, a satisfactory explanation has not yet been provided. We are awaiting clarification regarding the decision and are prepared to lodge an appeal if deemed necessary.

## Legal compliance

[Local Government Act 1996 - Section 6.2](#)

### 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	Since the costs of future treatments are not entirely certain, any initiatives that receive support from the Council may require the use of municipal funds to carry out necessary civil works. In addition, other potential sources of funding will also need to be explored.	<i>Moderate</i>	<i>Possible</i>	<i>Medium</i>	<i>Low</i>	Treat risk - Conducting this study demonstrates our proactive approach towards addressing potential issues and positions us to be better equipped to secure external sources of funding.
Environmental	Nil	Nil	Nil	Nil	Medium	Nil
Health and safety	Nil	Nil	Nil	Nil	Low	Nil
Infrastructure/ ICT systems/ utilities	Upcoming projects will need to be carefully evaluated against other initiatives that are being presented to the Council for approval. As a result, certain projects may experience delays or be postponed.	<i>Moderate</i>	<i>Possible</i>	<i>Medium</i>	Medium	Treat risk - The Traffic Conditions Review will aid in prioritising future interventions. Any new initiatives will undergo evaluation by the Strategic Assets Advisory Group (SAAG) to ensure their suitability and alignment with the objectives of the Strategic Community Plan.
Legislative compliance	Nil	Nil	Nil	Nil	Low	Nil

Reputation	The absence of communication with Carlisle residents regarding road safety could be interpreted as a lack of proactive measures and disregard for their safety. As the Metronet project commences, there is a likelihood of an increase in complaints.	<i>Minor</i>	<i>Possible</i>	<i>Medium</i>	Low	Accept risk - Collaborate with the Communications team to create a comprehensive communication strategy, as well as a possible engagement survey, for the Carlisle Precinct.
Service delivery	Implementation of certain necessary interventions may encounter financial or practical obstacles, which could result in delays in their delivery.	<i>Moderate</i>	<i>Likely</i>	<i>High</i>	Medium	Treat risk - The prioritisation of interventions will aid in promptly delivering urgent interventions, while the development of a staged plan will help manage financial resources effectively.

## Financial implications

<b>Current budget impact</b>	<p>Sufficient funds exist within the annual budget to address the already endorsed and approved upcoming projects.</p> <ul style="list-style-type: none"> <li>• Right Turn – Ban Orrong Road and Roberts Road</li> <li>• Briggs Street and Star Street – Roundabout</li> <li>• Archer St Stage 2 – Cycle Lanes</li> <li>• Low-Cost Safety Program interventions. (fully funded treatments by Main Roads WA)</li> </ul> <p>For the recommended roundabout on Lion Street and Star Street, sufficient funds do not exist within the annual budget. It is proposed that funding will be acquired through Main Roads WA Black Spot Funding if successful.</p>
<b>Future budget impact</b>	<p>In the event that Main Roads WA does not provide support for the proposed roundabout at the intersection of Star Street and Lion Street, alternative interventions may need to be considered by the Town, necessitating budgetary allocations in the future. If a roundabout was pursued the cost would be in the order of 400-500K. Other interventions such as speed cushions have an estimated cost of 12K to implement.</p>

As part of the 2023/2024 Draft Capital Works budget the Town intends to allocate 300K towards the "Skinny Streets Sub-Program area to supplement road improvements which is linked to ITS (Integrated Transport Strategy) solutions.

## Analysis

6. Based on the prioritised intersections in the Carlisle area and the data analysis presented in the background section of this report, a number of interventions are currently being designed and are nearing implementation. These interventions aim to effectively address the remaining safety concerns in the network and enhance the overall safety levels in the area to an acceptable standard.
7. The future interventions that are already being funded are listed below:
  - (a) Right Turn – Ban Orrong Rd and Roberts Rd
  - (b) Archer St Stage 2 – Cycle Lanes
  - (c) Low-Cost Safety Program interventions
  - (d) Star St and Briggs St - Roundabout
  - (e) Star St and Lion St – Speed cushions and Signage, subjected to 2023/2024 budget adoption.
8. A comprehensive analysis of these projects will be presented in an upcoming report that will outline the anticipated outcomes and estimated completion dates.
9. Taking into account the considerable number of upcoming changes and the level of uncertainties, particularly with the Metronet closures, conducting a comprehensive analysis of future traffic projections, changes in traffic conditions and network performance would not be entirely accurate. We anticipate a significant redirection of traffic along the network with new emerging patterns as users adjust to the changes. Thus, it would be advisable to postpone making predictions until we have a better understanding and definition of the forthcoming changes. Such an approach would be more prudent, sensible, and sensitive to the dynamic and evolving circumstances.
10. To ensure that we anticipate problems ahead of time, regular progress monitoring and evaluations will be conducted. Additionally, a follow-up process will be established to assess the effectiveness of the interventions and identify areas for improvement once an intervention has been constructed.
11. The initiative to review management strategies to reduce travel speeds and target safety improvements within the Carlisle precinct aligns with the objective HC.3 – Road Safety for All Users in the Town's adopted Integrated Transport Strategy (ITS). The implementation of interventions need to be cognisant of the "Skinny Streets Sub-program where potential narrowing of streets, either at intersections or midblock locations will assist encouraging lower speeds. Furthermore, pedestrian safety can also be incorporated with the treatments chosen. The intersection and vehicle safety sub-program will also focus on those key movement corridors such as Oats Street, Roberts Road and Archer Street where there are already planned changes in advance of this study".

## Relevant documents

Not applicable.

## Further consideration

12. At the Agenda Briefing Forum held on 4 April 2023, the following information was requested:
13. *Provide information on where funding would come from for a roundabout at Star and Lion Streets.*

The Town is currently working with MRWA by reapplying for the Roundabout project through the Black Spot program. To ensure the feasibility of the proposed roundabout and proactively address any potential obstacles, Town officers will conduct a thorough technical assessment. Resubmission will take place on July 2023.

14. *Review information on the number of accidents at the Planet and Mercury Streets intersection and confirm why the current report map shows zero incidents and amend report if necessary.*

After reviewing the crash data, it has been confirmed that only one accident has been recorded by Main Roads WA's crash map during the latest period available for review, spanning from 2017 to 2021. However, it is acknowledged that several accidents have taken place at this location within the past year, though we are currently unable to access this data.

#### **COUNCIL RESOLUTION (81/2023):**

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Luana Lisandro

That Council:

1. Receives a report update on the progress of the notice of motion resolved at the OCM meeting held 13 December 2022 to conduct a review of traffic management in Carlisle.
2. Requests the CEO to present a finalised report in July 2023

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 13.6 Leasing of the residential property 14 Kent Street

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Property Development and Leasing Officer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute Majority
<b>Attachments</b>	Nil

### Recommendation

That Council

1. Authorises the Chief Executive Officer to lease 14 Kent Street, East Victoria Park as a residential house in accordance with rental recommendations of a residential property management agent;
2. Pursuant to Section 5.42 of the *Local Government Act 1995*, delegates authority to the Chief Executive Officer for a period of up to 36 months to grant lease(s) of residential property of the Town to persons at a market related rent set in accordance with the advice of a real estate agent or valuer, to grant renewals of such leases and to exercise all other functions and rights of a lessor pursuant to the *Residential Tenancies Act 1987*.
3. Authorises the Chief Executive Officer to execute all documents necessary to give effect to 2 above.

### Purpose

The purpose of this report is for Council to consider leasing out the residential property 14 Kent Street, East Victoria Park and granting a delegation to the Chief Executive Officer to manage residential leasing of the Town's residential property.

### In brief

- Vacant residential property owned by the Town, is currently not generating any income and has not been generating any income since November 2021.
- The property needed repairs to bring it up to an appropriate residential letting standard.
- A review has identified a solution to repair the property at a reasonable cost, within the existing maintenance budget. The property is in the process of having this work done.
- Authority is sought to lease the property for income producing residential purposes as outlined in the Land Optimisation Strategy to retain the property for its current purpose with a view to any future opportunities that may arise from the recommendations of the MacMillan Precinct Masterplan and the Albany Highway Precinct Structure Plan.

### Background

1. The residential house at 14 Kent Street (the Property) was acquired by the Town in 2008.
2. The Property was leased as a residential house until November 2021.
3. The Land Asset Optimisation Strategy (2022) approved by Council on 13 December 2022 included the following comment on the Property.
4. "This vacant house and land, requires minor building works to refurbish and bring in line with Town standards to enable disposal."

5. The Property has been reviewed by the Property Development and Leasing team, the Strategic Projects Team, and numerous contractors. Five quotations were obtained for works required to the Property to ensure it is suitable for residential occupancy. A contractor has been engaged to complete the work and believes the work will be completed by the end of May.

