



TOWN OF  
VICTORIA PARK

# Ordinary Council Meeting Minutes – 19 November 2019

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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 19 November 2019** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Mayor Karen Vernon**  
22 November 2019

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# 1 Declaration of opening

Mayor Karen Vernon opened the meeting at 6.30pm.

## Acknowledgement of Country

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

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

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

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

# 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 voice may be live streamed to the public. Recordings are also made available on the Town's website following the meeting.

## 2.2 Public question time and public statement time

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.

### **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 Additional announcements**

On 8 November 2019 the Town received a commendation for its place planning approach at the Planning Institute of Australia WA 2019 Excellence Awards. Congratulations to the Chief Executive Officer and Place Planning staff.

SwanCare Bentley won the 2019 National Aged Care Award for Innovation in Service Design for its Senior Citizen's Partnership project with Curtin University Medical School and Notre Dame University Graduate Nursing School.

Next Sunday 24 November is the Town's Summer Street Party from 1pm – 9pm. Please come along and enjoy the outdoor activities, the local retailers and cafes open for business, the market stalls, food trucks and open air pop up bars.

### **2.6 Mayor's report**

This is the first Mayor's report that will be presented before Council at each monthly meeting.

Following the swearing in ceremony for newly elected members on 21 October 2019, new and continuing Councillors hit the ground running with a full day of induction on 22 October.

On 24 October I attended my first media event for the launch of "Make a Small Change", the Small Business Development Corporation's initiative to encourage the community to support their local businesses. Local café and garden gift store "Greenbunch" in East Victoria Park was the chosen location for the state-wide launch, which included the Minister for Small Business.

On 28 October the Chief Executive Officer and I had the first of our regular weekly Monday meetings.

I joined members of the Victoria Park Community Garden Association on 29 October to promote "Grow it Local", an initiative to get more people growing, sharing and eating locally grown foods.

Cr Oliver and I attended the RAC President's Annual Reception at UWA on 30 October.

On 31 October I met with members of the Victoria Park Community Garden Association to discuss progressing their revegetation of the sump on Sunbury Rd, Victoria Park.

On 1 November I joined elected members and the community to raise the rainbow flag in recognition and celebration of our local LGBTIQ community for the start of Pride month.

Later that day I was delighted to present the young winners of the 25<sup>th</sup> anniversary tile design competition with commemorative tiles bearing their winning designs. Ten talented children aged 4 to 10 and their parents joined me for afternoon tea. You can view the winning tile designs at John Macmillan Park, where they have been included in a mosaic set in the ground marking the spot where the Town buried its 25<sup>th</sup> anniversary time capsule on 4 August 2019.

On 2 November Deputy Mayor Ife and I joined locals at the "Flashback to the 90s" birthday event at the Town's library and John Macmillan Park, to celebrate the Town's official birthday 25 years ago in 1994. The silent disco and giant bubble blowing was a huge success with the young and the young at heart.

On 3 November Cr Anderson and I attended the Burswood Peninsula Neighbourhood Watch Community Open day, supported by a place making grant from the Town. WA Police were marking bicycles and personal items with the latest UV identification markers.

On 7 November Deputy Mayor Ife and I attended the 2020 Australian of the Year - WA Awards at Government House. We had the pleasure of meeting Annie Fogarty, the winner of the WA Australian of the Year.

On 8 November I met with a representative of the Supporting People with Basic Needs Group, to discuss the group's approach to assisting those at risk of homelessness or disadvantage in our Town.

11 November marked Remembrance Day, and I was privileged to host the Town's commemoration in Memorial Gardens. The beautiful voices of the Victoria Park Christian School choir sung their own song "We will remember them" and the National Anthem to the delight of the attendees. For the first time this year we recognised the contribution of Dr Harold Teague, a local Vic Park doctor, who became a Captain in the Australian Military Medical Corp and died in battle in France on 14 February 1917. Continuing past traditions, we planted a field of poppies before the ceremony, and afterwards community members wrote messages of support for serving Australian military personnel which then went on display at Curtin University prior to being sent overseas to our troops for Christmas.

On 15 November the Chief Executive Officer and I met with Ben Wyatt MLA, member for Victoria Park. I discussed three of the Council's 2019 Advocacy Priorities with Mr Wyatt, seeking funding commitments from the WA government for the restoration of Edward Millen House, the establishment of a Local Greener Perth Grants Program to assist us to fund our Urban Forest Strategy initiatives, and for the undergrounding of the Armadale rail line from Welshpool to Burswood.

On 18 November the Chief Executive Officer and I met with Luke Garswood, CEO of Connect Vic Park, to discuss the cost implications of the State Underground Power Program on those living in seniors housing provided by Connect Vic Park.

Last night I was delighted to officiate at a Citizenship Ceremony where we welcomed 37 new citizens from 19 different countries into our community.

### **3 Attendance**

<b>Mayor</b>	Ms Karen Vernon
<b>Banksia Ward</b>	Cr Claire Anderson
<b>Jarrah Ward</b>	Deputy Mayor Bronwyn Ife Cr Brian Oliver Cr Vicki Potter Cr Jesvin Karimi
<b>Chief Executive Officer</b>	Mr Anthony Vuleta
<b>Chief Operations Officer</b>	Mr Ben Killigrew
<b>Chief Financial Officer</b>	Mr Michael Cole
<b>Chief Community Planner</b>	Ms Natalie Martin Goode
<b>Manager Development Services</b>	Mr Robert Cruickshank
<b>Manager Governance and Strategy</b>	Ms Danielle Uniza
<b>Secretary</b>	Ms Amy Noon
<b>Public</b>	20

#### **3.1 Apologies**

Nil.

#### **3.2 Approved leave of absence**

<b>Banksia Ward</b>	Cr Ronhhda Potter Cr Wilfred Hendriks
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### **4 Declarations of interest**

#### **Declaration of financial interest**

Nil.

#### **Declaration of proximity interest**

Nil.

#### **Declaration of interest affecting impartiality**

Nil.

## 5 Public question time

### 5.1 Response to public questions taken on notice at Agenda Briefing Forum held on 5 November 2019

#### Greg Davis

*1. Where are the fences located in the new dog park at Zone 2x?*

Lathlain Precinct Redevelopment Precinct Zone 2x is a multi-use community activity park that includes an off-lead dog enclosure. The fence about the off-lead dog enclosure is located along a portion of the Planet Street boundary of the park and is then centred in a buffer garden bed surrounding the off-lead area.

*2. What is the total area of the new dog park?*

The design area of the off-lead dog enclosure is approximately 1,825 square metres. An area of approximately 625 square metres is designated for small dogs and approximately 1,200 square metres is designated for large dogs.

*3. What is the breakdown of the size of sandpit, lawn and garden area of the total area of the dog park?*

The design area of the sandpit area is approximately 190 square metres.

The design area of turf and hard landscaping is approximately 1,320 square metres.

The design area of the perimeter buffer garden bed is approximately 315 square metres.

*4. How many of the trees that were planted by the community members in Zone 2x remain? How many were removed? How many died?*

None of the trees planted by community members in Zone 2x have been removed in the project and all remain. Two small specimens are failing or have failed. It is intended to replace these plants in the same locations.



## 5.2 Public question time

### **Fiona Audcent-Ross**

*1. Would it be feasible for Hillview Bushland to have an elevated bird watering station for example, one similar to the prototype in Kensington Bushland?*

The Chief Operations Officer advised that the Town is proud of the existing bird waterer that was designed in-house and made locally. The Town are supportive of putting the item in the budget at mid-year budget review or for the next annual budget. There is currently no water to the site. This would cost money to achieve.

### **Sam Zammit**

*1. Has the Town not mentioned the laneway between the car park and proposed land to be sold? Is the surrounding land owned by the same potential purchaser?*

The Chief Operations Officer advised that he thought Mr Zammit was referring to the right of way in the area. In the contract, it is proposed that the right of way would be redesignated to the southern side of the property. The Town would take on the responsibility for this as part of the contract of sale.

*2. Is the Town maintaining it and moving it?*

Mayor Karen Vernon confirmed this.

*3. Is the land adjoining the land being sold owned by the same purchaser?*

The Chief Operations Officer advised that he understands that the land along Albany Highway is owned or controlled by Fabcot, the proponent for the purchase. That land can be owned or under option to purchase if this purchase goes through. Fabcot have control of most of those sites.

*4. When are we going to clean out the dead wood from the corner of Berwick Street and Hillview Terrace?*

Mayor Karen Vernon advised that the Hillview Bushland Management Plan is up for Council to adopt at this meeting, including revised plans for management of the area and the future beatification of the site. This will address the matters raised.

### **Herb Rowe**

*1. Has anything been done about the pool at Aqualife needing to be shut down if a staff member doesn't turn up? Can the Town purchase more vacuum cleaners to clean the pools?*

The Chief Operations Officer advised that the Town will be delivering changes to the surroundings of the pool this financial year.

The Chief Executive Officer took the need for an additional vacuum cleaner on notice.

Mayor Karen Vernon asked when the pool was closed due to a lack of staff.

Mr Rowe advised that it happened two weeks ago.

Mayor Karen Vernon advised that she would look into it and get back to him.

### **John Gleeson**

*1. Why haven't we got a new flag on the flagpole?*

Mayor Karen Vernon advised that there will be a new flag.

The Chief Executive Officer advised that a new flag has been ordered and will be put up in December this year.

*2. Are we getting a new flag that is different to the old one that was taken down?*

Mayor Karen Vernon advised that this question was answered at the last public meeting. The new flag will have the Town logo/emblem, incorporating the Town's new colours.

*3. Will it look the same as the old one?*

Mayor Karen Vernon advised that it would not.

*4. Who decided to change the flag?*

The Chief Executive Officer advised that the Town underwent a brand refresh some months ago and the new flag will reflect that. The old flag was designed with the Town's old 'life' theme and the new flag is aligned to the new brand that Council supported.

*5. Can the opening of the meeting be changed to face the flags and acknowledge them?*

Mayor Karen Vernon acknowledged the request.

### **Mike Lanternier**

*1. Under the local standing orders, how long does it take for questions taken on notice to be answered?*

The Manager Governance and Strategy advised that these are answered by the next Ordinary Council Meeting and the answers are put in the agenda for the following Ordinary Council Meeting.

*2. Questions taken on notice at the last Ordinary Council Meeting have not been answered. These were the dollar amount for the West Coast Eagles' 2019/2020 rates and whether their drainage will run in to Zone 2x.*

The Chief Operations Officer advised that the Town would provide these answers.

*3. What is the outcome for the West Coast Eagles' application for an exemption from rates for the Wirrpunda Foundation lease area?*

The Chief Financial Officer advised that this has not been resolved yet. The Town is waiting for the revised valuations for the completed building from the Valuer General. The Town does not know when these will be provided. Two valuations have been requested - the area occupied by the Wirrpunda Foundation and the

remainder of the area. The Chief Financial Officer will consider the application, under delegated authority, when the information is received.

*4. How many London Plane trees are being planted at ROW52 and why are they being planted?*

The Chief Operations Officer advised that there are at least two being planted because he has seen them at the site. The trees were chosen because they are a common tree in that part of Albany Highway and it was decided to continue with the theme. The trees provide shade during summer and let light in during winter.

**Luana Lisandro**

*1. How many further areas within the Town will need underground power following SUPP6 and why was a section of Carlisle missed?*

The Chief Operations Officer advised that there will be 1,500 connections remaining in small areas of the Town. The small isolated areas that are not underground may be given consideration by Western Power in the future however, the State Underground Power Project focuses on large areas

The Chief Executive Officer took the question about missing the Carlisle section on notice.

*2. When will the data be released from the traffic counter at Roberts Road, close to Marchamley?*

The Chief Operations Officer advised that the counter is gathering preliminary data on traffic movements in the area, particularly on Orrong Road. The Town is discussing changes to address the black spot with Main Roads. The data will form the basis of the control in a pilot.

*3. What happens if the level of footpaths to hardstand are affected when the PTA upgrades bus stops? Who is responsible for the correction of that?*

The Chief Operations Officer advised that the PTA is responsible for all capital works to do with bus stops. The Town is not responsible.

## **6 Public statement time**

**Yvonne Hoey**

*1. Made a statement against the officer recommendation for item 11.2 due to the impact of the proposed application, making it more difficult to sell her property, disrupting her quiet enjoyment of her home, the tower being offensive to her privacy and the decrease in available parking.*

**James Savundra**

*1. Made a statement regarding Higgins Park and the Victoria Park Xavier Hockey Club. Supported the consideration of closing Playfield Street and requested Town staff facilitate discussions between sporting clubs to see if there is more space for hockey to have grass turf.*

**Sam Zammit**

*1. Why did the Chief Executive Officer decide that Council should keep the Land Asset Optimisation Strategy (LAOS) a secret?*

The Chief Executive Officer advised that he wasn't sure that it was to be kept a secret. The LAOS looks at how the Town can utilise assets that are not being utilised. It is not in the Town's best interest to disclose its positions to potential development or purchasers of land.

**Fiona Audcent-Ross and Vicki Caulfield**

*1. Made a statement about how they were happy that the report for item 12.6 was updated for the Ordinary Council Meeting. They support the recommendation with minor amendments that ensure revegetation and rehabilitation, and remove reference to the draft Public Open Space Strategy.*

**Herb Rowe**

*1. Asked Councillors to recommend the Star Street area for underground power.*

**John Gleeson**

*1. Made a statement about the Town needing more flag poles.*

**Mike Lanternier**

*1. Made a statement questioning the information provided in the officer's report for item 12.8 and asked for the decision to be postponed.*

**Luke Garswood**

*1. Made a statement about the impact of the underground power project on Connect Vic Park.*

**Herb Rowe**

*1. Made a statement about needing to support hockey in the Town of Victoria Park.*

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

### COUNCIL RESOLUTION (224/2019):

**Moved:** Cr Vicki Potter

**Seconded:** Cr Claire Anderson

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 15 October 2019.
2. Confirms the minutes of the Special Council Meeting held on 29 October 2019.
3. Receives the notes of the Agenda Briefing Forum held on 5 November 2019.

**CARRIED (6 - 0)**

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

**Against:** nil

## 8 Presentations

### 8.1 Petitions

Nil.

### 8.2 Presentations

Nil.

### 8.3 Deputations

Nil.

## 9 Method of dealing with agenda business

### COUNCIL RESOLUTION (225/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That items 10.1, 10.3, 10.4, 10.5, 11.3, 11.4, 11.6, 11.7, 12.4, 12.5, 12.7, 12.9, 13.1, 13.2 and 13.3 be adopted by exception resolution, and the remaining items be dealt with separately.

**CARRIED BY ABSOLUTE MAJORITY (6 - 0)**

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

**Against:** nil

## 10 Chief Executive Officer reports

### 10.1 Adoption of Policy 104 - Customer Service Delivery

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Matthew Reed
<b>Responsible officer</b>	Carrie Parsons
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Policy 104 - Customer Service Delivery - With ammendments [ <b>10.1.1</b> - 1 page]

#### Recommendation

That Council adopt revised Policy 104 Customer Service Delivery.

#### Purpose

The draft revised Policy 104 Customer Service Delivery continues to outline the Town's commitment to the provision of service excellence, with minor revisions to terminology and improved consistency with updated WA Ombudsman Guidelines.

#### In brief

- Policy 104 Customer Service Delivery outlines the Town's commitment to the provision of service excellence through four key practice areas:
- Practice 1 - Transparency and good governance when delivering services from receiving feedback to actioning requests from the community.
- Practice 2 - Increasing satisfaction through continuous improvement
- Practice 3 - Consistency in handling all customer correspondence
- Practice 4 - Guidance on responding to unreasonably persistent complainants
- Revisions to the policy are largely cosmetic with minor changes to more simple terms and to meet updated industry guidelines. The intent of the policy has not changed.
- Revisions are also now aligned with a new supporting Management Practice, developed to support implementation of the policy throughout the organisation and to more accurately measure success.

#### Background

1. The Town's Customer Service Delivery Policy was first adopted in October 2017, with a review period of two years.

2. Prior to this in mid-2016, a draft policy was presented to Council, but refused for adoption, with a request for the Town to better evidence the level of customer interactions and vexatious complainants the Town managed.
3. The 'You Me Community' project was launched and completed a review of the Town's out of date Customer Service Charter, established a common set of service standards and behaviours for all staff and introduced the Customer Request Management (CRM) system to Town operations in July 2017.
4. In January 2018, the Town introduced customer satisfaction surveying and service standard measures through the CRM and Mystery Shopping services.
5. In July 2018 the Town began its review of the Policy with desktop research of other local and interstate Council policies and practices and began to develop a Management Practice to support the Policy, with a genuine gap in how to define and adequately manage complaints and unreasonable complainants.
6. Following internal consultation during National Customer Service Week in October 2018, the Policy content was shared for feedback with all staff on the Your Thoughts staff hub, then reviewed, edited and aligned with updated WA Ombudsman guidelines with clearer definition and guidance on 'unreasonably consistent' complainants and a draft Management Practice.
7. In January 2019 service standard measures were expanded to include Corporate Business Plan measures and reporting KPIs from all services areas to a live dashboard.
8. Between May and September 2019, the revised draft Policy and supporting Management Practice has been presented at senior management meetings and to Council via the October Concept Forum, with direction received to bring the draft revised Policy to council for adoption at the November Ordinary Council Meeting.