## Strategic alignment

Social	
Community Priority	Intended public value outcome or impact
S2 - Collaborating to ensure everyone has a place to call home.	To assist in easing the pressure of the residential crisis and adding another residential property available for lease into the market

## Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are incorporated in the report.
Manager Development Services	The continued use of the property for residential purposes is acceptable from a planning perspective.
Strategic Projects Manager	Works have been value engineered to achieve the best outcome in the short term, allowing for the property to be leased.
Manager Community	While the preference from a Community Development perspective would be for this space to be used by a Not for Profit to facilitate community activities for social benefit, or arts and cultural purposes, it is understood that this would require a disproportionate injection of financial resources for the property to comply with building code requirements to make fit for these purposes. As the property has previously been used for residential purposes, and occupancy would also assist with providing needed housing in the Town, it is reasonable that the property once again be provided for leasing as a residential tenancy.

## Legal compliance

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

[Regulation 30\(2\)\(g\) of the Local Government \(Functions and General\) Regulations 1996](#)

[Residential Tenancies Act 1987](#)

## 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	Leaving the property vacant would result in revenue loss for the town and continued expenses in upkeep	Almost certain	Likely	High	Low	TREAT risk by Engaging a real estate agent to lease out the property ongoing
Environmental	Contamination from the asbestos located in the lean-to extension. Risk may be heightened in the event of unauthorised entry and occupancy.	Possible	Possible	Medium	Medium	TREAT risk by continuing with the scheduled and recommended work outlined in the asbestos management plan work to seal the asbestos and partition off the lean to from access or occupancy by the tenant.
Health and safety	Leaving the property vacant adds to the risk of unwanted entry and unauthorised occupancy.	Almost certain	Likely	High	Low	TREAT risk by having the property tenanted, it will reduce the likelihood of unwanted entry
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Failure to comply with Residential Tenancies Act 1987	Possible	Possible	Medium	Low	Treat risk by engaging a Real Estate agent that specialises in property management to ensure compliance with the RTA
Reputation	Failure to comply with the LAOS	Almost certain	Likely	High	Low	TREAT risk by renting the



		property and using it for its current purpose until any future opportunities arise from the recommendations of the MacMillan Precinct Masterplanning and the Albany Highway Precinct Structure Plan.
Service delivery	Not applicable.	

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation and undertake the repairs.
<b>Future budget impact</b>	Once leased the property is likely to return a net revenue of around \$15,000pa based on \$500pw minus agency fees and costs of \$4,000pa and average maintenance being conducted around \$7,000pa, based on previous maintenance costs associated with the property being leased through a residential agent and maintained.

## Analysis

6. The Property is currently not in use and has the potential to require resources and costs to upkeep. Leasing the Property for residential purposes will offset this cost and generate revenue for the Town.
7. It is likely that the Property will attract a substantial rental as a residential tenancy around \$500 per week based on an initial discussion with a local Real Estate Agent. A full market assessment will be completed by a specialist Residential Real Estate Agent once all the work is complete.
8. Leasing the Property for residential purposes will positively add to the housing rental stock in the area.
9. Regulation 30(2)(g) of the *Local Government (Functions and General) Regulations 1996* exempts the Town from the application of Section 3.58 of the *Local Government Act 1995* for the purposes of a lease transaction for "the leasing of residential property to a person."
10. Authority is sought to lease the Property for residential purposes.
11. A delegation (time limited to a period of up to 36 months) is also sought for the Chief Executive Officer to grant lease(s) of residential property of the Town, to grant lease renewals and to exercise all other functions and rights of a lessor pursuant to the *Residential Tenancies Act 1987*. The granting of such a delegation will facilitate: -
  - a. Expedient management (including for example, rent reviews) of the Town's residential property;
  - b. Management of the Town's residential property with due respect to the privacy of individual residential tenants.

## Relevant documents

Not applicable.

## Further consideration

Nil.

### AMENDMENT:

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesvin Karimi

Insert the words ",14 Kent Street, Victoria Park," after the word "Town".

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

**Reason:** To ensure that recommendation two is not a blanket delegation to the CEO for 36 months to grant leases for residential property belonging to the Town. This is a delegation in relation to 14 Kent Street, East Victoria Park.

### COUNCIL RESOLUTION (82/2023):

**Moved:** Cr Jesvin Karimi

**Seconded:** Cr Bronwyn Ife

That Council

1. Authorises the Chief Executive Officer to lease 14 Kent Street, East Victoria Park as a residential house in accordance with rental recommendations of a residential property management agent;
2. Pursuant to Section 5.42 of the *Local Government Act 1995*, delegates authority to the Chief Executive Officer for a period of up to 36 months to grant lease(s) of residential property of the Town, 14 Kent Street, East Victoria Park, to persons at a market related rent set in accordance with the advice of a real estate agent or valuer, to grant renewals of such leases and to exercise all other functions and rights of a lessor pursuant to the *Residential Tenancies Act 1987*.
3. Authorises the Chief Executive Officer to execute all documents necessary to give effect to 2 above.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 13.7 Disposal of the cafe space at Leisurelife by way of lease

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Property Development and Leasing Officer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	1. Draft lease – 81 pages 2. Draft Disclosure Statement – 17 Pages

### Recommendation

That Council

1. Authorises the tenant break rights to be incorporated at the end of years 2 and 4 of the proposed 5-year lease between the Town of Victoria Park and Perth Basketball Association as set out in Attachment
2. Authorises the Chief Executive Officer to finalise the terms of the proposed draft lease and draft disclosure statement contained at Attachments 1 and 2, including any amendments and variations as may be considered necessary by the Chief Executive Officer;
3. Authorises the Chief Executive Officer to execute the disclosure statement referred to in 2. above.
4. Authorises the Chief Executive Officer and the Mayor to execute the lease referred to in 2. above and any other documents necessary to give effect to the proposed lease between the Town of Victoria Park and the Perth Basketball Association for the Leisurelife Café and apply the Town's Common Seal.

### Purpose

- The purpose of this report is to seek Council authorisation for two tenant break rights to be incorporated at the end of years 2 and 4 of the 5-year lease to Perth Basketball Association approved by Council resolution 168/2022 dated 16 August 2022 for the Leisurelife Café located at 248 Gloucester Street East Victoria Park.

### In brief

Council resolution 168/2022 dated 16 August 2022 authorised a 5-year lease to Perth Basketball Association of the Leisurelife Café located at 248 Gloucester Street East Victoria Park, consistent with specified key terms, with delegation for minor variations and amendments. Perth Basketball Association subsequently that the proposed 5-year lease incorporate tenant break rights at the end of years 2 at 4.

### Background

1. At the Ordinary Council Meeting held on 12 April 2022, Council resolved to authorise the Chief Executive Officer to advertise by public notice of the intention to dispose of the Leisurelife Café by lease to the public at large pursuant to section 3.58 of the Local Government Act 1995, with criteria to include that the Town seeks a service provider, community or sporting organisation that would complement the services provided by the Town at the Leisurelife Recreation Centre.
2. One submission was received from Perth Basketball Association.

3. Council resolution 168/2022 dated 16 August 2022 authorised the Chief Executive Officer to negotiate with Perth Basketball Association for a lease for the Leisurelife Café located at 248 Gloucester Street East Victoria consistent with the following key terms:
- a. Land: Portion of Lot 25 on Plan 3844 (248 Gloucester Street East Victoria Park)
  - b. Lessee: Perth Basketball Association
  - c. Term: 5 years
  - d. Further Term: Nil
  - e. Fee: \$4,200 per annum plus any GST
  - f. Commencement Date: Upon execution of the agreement by both parties.
  - g. Outgoings: The Tenant is responsible for all outgoings.
  - h. Maintenance: The Tenant is responsible for non-structural and preventative maintenance.
  - i. Permitted Use: Café
  - j. Operating hours: Proposed hours are in line with the Centre and lease requirements.
  - k. Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover. The Landlord is responsible for Building Insurance.
  - l. Signage: With prior written consent from the Landlord.
  - m. Special Conditions: No operating subsidy either during the Term or Further Term will apply to this Lease. Town of Victoria Park Redevelopment Clause or if applicable, redevelopment clause compliant with Commercial Tenancy (Retail Shops) Agreements Act 1985. Lease terms to be compliant with Commercial Tenancy (Retail Shops) Agreements Act 1985.
  - n. Terms to be set by the Town’s legal representatives and to incorporate such minor variations or amendments to key terms as may be agreed by the Mayor and CEO.

## Strategic alignment

Social	
Community Priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	The cafe will provide an all-inclusive experience and hospitality offering for all members of the community.

Economic	
Community Priority	Intended public value outcome or impact

EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	Café facilities will be available within a clean, safe, and accessible environment, activating spaces otherwise vacant.
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Environment	
Community Priority	Intended public value outcome or impact
EN4 - Providing facilities that are well-built and well-maintained.	The café space is in compliance with EN5, and the new tenant will be required to maintain the cafe at a high standard with an emphasis on sustainability and the environment.

## Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are incorporated in the report.
Leisure Facilities Program Manager	Supportive of the recommendation to change the agreement terms as outlined above.

External engagement	
Stakeholder	Comments
Perth Basketball Association	Given some uncertainty regarding future facility use / developments, PBA would like to request the agreement is considered as a 2+2+1 rather than 5 as originally proposed.

## Legal compliance

Section 3.58 of the *Local Government Act 1995*

Regulation 30 *Local Government (Functions and General) Regulations 1996*

Section 6A *Commercial Tenancy (Retail Shops) Agreements Act 1985*

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
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Financial	Not proceeding with the lease would result in revenue loss for the town	Moderate	Almost certain	High	Low	TREAT risk by Accepting the lease terms sought by Perth Basketball Association or advertise for further expressions of interest noting that there were no other interested parties for the space when previously advertised
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Failure to comply with s3.58 of the Local Government Act 1995.	Moderate	Unlikely	Low	Low	TREAT risk by following the disposal of the property process in accordance with s3.58 of the Local Government Act 1995.
Reputation	Leaving the Café empty may have an impact on the Leisurelife Café facility and its attractiveness to customers.	Minor	Possible	Medium	Low	TREAT risk by 1. Accepting the proposed lease terms or re-advertising to secure a suitable operator to ensure service provision for the community. 2. Granting delegation to CEO to initiate future expressions of interest should it be necessary to readvertise the leasing opportunity

Service delivery	The current hire arrangement is short term in nature and susceptible to early termination with loss of service delivery.	Moderate	Possible	Medium	Low	TREAT risk by accepting the proposed lease terms or re-advertising to secure a suitable operator to ensure service provision for the community.
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## Financial implications

<b>Current budget impact</b>	The Town currently receives approximately \$3,500 per annum in revenue from the Perth Redbacks via hire fees for the Leisurelife café.
<b>Future budget impact</b>	Agreeing to the terms in the lease will ensure the rent will increase the Towns income, the agreed rent being \$4,200 per annum including CPI increases yearly and with the addition of recovery of outgoings, currently estimated to be approximately \$1,100 plus GST.

## Analysis

2. Council resolution 168/2022 dated 16 August 2022 included authorisation of a five-year lease, with delegation for minor variations and amendments.
3. Perth Basketball Association subsequently proposed that the five-year lease incorporate tenant break rights at the end of years 2 at 4.
4. It is arguable as to whether or not the proposed inclusion of the requested tenant break rights would be within the delegation for minor variations and amendments.
5. Council authority is therefore sought with a recommendation to authorise the requested tenant break rights.
6. Perth Basketball Association was the only submission when the space was advertised for expressions of interest in May 2022.
7. The Perth Basketball Association has occupied the Leisurelife Cafe on a hire arrangement since early 2021 after engaging with the Town from November 2020.
8. Perth Basketball Association are not happy to proceed with a 5-year lease without any tenant break right.
9. If the terms are not accepted, the space will have to be re-advertised for further expressions of interest.
10. Attachments 1 and 2 contain the draft lease (including tenant break rights at the end of years two and four) and the draft disclosure statement.

## Relevant documents

Not applicable.

## Further consideration

Nil.

*Cr Jesvin Karimi left the meeting at 7:31pm due to a financial interest.*

### COUNCIL RESOLUTION (83/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesse Hamer

That Council

1. Authorises the tenant break rights to be incorporated at the end of years 2 and 4 of the proposed 5-year lease between the Town of Victoria Park and Perth Basketball Association as set out in Attachment 1.
2. Authorises the Chief Executive Officer to finalise the terms of the proposed draft lease and draft disclosure statement contained at Attachments 1 and 2, including any amendments and variations as may be considered necessary by the Chief Executive Officer;
3. Authorises the Chief Executive Officer to execute the disclosure statement referred to in 2. above.
2. Authorises the Chief Executive Officer and the Mayor to execute the lease referred to in 2. above and any other documents necessary to give effect to the proposed lease between the Town of Victoria Park and the Perth Basketball Association for the Leisurelife Café and apply the Town's Common Seal.

**Carried (7 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

*Cr Jesvin Karimi returned to the meeting at 7:33pm.*



## 13.8 Burswood Peninsula Review of Deed Maintenance Requirements

<b>Location</b>	Burswood
<b>Reporting officer</b>	Manager Infrastructure Operations
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Bwood Maint 20230119 [ <b>13.8.1</b> - 1 page]

### Recommendation

That Council receives updated information regarding the maintenance for the Peninsula Public Open Space (POS).

### Purpose

To provide a further update on the maintenance and negotiations relating to the Burswood Peninsula area within the Deed and non-Deed areas as pertaining to BL Developments Pty Ltd.

### In brief

- The Developer has ceased maintenance of the POS outside the Deed area, effective August 2022
- The Town has commenced maintenance of the POS outside the Deed area, effective August 2022.
- At the February 2023 Ordinary Council Meeting, the Council authorized the Chief Executive Officer (CEO) to continue to pursue a potential negotiated outcome on maintenance requirements for the Peninsula POS to be brought back to Council for consideration.
- Further negotiations have taken place in good faith and without prejudice.
- Draft documentation has been prepared and is being reviewed by the legal representatives for the Town and for BL Developments Pty Ltd.
- An updated proposal has been prepared by McLeods on behalf of the Town and sent to BL Developments Pty Ltd for its consideration and it has responded by listing further suggestions and comments. This response has yet to be reviewed by McLeods and it is hoped that they will provide further comments in time for the OCM.

### Background

1. The Developer has ceased maintaining the POS outside the prescribed area in the Deed as of 1 August 2022. This includes all the POS areas outside the purple and yellow delineated areas identified in the attachment.
2. Due to the Developer ceasing maintenance outside the Deed area, Town contractors have taken over mowing and limited garden maintenance at this location.
3. Negotiations between the Developer, the CEO and the Chief Operations Officer (COO) commenced after Council's instruction in November 2022 concerning the Deed area maintenance.
4. At the February 2023 council meeting, the CEO was instructed to continue to negotiate with the Developer.
5. As a result of continuing negotiations, an updated proposal will be presented to Council for their consideration.

6. The proposal and the accompanying report are confidential under Section 5.23 2(c) of the Local Government Act 1995.

## Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Ensuring any agreement for maintenance is in the best interests of the Town.

Environment	
Community priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces.	Ensuring the parkland and infrastructure are maintained to their current standard.

## Engagement

Internal engagement	
Stakeholder	Comments
Parks Department	Feedback and assessment of maintenance costs.

Other engagement	
Stakeholder	Comments
McLeods	Provide ongoing legal advice on requirements of the Deed and responses to Mirvac's legal team.
BL Developments	Negotiations were carried out in good faith regarding ongoing maintenance of the Deed area (The Developer).

## 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	Failing to budget appropriately for legal costs,	Moderate	Likely	High	Low	TREAT risk by Accessing funds for legal costs.

	including litigation.					
Financial	Failing to budget appropriately to continue to maintain the area.	Moderate	Likely	High	Low	TREAT risk by Including sufficient maintenance funds for the site.
Environmental	POS becomes fire risk or weed infested.	Moderate	Likely	High	Medium	TREAT risk by continuing maintenance.
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Negative feedback from the public due to poor maintenance standard.	Moderate	Likely	High	Low	TREAT risk by continuing maintenance.
Service delivery	Service standard in high-profile area drops, resulting in poorer condition POS.	moderate	Likely	High	Medium	TREAT risk by continuing maintenance.

## Financial implications

<b>Current budget impact</b>	<ul style="list-style-type: none"> <li>The work order for Peninsula maintenance (WO1971) has a current budget of \$117,500.</li> <li>An additional amount of \$204,000 in FY23 for continued maintenance in the area outside the Deed has been approved in the November 2022 council resolution.</li> </ul>
<b>Future budget impact</b>	The Town will need to fund ongoing maintenance within the Parks budget of the non-Deed area and potentially the Deed area within the Peninsula.

## Analysis

7. Should Mirvac cease to continue the maintenance within the deed area, the Town would initially extend the current Contracts to maintain the Public Open Space within the Deed area to a normal passive reserve standard at an estimated cost of \$75,000 per annum.
8. The Town would need to tender the contract to meet the longer-term requirements to maintain the Public Open Space within the Deed area to a normal passive reserve standard.
9. Due to negotiations, a further proposal has been provided regarding the ongoing maintenance of the deed area as part of a confidential report for the Council's consideration.

## Relevant documents

Not applicable.

## Further consideration

10. At the Agenda Briefing Forum held on 4 April 2023, the following information was requested:
11. Provide advice on the area marked in purple, was that the area that was agreed to when the deed was written, that would be maintained by the developer? Was that the only area?

The area marked in purple was the only area depicted in the deed agreed in 2005.