## 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	Customers will have visibility and access to the policy and practices (not just a charter of commitments) around enquiries, service requests and complaints, knowing the Town's commitments and steps to take in resolving service requests and issues. The policy review outcomes will be clearly and broadly communicated via several channels.
CL04 - Appropriate information management that is easily accessible, accurate and reliable.	Records management is a priority when it comes to customer interactions, service requests, and managing complaints, FOI request etc. The updated practice will increase transparency and improve processes and systems – with clear procedures for capturing and record keeping that all staff will follow.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	Having a clear and well understood Policy and Management Practice will mean a more consistent approach to interacting with customers from all parts

	of the business, with respect to accurate and timely service and correspondence with customers, increasing satisfaction.
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Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	The community will be informed of principles and practice Council has around customer service, building relationships with customers and supporting them with all forms of enquiry and feedback in a proactive and positive manner.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	October Concept Forum presentation requested direction to advertise for public comment or send to Council for adoption. Direction was received to take the policy for adoption at the November Ordinary Council Meeting
Senior Management Team	A presentation to Senior Management Team covered the process taken to develop the Management Practice. Support received to take the revised policy and Management Practice to the next Concept Forum.
Area Leaders	A presentation to the Service Area Leaders also covered the process taken to develop the Management Practice. Advised that the next step is to take the revised policy and Management Practice to the Senior Management Team.
Working Group	The internal Customer Service Network provided feedback on the initial draft documents.
All staff	Customer Service Week celebrations and launch of draft documents for feedback on Your Thoughts staff hub.

Other engagement	
Stakeholder	Comments
Other Councils	Similar documents were shared by other Metropolitan Councils which assisted in the development of the Management Practice.

## Legal compliance

[Minor Breach Complaint - Sections 5.107\(1\) and \(2\) of the Local Government Act 1995](#)



Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town may result if complaints and concerns are not managed, communicated clearly, or resolved in a timely manner.	Moderate	Likely	High	Ensure communication procedures are trained on and followed/audited to demonstrate compliance.

## 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

9. The revised draft Policy 104 Customer Service Delivery presented for adoption contains edits to make it read better and be more encompassing of all customer segments and stakeholders. There is also a slight strengthening and clarity of the principle statements, and alignment with terminology changes to match Western Australia Ombudsman guidelines, namely from 'vexatious customers' to 'unreasonably persistent complainants'.
10. Adoption of the Policy will give the Town of Victoria Park the direction it needs to apply the practices outlined in delivering excellent customer service to all customer segments and stakeholders, with the ability to better record and measure success as well as identify areas for improvement.
11. The Policy will be supported by a robust Management Practice, providing greater clarity and transparency to the community in how the Town manages all customer interactions and feedback, including complaints.

## Relevant documents

[Ombudsman Western Australia – Guidelines on Complaint Handling](#)

[Local Government Act 1995](#)

[Town of Victoria Park - Customer Service Charter](#)

[Town of Victoria Park - Code of Conduct](#)

[International Standardisation Organisation – ISO 26000 – Social Responsibility](#)

**COUNCIL RESOLUTION (226/2019):**

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council adopt revised Policy 104 Customer Service Delivery.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

## 10.2 Report on the results of the Poll of Electors

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Liam O'Neill
<b>Responsible officer</b>	Danielle Uniza
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council notes that the poll of electors held alongside the 2019 Ordinary Local Government Election, which asked the question, "Do you support changing the name of the 'Town of Victoria Park' to the 'City of Victoria Park'?" resulted in 67.21% voting to remain the "Town of Victoria Park"

### Purpose

To provide Council with the results of the poll of electors which asked the question, "Do you support changing the name of the 'Town of Victoria Park' to the 'City of Victoria Park'?"

### In brief

- At its meeting held on 16 April 2019, Council resolved to hold a poll of electors on whether the Town should become a City.
- The poll was held in conjunction with the 2019 Ordinary Local Government elections, with 26.22% of electors choosing to participate in the poll.
- The result of the poll of electors was 32.79% voting to change the name to the "City of Victoria Park" and 67.21% to remain the "Town of Victoria Park".

### Background

1. At its meeting held on 16 April 2019, Council resolved to hold a poll of electors alongside the ordinary local government elections. This poll was held by postal ballot and the votes were counted on election night held on 19 October 2019. This ordinary election included both a Mayoral election and Councillor elections.
2. The Town previously commenced the process to become a City in August 2012. In May 2013, the then Minister for Local Government advised the Town that a change of designation would have to await the finalisation of the local government amalgamations. The amalgamation sought to create the 'City of South Park' by combining the Town of Victoria Park and the City of South Perth.
3. In February 2015, following the Government's decision to suspend local government amalgamations, the Town again wrote to the Minister for Local Government to resume the process of becoming a City. However, at its meeting held on 10 March 2015, Council resolved to discontinue the process.

4. As part of the Town's major review of its Strategic Community Plan through the 'Evolve' process in 2017, the community was asked whether it would support a change of designation from town to city; 200 responses were received from the community indicating it would be against a designation change.
5. Council approved the background information and arguments that were provided to electors at the Ordinary Council Meeting held on [20 August 2019](#). Additional information was also provided on the [Town's website](#) and included frequently asked questions.
6. A report was also received by Council at the Ordinary Council Meeting on [18 June 2019](#) regarding the potential costs, and the advantages and disadvantages to pursuing a designation change from town to city.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	By conducting a poll of electors, Council has devolved a level of decision-making to the community by seeking their input.

## Engagement

External engagement	
Stakeholders	Electors
Period of engagement	25 September 2019 to 19 October 2019
Level of engagement	5. Empower
Methods of engagement	Referendum
Advertising	Social media (Facebook, Instagram, Google) Statewide public notice Public noticeboard
Submission summary	6,034 of 22,600 electors voted with 3,971 voting NO and 1,937 voting YES
Key findings	The electors do not support changing the name of the 'Town of Victoria Park' to the 'City of Victoria Park'.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Likely strongly negative public perception towards the Town may result if the Council were to proceed to apply to become a city following this result.	Major	Unlikely	High	Council honors the result of the poll and does not proceed to further investigate becoming a city.

## 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

7. The poll of electors was initiated to challenge the status quo and engage meaningfully with the community on whether the Town should consider becoming a City. It is to be noted, however, that the poll was not binding, and any final decision remains with the Council and the Minister.
8. Following several resolutions of Council, the poll of electors was conducted in conjunction with the 2019 ordinary local government elections. The election received a turnout rate of 26.77% with the result of the poll of electors being 32.79% voting for Yes and 67.21% voting for No on the question "Do you support changing the name of the 'Town of Victoria Park' to the 'City of Victoria Park'". With 6034 electors choosing to participate during a Mayoral and Councillor election, this shows significant engagement from the community on this topic.
9. Given the results of the election and previous response received during the Evolve process, it shows that the community does not support the Town becoming a City, and that the matter should not be progressed any further.
10. From an administrative perspective, the poll achieved its purpose and was a cost-effective way of engaging a significant part of the community on a specific topic.

## Relevant documents

Not applicable.

**AMENDMENT:****Moved:** Cr Vicki Potter**Seconded:** Cr Claire Anderson

That point 2 be added to the motion to read:

2. Decides to remain as the Town of Victoria Park to reflect the wishes of the community, as indicated by the poll of electors.

**CARRIED (6 - 0)****For:** Mayor Karen Vernon, Cr Vicki Potter, Cr Claire Anderson, Cr Jesvin Karimi, Cr Brian Oliver, Cr Bronwyn Ife**Against:** nil**Reason:**

Council asked the community for formal feedback through a poll of electors during the recent council elections. We should close the loop actively demonstrate that we heard the communities feedback and give some certainty of the direction going forward.

**COUNCIL RESOLUTION (227/2019):****Moved:** Cr Jesvin Karimi**Seconded:** Mayor Karen Vernon

That Council:

1. Notes that the poll of electors held alongside the 2019 Ordinary Local Government Election, which asked the question, "Do you support changing the name of the 'Town of Victoria Park' to the 'City of Victoria Park'?" resulted in 67.21% voting to remain the "Town of Victoria Park".

2. Decides to remain as the Town of Victoria Park to reflect the wishes of the community, as indicated by the poll of electors.

**CARRIED (6 - 0)****For:** Mayor Karen Vernon, Cr Jesvin Karimi, Cr Bronwyn Ife, Cr Vicki Potter, Cr Claire Anderson, Cr Brian Oliver**Against:** nil

## 10.3 Adoption of Policy 053 - Meetings of Electors

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Amy Noon
<b>Responsible officer</b>	Danielle Uniza
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Meetings of Electors Policy [ <b>10.3.1</b> - 3 pages]

### Recommendation

That Council adopt Policy 053 - Meetings of Electors, as attached.

### Purpose

To present proposed Policy 053 - Meetings of Electors, which outlines the preferred format and processes for Annual General Meetings of Electors and Special Meetings of Electors, for adoption by Council.

### In brief

- A motion was carried at the Annual General Meeting of Electors held on 18 December 2018, to investigate the development of a Council policy statement related to Special Elector Meetings and Annual General Meetings of Electors.
- Council resolved to acknowledge that a further report be presented to Council recommending the adoption of a policy before the next Annual Electors' Meeting.
- The proposed policy covers the relevant legislation, notice and timing of meetings, format of meetings, roles of people in attendance, consideration of decisions made and recording of meetings, in relation to electors' meetings.
- The aim of the proposed policy is to ensure consistency with meetings and provide an understanding of roles for all of those involved.

### Background

1. At the Annual Meeting of Electors held on 18 December 2018, a motion was carried by electors that the Town of Victoria Park investigate the development of a Council policy statement relating to Special Elector Meetings and Annual General Meetings of Electors. The motion stated that the policy statement should include an outline of the legislative processes, scope, meeting venue, notice and timing of meetings, format of meetings, role of person presiding, role of electors, consideration of motions moved at electors' meetings, and definitions and abbreviations. It was also included that the policy statement should be made available on the Town's website and at the public library.
2. At the Ordinary Council Meeting held on 19 February 2019, Council resolved to acknowledge that a further report be presented to Council recommending the adoption of a 'Special and Annual Electors' Meeting Policy' before the next Annual Electors' Meeting.

3. Elected member feedback was sought on the development of a policy at the Concept Forum held on 24 September 2019. The majority of feedback received supported the development of a policy that will assist in making the roles of those in attendance at the meetings clear.
4. To achieve the understood intent of the original motion, the proposed policy covers the:
  - (a) relevant legislation
  - (b) notice and timing of meetings
  - (c) format of meetings
  - (d) roles of people in attendance
  - (e) consideration of decisions made
  - (f) recording of meetings

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	The development of this policy is a direct result of a request from the community. Council consideration of this policy shows that the Annual Meeting of Electors is an authentic engagement opportunity for the community to be involved in.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Meetings of electors are required under the <i>Local Government Act 1995</i> . Having Council set the expectations around the meetings shows that they are being managed appropriately.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	The contents of the policy will assist to inform the community of what to expect at meetings of electors and may help encourage participation by removing any uncertainty.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected members	Feedback on the contents of the proposed policy was sought from elected members.

## External engagement



Stakeholders	Electors in attendance at Annual Meeting of Electors held on 18 December 2019.
Period of engagement	Duration of Annual Meeting of Electors on 18 December 2019.
Level of engagement	5. Empower
Methods of engagement	Motion raised at Annual Meeting of Electors.
Advertising	Not applicable.
Submission summary	Of those at attendance at the December 2019 meeting, 24 people voted for the motion and one abstained.
Key findings	It was requested "That the Town of Victoria Park investigate the development of a council policy statement related to Special Elector Meetings and Annual General Meeting of Electors to outline the legislative processes, scope, meeting venue, notice and timing of meetings, format of meeting, role of the person presiding, role of electors, consideration of motions moved at electors' meetings and definition and abbreviations with the policy statement, and that the policy statement document be made available on the Town's website and public library. The motioned referred to the City of Fremantle's Council Policy entitled " <a href="#">Annual General Meeting of Electors / Special Meetings of Electors.</a> "

### Other engagement

Stakeholder	Comments
City of Fremantle	The City of Fremantle's Annual General Meeting of Electors/Special Meetings of Electors Policy was used to inform the development of the proposed policy.

### Legal compliance

[Part 5, Division 2, Subdivision 4 of the Local Government Act 1995](#)

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

### Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> There may be a negative public perception if the Council chose not to adopt a policy that was requested by the community.	Low	Unlikely	Insignificant	Council adopt the proposed policy that includes the information that was requested.  If it is decided not to adopt the proposed policy, reasons for not adopting the policy are communicated to the

## 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

5. Policy 053 - Meetings of Electors is being proposed for adoption to respond to a request from the community to provide clarity around the format and processes for Annual Meetings of Electors and Special Meetings of Electors. The policy covers the relevant legislation, notice and timing of meetings, format of meetings, roles of people in attendance, consideration of decisions made at electors' meetings and the recording of meetings.
6. The relevant legislation has been included in the policy to provide awareness of the Town's obligations to hold the meetings that the policy relates to. It is also to acknowledge that whilst the meetings are dealt with in legislation, Council can outline their preferences to ensure consistency and an understanding of roles for all of those involved.
7. The notice and timing of meetings refers directly to the legislation in the policy. It is understood through feedback received from elected members that provisions in the Act are sufficient.
8. Although the format of electors' meetings is at the discretion of the presiding person, the format of meetings is covered in the policy to help set the expectations of those attending. Setting the preferred order of proceedings also helps to encourage consistency from year-to-year for both meetings.
9. The proposed policy covers the roles of the person presiding, elected members, Town of Victoria Park employees and electors. This helps to inform those participating in the meeting of what is expected of them and what they are able to do. It also helps to clarify that the presiding person, usually the Mayor, and the elected members, are to be seen as electors at the meeting and as such are able to participate alongside the community members in attendance.
10. The consideration of decisions made at electors' meetings is covered in the Act however, to enhance accountability and transparency, it is proposed that an update on any decisions made at an Annual Meeting of Electors be provided at the following years' Annual Meeting of Electors. It is hoped that this will show electors that their contributions are valued and that they make a difference to their Town.
11. The last section of the policy outlines the recording of meetings. This sets the ways in which electors may access the record of the meetings. It is to be noted that live-streaming and video recording of meetings will only be available when meetings are held in the Council Chambers.
12. The original decision from the December 2018 electors' meeting also requested that information be provided in relation to the meeting venue. The meeting venue has not been addressed in the proposed policy as this is dealt with through the Chief Executive Officer convening the meeting and communicating the date, time, place and purpose, in accordance with section 5.29 of the *Local Government Act 1995*.

13. If this policy is to be adopted, and following the setting of the date for the 2019 Annual Meeting of Electors, the Town will communicate the contents of this policy to the community with the intention of promoting the meeting as an opportunity to be involved and hopefully increase participation.

## Relevant documents

Not applicable.

## Further consideration

14. At the Agenda Briefing Forum held on 5 November 2019, a few questions were asked about the proposed policy. These related to using the term 'Annual Meeting of Electors' consistently as per the definition, ensuring the order of proceedings included in the policy was in line with Regulation 15 of the Local Government (Administration) Regulations 1996, and removing the reference to the annual report being presented at the Annual Meeting of Electors, considering it would have already been presented to Council for adoption prior to the meeting. These questions have all resulted in changes to the proposed policy.
15. During public participation time at the same meeting, a member of the public requested that Council consider amending the proposed policy to exclude electors' meetings being held in the last two weeks of December and the first two weeks of January. This has also now been included in the proposed policy as it is in line with the Town's usual engagement practices to avoid engaging the public during this period. This is due to members of the community possibly not being physically located in the area or there being a higher possibility of competing priorities during this time.

### COUNCIL RESOLUTION (228/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council adopt Policy 053 - Meetings of Electors, as attached.

### CARRIED BY EXCEPTION RESOLUTION (6 - 0)

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

**Against:** nil

16.

## 10.4 Adoption of Council meeting schedule for 2020

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

### Recommendation

That Council:

1. Adopts the schedule of Agenda Briefing Forums and Ordinary Council Meetings for 2020.

	<b>Agenda Briefing Forum</b>	<b>Ordinary Council Meeting</b>
<b>January</b>	No meeting	No meeting
<b>February</b>	4 February 2020	18 February 2020
<b>March</b>	3 March 2020	17 March 2020
<b>April</b>	7 April 2020	21 April 2020
<b>May</b>	5 May 2020	19 May 2020
<b>June</b>	2 June 2020	16 June 2020
<b>July</b>	7 July 2020	21 July 2020
<b>August</b>	4 August 2020	18 August 2020
<b>September</b>	1 September 2020	15 September 2020
<b>October</b>	6 October 2020	20 October 2020
<b>November</b>	3 November 2020	17 November 2020
<b>December</b>	1 December 2020	15 December 2020

2. Provides local public notice of its meetings for the 2020 calendar year, in accordance with regulation 12 of the Local Government (Administration) Regulations 1996.

### Purpose

To set the meeting dates for Council meetings open to the public for the 2020 calendar year.

## In brief

- The Town of Victoria Park Council has two meetings open to the public each month, the Agenda Briefing Forum and Ordinary Council Meeting.
- Council is required to set the dates for its public meetings and provide local public notice at least once each year.
- In 2019, the Agenda Briefing Forum was held on the first Tuesday of the month, and the Ordinary Council Meeting was held on the third Tuesday of the month.
- The schedule of meetings proposed for the 2020 calendar year follows the same format that was adopted for 2019.

## Background

1. Council is required to provide local public notice of its Council meetings at least once each year, in accordance with regulation 12 of the Local Government (Administration) Regulations 1995. To do this, Council must adopt its schedule of Agenda Briefing Forums and Ordinary Council Meetings for 2020.
2. At the Ordinary Council Meeting held on 13 November 2018, Council resolved to move from holding its meetings on the first and second Tuesday of each month, to holding its briefing session, now known as the Agenda Briefing Forum, and Ordinary Council Meeting, on the first and third Tuesdays respectively. This was done to foster better decision-making by allowing elected members additional time to engage with the community. It was also to provide for better provision of information to elected members by allowing the Town to conduct further research on any additional detail resulting from the Agenda Briefing Forum.

## Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community	Whilst legislatively required, the setting and communicating of Council meeting dates allows the community to be informed of when Council will be making decisions that may affect them. This also allows the community to plan their participation in the meetings.

## Engagement

Not applicable.

## Legal compliance

[Section 5.3 of the Local Government Act 1995](#)

[Regulation 12 of the Local Government \(Administration\) Regulations 1996](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> Failure to set and advertise Council's meeting dates will contravene the requirements of the Act.	Minor	Unlikely	Low	Council to determine its meeting dates for 2020 and advertise them as required prior to January 2020.

## 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

- It is believed that the meeting schedule adopted for 2019 achieved the objectives communicated when it was considered by Council. These were allowing elected members additional time to engage with the community between the Agenda Briefing Forum and Ordinary Council Meeting, and allowing more time for responsible officers to provide any further information requested by elected members at the Agenda Briefing Forum, for the final report presented for Council consideration.
- The existing meeting schedule has been in place since February 2019. This has allowed the Town to experience the cycle for nine months and allows for a comparison between meetings being held one week apart and two weeks apart. The administrative advantages and disadvantages of each option are provided below.

One week between meetings	
Advantages	Disadvantages
<ul style="list-style-type: none"> <li>Ability to complete meeting cycle before preparing reports for matters for the next month.</li> <li>Able to be more responsive to time-bound matters as Ordinary Council Meeting is held earlier in the month.</li> </ul>	<ul style="list-style-type: none"> <li>Less time (one working day) for responsible officers to obtain further information requested by elected members at the Agenda Briefing Forum before the Ordinary Council Meeting.</li> <li>Minutes secretary required to complete meeting notes for Agenda Briefing Forum and agenda for Ordinary Council Meeting at</li> </ul>

the same time, creating a strain on resourcing.

- According to current agreed deadlines for distribution, the agenda for the Ordinary Council Meeting (Thursday 12pm) would be available before the notes of the Agenda Briefing Forum (Friday 12pm). This could mean that additional information included in reports may not be as Council requested as the official record of the meeting would not yet be available.

### Two weeks between meetings

#### Advantages

- More time for responsible officers to obtain further information requested by elected members at the Agenda Briefing Forum, allowing for more in depth research and better-quality information.
- Ability to inform Council and the community of the outcomes of Agenda Briefing Forum before the agenda for the Ordinary Council Meeting is published.
- Less strain on resourcing required to support the Council meeting cycle.

#### Disadvantages

- One-week gap between when matters are first discussed to when a decision is made.
- Reports for the next Council meeting are required to be completed soon after a meeting cycle finishes (six working days).

5. Due to legislative requirements, and considering the reasons provided for continuing the meeting schedule in its current format, it is recommended the Council set its meeting schedule for 2020, allowing two weeks between meetings, as follows:

	Agenda Briefing Forum	Ordinary Council Meeting
<b>January</b>	No meeting	No meeting
<b>February</b>	4 February 2020	18 February 2020
<b>March</b>	3 March 2020	17 March 2020
<b>April</b>	7 April 2020	21 April 2020
<b>May</b>	5 May 2020	19 May 2020
<b>June</b>	2 June 2020	16 June 2020
<b>July</b>	7 July 2020	21 July 2020

<b>August</b>	4 August 2020	18 August 2020
<b>September</b>	1 September 2020	15 September 2020
<b>October</b>	6 October 2020	20 October 2020
<b>November</b>	3 November 2020	17 November 2020
<b>December</b>	1 December 2020	15 December 2020

6. If this meeting schedule is to be adopted, the Town will communicate all Council meeting dates by putting a public notice in the Southern Gazette, on the Town's website and on the Town's Facebook page.

## Relevant documents

[Policy 051 – Agenda Briefing Forum, Concept Forum and Workshops](#)

### COUNCIL RESOLUTION (229/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

1. Adopts the schedule of Agenda Briefing Forums and Ordinary Council Meetings for 2020.

	Agenda Briefing Forum	Ordinary Council Meeting
<b>January</b>	No meeting	No meeting
<b>February</b>	4 February 2020	18 February 2020
<b>March</b>	3 March 2020	17 March 2020
<b>April</b>	7 April 2020	21 April 2020
<b>May</b>	5 May 2020	19 May 2020
<b>June</b>	2 June 2020	16 June 2020
<b>July</b>	7 July 2020	21 July 2020
<b>August</b>	4 August 2020	18 August 2020
<b>September</b>	1 September 2020	15 September 2020
<b>October</b>	6 October 2020	20 October 2020
<b>November</b>	3 November 2020	17 November 2020
<b>December</b>	1 December 2020	15 December 2020



2. Provides local public notice of its meetings for the 2020 calendar year, in accordance with regulation 12 of the Local Government (Administration) Regulations 1996.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

## 10.5 Tamala Park Regional Council - Additional Power of Attorney

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Alison Podmore
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Revokes the Powers of Attorney M35062, dated 25 July 2012, and M402573, dated 13 September 2013.
2. Executes a Power of Attorney to the Chief Executive Officer and Acting Chief Executive Officer of Tamala Park Regional Council.
3. Requests the Mayor and the Chief Executive Officer to execute the documents provided by McLeods Barristers and Solicitors and affix the common seal.

### Purpose

To update the Powers of Attorney (POA) for Tamala Park Regional Council (TPRC).

### In brief

- In 2012, the TPRC approved POA relating to the portion of Lot 9504 (TPRC holdings) which is subject of the Tamala Park Regional Council Establishment Agreement 2006.
- In 2013, the TPRC member local governments subsequently granted the TPRC Chief Executive Officer (CEO) and the CEOs of the member local governments POA to enable the efficient subdivision/sale of the TPRC land without subdivision/sale documentation requiring approval/signatures of the member local governments.
- At the Tamala Park Regional Council meeting held on 15 August 2019, it was resolved to approve the preparation of revised POA referring to CEO of Tamala Park's position as opposed to named persons.

### Background

1. After a review of the POA granted in 2013, it was noted that persons named as grantees are no longer the current CEOs of the participating local governments, making that POA out of date. Legal advice obtained by TPRC recommends the POA be updated to only include the positions of the CEOs rather than their names.
2. TPRC, at its 15 August 2019 meeting, resolved to approve the preparation of revised POA.
3. The POA enables the TPRC CEO (or the CEOs of the member local governments) to carry out land dealings, including the following:
  - a) contract of sale (which included without limitation the decision to sell, the selling price and the terms of conditions of sale)
  - b) transfer of land
  - c) easement

- d) deed of surrender of extinguishment of easement
- e) caveat
- f) withdrawal of caveat

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	As a member, the Town is required to have a POA in place to effect the rezoning, subdivision, development, marketing and sale of portion of Lot 9504.

## Engagement

Internal engagement	
Governance	Due to the requirement to affix the common seal to update the POA, Council's approval is required.

## Legal compliance

[Section 9.49A of the Local Government Act 1995](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> Not seeking a Council resolution to update the POA is not compliant with the approvals required to affix the common seal.	Moderate	Likely	High	To seek and gain Council approval to execute the changes to the POA, and to affix the common seal to officiate such changes.

## Financial implications

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

## Analysis

4. The resolution at the TPRC meeting held on 15 August 2019 was to approve the preparation of revised POA referring to the CEO's position as opposed to named persons. Further changes proposed also include reference to the Acting Chief Executive Officer of TPRC, to enable the nominated positions to carry out land dealings, in accordance with the approved POA (2013).

5. All other aspects of the POA are to remain unchanged subject to the revocation of the previous POA (2013) granted by the member local governments.
6. For the changes to the POA to take effect, approval is sought from all member councils of Tamala Park. It is required that both the Mayor and Chief Executive Officer sign the updated POA, and that the common seal be affixed.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (230/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

1. Revokes the Powers of Attorney M35062, dated 25 July 2012, and M402573, dated 13 September 2013.
2. Executes a Power of Attorney to the Chief Executive Officer and Acting Chief Executive Officer of Tamala Park Regional Council.
3. Requests the Mayor and the Chief Executive Officer to execute the documents provided by McLeods Barristers and Solicitors and affix the common seal.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

## 11 Chief Community Planner reports

### 11.1 Edward Millen Park Masterplan - Request to Proceed to Public Advertising

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Pierre Quesnel
<b>Responsible officer</b>	Natalie Martin Goode
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>Attachment 1 - Draft Edward Millen Park Masterplan Report [<b>11.1.1</b> - 35 pages]</li><li>Attachment 2 - Opinion of Probable Costs - Edward Millen Park Masterplan [<b>11.1.2</b> - 1 page]</li></ol>

#### Recommendation

That Council endorses the Edward Millen Park Masterplan, contained in Attachment 1, for the purpose of public advertising.

#### Purpose

To present the Edward Millen Park Masterplan, contained in Attachment 1, for Council endorsement to proceed to public advertising.

#### In brief

- A draft Masterplan (the Masterplan) has been prepared for Edward Millen Park. The Masterplan relates to the parklands only and does not prescribe future upgrades or potential land uses for Edward Millen House.
- The Masterplan includes a vision, a detailed Masterplan (including materials, potential uses, and planting), visualisations and an implementation strategy.
- Council's endorsement is sought to present the Masterplan to the community for comment.

#### Background

1. Edward Millen Park is located within the south-east of the Town of Victoria Park, adjacent to the activity centre at the corner of Albany Highway and Hill View Terrace.
2. Edward Millen Park abuts the State heritage listed Edward Millen House.
3. A draft Masterplan has been prepared for Edward Millen Park and is contained in Attachment 1. The Masterplan relates to the parklands only and does not prescribe future upgrades or potential land uses for Edward Millen House. The Masterplan does however consider the public space adjacent to the building and the interface of the park and the future activated building.
4. The Town appointed HASSELL in early 2019 to prepare a Masterplan based on rigorous site analysis and community engagement. The design process included:
  - a. Literature review and site analysis culminating in an outline of opportunities and constraints;
  - b. Public Life study – on site for 2 hours every day for a week;

- c. Pop-Up event – Saturday morning session at Edward Millen Park;
  - d. Your Thoughts Online Survey;
  - e. Design Reference Panel – three (3) dedicated evening design sessions.
5. The Masterplan includes a vision, a detailed Masterplan (including materials, potential uses, and planting), visualisations and an implementation strategy as contained in Attachment 1. The Masterplan is summarised in further detail in the Analysis section below.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Extensive, best practice and carefully designed communication will be undertaken to ensure community members and stakeholders are well informed.
CL02 - A community that is authentically engaged and informed in a timely manner.	Authentic engagement with key stakeholders and the community has been undertaken.
CL03 - Well thought out and managed projects that are delivered successfully.	The Masterplan has been the subject of a rigorously developed and monitored project plan. Future detailed design and construction will also be managed in stringent compliance with the Town’s project management practices.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The preparation of this Masterplan has been in accordance with the allocated budget.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The Masterplan proposes a design that will significantly improve the aesthetic of Edward Millen Park. The Masterplan has also incorporated passive surveillance principles in an effort to build out crime and achieve a safer place to visit for the community. A lighting upgrade and key lighting principles have also been considered in order to resolve the original community feedback of the park being unsafe to visit at night.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green	Edward Millen Park will be a major local

spaces for everyone that are well maintained and well managed.	destination, playing a significant role in the lives of the community. The path design principles that have been incorporated allows for universally accessible paths.
EN07 - Increased vegetation and tree canopy.	The Masterplan maintains significant amenity trees. Thirty-six (36) younger trees planted along the recently created fence line compromise the flow and use of the site and are therefore proposed to be removed. Replacing these will be forty-eight (48) new trees planted in locations that allow for the terraced amphitheater and a disability access compliant path network. This will ultimately result in a net increase in trees and canopy coverage.

## Social

Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The Masterplan proposes a design that provides improved passive and active recreations (nature playground) opportunities.
S03 - An empowered community with a sense of pride, safety and belonging.	Involvement of the community in the Masterplan design process to influence the outcomes of facilities to create a high-quality public open space.
S04 – A place where all people have an awareness and appreciation of arts, culture, education and heritage.	<p>The Masterplan includes a design that respects the history of the site by the considered use of storytelling and interpretive elements. Indigenous history will be explored during the detailed design phase as agreed following conversations with the Town’s Aboriginal Engagement Advisory Group.</p> <p>The planned amphitheater provides a stage for performance.</p>

## Engagement

Internal engagement	
Infrastructure operations	Inclusion of Parks Staff in internal design review sessions with consultants at each design stage (prior to community workshops)
Property and development	Internal Project team included Property Development Manager (attendance at all consultant meetings and community workshops)
Stakeholder Relations	Internal Project team included Community engagement advisor (attendance at all consultant meetings and community workshops)

External engagement	
Stakeholders	Local Community (broad and intense) Aboriginal Engagement Advisory Group Public Art Advisory Group
Period of engagement	April to July 2019
Level of engagement	Collaborate
Methods of engagement	Public life study – on-site for 2 hours every day for a week Pop Up Event – Saturday morning session Your Thoughts online survey Design Reference Group – 3 intensive evening design sessions with 20 community members.
Advertising	Your Thoughts Social Media On-site A1 Core flute signs A3 Posters – town wide Post cards delivered to nearby residents and business owners
Submission summary	The Town received 94 completed surveys via Your Thoughts.
Key findings	The key findings directly influenced the final design as outlined in the Masterplan report contained in Attachment 1 and summarised in the analysis section below.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> – The Town is not able to secure the funds to implement the Masterplan, which may result in limited interest during the EOI process for the overall redevelopment.	Moderate	Unlikely	Moderate	Working with Elected Members to continue the understanding of the interrelationship of the Town investing in the reserve to assist in the overall redevelopment projects success.
<b>Reputational</b> – The Town does not implement the Masterplan (for various reasons)	Moderate	Unlikely	Moderate	The Town will continue to progress this project with best practice in project management, engagement and design as well proactively plan financially to ensure implementation.



## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation and progress to the detailed design phase in 2019/2020 subject to Council approval of the Masterplan.
<b>Future budget impact</b>	<p>The total estimated cost to construct the design proposed in the Masterplan is \$5,844,583.40. These figures will be captured in the Town's Long-Term Financial Plan.</p> <p>This cost is an estimate only, made at the Master Planning stage. Should the Masterplan be approved the next stage of the project would be detailed design (construction ready drawings), which will provide more accurate costings. This Masterplan can be implemented in stages.</p> <p>The total estimated cost does not include any services that are required to be relocated.</p> <p>Should the Masterplan be implemented it is estimated that the Edward Millen Park maintenance expenditure would increase from \$50,000 per annum to approximately \$100,000 per annum.</p>

## Analysis

6. The Edward Millen Park Masterplan relates to the public space surrounding the State Heritage listed Edward Millen Park. It does not provide any recommendations for Edward Millen House other than the context in which the buildings will sit.
7. The Masterplan process has included rigorous site analysis and community engagement. The amount and method of community engagement undertaken is outlined in the Engagement section of this report.
8. The Edward Millen Park Masterplan demonstrates how the parklands and Edward Millen House interact and provides an integrated and holistic approach to the entire site.
9. The Masterplan provides a detailed outline of:
  - a. the community engagement;
  - b. the planning context;
  - c. site history;
  - d. detailed site analysis;
  - e. opportunities and constraints;
  - f. design principles from the design team underpinning the final design (context; access; uses; environmental benefits; positive social outcomes; community health outcomes; quality and character; sense of place; programme of events; implementation);
  - g. design principles from the community underpinning the final design (trees; heritage; ecology; tranquility; play; amenities/toilets; café; dog walking; large open spaces; facilities/barbecues/seating/tables, safety, access & circulation);
10. Informed by this detailed analysis (outlined in point 11) the Masterplan delivers a concept based on the vision of a 'loop through the trees – connecting heritage, landscape and activities'.
11. The Masterplan (page 15 of the Masterplan report contained in Attachment 1) provides a spatial explanation of the future of Edward Millen Park and is characterised by the following key features:

- a. The retention and enhancement of the heritage avenue, which is retained and resurfaced with kerbs removed. The heritage avenue is reinforced with additional tree planting;
  - b. The Edward Millen House (Rotunda building) entry space re-paved with high quality natural stone;
  - c. The space surrounding Edward Millen House (Rotunda building) to the north and west is designed to allow for alfresco seating and tables and includes a lawn with seating positioned under the large existing tree.
  - d. A new path runs along the northern edge of Edward Millen House (Rotunda and Mildred Creek buildings) connect Baillie Avenue and Hill View Terrace;
  - e. Landscaped terracing down the slope from Edward Millen House culminating in performance space and shade shelter which will be a central focus point;
  - f. Family shelters and barbecue nodes surrounded by planting;
  - g. Inclusion of eco-zone areas with water-wise native species;
  - h. Proposed new car park with 49 bays gaining access from Hill View Terrace;
  - i. Proposed small café with 'changing places' toilet, change room facility, and alfresco area;
  - j. Nature play zone under mature trees and unique art piece;
  - k. New wayfinding, path network and entry points; and
  - l. Ecological connection to Hillview Terrace bushland.
12. The Masterplan also includes a detailed outline of proposed planting and materials on page 22 of the Masterplan contained in Attachment 1.
13. A series of visualisations from various positions on the site are provided to help the reader understand the proposed design.
14. The Masterplan includes an Implementation Strategy on page 28. The Masterplan is broken into 3 stages ensuring the design can be implement in a staged approach or collectively.
15. It is recommended that Council endorse the Masterplan for the purpose of public advertising. It is proposed to advertise the Masterplan for a period of 3 weeks (18 November to 9 December 2019) after which the final Masterplan will be presented to Council for final approval.
16. Advertising of the Masterplan will be undertaken through the following methods:
- a. Your Thoughts web page location with online submission form
  - b. The Town's Social Media channels
  - c. Emails directly to community members that were involved in initial surveys or in the design reference group.

## Relevant documents

Not applicable.

## Further consideration

In response to matters raised at the Elected Members Briefing Session on 5 November 2019, the following information is provided:

- 17. The paving around the Rotunda entry space will be high quality large format stone pavers that are fully accessible. Cobblestones that are not accessible will not be used.
- 18. The nature play area will include accessible play equipment. The documentation will be modified during the public consultation period so that this is clear when the document is next considered by Council.

19. The public advertising of the draft Masterplan includes referral to the Town's recently created Community Sounding Board.
20. The design of the proposed shade structures is derived from both the design team's and the community's design principles. Page 12 of the draft Masterplan outline the design team's design principles and the following principles are specifically relevant to the design of the shade structures: *users, quality and character, sense of place and programme of events*. Page 13 of the draft Masterplan outline the community's design principles and the following principles are specifically relevant to the design of the shade structures: *amenities/toilets, café and facilities/BBQs/seating/tables*.
21. The design of the shade structure could be modified to be inspired by the architectural heritage of Edward Millen House however this would be a departure from the strategies of the Masterplan. Also any architectural mimicry of the State Heritage listed Edward Millen House is not likely to be supported by the Heritage Council of Western Australia. Note however that architectural details are part of the detailed design stage rather than the Masterplan stage.
22. A summary of Probable Costs as prepared by the consultant Hassell is included in Attachment 11.1.2
23. Power will be available to the proposed central stage area.

#### **COUNCIL RESOLUTION (231/2019):**

**Moved:** Cr Bronwyn Ife

**Seconded:** Cr Vicki Potter

That Council endorses the Edward Millen Park Masterplan, contained in Attachment 1, for the purpose of public advertising.

**CARRIED (6 - 0)**

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

**Against:** nil

## 11.2 53 & 55 Canning Highway, Victoria Park - Unlisted Use (Temporary Property Sales Suite) and Signage

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Sturt McDonald
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. A 1 - Site aerial - 53-55 Canning [<b>11.2.1</b> - 1 page]</li> <li>2. A 2 - Site Photos - 53-55 Canning [<b>11.2.2</b> - 5 pages]</li> <li>3. A 3 - Development application plans [<b>11.2.3</b> - 6 pages]</li> <li>4. A 4 - Copies of submissions received [<b>11.2.4</b> - 6 pages]</li> <li>5. A 5 - Submissions summary table [<b>11.2.5</b> - 2 pages]</li> </ol>

<b>Landowner</b>	Kingsfort VP Pty Ltd
<b>Applicant</b>	Sheldon Turner – Total Project Management
<b>Application date</b>	22/07/2019
<b>DA/BA or WAPC reference</b>	DA 5.2019.374.1
<b>MRS zoning</b>	Urban Zone and Primary Regional Road Reserve
<b>TPS zoning</b>	Residential
<b>R-Code density</b>	R80
<b>TPS precinct</b>	Precinct Plan P4 – McCallum Precinct
<b>Use class</b>	Unlisted Use (Temporary Property Sales Suite)
<b>Use permissibility</b>	At Council's discretion
<b>Lot area</b>	1,392m <sup>2</sup>
<b>Right-of-way (ROW)</b>	Not applicable
<b>Municipal heritage inventory</b>	Not applicable
<b>Residential character study area/weatherboard precinct</b>	Not applicable
<b>Surrounding development</b>	Residential development, located between Canning Highway and McCallum Park and Taylor Reserve. Public carpark in close proximity, at the southern end of McCallum Lane. Street parking also available along Taylor Street and Garland Street. Refer to site aerial at Attachment 1.

## Recommendation

That Council:

2. Approves, by Absolute Majority, the application submitted by Total Project Management (DA ref: 5.2019.374.1) for a temporary property sales suite as an Unlisted Use and Signage at No 53 (Lot 31) and No 55 (Lots 32 and 33) Canning Highway, Victoria Park, as indicated in the documents in Attachment 3, 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:
  - a. This development approval is valid for a maximum period of 12 months from the date of this approval, after which time the use shall cease operation, unless further development approval is granted. On or prior to the end of this period, the sales suite structure, signage and associated works are to be permanently removed from the Lot.
  - b. The development, once commenced, is to be carried out in accordance with the approved plans, unless otherwise authorised by the Town.
  - c. Except with the prior written consent from the Town, the development shall only operate between the following hours:
    - (i) 9am to 4pm Saturday to Sunday;
    - (ii) 5pm to 7pm on Wednesdays; and
    - (iii) only by appointment at all other times Monday to Friday.
  - d. Complete details of the proposed external colours, finishes and materials to be used in the construction of the building are to be provided to the satisfaction of the Town prior to submission of an application for a building permit.
  - e. Prior to lodging an application for a building permit, a landscaping plan for the subject site must be submitted to and approved by the Town (see related advice note).
  - f. Prior to the sales suite first commencing operations, landscaping as per the approved details being implemented to the satisfaction of the Town.
  - g. A minimum of 3 car parking bays to be provided on site of which 2 bays are to be for the exclusive use of customers/visitors and 1 bay for the exclusive use of staff. These bays shall be constructed and marked prior to the sales suite first commencing operations.
  - h. All car bays and access aisles shall be maintained clear of obstructions for use as car parking at all times.
  - i. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
  - j. Vehicle access to the temporary property sales suite is to be only taken from McCallum Lane and Taylor Street as shown on the approved site plan. No vehicle access is to be taken from Canning Highway.
  - k. In the event the land reserved for Primary Regional Road under the Metropolitan Region Scheme is needed for future roadworks, the applicant shall upon receipt of a notice from Main Roads, relocate or remove the signage at their own expense.
  - l. For any signs that are illuminated, they must be of a low-level not exceeding 300cd/m<sup>2</sup> during the hours of night, and not flash, pulsate or chase during all hours.
  - m. Signs shall not contain fluorescent, reflective or retro reflective colours or materials.
  - n. Vegetation within the state road reserve shall not be removed or trimmed to improve the visibility of the proposed advertising signs.

Advice notes:

AN1 Main Roads agreement is required to be obtained prior to any future modifications.

AN2 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.

AN3 Any required excavation or filling greater than 150mm below or above existing ground levels is to be retained along any boundary by a retaining wall system designed by a practicing Structural Engineer. Council approval is required for all proposed retaining wall systems greater than 150mm in height or depth.

AN4 Further to condition 1.5 relating to the submission and approval of a landscaping plan, due to the non-permanent nature of the development, landscaping that consists of planter boxes and/or large potted plants is considered to be appropriate.

AN5 Further to the condition relating to illuminated signage, "Night" has the same definition as that defined in s.3 pursuant to the Road Traffic (Vehicles) Act 2012.

*"Night means the period between sunset on one day and sunrise on the next day."*

AN6 Sound levels created are not to exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.

3. Advise those persons who lodged a submission, of this decision.

## Purpose

The Town has received an application for a temporary property sales suite and associated signage at 53-55 Canning Highway. This property sales suite and associated signage relates to a recent Joint Development Assessment Panel (JDAP) approval for 23 Multiple Dwellings at the same address.

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

## In brief

- The application seeks approval for a temporary structure at the rear of 53-55 Canning Highway facing McCallum Lane. This structure is proposed to be used for the purpose of a sales suite for a recently approved apartment building at the site. Signage is also proposed advertising the proposed apartment development on the site.
- The applicant is seeking temporary approval for a period of 12 months.
- A temporary property sales suite is not a defined use under the Town's Town Planning Scheme No.1 and is therefore considered as an 'Unlisted Use'.
- Determination of an application for an 'Unlisted Use' is at the Council's discretion having regard to the objectives of the zoning and the appropriateness of the land use.
- The application is recommended for approval, subject to conditions and advice notes. It is recommended that further information is submitted for the Town's approval regarding additional car parking bays, the sales suite's external appearance, landscaping and stormwater drainage.

## Background

1. On 20 May 2019, a development application for 23 Multiple Dwellings was lodged with the Town for 53-55 Canning Highway, Victoria Park. At its meeting held on 15 August 2019 the Metro Central Joint Development Assessment Panel (JDAP) conditionally approved the proposal.
2. In anticipation of a favorable outcome, the Town received a proposal for property sales signage and a temporary sales suite in late July. Due to no details or plans of the proposed sales suite being provided in the application package, this was mistaken for an application for signage only (until late September).

## Application summary

3. The application seeks approval for a temporary sales suite (Unlisted Use) for a period of up to 12 months.
4. The proposed works in this application include a transportable sales office, transportable toilet facility, a parking bay and signage. For further detail, please refer to Attachment 3.
5. The sales suite, toilet, verandah and pedestrian access ramp occupy an area 13.3m wide and 7.4m deep, located at the rear of the property towards McCallum Lane.
6. The applicant has advised that only one real-estate agent will be present on site and that operating hours are 9am-4pm on weekends and by appointment-only during weekdays.
7. Two freestanding signs advertising the approved apartment development are proposed on the south eastern side of the site, facing Canning Highway. Each sign panel measures 2m in height and 4m wide. They are configured in a 'V' shape when viewed from above/in plan such that only 8m<sup>2</sup> of signage (out of the total 16m<sup>2</sup> signage surface area) is typically visible when viewed by passing traffic.
8. The applicant has advised that a viewing platform is intended to be erected on site, giving prospective buyers the opportunity to experience indicative views of the yet-to-be-constructed apartment development. In accordance with Local Planning Policy 32 – 'Exemptions from Development Approval' a viewing platform that is in place for less than 90 days does not require development approval. Accordingly, the viewing platform does not form part of this application for Development Approval. The applicant has been advised if the viewing platform is on site for longer than 90 days, Development Approval will be required.

## Applicant's submission

9. In response to concerns conveyed to the Town by submitters, the applicant has advised the following:
  - In relation to the accumulation of rubbish and debris on site, arrangements are being made with the owner to ensure the site is brought to a tidy state. This will be followed up by Town officers. Furthermore, the applicant has advised that demolition of the existing buildings on site is expected to take place 'shortly' in which case the site will be completely cleared.
  - The external appearance of the temporary property sales suite will include external cladding in *"a timber material or similar which will be painted black..."*, that *"suitable landscaping"* will be provided and asserted that it *"will be an improvement from the current vacant asphalt carpark and Colorbond shed"*.
  - *"Parking is available around the subject site as well as onsite. The expected number of visitors would be generally be by appointment. It would be less vehicle movements than the previous uses."*
  - In response to comments as to 'why the existing office/warehouse structure(s) are not proposed to be converted to a sales office instead?', the applicant has stated that:

*"It has been our understanding that a DA would similarly be required to covert the existing warehouse. Therefore to provide a quick and cost effective solution a portable office has been pursued as these structures are geared towards this type of function. It is also on hire so it allows the owners to establish and remove with little complication."*

## Relevant planning framework

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Planning and Development Act 2005</i></li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> <li>• <i>Town Planning Scheme No.1 (TPS1)</i></li> <li>• <i>TPS1 Precinct Plan P4 – ‘McCallum Precinct’</i></li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• <i>Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas</i></li> <li>• <i>Local Planning Policy 32 – Exemptions from Development Approval</i></li> <li>• <i>Local Planning Policy 37 – Community Consultation on Planning Proposals</i></li> <li>• <i>Local Planning Policy 38 – Signs</i></li> </ul>

## General matters to be considered

<b>Town Planning Scheme No. 1</b>	<p>In assessing this application, Council is to have regard to the following general provisions of the Scheme:</p> <ul style="list-style-type: none"> <li>• Clause 28 ‘Determination of application for an unlisted use’; and</li> <li>• Clause 30A ‘Determination of application for advertisement’.</li> </ul>
<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>“The McCallum Precinct’s role as a major node of recreational and leisure activity, with adjacent commercial and residential uses will be enhanced. Further development will also serve to enhance and promote the precinct as a tourist attraction on the basis of its waterfront setting.</i></p> <p><i>Development will be concentrated in two areas. Further commercial development will be encouraged in the area centered around Berwick Street/Canning Highway intersection. Uses such as offices and showrooms are considered to be appropriate. High density, high quality residential uses will be encouraged in the second area which follows the alignment of Canning Highway, and backs onto the Park.”</i></p>
<b>Local planning policy objectives</b>	<p>The following objectives of Local Planning Policy 3 – Non-Residential Uses In or Adjacent to Residential Areas are relevant in determining the application.</p> <p><i>(a) to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties</i></p> <p><i>(b) to provide for non-residential uses which serve the needs of the community;</i></p> <p><i>(d) to minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses;</i></p> <p><i>(e) to ensure that the appearance and design of non-residential development is compatible with surrounding residential properties and the streetscape in terms of building size and scale, the provision of adequate landscaping treatments, the retention of existing mature trees and the suitable design and location of advertising signage;</i></p> <p><i>(f) to maintain and enhance the amenity of residential environments through ensuring appropriate landscaping treatments, location of car parking and vehicular access</i></p>



	<i>legs, and the protection of visual privacy when considering applications for non-residential development;</i>
<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><i>(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i></p> <p><i>(g) any local planning policy for the Scheme area;</i></p> <p><i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development</i></p> <p><i>(n) the amenity of the locality including the following -</i></p> <p><i>(i) environmental impacts of the development;</i></p> <p><i>(ii) the character of the locality;</i></p> <p><i>(iii) social impacts of the development.</i></p> <p><i>(s) the adequacy of -</i></p> <p><i>(i) the proposed means of access and egress from the site; and;</i></p> <p><i>(ii) arrangements for the loading, unloading, manoeuvring of vehicles;</i></p> <p><i>(y) any submissions received on the application</i></p>

## Compliance assessment

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

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

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

Element	Requirement	Proposed	Variation
Street Setback	1m	Minimum 0.3m	0.6m
			Supported

10. The proposed street setback variation is supported for the following reasons:

12. The minimum 0.3m measurement is to the universal access ramp and decking only. The majority of the sales suite (i.e. verandah) is located 1.9m from the property boundary to McCallum Lane. The minor setback variation is considered to be appropriate for its location. This is discussed further in the analysis section of this report.