12. Provide further information on the yellow area, and whether it will continue to be maintained by the owner of those lots or will it expire at some time in the future.

The yellow area pertains to the verges maintained by the owners of the adjacent lots.

### COUNCIL RESOLUTION (69/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council receives updated information regarding the maintenance for the Peninsula Public Open Space (POS).

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 14 Chief Financial Officer reports

### 14.1 Schedule of Accounts - February 2023

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple Majority
<b>Attachments</b>	1. Payment Summary - February 2023 [14.1.1 - 8 pages]

#### Recommendation

That Council:

1. Confirms the accounts for February 2023, 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 February 2023.

#### 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
<b>Municipal Account</b>		
Automatic Cheques Drawn	608889-608890	\$166.02
Creditors – EFT Payments		\$5,542,327.09
Payroll		\$1,182,381.08
Bank Fees		\$10,812.29
Corporate MasterCard		\$12,564.49
Cancelled EFTS		(\$142.16)
<b>Total</b>		<b>\$6,748,090.81</b>

## Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact

CL2 - Communication and engagement with the community.	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town.
CL3 - Accountability and good governance.	The presentation of the payment listing to Council is a requirement of Regulation 13 of <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 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

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

## Analysis

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

## Relevant documents

[Procurement Policy](#)

### COUNCIL RESOLUTION (70/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council:

1. Confirms the accounts for February 2023, 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*.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil



## 14.2 Financial Statements - February 2023

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Activity Statement Report - February 2023 [ <b>14.2.1</b> - 45 pages]

### Recommendation

That Council accepts the Financial Activity Statement Report – 28 February 2023, as attached.

### Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 28 February 2023.

### In brief

- The financial activity statement report is presented for the month ending 28 February 2023.
- 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 28 February 2023.

### 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**

<b>Civic Leadership</b>	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future.
CL3 - Accountability and good governance.	Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> .

**Engagement**

<b>Internal engagement</b>	
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

<b>Current budget impact</b>	Commentary around the current budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.
<b>Future budget impact</b>	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 – 28 February 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 February 2023 be accepted.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (71/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council accepts the Financial Activity Statement Report – 28 February 2023, as attached.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 15 Committee Reports

### 15.1 Review of Policy 007 Long Service Leave

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager People and Culture
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. 7 1 1 Policy 007 Long Service Leave 2020 [15.1.1 - 2 pages] 2. 7 1 2 Policy 007 Long Service Leave Reviewed and amended 2023 [15.1.2 - 2 pages]

#### Recommendation from the Policy Committee:

That Council adopts the amended Policy 007 Long Service Leave as detailed in Attachment 7.1.2 subject to clause 1 of the Policy being amended by the insertion of the words "not be required to" after the words "shall".

#### Purpose

For Council to evaluate Policy 007 Long Service Leave.

#### In brief

- Long service leave is a paid leave entitlement for Town employees who have worked continuously within local government for a specified period. Full-time, part time, casual, and seasonal employees are entitled to long service leave.
- The obligation to provide long-service leave entitlements to Town employees is outlined in the *Local Government Act 1995*. The conditions of entitlements for receiving the benefit of long service leave are detailed in the *Local Government (Long Service Leave) Regulations 1996* (the Regulations).
- In November 2022 the Regulations were amended. The policy evaluation process has identified discrepancies between the regulations and Policy 007 Long Service Leave.
- It is proposed that Policy 007 Long Service Leave be amended in response to the changes initiated by the changes to the legislation.

#### Background

1. In September 1999 the Council created policy "ADM2 Long Service Leave" detailing conditions for the taking of long service leave entitlements by Town employees.
2. Council at its meeting held on 20 August 2019 adopted a work plan to complete the review of several policies. Policy ADM2 Long Service Leave was one of the policies identified for review.
3. The policy was reviewed in April 2020 and a recommendation to the Policy Committee was for the policy to be revoked, on the basis that the Regulations determine the entitlements and administration of these employment conditions, and any policy provision cannot be inconsistent with legislation.
4. The Policy Committee and subsequently Council, at its 17 May 2020 meeting, decided not to change the policy but note its review.

5. Subsequently and in view of the revised policy framework, it was renumbered to Policy 007 Long Service Leave.
6. At the Council Meeting held on 12 April 2022, the policy was scheduled for future evaluation by February 2023.

## Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The management practices dealing with employee entitlements are correct
CL3 - Accountability and good governance.	The management of employee entitlements are compliant with legislative direction.

## Engagement

Not applicable.

## Legal compliance

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

Section 2.7 of the LGA relates to the general power of a Council to determine policies.

### [Section 5.48 of the Local Government Act 1995](#)

Section 5.48 relates to Long Service benefits for employees and employees of local government associations.

### [Local Government \(Long Service Leave\) Regulations](#)

Long Service benefits for employees are to be provided in accordance with Regulations.

The legislation overrides any policy and any policy needs to be consistent with the legislation.

## 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	Incorrect payment of entitlements	Moderate	Unlikely	Low	Low	Development and implementation of compliant management practices
Environmental	N/A				Medium	
Health and safety	N/A				Low	

Infrastructure/ ICT systems/ utilities	N/A					Medium
Legislative compliance	Breaches under the relevant regulations	Moderate	Low	Low	Low	Maintain compliant management practices
Reputation	N/A					Low
Service delivery	N/A					Medium

## Financial implications

<b>Current budget impact</b>	Long service leave entitlements are included in the Annual Budget.
<b>Future budget impact</b>	Long service leave is included in the Annual Budget and Long-Term Financial Plan process.

## Analysis

7. In November 2022 the *Local Government (Long Service Leave) Regulations* were amended. Key changes included:
  - a. modernisation of the types of paid and unpaid absences that count towards long service leave accrual
  - b. provision for greater flexibility in how long service leave is taken
  - c. new record-keeping requirements and stronger enforcement provisions, including penalties for contraventions.
8. The Town's Management Practice MP045 Long Service Leave procedures have been updated to accommodate the procedural changes in the Regulations.
9. Of the changes in the Regulations only one of the three policy statements has been impacted. This is in policy statement 2 that deals with how leave entitlements may be taken.
10. In view the Act and the Regulations adequately provide for long service leave provisions for Town employees, officers still contend that the policy is not required.
11. Notwithstanding and in view of Council's previous decision in May 2020 to retain the policy, it is suggested the existing policy be amended to include the following changes to policy statement 2:

Clause	Proposed	Reason
2.b. take the leave in two parts	2.b. take the leave in two or more separate periods	Sub-clause 6 (5) (d) of the regulations was amended to read ( .. in 2 or more separate parts)

New 2.d.	2.d. take the leave in double the time (26 weeks) at half pay.	Clause 6B Leave at double pay has been added to the regulations.
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12. The Town’s management practice for the administration of long service leave entitlements for employees are determined by the *Local Government (Long Service Leave) Regulations*. Amendments to the internal management practice occur as the regulations are changed and endorsed by the town’s senior executive.
13. If Council determines to retain this policy, changes will need to occur in response to legislative amendments each time as relevant changes come from the Act and the Regulations.

**Relevant documents**

Not applicable.

**Further consideration**

Not applicable.

**COUNCIL RESOLUTION (84/2023):**

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

That Council adopts the amended Policy 007 Long Service Leave as detailed in Attachment 7.1.2 subject to clause 1 of the Policy being amended by the insertion of the words “not be required to” after the words “shall”.

**Carried (6 - 2)**

**For:** Mayor Karen Vernon, Cr Peter Devereux, Cr Jesvin Karimi, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Cr Luana Lisandro and Cr Jesse Hamer



## 15.2 Sustainable Timber - Use In Town Construction

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Environmental Officer
<b>Responsible officer</b>	Manager Strategic Waste, Environment and Asset Management
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Policy 251 Sustainable Timber Use in Town Construction [ <b>15.2.1</b> - 2 pages] 2. Policy 251 Sustainable Timber Use in Town Construction Tracked Changes (1) [ <b>15.2.2</b> - 2 pages]

### Recommendation from the Policy Committee:

That Council adopts the revised Policy 251 - Sustainable Timber – Use in Town Construction as detailed in Attachment 7.2.2.

### Purpose

For Council to review Policy 251 – Sustainable Timber – Use in Town Construction.

### In brief

- In November 2022, Town officers reviewed Policy 251 – Rainforest Timbers.
- At its meeting held on 13 December 2022, Council made the following resolution (280/2022):
  1. *Adopts the draft amended Policy 251 (Rainforest timbers – use in Town construction) as per attachment 1.*
  2. *Requests the Chief Executive Officer to amend the Town's current document for Practice 301.1 – Procurement to ensure that specific note is made in the document on the exclusion of rainforest timbers in construction or building projects undertaken wholly or jointly by the Town.*
  3. *Requests the Chief Executive Officer to amend the Town's current document for Practice 301.1 – Procurement to ensure that all timber used throughout the Town aligns with Australian standards of The Responsible Wood Certification Scheme.*
  4. *The name of the policy be changed to Sustainable Timber - use in Town construction.*
  5. *This matter return to the next Policy Committee for consideration of the wording to ensure that the wording of the policy matches the title of the policy.*
- The Town has amended the name of Policy 251 Rainforest Timbers to Sustainable Timber - Use in Town Construction.
- The Town has amended the wording of the policy in accordance with the title change.