13. The structure is being considered on a temporary basis only.

Element	Requirement	Proposed	Variation
Car parking	Council discretion	1 car bay	N/A
			Not supported – condition recommended

11. The proposed provision of a single car parking bay is not supported for the following reasons:

14. It is considered that the provision of one bay is insufficient to cater for the car parking demand for the proposed land use. However, it is recommended that the application be approved on the basis this matter can adequately be addressed via conditions of development approval. This is discussed further in the analysis section of this report.

Element	Requirement	Proposed	Variation
Signs	One sign per lot	Two signs on one lot	One additional sign
			Supported

12. The proposed provision of two signs in lieu of one is supported for reasons that are discussed in the analysis section of this report.

Element	Permissibility	Recommendation
Land use	<p>A Temporary Property Sales Suite is not listed in Town Planning Scheme No.1 and is therefore classified as an 'Unlisted Use'.</p> <p>Approval of an Unlisted Use is at the Council's discretion having regard to the objectives of the zoning and the appropriateness of the land use.</p>	Supported

13. The 'Unlisted Use' of a Temporary Property Sales Office is supported on the basis that it is inoffensive, temporary and ultimately assists in facilitating the development of the high-quality apartment building that will positively contribute to the area. The land use and recommended conditions relating to the amenity of the locality, are discussed further in the analysis section of this report.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The proposed land use facilitates the financing and subsequent construction of an apartment development on the site of which the Town's Design Review Panel commented that <i>"the design is an elegant solution to a difficult site"</i> .

## Engagement

Internal engagement	
Stakeholder	Comments
Building Services	No objection, subject to standard conditions.
External engagement	
<b>Stakeholders</b>	Owners and occupiers of surrounding properties
<b>Period of engagement</b>	7 October 2019 – 28 October 2019 (21 days)
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Written submissions, notification signage on-site and Your Thoughts (the Town's online engagement tool)
<b>Advertising</b>	<p>Advertising of the proposal comprised of letters being sent to owners and occupiers of surrounding properties (within 100m radius) and signage installed on the site.</p> <p>LPP 37 indicates that an Unlisted Use should also be advertised by way of public notices being placed in the Southern Gazette newspaper. In this instance, it was considered that letters to directly surrounding property owners and occupiers, supplemented by a sign on-site was sufficient.</p>
<b>Submission summary</b>	Two (2) submissions have been received, both opposing the proposal.
<b>Key findings</b>	<p>Submissions received raise concerns/objections as follows:</p> <ul style="list-style-type: none"> <li>• Provision of car-parking is insufficient</li> <li>• Poor visual aesthetics and presentation of the transportable structures</li> <li>• The accumulation of rubbish at the site</li> <li>• Vehicular safety in relation to the signage location</li> <li>• The existing buildings on-site should be used as a sales office instead.</li> </ul> <p>See Attachments 4 &amp; 5 for further details.</p>
Other engagement	
Stakeholder	Comments
Main Roads	No objection, subject to standard conditions and advice

	notes
Department of Biodiversity Conservation and Attractions (on behalf of the Swan River Trust)	No comment

## Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
The proponent has a right of review to the State Administrative Tribunal against Council's decision, including any conditions.	Moderate	Unlikely	Low	Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

## Financial implications

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

## Analysis

### Car parking

14. No local planning policy prescribes an applicable car parking ratio requirement for this proposed land use. In the absence of policy prescription, but car parking remaining a valid consideration in terms of impacts of the proposed land use on the locality, Council must consider the proposal on its merits.
15. It is considered that one bay is insufficient to cater for the demand on car parking posed by the given land use. While it could be argued that an equivalent "Office" land use under *Local Planning Policy 23 – Car Parking* requires only 1 bay per 40m<sup>2</sup> of office space, it should be noted that one real estate agent could be tending to multiple prospective buyers at any given time. Assuming each party drove to the site, the land use results in a demand of at least 3 bays.
16. It is noted that both the Ellam Street carpark (at the southern end of McCallum Lane) and street-parking along Taylor Street and Garland Street are in close proximity to the site. While an application for a land use should not solely rely on public car parking, its availability and proximity is a relevant factor for Council to consider when evaluating the proposed operation (and/or likely impact) of a land use in a location.
17. Within 55 Canning Highway there is sufficient space for an additional car bay adjacent to the universal access bay. On 53 Canning Highway there is sufficient space for a car bay (or two) for staff. Given that there is both

anticipated demand for car bays and the scope for such bays to reasonably be provided, Town Officers are of a view that a condition requiring the provision of additional car bays on the site is an appropriate way to resolve this issue.

### Land Use

18. In determining an application for an Unlisted Use, Council is to exercise its discretion to determine if the use meets the objectives and purposes of the zoning, with consideration to the matters outlined within deemed clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
19. The proposed land use is considered to be inoffensive in nature, not resulting in adverse impacts to the area or adjoining neighbours in terms of noise, traffic generation (noting the proposal outlines that weekday activities would be by appointment only), emissions or other activities that would may be incompatible with surrounding residential areas. The proposal is therefore consistent with the requirements of Local Planning Policy 3.
20. Display and information/sales suites are commonly developed as part of large residential projects. The proposed temporary use of a temporary property sales suite will assist in gaining pre-sales to facilitate the redevelopment of the site, as per the approved apartment development.
21. In relation to the above, it is noted that the land use is proposed to be in place for a maximum period of 12 months.

### Building appearance

22. In relation to the amenity of the locality, concerns were conveyed to the applicant by Council Officers regarding the "Sea-Container" like appearance of the temporary structure depicted in the elevations received. The applicant has clarified that the structure is not a sea container, and that the building is clad in an architectural material with vertical lines (ie, the lines in the elevation are not depicting corrugated steel). Further information on equivalent transportable sale suites is available via their selected office provider: <https://www.instantoffices.com.au/>
23. To ensure a high level of amenity for the duration of the temporary land use and structure, recommended conditions of approval include conditions requiring a landscaping plan (to soften the presence of the transportable building and hardstand) and a colours and materials schedule to the satisfaction of the Town prior to the application for a building permit being submitted.

### Setback

24. While a street setback variation is proposed, it is noted that the structure is being considered for a time limited basis only and will not be permanent development at the site.
25. The proposed 0.3m measurement (at minimum), as referred to in the compliance assessment above, is to the universal access ramp and decking only. The majority of the sales suite (i.e. verandah) is located 1.9m from the property boundary to McCallum Lane and the solid wall of the sales suite is an additional 1.8m further back. The majority of the structure proposed is therefore well past the deemed-to-comply 1m secondary street setback for this R80 location.
26. A variety of setbacks exist along McCallum Lane. This is evident in both aerial photos and site photos (refer to Attachments 1 and 2). In the absence of a consistent setback, the single storey temporary sales suite and its access ramp/decking is considered to not adversely impact the character or pattern of built form in the locality.

### Signs

27. The proposal as originally submitted in July sought to erect many more signs on site. The applicant was subsequently advised that this number of signs were unlikely to be supported under the policy.
28. It has been noted that the two signs in a 'v' shape were erected part way through the assessment process. The applicant was advised by the Town that any further erection of unauthorised signage would result in prosecution.
29. Given the combination of the two above points, the applicant amended their proposed signage to be limited to only the two signs in a 'v' shape.

30. The following table contains an assessment of the proposed signage against the considerations listed within Clause 30A of the Town Planning Scheme.

TPS1 – Clause 30A considerations	Officer comment
(a) the impact of the sign on the quality of the streetscape where it is to be displayed and more generally of the district;	The proposed signs are not considered to adversely impact the amenity of the locality. It is noted that Canning Highway is a traffic oriented corridor.
(b) whether the size of the sign appropriately relates to the architectural style, design and size of a building on which the sign is to be displayed, and in measuring the size of a sign a polygon shall be taken immediately around the text, graphics or image of the sign and not the entire background, except where the finish or colour of the background differs substantially from the background against which the sign is to be displayed.	The size of the signs is considered to be appropriately proportional to the size of the property and existing structures on site.
(c) whether the colour scheme and materials of the sign are compatible with the architectural style and design of a building on which the sign is to be displayed;	Not applicable. The sign is freestanding rather than affixed to a building.
(d) whether the colour scheme and materials of the sign are compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed; and	The colours and materials of the sign are considered to be appropriate to the area and are generally inoffensive.
(e) how many signs are on the land where the sign will be displayed.	<p>While two signs are proposed, the majority of the people who are likely to view the signs (motorists) will generally see only one sign at any given time.</p> <p>The two signs proposed are arguably comparable to a double sided single sign, and do not constitute a 'proliferation of signage' which is something the Town would seek to avoid as outlined within <i>Local Planning Policy 38 – Signs</i></p>

31. Main Roads has raised no concerns in relation to the proposal, inclusive of signs, other than to require standard conditions be imposed.

32. Given the above, the proposed signage is considered to be consistent with the aims and objectives of *Local Planning Policy 38 – Signs* and the applicable provisions of the Scheme.

## Further consideration

33. Further to the report prepared for the Agenda Briefing Forum on 5 November 2019, the applicant has provided an email clarifying the following matters:

- a. the debris/rubbish dumped at the front of the property, has now been removed.
- b. it is anticipated that the demolition of the existing buildings on the site will be undertaken prior to Christmas 2019.
- c. the sales office weekend times are expected to be from 10am to 12pm, rather than 9am to 4pm as stated in the Officers report. In addition, the sales office may open on Wednesdays from 5pm to 7pm.

34. In terms of the weekend opening times of the sales office, rather than restrict the approval to 10am to 12 noon only, it is recommended to retain the timeframe of 9am to 4pm therefore allowing for some flexibility and on the basis that operating within these extended hours is considered acceptable. With respect to opening hours on Wednesday evenings, condition 1.3 has been modified to allow for the sales office to open from 5pm to 7pm on Wednesday evenings.

#### AMENDMENT:

**Moved:** Cr Vicki Potter

**Seconded:** Mayor Karen Vernon

That point 1.3 (i) be amended to read:

10am to 12pm Saturday and Sunday.

**CARRIED (6 - 0)**

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

**Against:** nil

#### Reason:

To align with the advice given from the applicant that this is when the office is expected to operate and also gives the neighbour next door a bit of relief on their weekends for privacy.

#### COUNCIL RESOLUTION (232/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

1. Approves, by Absolute Majority, the application submitted by Total Project Management (DA ref: 5.2019.374.1) for a temporary property sales suite as an Unlisted Use and Signage at No 53 (Lot 31) and No 55 (Lots 32 and 33) Canning Highway, Victoria Park, as indicated in the documents in Attachment 3, 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. This development approval is valid for a maximum period of 12 months from the date of this approval, after which time the use shall cease operation, unless further development approval is granted. On or prior to the end of this period, the sales suite structure, signage and associated works are to be permanently removed from the Lot.
  2. The development, once commenced, is to be carried out in accordance with the approved plans, unless otherwise authorised by the Town.
  3. Except with the prior written consent from the Town, the development shall only operate between the following hours:
    - (i) 10am to 12pm Saturday and Sunday;
    - (ii) 5pm to 7pm on Wednesdays; and
    - (iii) only by appointment at all other times Monday to Friday.
  - 1.4. Complete details of the proposed external colours, finishes and materials to be used in the construction of the building are to be provided to the satisfaction of the Town prior to submission of an application for a building permit.
  - 1.5. Prior to lodging an application for a building permit, a landscaping plan for the subject site must be submitted to and approved by the Town (see related advice note).
  - 1.6. Prior to the sales suite first commencing operations, landscaping as per the approved details being implemented to the satisfaction of the Town.
  - 1.7. A minimum of 3 car parking bays to be provided on site of which 2 bays are to be for the exclusive use

of customers/visitors and 1 bay for the exclusive use of staff.❖ These bays shall be constructed and marked prior to the sales suite first commencing operations.

- 1.8. All car bays and access aisles shall be maintained clear of obstructions for use as car parking at all times.
- 1.9. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Town and thereafter implemented, constructed and maintained to the satisfaction of the Town.
- 1.10. Vehicle access to the temporary property sales suite is to be only taken from McCallum Lane and Taylor Street as shown on the approved site plan. No vehicle access is to be taken from Canning Highway.
- 1.11. In the event the land reserved for Primary Regional Road under the Metropolitan Region Scheme is needed for future roadworks, the applicant shall upon receipt of a notice from Main Roads, relocate or remove the signage at their own expense.
- 1.12. For any signs that are illuminated, they must be of a low-level not exceeding 300cd/m<sup>2</sup> during the hours of night, and not flash, pulsate or chase during all hours.
- 1.13. Signs shall not contain fluorescent, reflective or retro reflective colours or materials.
- 1.14. Vegetation within the state road reserve shall not be removed or trimmed to improve the visibility of the proposed advertising signs.

Advice notes:

AN1 Main Roads agreement is required to be obtained prior to any future modifications.

AN2 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.

AN3 Any required excavation or filling greater than 150mm below or above existing ground levels is to be retained along any boundary by a retaining wall system designed by a practicing Structural Engineer.❖ Council approval is required for all proposed retaining wall systems greater than 150mm in height or depth.

AN4 Further to condition 1.5 relating to the submission and approval of a landscaping plan, due to the non-permanent nature of the development, landscaping that consists of planter boxes and/or large potted plants is considered to be appropriate.

AN5 Further to the condition relating to illuminated signage, "Night" has the same definition as that defined in s.3 pursuant to the Road Traffic (Vehicles) Act 2012.

*"Night means the period between sunset on one day and sunrise on the next day."*

AN6 Sound levels created are not to exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.

2. Advise those persons who lodged a submission, of this decision.

**CARRIED (6 - 0)**

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

**Against:** nil



## 11.3 Scheme Amendment for Home Business Land Use Definition

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Sturt McDonald
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Scheme Amendment Report - 84 [11.3.1 - 10 pages]

### Recommendation

That Council:

1. Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 84) to the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text as follows:

1.1 Insert the following general land use term and definition into Schedule B 'Definitions' of the Scheme Text:

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

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

*(b) will not cause injury to or adversely affect the amenity of the neighbourhood; and*

*(c) does not occupy an area greater than 50 m<sup>2</sup>; and*

*(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and*

*(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and*

*(f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and*

*(g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located";*

1.2 Modify the Zoning Table in the Scheme Text by adding the use class 'Home Business' in the left hand column under the heading 'Use Class' and inserting the permissibility of this use in each zone as follows:

Use Class	Zone								
	1. Residential	2. Residential/Commercial	3. Office/Residential	4. Local Centre	5. District Centre	6. Commercial	7. Industrial (1)	8. Industrial (2)	9. Special Use
Home									

Business	AA	AA	P	AA	AA	AA	X	X	AA/X <sup>7</sup>
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P-Permitted Use

AA-Discretionary Use

X-Prohibited Use

1.3 Modify the Footnotes located beneath the Zoning Table in the Scheme Text by inserting the following clarification for the meaning of AA/X<sup>7</sup>:

*"7. The "Prohibited Use" Notation applies to the 'Technology Park' area within Precinct 13 – Curtin Precinct"*

1.4 Update the extract of the Zoning Table that appears in all Precinct Plans for all zones to reflect the modifications to the Zoning Table in the Scheme Text referred to in item 1.2 and item 1.3 above.

1.5 Amending Clause 31 in the Scheme Text as follows:

1.5.1 Insert *"and Home Businesses"* to the end of the clause header after *"for Home Occupations"*.

1.5.2 Insert *"or Home Business"* within the text of the clause after *"a Home Occupation"*

1.5.3 Replace, within the text of the clause, *"clause 52(1)"* with *"clause 35(1)"*

2. Determines that, pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 ('Regulations'), the amendment referred to in resolution 1 above is a basic amendment for the following reasons:

2.1 The amendment will result in the Scheme Text being consistent with the model provisions in Schedule 1 of the Regulations.

2.2 The amendment will correct an administrative error.

3. Authorises the Chief Executive Officer and the Mayor to execute the Town Planning Scheme No. 1 Amendment No. 84 documents.

4. Forwards Amendment No. 84 to the Environmental Protection Authority ('EPA') in accordance with Section 81 of the *Planning and Development Act 2005*, with written notice of this resolution and such written information about the amendment as is sufficient to enable the EPA to comply with section 48A of the *Environmental Protection Act 1986* in relation to the amendment;

5. Subject to the EPA determining that an environmental review is not required, in accordance with Regulation 58 of the Regulations refer the amendment to the Western Australian Planning Commission ('Commission') along with a request for the endorsement of final approval by the Hon. Minister for Planning;

## Purpose

Amendment No. 84 proposes to add to the Town's Town Planning Scheme No. 1 (TPS1) a new land use definition of Home Business and insert the use class and permissibility of Home Business within the Zoning Table.