### Background

1. The last amendment to Policy 251 was made in the Council item of 20 August 2019 (Council resolution 148/2019), which amended the policy to bring it in line with the current policy template.
2. Council resolution 384/2020 of 21 April 2020 adopted a work plan to review several policies, and Policy 251 was identified to be completed in 2021/22.
3. Policy 251 was identified as one of the policies to be reviewed. This policy relates to the exclusion of the use of rainforest timbers in any construction or building projects undertaken wholly or jointly by the Town.

4. Town officers reviewed Policy 251, including clarification to the definition of rainforests and the distinction to plantation forests to clarify the intent of the policy.
5. At its meeting held on 13 December 2022, Council made the following resolution (280/2022):
  1. *Adopts the draft amended Policy 251 (Rainforest timbers – use in Town construction) as per attachment 1.*
  2. *Requests the Chief Executive Officer to amend the Town’s current document for Practice 301.1 – Procurement to ensure that specific note is made in the document on the exclusion of rainforest timbers in construction or building projects undertaken wholly or jointly by the Town.*
  3. *Requests the Chief Executive Officer to amend the Town’s current document for Practice 301.1 – Procurement to ensure that all timber used throughout the Town aligns with Australian standards of The Responsible Wood Certification Scheme.*
  4. *The name of the policy be changed to Sustainable Timber - use in Town construction.*
  5. *This matter return to the next Policy Committee for consideration of the wording to ensure that the wording of the policy matches the title of the policy.*
6. The Town has amended the name of Policy 251 Rainforest Timbers to Sustainable Timber - Use in Town Construction.
7. The Town has amended the wording of the Policy in accordance with the title change as request in part 5 of the above resolution.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Protecting and enhancing the natural environment.	To continue to refrain from using rainforest timber or unsustainably sourced timber in the Town’s construction activities.
EN05 – Appropriate and sustainable facilities for everyone that are well built and well maintained.	To continue to deliver well built projects in a sustainable manner using timber from sustainable sources.

## Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Advice on guidelines on construction and building timber materials. Analysed potential impacts to current operations. Researched product availability and affordability in the WA market.

## 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	The use of rainforest and other unsustainably sourced timbers contributes to the destruction of remnant forests and the habitat they provide.	Moderate	Unlikely	Low	Moderate	Treat with adoption of Policy 251 and avoid purchasing of such timbers
Health and safety	Not applicable				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Use of rainforest and other unsustainably sourced timbers in construction – against Policy 251.	Moderate	Unlikely	Low	Low	Treat risk by excluding use of rainforest and unsustainably sourced timbers in the Town procurement process and retaining Policy 251.
Service delivery	Not applicable.				Medium	

## Financial implications

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

## Analysis

8. Policy 251 excludes the use of unsustainably sourced timbers in construction or building projects undertaken wholly or jointly by the Town. Timbers that do not provide a chain of custody certification shall not be used in any construction or building project undertaken wholly or jointly by the Town. Further, all timber used throughout the Town must align with the Australian standards of the Programme for the Endorsement of Forest Certification (PEFC) under the Responsible Wood Certification Scheme, or the Forest Stewardship Council.
9. It is noted that the Town rarely uses timber in its construction projects. However, when timber is used, it has mainly been plantation pine. Timber used for playgrounds is mostly treated pine and some jarrah or existing dead native trees for logs or steppers. The use of plantation grown, or recycled timbers is a requirement in the Town's request for quotation and tender/contract documents.
10. The Town's Practice 301.1 – Procurement – supports the Purchasing Policy 301 which refers to the need to address sustainable procurement and certain corporate responsibilities within its purchasing decisions. This includes minimising environmental and negative social impacts and addressing aspects for having materials which are environmentally sound in manufacture, use and disposal, as well as being ethically sourced.
11. The wording of the Town's current document for Practice 301.1 – Procurement will be amended to ensure that:
  - a. specific note is made in the document on the exclusion of rainforest timbers in construction or building projects undertaken wholly or jointly by the Town
  - b. that all timber used throughout the Town aligns with Australian standards of The Responsible Wood Certification Scheme.

## Relevant documents

Policy 251 – Sustainable Timber – Use in Town Construction

Policy 251 – Sustainable Timber – Use in Town Construction (Tracked Changes)

### COUNCIL RESOLUTION (72/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council adopts the revised Policy 251 - Sustainable Timber – Use in Town Construction as detailed in Attachment 7.2.2.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

### 15.3 Policy evaluation - Policy 305 – Loan borrowing limitations

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Policy-305- Loan-borrowing-limitations [15.3.1 - 1 page]

**Recommendation from the Policy Committee:**

That Council notes the review of the Loan Borrowing Limitations policy with no changes proposed.

**Purpose**

To present the results of the review of the Town’s Loan Borrowing Limitations policy.

**In brief**

- The Town’s Loan Borrowing Limitation policy was last reviewed and amended in April 2021. That review added a policy objective and scope in line with the current policy template.
- The current policy is considered appropriate, and no changes are proposed.

**Background**

1. The Town’s powers to borrow are prescribed in Section 6.20 of the Local Government Act 1995.
2. The Local Government (Financial Management) Regulations 1996 no longer require the Town to report on financial ratios.

**Policy Statement**

In any financial year the combined cost of servicing loans, excluding the servicing cost of self-supporting loans, is not to exceed 10% of the total revenue from rates.

**Policy Statement**

<b>Civic Leadership</b>	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Finances are managed appropriately, sustainably and transparently for the benefit of the community.
CL3 - Accountability and good governance.	Visionary civic leadership with sound and accountable governance that reflects objective decision-making.

## Engagement

Internal engagement	
Stakeholder	Comments
Financial Services	Staff have provided comments on the current policy.

## Legal compliance

The powers to borrow are prescribed in Section 6.20 of the Local Government Act 1995

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
E.g. <b>Financial</b> Borrowing beyond the financially sustainable capacity of the Town	Moderate	Likely	High	Maintain overall debt levels within the targets set in the policy.

## Financial implications

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

## Analysis

The Town has reviewed the policy and no changes are proposed.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (73/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council notes the review of the Loan Borrowing Limitations policy with no changes proposed.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 15.4 Policy Evaluation - Policy 011 - Elections

<b>Location</b>	Town-wide
<b>Reporting officer</b>	A/Governance Coordinator
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Policy-011- Elections [ <b>15.4.1</b> - 6 pages]

### Recommendation from the Policy Committee:

That Council defer review of *Policy 011 – Elections* until changes to the *Local Government Act 1995* and associated regulations are implemented regarding election caretaker periods.

### Purpose

- That Council defer evaluation of *Policy 011 – Elections* (Policy 011) until changes to the *Local Government Act 1995* (the Act) are implemented.

### In brief

- Policy 011 applies to local government elections and relevant caretaker conventions leading up to the Town’s bi-ennial elections and other elections.
- An evaluation of the policy was due to be presented to the Policy Committee in February 2023, however as part of the local government reform process, the Minister has announced recommended changes to the Act and associated regulations which are likely to affect the operation of the policy.
- Changes to the Act will become law and may remove the need for some or all of the policy provisions.

### Background

1. Council at its meeting held on 10 July 2021 adopted Policy 011 - Elections.
2. The policy was last reviewed by Council at its meeting held on 12 April 2022, as part of the minor review of policies. Only a minor change was made to the policy to include the Code of Conduct for Council Members, Committee Members and Candidates. It has remained in place as a workable arrangement since that time.
3. As part of the State Government’s local government reform process, it was recommended that a statewide based caretaker period for local governments be introduced.
4. At its meeting held on 15 February 2022, Council endorsed the Local Government Reform Summary of Proposed Reforms – Town of Victoria Submission which was subsequently submitted to the Department of Local Government, Sport and Cultural Industries, as part of the reform consultation process.
5. Theme 5 of the Local Government Reform consultation process included the following and the Town’s subsequent response:

#### 5.6 Standardised Election Caretaker Period

**Current Requirements**

**Proposed Reforms**

**Town’s adopted Response**

<ul style="list-style-type: none"> <li>• <b>There is currently no requirement for a formal caretaker period, with individual councils operating under their own policies and procedures.</b></li> <li>• <b>This is commonly a point of public confusion.</b></li> </ul>	<ul style="list-style-type: none"> <li>• A statewide caretaker period for local governments is proposed.</li> <li>• All local governments across the State would have the same clearly defined election period, during which: <ul style="list-style-type: none"> <li>○ Councils do not make major decisions with criteria to be developed defining 'major'</li> <li>○ Incumbent councillors who nominate for re-election are not to represent the local government, act on behalf of the council, or use local government resources to support campaigning activities.</li> <li>○ There are consistent election conduct rules for all candidates.</li> </ul> </li> </ul>	<p><b>Position:</b> Support</p> <p><b>Comment:</b> There should be consistent election caretaker period and conduct rules for all local governments and candidates.</p>
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6. It is anticipated a series of reforms to the Act and other reform announcements will be made by the Minister shortly, however the timing is not yet known.
7. The current policy is still adequate until legislative changes to care taker periods are implemented.