Council is requested to consider the merits of the proposal and formally resolve to initiate this Scheme Amendment.

## In brief

- During the processing of a previous scheme amendment, Amendment 80, the WAPC required several existing land use definitions under the scheme to be modified to be consistent with the model definitions contained within the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- The WAPC’s required change to the ‘Home Occupation’ definition has meant that many proposals that would previously have been considered as a ‘Home Occupation’ use cannot reasonably be determined as falling within the definition of ‘Home Occupation’ or any other listed use and therefore considered an ‘Unlisted Use’.
- The introduction of the land use of ‘Home Business’ provides a suitable alternative, filling the gap in land use definitions that resulted from the changes to the ‘Home Occupation’ land use.
- The proposed Scheme Amendment resolves this anomaly and removes unnecessary ‘red tape’ for small scale commercial activities that operate from residential dwellings.

## Background

1. The Town’s Urban Planning Service area has previously identified that there was a deficiency in the extent/range of Land Uses specified in the Town of Victoria Park Town Planning Scheme No.1. Proposals for Land Uses at that time that could not reasonably be determined as falling within the interpretation of one of the listed uses under the Scheme’s zoning table (such as a gymnasium) would be considered as an ‘Unlisted Use’. Applications for Unlisted Use require determination by Council which, when compared with determinations by Town Officers under delegated authority resulted in a longer process with a higher degree of administrative burden.
2. At the Ordinary Council Meeting of 13 February 2018, Council initiated Scheme Amendment 80. This amendment sought to create additional use classes and modify others, with the aim being a more comprehensive set of Land Uses and definitions table that would allow the Town to process Development Applications for change of use in a more streamlined manner. The amendment report prepared by Town Officers and considered by Council at this meeting did not envision or seek changes to the then ‘Home Occupation’ land use definition.
3. As part of efforts to promote consistency between Local Government areas in terms of land-use definitions, feedback from the Department of Planning Lands and Heritage (DPLH) in relation to the proposed scheme amendment outlined that they required the Home Occupation land use definition contained within TPS1 to be changed such that it was consistent with the model scheme text definitions.
4. Scheme Amendment 80, incorporating the amendment to the Home Occupation Land Use definition, was gazetted on 18 April 2019.
5. The effect of this definition change is that many proposals that would previously have been considered as a ‘Home Occupation’ now could not reasonably be determined as falling within the interpretation of ‘Home Occupation’ or one of the listed uses and must therefore be considered an ‘Unlisted Use’.

## Application summary

6. Scheme Amendment No 84 proposes to insert the land use definition of ‘Home Business’, modify the zoning table to (with associated footnote to discuss the Technology Park area of Precinct 13) update precinct plans to reflect these changes and amend Clause 31 ‘Revocation of Development Approval for Home Occupations’ to apply to the newly created Home Business land use (in addition to applying to Home Occupations).
7. The following table provides a comparison of land use definitions, both previous, existing and proposed.

Superseded Home Occupation definition:

**“home occupation”** means the carrying on or any business conducted in a dwelling or within the boundaries of the lot upon which a dwelling is constructed but does not include the sale or hire of any goods;

Current Home Occupation definition (as per model scheme text):

**“home occupation”** means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that-

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>; and

(e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(f) does not-

(i) require a greater number of parking spaces than normally required for a single dwelling; or

(ii) result in an increase in traffic volume in the neighbourhood; and

(g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and

(h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and

(i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

Proposed Home Business definition (as per model scheme text):

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

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

(b) will not cause injury to or adversely affect the amenity of the neighborhood; and

(c) does not occupy an area greater than 50 m<sup>2</sup>; and

(d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and

(e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and

(f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and

(g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located";

The implications of previous Amendment 80 and the rationale behind the proposed 'Home Business' land use is discussed in the Analysis section of this report.

8. The Scheme Amendment, as drafted, recommends the same land use permissibility within the zoning table for the proposed 'Home Business' use that currently apply to the 'Home Occupation' use class.
9. Clause 31 of the Town Planning Scheme contains an administrative error, this being a reference to "a notice served under clause 52(1)". As part of Scheme amendment No 75 being gazetted, this clause number should have been updated to 35(1).
10. Clause 31 of the Town Planning Scheme, 'Revocation of Development Approval for Home Occupations', is a safeguard that allows Home Occupations to have their approval revoked by Council. The particular circumstances required for this power to be utilised are detailed within the Clause, noting that:
  - (a) Such a Home Occupation would firstly need to be documented as not complying with conditions of approval;
  - (b) A notice, in accordance with the Planning and Development Act, needs to have been sent to the owner in relation to this non-compliance; and
  - (c) The notice referred to in (b) needs to have not been complied with.

The proposed scheme amendment seeks that this clause be amended to apply to both Home Occupations and Home Businesses. The purpose of this clause and the rationale behind expanding it to include the 'Home Business' land use is discussed in the analysis section of this report. Justification for why this amendment is also considered to fall under the banner of a 'basic amendment' is discussed under the analysis section of this report.

## Relevant planning framework

<b>Legislation</b>	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Town of Victoria Park Town Planning Scheme No. 1
<b>State Government policies, bulletins or guidelines</b>	N/A
<b>Local planning policies</b>	Local Planning Policy 2 – Home Occupation Local Planning Policy 37 – Community Consultation on Planning Proposals
<b>Other</b>	N/A

## Legal compliance

11. Regulation 35(2) contained within Part 5 – Division 1 of the Planning and Development (Local Planning Schemes) Regulations 2015 requires a resolution of a local government to prepare or adopt an amendment to a local planning scheme to do the following:
 

“(2) A resolution must –

  - (a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and
  - (b) include an explanation of the reason for the local government forming that opinion.”
12. The proposed Home Business definition is consistent with the definition contained within the model provisions in Schedule 1 of the Regulations. Where an amendment will result in the Scheme Text being consistent with the model provisions, the proposed amendment is classified as a ‘basic amendment’.
13. Given that a basic amendment is proposed, no consultation process is required. Council may therefore consider the amendment proposed and determine whether to initiate it.
14. Should Council resolve to initiate an amendment to the Scheme, it is to be processed in accordance with the provisions set out in Part 5 of *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*.
15. The Hon. Minister for Planning is ultimately responsible for determining the Scheme Amendment.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	This scheme amendment will allow for easier assessment, determination and management of Home Businesses in the Town.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	This scheme amendment seeks to minimise unnecessary ‘red tape’ for small scale commercial activities that operate from residential dwellings.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	This scheme amendment facilitates small scale commercial activities that operate from residential dwellings while retaining appropriate regulatory controls to ensure residential amenity is maintained.

## Engagement

Consultation is not required for a Basic Scheme Amendment under the Planning and Development Regulations 2015 or Local Planning Policy 37 – Community Consultation on Planning Proposals.

## Risk management considerations

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

## Financial implications

<b>Current budget impact</b>	Nil
<b>Future budget impact</b>	Nil

## Analysis

### Land uses – Previous, existing and proposed

16. As outlined within *Local Planning Policy No.2 – Home Occupation*, the Town acknowledges that working from home is now a widely accepted practice in today's workforce. Not only has it become increasingly common, changes in the traditional organisation of work, coupled with dramatic advances in communications and technology, have made it a more feasible and practical avenue for small business and self-employment.

The Town also recognises that while some home-based employment is acceptable within a residential environment, there are limits on the compatibility of home occupations with residential uses. Some degree of control is therefore necessary to protect the character and amenity of residential neighbourhoods.

17. Previous iterations of LPP2 imposed limitations/provided guidance on the maximum size and scope of land use. Local Planning Policies, however, are non-binding and do not have the same statutory weight as the Scheme Text. Given that the previous (now superseded) scheme definition of 'Home Occupation' itself was reasonably broad, the Town was in a position to make a discretionary judgement as to whether a proposal was a Home Occupation or whether it fell under a different land use category. By way of example, a proposal for a home hairdressing business that sought a floor area of 25m<sup>2</sup> in lieu of the 20m<sup>2</sup> permitted under (the previous iteration of) LPP2, could still be considered as a Home Occupation. Such a proposal and its variation to the policy requirement would be able to be considered on its merits against the aims and objectives of Policy in addition to other applicable elements of the planning framework
18. The current definition of Home Occupation within the Scheme Text provides a number of specific criteria (detailed in the Application Summary section of this report) that a proposal must meet for it to be considered as a Home Occupation. The abovementioned example of a home hairdressing proposal that seeks 25m<sup>2</sup> of floor area for the land-use could not be considered as a 'Home Occupation', as this would not meet the given criteria of the Scheme Definition. Similarly, a proposed land use that employs anyone who is not a resident of the given property could not be considered as a 'Home Occupation'. This is a notable change to the Town's planning framework which, at current, leaves a gap in Land Use definitions.
19. Scheme Amendment 84 proposes to introduce the 'Home Business' definition which, while not restoring the flexibility that previously characterised the land uses under discussion, is considered to address the 'gap' in land use definitions and brings the Scheme closer in line with the model scheme text. Key differences between this use class and the Home Occupation definition are as follows:
  - (a) the ability for non-residents to be employed at the premise; and
  - (b) a larger area (up to 50m<sup>2</sup>) able be utilised for the land use.

With regard to the abovementioned example home hairdressing business, a proposal for a land use that occupies 25m<sup>2</sup> of a dwelling and employs (in addition to the occupant) a non-resident of the dwelling could be considered as a Home Business if the proposed scheme amendment is implemented.
20. The Scheme Amendment as drafted recommends the same Land Use permissibility's within the zoning table for the proposed 'Home Business' use that currently apply to the 'Home Occupation' use class. This reflects that the model definitions for home occupation and home business collectively would capture a similar range of land use proposals to the previous Scheme Definition for 'Home Occupation'. Broadly speaking, the amendment as drafted envisions an effective maintenance of the status quo in terms of land-use permissibility in the Town. Lack of such maintenance would, in effect, result in an increase to the administrative processes and unnecessary 'red tape' for small scale commercial activities that operate from residential dwellings.

### **Clause 31 – Revocation of Development Approval for Home Occupations**

21. Clause 31 of the Town Planning Scheme contains an existing administrative error, with a reference to "*a notice served under clause 52(1)*". As part of Scheme amendment No 75 being gazetted, this clause number should have been updated to 35(1). An amendment that corrects an administrative error within the Scheme Text so as to be consistent with the model provisions is classified as a 'basic amendment'.
22. In terms of its function, Clause 31, '*Revocation of Development Approval for Home Occupations*', is a safeguard that allows Home Occupations to have their approval revoked by Council. While Council Officers are not aware of any instance in which this clause has actually been used, it does provide Council with a safeguard that allows a land use decision to be undone if/when it is demonstrated that the conditions of approval are neither acceptable to the operator or adjoining landowners.
23. This clause has been and is referred to when justifying why a proposed Home Occupation should be favorably considered, and also serves as a basis to avoid the need for Home Occupations to be approved on a time-limited basis, whether this is intended as a trial-run, or as a safeguard to ensure ongoing compliance. The absence of such a clause/safeguard applying specifically to Home Businesses could lead the Town to assessing and determining proposals in a more risk-averse manner –this typically not being in the applicants favor.

24. In the hypothetical scenario of a repeatedly non-compliant landowner operating a home business outside/beyond its conditions of approval, and in the absence of clause 31 applying, prosecution would be the primary option available to the Town to compel/pursue a compliant land-use that is compatible with its setting. Prosecution, however, has its limitations – notably taking both time and money. Revocation of an approval provides simpler and clearer grounds on which to proceed with compliance action, ensuring that residential amenity can be protected.

### **Implications for Local Planning Policies if supported**

25. Should the proposed Scheme Amendment be gazetted, two local planning policies have been identified as requiring updates:
- (a) Local Planning Policy 2 – Home Occupation (LPP2);
  - (b) Local Planning Policy 37 –Community Consultation on Planning Policies (LPP37).
26. In the case of LPP2, this would be amending/expanding the policy to discuss the requirements of Home Businesses *and* Home Occupations.
27. In the case of LPP37, this would be the amending the policy to include ‘Home Business’ being exempt from community consultation where there are no activities proposed generating any noise, traffic, odours, parking or customers to the site. This exemption currently only applies to ‘Home Occupation’.

### **Conclusion**

28. As outlined above, the model definitions for home occupation and home business are considered to collectively capture a similar range of land use proposals to the previous Scheme Definition for ‘Home Occupation’. The proposed amendment including the addition of ‘Home Businesses’ to Clause 31 is therefore considered by the Town to be maintenance of the status-quo in terms of powers of the scheme. It should also be noted that the narrowing scope of the ‘Home Occupation definition’ was an unintended byproduct of the WAPC requiring modifications to Scheme Amendment 80. The loss of this clause applying to certain Development Applications could be considered to be an administrative error. The Town therefore contends that the addition of “Home Business” and related modifications to clause 31 as proposed falls under the classification of a ‘Basic Amendment’.

### **Relevant documents**

[Planning and Development Act 2005](#)

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

[Local Planning Policy 2 – Home Occupation](#)

[Local Planning Policy 37 –Community Consultation on Planning Policies](#)

### **Further consideration**

29. In response to a question raised at the Agenda Briefing Forum on 5 November 2019 regarding the exclusion of retail sales from the home business definition, the proposed definition replicates the model definition of home business from the Planning and Development (Local Planning Schemes) Regulations. Contact has been made with a number of other local governments whose Planning Scheme contains the same definition, who have advised that they take a pragmatic approach, allowing for hairdressers and beauticians to sell associated products where they are an incidental part of the business.

### **COUNCIL RESOLUTION (233/2019):**

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:



1. Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 84) to the Town of Victoria Park Town Planning Scheme No. 1 Scheme Text as follows:
  1. Insert the following general land use term and definition into Schedule B 'Definitions' of the Scheme Text:

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

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m<sup>2</sup>; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located";

- 1.2. Modify the Zoning Table in the Scheme Text by adding the use class 'Home Business' in the left hand column under the heading 'Use Class' and inserting the permissibility of this use in each zone as follows:

Use Class	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
Zone	1.	2.	3.	4.	5.	6.	7.	8.	9.
Home Business	AA	AA	P	AA	AA	AA	X	X	AA/X <sup>7</sup>

P-Permitted Use

AA-Discretionary Use

X-Prohibited Use

- 1.3. Modify the Footnotes located beneath the Zoning Table in the Scheme Text by inserting the following clarification for the meaning of AA/X<sup>7</sup>:

*"7. The "Prohibited Use" Notation applies to the "Technology Park" area within Precinct 13 – Curtin Precinct"*

- 1.4. Update the extract of the Zoning Table that appears in all Precinct Plans for all zones to reflect the modifications to the Zoning Table in the Scheme Text referred to in item 1.2 and item 1.3 above.

- 1.5. Amending Clause 31 in the Scheme Text as follows:

1.5.1. Insert *"and Home Businesses"* to the end of the clause header after *"for Home Occupations"*.

1.5.2. Insert *"or Home Business"* within the text of the clause after *"a Home Occupation"*

1.5.3. Replace, within the text of the clause, *"clause 52(1)"* with *"clause 35(1)"*

2. Determines that, pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes)

Regulations 2015 ('Regulations'), the amendment referred to in resolution 1 above is a basic amendment for the following reasons:

- 2.1. The amendment will result in the Scheme Text being consistent with the model provisions in Schedule 1 of the Regulations.
- 2.2. The amendment will correct an administrative error.
3. Authorises the Chief Executive Officer and the Mayor to execute the Town Planning Scheme No. 1 Amendment No. 84 documents.
4. Forwards Amendment No. 84 to the Environmental Protection Authority ('EPA') in accordance with Section 81 of the *Planning and Development Act 2005*, with written notice of this resolution and such written information about the amendment as is sufficient to enable the EPA to comply with section 48A of the *Environmental Protection Act 1986* in relation to the amendment;
5. Subject to the EPA determining that an environmental review is not required, in accordance with Regulation 58 of the Regulations refer the amendment to the Western Australian Planning Commission ('Commission') along with a request for the endorsement of final approval by the Hon. Minister for Planning;

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

## 11.4 Review of Local Planning Policy 7 'Vehicle Access to Properties via a Right-of-Way'

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Leigh Parker
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Reviewed Draft LPP7 'Development and Vehicle Access to Properties Abutting Rights-of-Way' [11.6.1]</li> <li>2. Existing LPP7 'Vehicle Access to Properties Abutting Rights-of-Way' [11.6.2]</li> </ol>

### Recommendation

That Council:

1. Approves advertising of the draft revised Local Planning Policy 7 'Development and Vehicle Access to Properties Abutting Rights-of-Way' (as contained within Attachment 1) for public comment for a minimum period of 21 days in accordance with deemed Clause 4 of the *Planning and Development (Local Planning Schemes) Regulation 2015*; and
2. Requests that the Chief Executive Officer provides a further report to Council summarising and responding to any submissions received during the public advertising period along with a recommendation on whether or not to adopt draft revised Local Planning 7 'Development and Vehicle Access to Properties Abutting Rights-of-Way' with or without modifications.