## Strategic alignment

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

## Engagement

Not applicable.

## Legal compliance

[Division 2 of Part 2 of the Local Government Act 1995](#)



## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	The policy could be inconsistent with the legislation.	Low	Possible	Low	Low	Amend or remove policy when legislation implemented if inconsistent or where the Local Government Act 1995 or any other legislation supersedes the policy.
Reputation	The policy could be inconsistent with the legislation in the lead up to the election.	Low	Unlikely	Low	Low	Amend or remove policy when legislation implemented if inconsistent or where the Local Government Act 1995 or any other legislation supersedes the policy.
Service delivery	Not applicable.				Medium	

## Financial implications

<b>Current budget impact</b>	Not applicable.
<b>Future budget impact</b>	Not applicable.

## Analysis

8. The scope of the policy is still relevant and considered workable until state-wide provisions are implemented.
9. Once changes to the Act occur, a further determination around the need or relevance of the policy will be made.

## Relevant documents

Policy 011 – Elections

[Media Statements - Local government reforms to deliver better outcomes for WA ratepayers](#)

[Package of local government reforms finalised \(dlgsc.wa.gov.au\)](#)

[Media statements - Tougher penalties on the way for bad behaving councillors with major local government reforms finalised](#)

## Further consideration

Not applicable.

### COUNCIL RESOLUTION (74/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council defer review of *Policy 011 – Elections* until changes to the *Local Government Act 1995* and associated regulations are implemented regarding election caretaker periods.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 15.5 Record Keeping Policy

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Information Management Coordinator
<b>Responsible officer</b>	Manager Technology and Digital Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Policy TBA Record Keeping [15.5.1 - 5 pages]

### Recommendation from the Policy Committee:

That Council adopts Policy xxx Record Keeping Policy, subject to the insertion of the words "and non-vital" before the word "records" in both the body and title of clause 5 of the policy.

### Purpose

To consider the adoption of the Record Keeping Policy.

### In brief

- The State Records Commission requires the record keeping policies and procedures of an entity to clearly set out roles and responsibilities for staff, and to cover all aspects of an organisation's business operations.
- To ensure that the Town meets the statutory requirements of the State Records Act 2000 and associated legislation by having an endorsed Record Keeping Policy.

### Background

1. Records can take many forms including letters, memos, emails, photos, videos, recordings, and social media posts. They are important because they are the corporate knowledge of an organisation. They may also form important evidence in legal proceedings or have priceless value as an historic record. Most importantly, records and good recordkeeping practice promote accountable and transparent decision making.
2. The State Records Commission was established in July 2001 in accordance with part 8 of the State Records Act 2000 to raise the standard of record keeping in government agencies, including local government.
3. The State Records Act 2000 (the Act) sets the framework for records management of state and local government entities.
4. The Act requires all government entities, including Local Governments, to develop a recordkeeping plan (RKP) outlining how they will comply with the standards and principles.
5. The State Records Principle and Standards 2002, Standard 2 states a record keeping policy, in the form of one or more identifiable policy statements, should be authorised at an appropriate senior level, promulgated throughout the organisation, and be available to all employees.
6. Record keeping policy statement should provide the framework for underlying procedures and emphasise the corporate ownership of government records; that all records are corporate assets and as such, do not belong to individual employees.

7. The policy should define the roles and responsibilities of all employees who manage or perform record keeping processes and establish the Towns position on the making and keeping of proper and adequate records of the organisation's business activities.
8. Currently the Record Keeping Policy only exists as an internal procedure however the policy should be published externally.

## Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Ensures Council policy is compliant with legislative requirements.

## Engagement

Internal engagement	
Elected Members	Elected members provided feedback on the Record Keeping Policy through the Councillor Portal.
SMT	SMT members provided feedback in relation to the proposed Record Keeping Policy.

## Legal compliance

[State Records Act 2000](#)

## 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 penalties for mismanagement of records are high and range from external investigation to potential temporary or permanent closure of the Town.	High	Likely	High	Low	Treat risks by supporting the recommendation.
Environmental	Not applicable					
Health and safety	Not applicable					

Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Council not adopting the Record Keeping Policy will result in noncompliance with the Town's statutory obligations.	Moderate	Likely	Moderate	Low	Treat risks by supporting the recommendation.
Reputation	Negative public perception towards the Town if it does not meet the legislative compliance. Loss of trust from the community and employees if the mismanagement of information results in financial and other penalties from the State or Commonwealth regulatory bodies.	Moderate	Likely	Moderate	Low	Treat risks by supporting the recommendation.
Service delivery	Not Applicable					

## Financial implications

Not applicable.

## Analysis

9. Local government entities are required to effectively manage their records to promote accountable and transparent decision making.
10. The policy details the responsibilities of Town staff, elected members and contractors in relation to the creation and maintenance of records, whether in paper or electronic format.
11. The Record Keeping policy aids employees and Elected Members to meet their statutory record keeping requirements.
12. Following the policy adoption, provision will be made for the new policy to be disseminated to the Towns employees and Elected Members.

13. Reference to the policy adopted will be made during Record Awareness Training for new employees and during ongoing record system training and refresher training sessions to ensure employees are aware of their record-keeping responsibilities.
14. Elected Members will be given a copy of the Policy and the Elected Member Record Keeping Guidelines and included in future induction packages for new Elected Members.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (75/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council adopts Policy xxx Record Keeping Policy, subject to the insertion of the words "and non-vital" before the word "records" in both the body and title of clause 5 of the policy.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 16 Applications for leave of absence

Nil.

## 17 Motion of which previous notice has been given

### 17.1 Attendance at 2023 Australian Local Government Association National General Assembly, Canberra - Mayor Karen Vernon

In accordance with clause 23 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, Mayor Karen Vernon has submitted the following notice of motion.

#### Motion

That Council approve Mayor Karen Vernon to attend the Australian Local Government Association National General Assembly and Australian Council of Local Government in Canberra from 14 to 16 June 2023, and to be a voting delegate for the Town.

#### Reason

The ALGA annual National General Assembly is a professional development and networking opportunity involving the largest gathering of local government elected members throughout Australia, to learn about the work of local governments across Australia, to develop community leadership skills and to engage in advocacy on behalf of the Town.

This year's theme is "Our Communities, Our Future". The 2023 Australian Council of Local Government will also be held in Canberra on Friday 16 June, immediately following the 2023 NGA, for the first time in over a decade. This is an opportunity to meet with Federal Government Ministers.

Early payment discounts on registration require payment by 19 May.

#### Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The community is aware of expenditure on professional development undertaken by elected members through conference attendances, that benefit the community as per Policy 022.

## Officer response to notice of motion

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

## Officer comment

1. The 2023 National General Assembly of Local Government (NGA) – incorporating the Regional Cooperation and Development Forum – will be held from 13-16 June in Canberra.
2. All motions supported at the NGA are submitted to the Australian Local Government Association board for consideration and, ultimately, to advance the cause of local government and the communities they seek to serve.
3. The theme for the 2023 NGA will be “Our Communities, Our Future”. ALGA is looking for ideas for new federal programs and policies that would support councils to build stronger communities in the future.
4. As per Policy 022 - Elected Member Professional Development, authorisation to attend an interstate conference is to be through a resolution of Council.
5. The NGA aligns with the Town’s professional development key focus areas of community leadership, planning for the future and effective decision-making as per Policy 022 – Elected Member Professional Development.
6. Mayor Vernon has expressed an interest in attending the conference.
7. An approximate breakdown of costs is as follows:

Item	Approximate cost
Conference (early bird registration)	\$895
Conference dinner	\$175
Accommodation	\$1,250 (5 nights)
Flights	\$850
Other expenses	As per Policy 22- Elected member professional development – approximately \$640
<b>Total:</b>	<b>\$3,810</b>

## Legal compliance

Not applicable.



## Risk management consideration

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

## Financial implications

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

## Relevant documents

[Policy 022 - Elected Member Professional Development](#)

[2023 ALGA National General Assembly Registration Brochure](#)

*Due to a financial interest, Mayor Karen Vernon left the meeting at 7:41pm. Due to the absence of the Mayor and Deputy Mayor, Cr Bronwyn Ife was chosen by Council to preside over the meeting.*

**COUNCIL RESOLUTION (85/2023):**

**Moved:** Cr Bronwyn Ife

**Seconded:** Cr Vicki Potter

That Council approve Mayor Karen Vernon to attend the Australian Local Government Association National General Assembly and Australian Council of Local Government in Canberra from 14 to 16 June 2023, and to be a voting delegate for the Town.

**Carried (7 - 0)**

**For:** Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

*Mayor Karen Vernon returned to the meeting and resumed presiding at 7:43pm.*

## 17.2 Conference Attendance - Climate Summit for Local Government 2023 - Cr Peter Devereux

In accordance with clause 23 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, Cr Peter Devereux has submitted the following notice of motion.

### Motion

That Council:

1. Approve Cr Peter Devereux to attend the Climate Summit for Local Government, Melbourne from 6 September to 8 September 2023;
2. Request Cr Peter Devereux to make a presentation to an elected member workshop on his learnings from attending the Climate Summit for Local Government.

### Reason

The Town has declared a climate emergency and is working on this issue in a variety of different ways including through its Climate Emergency Plan and by its renewable energy buying, solar panels on Town properties, urban forest and other initiatives.

Work in this space is evolving rapidly and Local Government is increasingly taking a lead across our state and interstate in response to recent scientific assessments from the Intergovernmental Panel on Climate Change calling for more urgent action.

There is value in learning from the Cities Power Partnership, other councils, council CEO's and EMs what else is possible in this rapidly evolving policy space to see how best to respond holistically to the scientific evidence as well as community interest and concern as noted for example by the climate assembly proposal from the community.

### Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Learn how other councils provide strategic policy and planning leadership to enable successful delivery of projects and plans.
Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Understand better how other councils provide innovative strategic policy, planning and community leadership in ways that enable the local economy to be prosperous and resilient in the face of climate change.

<b>Environment</b>	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Understand better how other councils provide innovative strategic policy, planning and community leadership to achieve zero carbon by 2030. Given carbon emissions from travel to conference request carbon neutral offsetting of flight emissions as part of ticket.
EN2 - Facilitating the reduction of waste.	Understand better how other councils provide innovative strategic policy, planning and community leadership to reduce greenhouse emissions from waste at municipal as well as household level.
EN5 - Providing facilities that are well-built and well-maintained.	Understand better how other councils provide strategic policy, planning and community leadership that enhances sustainable, liveable, viable and compact community activity centres that mitigate climate impacts and enhance adaptation to changing climate.

<b>Social</b>	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	Understand better how other councils provide innovative strategic policy, planning and community leadership so as to enhance opportunities for all members of our diverse Vic Park community to best connect, participate and contribute to tackling climate change in ways that improve liveability and wellbeing.

## Officer response to notice of motion

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

## Officer comment

1. The Climate Summit for Local Government will be held in Melbourne from 6 September to 8 September 2023.
2. The Cities Power Partnership's Climate Summit for Local Government will bring together elected officials and chief executives from councils across the country to identify key opportunities, inform practical actions, and inspire innovation, at the local government level.
3. As per Policy 022 - Elected Member Professional Development, authorisation to attend an interstate conference is to be through a resolution of Council.
4. The Climate Summit aligns with the Town's professional development key focus areas of community leadership, planning for the future, determining and reviewing policy and managing assets as per Policy 022 – Elected Member Professional Development.
5. Cr Peter Devereux has expressed an interest in attending the conference.
6. The breakdown of approximate costs are as follows:

<b>Item</b>	<b>Approximate cost</b>
Conference	\$1045
Accommodation	\$720 (4 nights)
Flights	\$560
Other expenses	As per Policy 22- Elected member professional development – approximately \$515
<b>Total:</b>	<b>\$2,840</b>

## Legal compliance

Not applicable.

## Risk management consideration

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

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Ann allocation is made in the Town's annual budget for professional development needs for elected members.

## Relevant documents

[Policy 022 - Elected Member Professional Development](#)

[Event Information - City Power Partnership - Climate Summit 2023](#)

*Due to a financial interest, Cr Peter Devereux left the meeting at 7:44pm.*

**COUNCIL RESOLUTION (86/2023):**

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Wilfred Hendriks

That Council:

1. Approve Cr Peter Devereux to attend the Climate Summit for Local Government, Melbourne from 6 September to 8 September 2023;
2. Request Cr Peter Devereux to make a presentation to an elected member workshop on his learnings from attending the Climate Summit for Local Government.

**Carried (7 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

*Cr Peter Devereux returned to the meeting at 7:46pm.*

## 17.3 Advocacy to WALGA State Council - State Infrastructure Strategy

### Recommendation 18 – Urban Forest Program - Cr Peter Devereux

In accordance with clause 23 of the *Town of Victoria Park Meeting Procedures Local Law 2019*, Cr Peter Devereux has submitted the following notice of motion.

#### Motion

That Council advocate to WALGA State Council (through the WALGA South East Metropolitan Zone), that WALGA supports and advocates to the State Government for the full implementation of Recommendation 18 of the State Infrastructure Strategy as follows:

- "18. Contribute to infrastructure and community resilience in the urban environment and support the equitable provision of an interconnected network of cover by developing an overarching urban forest program, including:*
- a. assigning a lead state agency to provide overarching coordination, resourcing and funding mechanisms*
  - b. embedding program evaluation to ensure it remains fit for purpose*
  - c. extending the existing Urban Canopy Grant Program to increase the urban tree canopy across the Perth and Peel regions, and other major regional urban centres*
  - d. partnering with local governments, community groups and other land managers in the rollout*
  - e. further reviewing existing planning policy settings with regards to the treatment of trees in new greenfield and infill developments."*

#### Reason

The UFS implementation working group has discussed ways to enhance collaboration on urban forest beyond the TOVP and one way suggested was to propose a motion for advocacy by the TOVP to the WALGA SEM Zone on recommendation 18 of the State Infrastructure Strategy.

The purpose of this NOM is to advocate for SEM WALGA zone to endorse a motion to seek WALGA endorsement for support and advocacy of the State Infrastructure Strategy (SIS) Recommendation on urban forest. While the 2023 WALGA State Budget Submission called for funds for urban forest it did not explicitly advocate for full implementation of recommendation 18 of the SIS. The WALGA budget submission called for "\$20 million between 2023-24 and 2026-27" to "Facilitate the planting of 60,000 trees across the metropolitan and regional urban centres". The intention would be to submit the advocacy motion at the June 21 2023 SEM WALGA zone meeting if motion was successful at Vic Park.

The reason for seeking WALGA advocacy on this recommendation is that the state government in its response has not committed to recommendation 18 only to review its merits.

State Government response Feb 2023: says pp 21: "As part of considering priorities for climate adaption, the WA Government will assess the merit of a State-level urban forest program". The Appendix pp 15 says "As part of considering priorities for climate adaptation, the WA Government will assess the merit of a State-level urban forest program. DPLH's program of policy review, including instruments that guide treatment of trees in greenfield and infill development is ongoing. For this reason, the WA Government only partially supports this recommendation."

WALGA's position (below) from the 2017 WALGA resolution passed at State Council was done before the State Infrastructure Strategy and recommendation 18 were made. It states:



“That WALGA: 1. Advocate and work with the State Government to further prevent the loss of urban tree canopy, which is a significant environmental and social issue for communities across the State; and 2. Work with member Councils to develop a system of appropriate market based and regulatory instruments to promote the increase in the urban tree canopy on private property”

Advocating for recommendation 18 of the SIS will strengthen, complement and update this WALGA position.

### Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Advocacy for implementation by the state government of the State Infrastructure Strategy Recommendation on Urban Forest will enhance the policy and funding environment for increasing tree canopy and increasing opportunities for biodiversity corridors across and beyond the Town while also enhancing the viability of remnant bush areas.

## Officer response to notice of motion

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Place Planning
<b>Responsible officer</b>	Chief Community Planner
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

## Officer comment

1. The Notice of Motion is consistent with the principles of the Town's Urban Forrest Strategy.

## 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	No apparent risk.				Medium	n/a
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Unsuccessful advocacy may damage the Town reputation with the community				Low	
Service delivery	Not applicable.				Medium	

## Financial implications

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

## Relevant documents

[Urban Forest Strategy document - Victoria Park](#)

[Urban Forest Strategy Implementation Action Plan - Victoria Park](#)

### COUNCIL RESOLUTION (87/2023):

**Moved:** Cr Peter Devereux

**Seconded:** Cr Luana Lisandro

That Council advocate to WALGA State Council (through the WALGA South East Metropolitan Zone), that WALGA supports and advocates to the State Government for the full implementation of Recommendation 18 of the State Infrastructure Strategy as follows:

*"18. Contribute to infrastructure and community resilience in the urban environment and support the equitable provision of an interconnected network of cover by developing an overarching urban forest program, including:*

- a. assigning a lead state agency to provide overarching coordination, resourcing and funding mechanisms*
- b. embedding program evaluation to ensure it remains fit for purpose*
- c. extending the existing Urban Canopy Grant Program to increase the urban tree canopy across the Perth and Peel regions, and other major regional urban centres*
- d. partnering with local governments, community groups and other land managers in the rollout*
- e. further reviewing existing planning policy settings with regards to the treatment of trees in new greenfield and infill developments."*

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 18 Questions from members without notice

### Cr Jesse Hamer

1. *Are the camera's at John McMillan Park monitored and how long will they be there?*

The Chief Operations Officer advised that the cameras are not actively monitored but are recorded so the footage can be viewed. These are part of trial, the Town is assessing how long they will be there.