### Purpose

To consider proposed amendments to the existing Local Planning Policy 7 'Vehicle Access to Properties via a Right-of-Way' (LPP 7).

To resolve whether to grant consent to advertise draft revised LPP 7 for public comment.

### In brief

- Council's Urban Planning service area have completed a review of LPP 7, as part of its comprehensive project to review all 37 Local Planning Policies (LPPs).
- The review has considered the adopted policies of a number of other metropolitan local governments as well as the Western Australian Planning Commission's (WAPC) Planning Bulletin 33/2017 'Rights-of-way or laneways in established areas', which recommends the incorporation of its provisions within local government Local Planning Policies.
- Internal engagement with officers from the Town's Place Planning, Urban Planning, Street Improvement and Community Development service areas has occurred to help refine the provisions of the draft policy and ensure it is aligned with cross-functional requirements.

- The major changes to the existing policy include:
  - The incorporation of provisions from the WAPC’s Planning Bulletin 33/2017 ‘Rights-of-way or laneways in established areas’;
  - Introduction of provisions for development abutting a right-of-way in relation to building design and surveillance, landscaping, lighting and fencing;
  - Introduction of right-of-way building setback requirements for non-residential development which are currently not provided for in the Town’s local planning framework;
  - Incorporation of the Town’s right-of-way widening and upgrading requirements in a single policy location, including the manner in which the Town will consider and apply relevant conditions to applications for development approval and built strata subdivision approval, as well as recommendations to the WAPC on applications for survey strata, freehold subdivision and amalgamation; and
  - The incorporation of explanatory diagrams to visually communicate the Town’s requirements in relation to right-of-way widening, corner lot truncation requirements and visual sightline truncations.

## Background

1. LPP 7 ‘Development and Vehicle Access to Properties Abutting Rights-of-Way’ was originally adopted as Town Planning Scheme No. 1 (TPS No. 1) Policy 3.10 ‘Vehicular Access to Dwellings via a Right-of-Way’ on 30 September 1998. The policy was later amended to ‘Vehicular Access to Properties via a Right-of-Way’ as part of Amendment 4 to TPS No. 1 gazetted 4 May 2001.
2. At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt the planning policies contained within the former TPS No. 1 Policy Manual, those adopted as Local Planning Policies prepared under the R-Codes, and those adopted as Administrative Policies (otherwise known as PLNG Policies) as Local Planning Policies.
3. Council’s Urban Planning service area are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The local planning policies are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.
4. A formal resolution of Council is required to grant consent for the public advertising of a new or revised LPP.

## Details

1. A review of LPP 7 has been undertaken by Council Officers, which has included consideration of:
  - a. the effectiveness of the current Policy including any issues of interpretation, application and gaps or deficiencies;
  - b. like Policies of other Local Governments;
  - c. alignment with relevant State legislation, policy and/or guidelines (where applicable);
  - d. greater clarity in the objectives of the Policy; and
  - e. improving the presentation of the Policy.
2. The review of existing LPP 7 has identified the following shortcomings and/or opportunities for improvement:
3. The policy deals only with the issue of legal access to a right-of-way, and whether or not vehicular access will be granted by Council dependant on the construction standard of the right-of-way.
4. It does not capture the requirements and recommended provisions contained in the WAPC’s *Planning Bulletin 33 ‘Rights-of-way or laneways in established areas’*.
5. It does not contain provisions applicable to new development abutting rights of way. An opportunity exists to align requirements for residential development (under existing LPP 25 ‘Streetscape’) with non-residential development to identify common standards and requirements applicable to all development types adjacent to rights-of-way.
6. An opportunity exists to incorporate provisions that provide a policy basis for the standard practices and procedures Council undertakes with respect to conditions imposed or recommended to be imposed on applications for development approval, built strata subdivision, green title subdivision, amalgamation or survey strata subdivision in relation to right-of-way widening and upgrading.
7. As a result of the review the following changes are proposed to existing LPP 7:

- a. Broadening the scope of the policy to deal with both vehicular access and development generally on properties abutting rights-of-way, with the policy being retitled to 'Development and Vehicle Access to Properties Abutting Rights-of-Way'.
- b. Providing an Introduction, Objective and Scope to outline and justify the basis of the policy and what it seeks to achieve.
- c. Expand and explain scope and intent of policy to emphasise intent for new developments to utilise existing rights-of-way with the eventual goal being their transition to pleasant streetscape environments.
- d. As is currently the case under LPP 25 'Streetscape' and the R-Codes for residential development, state as a general requirement for all development types, that where vehicular access from a right-of-way is available for new development, sole vehicular access is to be taken from the right-of-way. (Refer Clause 1)
- e. Insert new provisions regarding the removal of redundant crossovers and verge reinstatement (refer Clause 3), and provisions of pedestrian access to the primary/secondary street (refer Clause 4 and accompanying diagram) for rear infill development/subdivision of lots abutting rights-of-way.
- f. Insert new clauses and accompanying diagrams explaining the Town's requirements and methods of calculation for the widening of underwidth rights-of-way, corner lot truncation requirements and right-of-way upgrading requirements. (Refer Clauses 5, 6 and 7)
- g. Insert new provisions relating to development and building design to outline right-of-way building setback requirements, incorporate crime prevention through environmental design (CPTED) principles in terms of passive surveillance, security and crime deterrent measures through appropriate window size and location, permeable fencing to rights-of-way and provision of lighting at pedestrian and vehicular access points. (Refer Clauses 11, 12 and 14)
- h. Insert provisions relating to landscaping, visual sightlines and vehicle manoeuvring requirements (Refer Clauses 13 and 15).
- i. Insert provisions detailing how the Town will apply or recommend relevant conditions to ensure compliance with the revised policy for applications for development approval, built strata, survey strata, or freehold subdivision and amalgamation. (Clauses 16, 17 and 18)

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 – A community that is authentically engaged and informed in a timely manner.	Community consultation and public advertising occurring in accordance with State legislative requirements and LPP37 'Community Consultation on Planning Proposals'
CL10 – Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The review of the Town's LPPs to ensure they remain relevant, effective and consistent with current legislative requirements and State Planning Policies.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The appropriate development and subdivision of properties abutting rights-of-way and the widening and upgrading of underwidth rights-of-way can contribute to greater housing choice and diversity to meet existing and future community needs.
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	The widening and upgrading of the Town's rights-of-way through the development and subdivision process can help relieve pressures and congestion on public streets, allow for more efficient use of land and contribute to the overall improvement of the road transport network.

## Engagement

Internal engagement	
Stakeholder	Comments
Community Development	Has reviewed the draft policy and helped to inform new provisions addressing CPTED principles that support passive surveillance and crime deterrence through appropriate building design, fencing and lighting.
Street Improvement	Have reviewed draft policy and contributed to refinement of several provisions to ensure they are aligned with relevant engineering and right-of-way upgrading requirements.
Urban Planning	Have reviewed the draft policy and contributed to development of its form and content to ensure it is clear and relatively easy to administer and can be understood by the general public, land owners and developers.
Place Planning	Have reviewed the draft policy and support the proposed changes.

## Legal compliance

- *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations)

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

- Community consultation for a period of not less than 21 days; and
- Consideration of public submissions and a Council resolution to proceed with the new or

amended policy with or without modifications, or not to proceed.

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

- Local Planning Policy 37 – Community Consultation on Planning Proposals

## Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> Application of Policies which could contain clearer and more comprehensive provisions in order to more effectively achieve their intent and objectives.	Moderate	Likely	Low	Consent to public advertising of draft revised LPP 7.
<b>Compliance</b> Application of standardised practices and procedures which are not underpinned by a Local Planning Policy or other adopted instrument within the Town's local planning framework.	Moderate	Likely	Low	Consent to public advertising of draft revised LPP 7.

## 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 proposed changes to existing LPP 7 draw together and provide a policy basis for a wide range of Town requirements applicable to development and subdivision of properties abutting rights-of-way.
- It is considered that the revised policy will benefit and provide clarity to property owners, developers, and the general community. It will also assist Council Officers to explain and refer community members to the applicable requirements of the Town as they are a) currently set out across a number of policies, b) are not documented within a policy and/or c) are State Government recommended provisions.
- Existing LPP 25 'Streetscape' contains a number of provisions relating to building setbacks and CPTED design principles, however these are not currently specified for non-residential development within the Town's local planning framework despite being relevant considerations in the design of such development. The proposed changes to LPP 7 include new provisions for non-residential development and build upon those existing in LPP 25 for residential development, providing alignment, consistency in approach and clarity to the requirements applicable to all forms of development abutting rights-of-way.
- The revised policy also recognises that its Town-wide provisions may not be appropriate for specific localities where the scale or nature of intended future development requires controls specific to that locality, including provisions applicable to development abutting rights-of-way. Examples of such localities include Belmont Peninsula, the Albany Highway Precinct and Burswood Station East. Accordingly, the policy includes clauses specifying that where area-specific provisions contained within a Council adopted LPP, Design Guidelines or

other planning instrument exist, then these will prevail over the requirements contained within draft revised LPP 7, to the extent of the inconsistency.

12. Draft revised LPP 7 has been subject to substantial internal review and refinement and it is recommended it now proceed to public advertising. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft revised policy, with or without modifications.

## Relevant documents

[WAPC Planning Bulletin 33/2017 'Rights-of-way or laneways in established areas'](#)

### COUNCIL RESOLUTION (234/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

1. Approves advertising of the draft revised Local Planning Policy 7 ♦ 'Development and Vehicle Access to Properties Abutting Rights-of-Way' (as contained within Attachment 1) for public ♦ comment for a minimum period of 21 days in accordance with deemed Clause 4 of the *Planning and Development (Local Planning Schemes) Regulation 2015*; and
2. Requests that the Chief Executive Officer provides a further report to Council summarising and responding to any submissions received during the public advertising period along with a recommendation on whether or not to adopt draft revised Local Planning 7 'Development and Vehicle Access to Properties Abutting Rights-of-Way' with or without modifications.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil



## 11.5 Higgins Park and Playfield Reserve Recreational Needs Assessment and Proposed Masterplan Scope

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Pierre Quesnel
<b>Responsible officer</b>	Natalie Martin Goode
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - Higgins Park Master Plan Business Case [<b>11.5.1</b> - 23 pages]</li> <li>2. Attachment 2 - Higgins Park and Playfield Reserve Recreational Needs Assessment [<b>11.5.2</b> - 92 pages]</li> </ol>

### Recommendation

That Council endorses the following scope for the development of the proposed Higgins Park and Playfield Reserve Masterplan project to include:

- i. The addition of a play space at Playfield Reserve
- ii. The refurbishment of the Returned Services League Building and investigation into the inclusion of an additional permanent tenant
- iii. The addition of a synthetic hockey pitch on the Hillview Terrace side of Higgins Park
- iv. The creation of a multi-sport clubroom facility accommodating Higgins Park Tennis Club, Victoria Park Raiders Junior Football Club, Victoria Park Xavier Hockey Club and Victoria Park Croquet Club
- v. A second Australian Rules Football oval if the synthetic hockey pitch option is found to be unfeasible
- vi. The preservation of space for AusKick on Higgins Park or Playfield Reserve and an agreement formalising the use of Millen Primary School oval for that purpose if considered necessary and appropriate
- vii. Enhancements to oval(s) including the surface and lighting
- viii. The views, aspirations and user needs of the surrounding local community
- ix. The retention of mature trees, and opportunities to increase the current tree canopy
- x. A universally accessible path network within and bounding Higgins Park and Playfield Reserve that integrates with the current and planned surrounding bicycle and pedestrian network
- xi. Introduction of all age's fitness equipment and/or personal training areas
- xii. Consolidation of play equipment
- xiii. Water management initiatives (drainage and reticulation)
- xiv. Car parking configuration and active transport opportunities

## Purpose

To present to Council the Higgins Park and Playfield Reserve Recreational Needs Assessment and seek Council's endorsement of the proposed scope of the Higgins Park and Playfield Reserve Masterplan to be prepared in 2020.

## In brief

- In 2018, during the planning process for the Long-Term Financial Plan, Elected Members undertook a prioritisation process to determine the future delivery of major projects by the Town. The 'Higgins Park Master Plan' project was identified in that process.
- A Business Case was prepared and presented to Council outlining three options regarding the future planning and development of the site. Council endorsed the option recommending the preparation of a Masterplan subject to a Recreational Needs Assessment being prepared to inform the Masterplan scope.
- The Recreational Needs Assessment has been completed and it is proposed that Council endorses the recommended refined scope for the Masterplan.

## Background

1. In 2018, during the planning process for the Long-Term Financial Plan, Elected Members undertook a prioritisation process to determine the future delivery of major projects by the Town. The 'Higgins Park Master Plan' project was identified in this process. ▪
2. Higgins Park, Fred Bell Drive and Playfield Reserve (the site) form an eight-hectare parcel of public open space situated within East Victoria Park near its southern border with St James.
3. A Business Case was prepared outlining three options regarding the future planning and development of the site. This Business Case is contained in Attachment 1 and was approved by Council at the 18 June 2019 Ordinary Council Meeting (OCM).
4. Council endorsed Option 1 presented in the Business Case. Option 1 recommended the preparation of a Masterplan for the site to determine and guide the long-term use and development within the site to meet the needs of Victoria Park's future population. The scope of the Masterplan was to be defined by the Higgins Park and Playfield Reserve Recreational Needs Assessment (RNA) which has been prepared and is contained in Attachment 2.
5. The RNA recommends the Masterplan scope be narrowed to a series of options and core considerations as outlined in the Officer Recommendation and Analysis section of this report.

## Strategic alignment

### Civic Leadership

Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Extensive, best practice and carefully designed communication will be undertaken to ensure community members and stakeholders are well informed.
CL02 - A community that is authentically engaged and informed in a timely manner.	Authentic engagement with key stakeholders especially sporting groups and local community.
CL03 - Well thought out and managed projects that are delivered successfully.	Allowing an improved outcome through a coordinated plan for the site rather than ad hoc facility upgrades.

CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Improved efficiency and optimised usage to ensure maximum social return and economic sustainability from the site.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Masterplan that follows a thorough Needs Assessment to ensure scope is based on contemporary, objective information.

<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	The site services district level formal recreational needs and must be of a high quality to ensure positive visitor and user experience.

<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	A successful Masterplan will ensure efficiency and maximum recreational value is obtained from the resources dedicated to the facilities.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	The site will be a major local destination, playing a significant role in the lives of the community
EN07 - Increased vegetation and tree canopy.	Explore opportunities to increase the tree and vegetation in the park to the benefit of both the park experience and the wider environment.

<b>Social</b>	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	The Masterplan will guide the redevelopment of the site providing improved active and passive recreation opportunities.
S03 - An empowered community with a sense of pride, safety and belonging	Involvement of the community and sporting clubs in the Masterplan design process to influence the outcomes of facilities to create a high-quality recreation precinct.

## Engagement

<b>Internal engagement</b>	
Community Development	Active involvement in the preparation of the RNA and final options and considerations informing the scope of the Masterplan

Strategic Assets	Active involvement in the preparation of the RNA and final options and considerations informing the scope of the Masterplan
Parks	Active involvement in the preparation of the RNA and final options and considerations informing the scope of the Masterplan
C-Suite	Presentation of RNA to C-Suite and support for options and considerations
Elected Members	Presentation of RNA and discussion on options and considerations

## External engagement

Stakeholders	<p>One on one engagement sessions with the following:</p> <ol style="list-style-type: none"> <li>1. Higgins Park Tennis Club</li> <li>2. Victoria Park Raiders Junior Football Club</li> <li>3. South Perth Junior Cricket Club</li> <li>4. Victoria Park Returned Services League</li> <li>5. Victoria Park Croquet Club</li> <li>6. Carlisle Windsor Cricket Club</li> <li>7. Victoria Park Xavier Hockey Club</li> <li>8. Victoria Park Carlisle Bowls Club</li> <li>9. Millen Primary School</li> <li>10. Area 5 Football</li> <li>11. Perth Demons Football Club</li> <li>12. West Coast Eagles Football Club</li> </ol>
Period of engagement	One on one engagement sessions occurred between July and September 2019.
Level of engagement	Involve
Methods of engagement	One on one engagement
Advertising	N/A
Submission summary	N/A
Key findings	Refer to the RNA contained in Attachment 2.