### Mayor Karen Vernon

1. *Can we have an update to Council and the community about the availability of the community space at the Vic Quarter as bookings are now online. How many people have been booking the facility and where to next?*

The Chief Community Planner took the question on notice as to the number of bookings. There was a soft launch of the facility as the Town is looking to engage with the Mindeera Advisory Group to get an Indigenous name for the space. Once there is a name, there will be a wider launch of the space.

2. *Is the room now available and is booking information available on the Town's website?*

The Chief Community Planner advised yes.

3. *The Town was waiting on a window blind, is the fit out now complete?*

The Chief Community Planner took the question on notice.

### Cr Bronwyn Ife

1. *Do we have an estimate of how many people will be impacted by industrial action and bin collection issues?*

The Chief Operations Officer advised the Town does not have an estimate but will pass on advice provided by Cleanaway, they don't know which drivers will be striking until 5:30am on the day.

### Mayor Karen Vernon

1. *Is the Town position encouraging residents to leave their bins out if Wednesday 19 April is their usual collection day?*

The Chief Operations Officer advised that the bins should be left out as usual and they will be picked up next day.

3. *Do we have an estimate on the latest date they might expect waste collection?*

The Chief Operations Officer advised that the strike is for 24 hours, therefore a day's delay is expected.

## 19 New business of an urgent nature introduced by decision of the meeting

Nil.

## 20 Public question time

### Vince Maxwell, Victoria Park

*1. How many fines were issued this season for bushfire related offences?*

The Manager Finance took the question on notice.

*2. Last week the Town funded a drag queen show, how much was spent on these shows?*

The Chief Community Planner took the question on notice.

*3. Does the Town think this a good use of ratepayer funds?*

Mayor Karen Vernon advised that the Town has an Access and Inclusion Plan and a Strategic Community Plan which states the Town has a focus on inclusion and caring and ensure all members of the community can participate in events. Drag queens have been accepted for many years, it is appropriate entertainment to be offered to community as it celebrates gender diversity and equality in community.

### Neil Kidd, Burswood

*1. Was an audit conducted on Mirvac's obligations in the Burswood Lakes deed area as part of the exit process and had Mirvac fulfilled its obligations?*

The Chief Operations Officer advised that if she recalled correctly that was in relation to the non-deed area, the Town has completed the exit process and had discussions with developers and maintenance team to ensure an orderly handover.

*2. Will or has the Town conducted an audit in the deed area and is the Town intending to conduct one in the deed area?*

The Chief Operations Officer advised the Town still does review the deed and non-deed areas and have a report coming up for consideration by Council tonight. In terms of our intention going forward that will be decided later.

*Mayor Karen Vernon stated that Mr Kidd's question is about public open space in the deed area, is this something the Town has completed or is looking to do as part of business as usual?*

The Chief Operations Officer advised that as part of the Town's liability and risk guidance, there was a formal audit of the playground equipment etc; a formal assessment of all other parts within the deed area, an assessment was made in terms of formalising a plan as an actual audit depending on the outcome of today's meeting.

## 21 Public statement time

### Vince Maxwell, Victoria Park

1. Made a statement that the Town had abandoned the prayer as some people might be offended but have no hesitation in promoting a comedian.

2. Made a statement that the Town did not proceed with the Ceres Lane upgrade as they couldn't afford it but has uses rates for a drag show, stop wasting my money on this rubbish.

### **Neil Kidd, Burswood**

1. Made a statement referring Councillors to the photo's marked 1 which he handed out and that it is inconceivable the Town would commence negotiations without determining if obligations had been met with regards to the deed.

2. Made a statement about item 17.3 on urban tree canopy and urged Councillors to review the photo's marked 2 showing the primary entry to Burswood Lakes, as the Town's flagship development just lost 20 years of tree growth and canopy in the one street.

Mayor Karen Vernon stated that it is not the case the Town abandoned Ceres Lane, Council declined to award the contract due to the extreme escalation of costs.

## **22 Meeting closed to the public**

### **PROCEDURAL MOTION**

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council:

1. Closes the meeting to the members of the public at 8.13pm to consider items 22.1.1, 22.1.2 and 22.1.3 in accordance with Section 5.23(2)(c) and (e) of the *Local Government Act 1995*.
2. Permits the Chief Executive Officer, Chief Operations Officer and A/Manager Governance and Strategy and the meeting secretary to remain in the chamber during discussion, in accordance with clause 27(3)(a) of the *Town of Victoria Park Meeting Procedures Local Law 2019*.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## 22.1 Matters for which the meeting may be closed

### 22.1.1 Tender Award - Oats Street Precinct Structure Plan and Planning Scheme Amendment TVP/22/20

#### COUNCIL RESOLUTION (76/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council awards the contract associated with TVP/22/20 Oats Street Precinct Structure Plan and Planning Scheme Amendment, to Urbis Pty Ltd (ABN 50 105 256 228), for the preparation of a Precinct Structure Plan and Planning Scheme Amendment, with the terms and conditions and lump sum outlined in the contract.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

### 22.1.2 Provision of Plumbing Services TVP/22/19

#### COUNCIL RESOLUTION (77/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council awards the Contract associated with TVP/22/19 Provision of Plumbing Services for a term of three years (with two one-year extension options, exercisable by the Town as the contract Principal) to U.N. Plumbing (ABN: 64 259 727 287), for plumbing repairs and maintenance, with the terms and conditions as outlined in the Contract, as their offer has been evaluated as the most advantageous to the Town.

**Carried by exception resolution (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

### 22.1.3 Proposed Maintenance Agreement for Deed Area, Burswood Peninsula

#### PROCEDURAL MOTION

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesvin Karimi

That Council in accordance with clause 58 of the *Meeting Procedures Local Law 2019* suspends clause 50 - Speaking twice of the *Meeting Procedures Local Law 2019* for the duration of the item.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## PROCEDURAL MOTION

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesvin Karimi

That resumes clause 50 - Speaking twice of the *Meeting Procedures Local Law 2019*.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

## COUNCIL RESOLUTION (78/2023):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Jesvin Karimi

That Council:

1. Agree to terminate the 2005 Deed of Agreement between the Town and BL Developments Pty Ltd (**2005 Deed**) for maintenance of the Public Open Space covered by the 2005 Deed (**Deed Area**) at the Burswood Peninsula subject to a Deed of Settlement and Release being entered into between the Town and BL Developments that will result in the Town assuming responsibility for the maintenance of the Deed area from 31 July 2023 for valuable consideration to be paid by BL Developments to the Town;
2. Authorise the Chief Executive Officer to negotiate a finalisation of the draft Deed of Settlement and Release as referred to in point 1 above as attached to the Confidential Report including:
  - a. Details of the assets required to be addressed in clause 2(1)(a)(i) to the Town's satisfaction;
  - b. improved outcomes for clauses:
    - i) 2(1)(c)(ix) and (x);
    - ii) 2(1)(d);
3. Request the Chief Executive Officer prepare a report to Council to consider the approval of the draft Deed of Settlement and Release by May 2023.

**Carried (7 - 1)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Cr Jesse Hamer

## PROCEDURAL MOTION

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council reopens the meeting to the public at 11:44pm.

**Carried (8 - 0)**

**For:** Mayor Karen Vernon, Cr Luana Lisandro, Cr Peter Devereux, Cr Jesvin Karimi, Cr Jesse Hamer, Cr Vicki Potter, Cr Wilfred Hendriks and Cr Bronwyn Ife

**Against:** Nil

*The Public Liaison Officer returned to the meeting at 11:44pm.*



## 22.2 Public reading of resolutions which may be made public

In accordance with clause 27(6) of the *Town of Victoria Park Meeting Procedures Local Law 2019*, Mayor Karen Vernon read aloud the resolution in relation to the following items:

- 22.1.1 - Tender Award - Oats Street Precinct Structure Plan and Planning Scheme Amendment TVP/22/20.
- 22.1.2 - Provision of Plumbing Services TVP/22/1912.1.1 - CEO Request for Contract Extension.
- 22.1.3 - Proposed Maintenance Agreement for Deed Area, Burswood Peninsula.

## 23 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 11:48pm.

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

Signed: .....

Dated this: ..... Day of: .....2023