## Legal compliance

[Section 4.20\(4\) of the Local Government Act 1995](#)

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational:</b> Concern and opposition from existing user groups and local community.	Moderate	Possible	Moderate	Significant levels of community engagement are required throughout the Master plan design process
<b>Reputational:</b> That the Masterplan results in an option that does not have universal support	Moderate	Likely		The Masterplan will be created following a rigorous process and strive for a balanced outcome.
<b>Service Interruption:</b> Delayed decision making or preparatory work in the lead up to the preparation of the Masterplan	Moderate	Possible	Moderate	Rigorous project planning and reporting.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	The implementation of the final Masterplan will have an impact on the Town's Long Term Financial Plan, although this level of impact will be dependent on the final design.

## Analysis

6. The RNA has been developed to provide the Town with contemporary information to assist decision making with regard to the future of the site;
7. The RNA includes the following information:
  - a. Literature review (including Town documentation and strategic State sporting documentation);
  - b. Demographic analysis;
  - c. Industry trends commentary;
  - d. Site audit;
  - e. Sporting participation analysis;
  - f. Consultation summary;
  - g. Overview of current user group needs;
  - h. Overview of facility requirements and options; and

- i. Assessment process of options.
8. Higgins Park is identified as primarily providing a formal sporting function. The site provides a setting for formal structured sporting activities and includes playing surfaces, buffer zones and supporting infrastructure such as clubrooms. The site is a District Open Space (DOS) and is approximately 8ha in size.
9. The site provides an important formal sporting function for the wider district catchment. The immediate catchment of St James, Bentley and East Victoria Park-Kensington is considered to have limited influence on likely future participation levels on site. As a district level facility there is a strong focus on considering the broader participatory catchment and community need. The site has the capacity to continue offsetting current deficits in formal sporting and general public open space provision in surrounding areas where access to active POS is limited (including the other neighbourhoods of the Town).
10. Regardless of the future users of the site there are several critical considerations that need to be addressed on the site during the future Masterplan process, including:
  - a. Ageing infrastructure;
  - b. Inefficient use of space;
  - c. Limited access;
  - d. Limited passive surveillance;
  - e. Building consolidation; and
  - f. Increasing floodlighting capability.
11. There are opportunities to expand the sporting uses on the site without compromising the quality service provided by existing users. Through the development of the RNA the following sporting clubs were engaged to ascertain the current and future service in the context of Higgins Park and Playfield Reserve:
  - a. Higgins Park Tennis Club
  - b. Victoria Park Raiders Junior Football Club
  - c. South Perth Junior Cricket Club
  - d. Victoria Park Returned Services League
  - e. Victoria Park Croquet Club
  - f. Carlisle Windsor Cricket Club
  - g. Victoria Park Xavier Hockey Club
  - h. Victoria Park Carlisle Bowls Club
  - i. Millen Primary School
  - j. Area 5 Football
  - k. Perth Demons Football Club
  - l. West Coast Eagles Football Club

Detailed analysis and a summary of the consultation is contained in Attachment 2.

12. Following a rigorous assessment process the following options have the potential to be explored for the site during the Masterplan process. Each option is underpinned by the general principle to optimise recreational opportunities on the site through the consolidation of built infrastructure, allowance for multi-functional use, co-location and enhanced facilities.

- a. The redevelopment of Playfield Reserve to incorporate a new play space, a refurbished Returned Services League building and potential additional tenant;
  - b. Investigation of the development of a synthetic hockey pitch;
  - c. Investigation of the development of a new multi-sport clubroom; and
  - d. The development of a second oval for a complete football focus should the synthetic hockey turf be considered unfeasible.
13. In addition to the exploration of the above options there a number of core considerations which should be investigated for incorporation in all options. They include:
- a. The preservation of space for AusKick on Higgins Park or Playfield Reserve and an agreement formalising the use of Millen Primary School oval for that purpose if considered necessary and appropriate;
  - b. Enhancements to oval(s) including the surface and lighting;
  - c. The views, aspirations and user needs of the surrounding local community;
  - d. The retention of mature trees, and opportunities to increase the current tree canopy;
  - e. Universally accessible path networks within and bounding Higgins Park and Playfield Reserve that integrates with the current and planned surrounding bicycle and pedestrian network;
  - f. Introduction of all age's fitness equipment and/or personal training areas;
  - g. Consolidation of play equipment;
  - h. Water management initiatives (drainage and reticulation); and
  - i. Car parking configuration and active transport opportunities.
14. It is recommended that Council endorse the scope of the Higgins Park and Playfield Reserve Masterplan to include the options and key considerations listed above.
15. Should Council endorse the proposed scope then Administration will proceed with the preparation of the Masterplan, including the procurement of a qualified lead consultant and preparation of a communications and engagement plan which will be presented to Council for endorsement in accordance with the 16 June 2019 OCM resolution.
16. The Masterplan is to be completed by the end of 2019/2020 financial year, with a budget proposal for further detailed design in accordance with an approved Masterplan to be presented for Council's consideration in the 2020/2021 financial year.

## Relevant documents

Town of Victoria Park – Draft Local Planning Strategy

Town of Victoria Park – Draft Public Open Space Strategy

Town of Victoria Park – Town Planning Scheme No.1

## Further consideration

In response to matters raised at the Elected Members Briefing Session on 5 November 2019, the following information is provided:

17. Why a business case for synthetic turf was not developed by the Victoria Park Xavier Hockey Club is a matter for the Hockey Club rather than the Town. It could be hypothesised however that a business case has not been prepared as potentially the club do not have a final location to base the business case on.
18. The option of the development of a synthetic hockey turf and 2 additional grass pitches was not included in the recommendation after as a detailed assessment of all 9 options indicated that this was not a preferred option. All 9 options were assessed by staff which was communicated to Elected Members via a concept forum. The top 4 options are included in the recommendation. Council are able to propose amendments and/or alternatives to the recommendation at the Ordinary Council meeting.
19. The preservation of space for AusKick on Higgins Park or Playfield Reserve and an agreement formalising the use of Millen Primary School oval for that purpose has already been discussed with the primary school. This arrangement has existed for some time and it is simply proposed to formalise this.
20. The possibility of closing Playfield Street has not been considered in the scope as this was not raised through the engagement sessions with sporting clubs. This matter can be considered further should this matter be raised in the public consultation period.

#### AMENDMENT:

**Moved:** Cr Claire Anderson

**Seconded:** Cr Brian Oliver

That an additional point be added to the motion to read:

- o. The consideration of adding two grass hockey pitches on the Hillview Terrace side of Higgins Park, in addition to the synthetic hockey pitch in point C

**CARRIED (6 - 0)**

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

**Against:** nil

**Reason:**

At this very early stage, I propose to continue the conversation with the Victoria Park Xavier Hockey Club, to investigate the option of the synthetic turf and also two grass hockey pitches.

#### AMENDMENT:

**Moved:** Cr Vicki Potter

**Seconded:** Cr Bronwyn Ife

The addition of point o - The investigation of a possible closure of sections of Playfield Street.

**CARRIED (6 - 0)**

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

**Against:** nil

**Reason:**

Following on from Cr Hendriks' question at the Agenda Briefing Forum, it would be good to include this investigation in the scope of the master plan to see if there is a possibility to free up additional space on the site and optimise the land asset.



**Moved:** Mayor Karen Vernon**Seconded:** Cr Bronwyn Ife

That Council endorses the following scope for the development of the proposed Higgins Park and Playfield Reserve Masterplan project to include:

- a. The addition of a play space at Playfield Reserve
- b. The refurbishment of the Returned Services League Building and investigation into the inclusion of an additional permanent tenant
- c. The addition of a synthetic hockey pitch on the Hillview Terrace side of Higgins Park
- d. The creation of a multi-sport clubroom facility accommodating Higgins Park Tennis Club, Victoria Park Raiders Junior Football Club, Victoria Park Xavier Hockey Club and Victoria Park Croquet Club
- e. A second Australian Rules Football oval if the synthetic hockey pitch option is found to be unfeasible
- f. The preservation of space for AusKick on Higgins Park or Playfield Reserve and an agreement formalising the use of Millen Primary School oval for that purpose if considered necessary and appropriate
- g. Enhancements to oval(s) including the surface and lighting
- h. The views, aspirations and user needs of the surrounding local community
- i. The retention of mature trees, and opportunities to increase the current tree canopy
- j. A universally accessible path network within and bounding Higgins Park and Playfield Reserve that integrates with the current and planned surrounding bicycle and pedestrian network
- k. Introduction of all age's fitness equipment and/or personal training areas
- l. Consolidation of play equipment
- m. Water management initiatives (drainage and reticulation)
- n. Car parking configuration and active transport opportunities
- o. The consideration of adding two grass hockey pitches on the Hillview Terrace side of Higgins Park, in addition to the synthetic hockey pitch in point C
- p. The investigation of a possible closure of sections of Playfield Street

**CARRIED (6 - 0)****For:** Mayor Karen Vernon, Cr Jesvin Karimi, Cr Bronwyn Ife, Cr Vicki Potter, Cr Claire Anderson, Cr Brian Oliver**Against:** nil

## 11.6 Review of Local Planning Policy 29 'Public Art Private Developer Contribution'

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Leigh Parker
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Draft revised LPP29 'Public Art Private Developer Contribution'</li> <li>2. Existing LPP29 'Public Art Private Developer Contribution'</li> <li>3. Comparison of LG Percent for Art/Private Developer Public Art Contribution Policies</li> </ol>

### Recommendation

That Council:

Approves advertising of draft revised Local Planning Policy 29 'Public Art Private Developer Contribution' (as contained within Attachment 1) for public comment for a minimum period of 21 days in accordance with deemed Clause 4 of the *Planning and Development (Local Planning Schemes) Regulation 2015*.

Requests that the Chief Executive Officer provides a further report to Council summarising and responding to any submissions received during the public advertising period along with a recommendation on whether to adopt draft revised Local Planning 29 'Public Art Private Developer Contribution' with or without modifications.

### Purpose

To consider proposed amendments to the existing Local Planning Policy 29 'Public Art Private Developer Contribution' (LPP 29).

To resolve whether to grant consent to advertise draft revised LPP 29 for public comment.

### In brief

Council's Urban Planning service area have completed a review of LPP 29, as part of its comprehensive project to review all 37 Local Planning Policies (LPPs).

The review has considered the percent for art/private developer public art contribution policies of local governments from across the Perth metropolitan area as well as a small number of local governments nationally.

Legal advice has been obtained on an initial draft of the policy which has helped to inform further changes and guide the overall form and content of the policy.

Internal engagement with the Town's Place Planning, Urban Planning Officers and Community Development service areas has occurred. The Town's Public Art Working Group has also reviewed the draft policy.

The major changes to the existing policy include:

- Reducing the development cost threshold for private developments that are required to provide a 1% public art contribution from \$5 million to \$2 million;

- Broadening the scope of the policy to all areas within the Town, with the exception of 'Industrial' zoned land and specified development types;
- Providing a discount to developers of 15% where a cash-in-lieu (rather than in-kind) contribution for public artwork is provided, to support the commissioning and installation of more substantial artworks within the same locality by the Town.

It is recommended that draft revised LPP 29 be advertised for public comment, prior to being considered for formal adoption by Council.

## Background

1. LPP 29 'Public Art Private Development Contribution' was originally adopted as an Administrative Policy (Council Policy PLNG 3) on 20 May 2008.

At the Ordinary Council Meeting on 9 February 2016, Council resolved to adopt the planning policies contained within the former TPS1 Policy Manual, those adopted as Local Planning Policies prepared under the R-Codes, and those adopted as Administrative Policies (otherwise known as PLNG Policies) as Local Planning Policies.

Council's Urban Planning service areas are currently undertaking a comprehensive review of all 37 Local Planning Policies (LPPs). The local planning policies are being progressively amended, adopted and/or revoked following their review and public advertising of any recommended changes.

A formal resolution of Council is required to grant consent for the public advertising of a new or revised LPP, prior to it being considered for formal adoption.

A review of LPP 29 has been undertaken by Council Officers, which has included consideration of:

- the effectiveness of the current Policy including any issues of interpretation, application and gaps or deficiencies;
- like Policies of other Local Governments;
- alignment with relevant State legislation, policy and/or guidelines (where applicable);
- greater clarity in the objectives of the Policy;
- improving the presentation of the Policy; and
- a decision of the State Administrative Tribunal relating to a public art contribution condition for a property within the City of Swan.

The following changes to the existing policy have been identified as a result of the review:

- Convert its outdated administrative policy format to be consistent with other reviewed LPPs.
- Provide an Introduction, Objective and Scope to outline and justify the basis of the policy and what it seeks to achieve.
- Reduce public art contribution threshold to \$2 million (currently \$5 million), consistent with the State Government's Percent for Art Scheme and a number of other local governments. (Refer Clause 1.1)
- Expand the scope of the Policy to apply to all areas of the Town, with specified exemptions for certain development types and the development of Industrial zoned land. (Refer Policy Scope and Clause 1.2)
- Require conceptual details of public artwork proposals to be provided at development application stage to ensure developer provided public art is considered and integrated as part of the overall development, rather than being tacked on as an afterthought following the granting of development approval. (Refer Clauses 4 and 6)
- Moving away from a reliance on legal agreements to secure public art obligations (at significant cost and administrative resources) to one based on the revised process contained within the draft policy and secured through conditions of development approval. (Refer Clauses 4.1 and 6.2)
- Inserting new provisions related to moral rights, ownership and maintenance of public artworks. (Refer Clause 4.2)
- Requiring permanent public artworks to be accompanied by a plaque recognising the artist and (where appropriate) providing the title and description of the artwork. (Refer Clause 4.2(c))
- Providing a discount to developers of 15% where a cash-in-lieu (rather than in-kind) contribution for public artwork is provided. (Refer Clause 5.1(b))
- Where cash-in-lieu payments are provided, that they are to be expended by the Town for the delivery of public art work within the same locality as the developments they are generated by. (Refer Clause 5.2(c))

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Community consultation and public advertising occurring in accordance with State legislative requirements and LPP 37 'Community Consultation on Planning Proposals'.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The review of the Town's LPPs to ensure they remain relevant, effective and consistent with current legislative requirements and State Planning Policies.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	Enhanced sense of place, visual amenity and enjoyment of the public domain.

Social	
Strategic outcome	Intended public value outcome or impact
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	The increased provision, enjoyment and appreciation of public artwork projects within the community.

## Engagement

Internal engagement	
Community Development – Community Arts Officer	Supports the revised policy and has contributed to the refinement of its provisions throughout the drafting and internal review process.
Urban Planning	Have reviewed the draft policy and contributed to development of its form and content to ensure it is clear and relatively easy to administer and can be understood by the general public, land owners and developers.
Place Planning	Have reviewed the draft policy and support the broadening of its application throughout the Town.

Other engagement	
Public Art Working Group	Supports the revised policy and the broadening of its scope and application throughout the Town.

## Legal compliance

- *Planning and Development (Local Planning Schemes) Regulations 2015*

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

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

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

- Local Planning Policy 37 - 'Community Consultation on Planning Proposals'

## Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Compliance</b> Application of Policies which could contain clearer and more comprehensive provisions in order to more effectively achieve their intent and objectives.	Moderate	Likely	Low	Consent to public advertising of draft revised LPP 29.
<b>Compliance</b> Application of standardised practices and procedures which are not underpinned by a Local Planning Policy or other adopted instrument within the Town's local planning framework.	Moderate	Likely	Low	Consent to public advertising of draft revised LPP 29.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	If Council adopts the draft revised policy, it will result in a greater number of developments being required to provide a public art contribution (refer to Analysis section below for anticipated increase in number of applicable developments based on application data since 2013). This may result in increased contributions for public art being paid to the Town, should an applicant elect to pay a contribution in lieu of the commissioning and installation of physical artworks.

## Analysis

### Comparison of existing LPP 29 and draft revised LPP 29

An analysis comparing the outcomes of existing LPP 29 and those that potentially could have been achieved if the major changes proposed as part of draft revised LPP 29 had been in operation (namely, decreasing the development value threshold from \$5M to \$2M, and broadening its geographic application from a limited number of localities to the whole Town, excluding Industrial zoned land) has been completed. This has utilised approved development application data from January 2013 (when the Town's Urban Planning service area moved to electronic registration and processing of development applications) up to the period of preparing the subject report.

The outcomes of this analysis are outlined in the below table and provide a comparison of the impacts of broadening the policy's geographic application only, reducing the development threshold value only, or doing both of these things as is currently proposed under draft revised LPP 29.

Please note: the analysis has excluded the applications approved for Curtin University by the Western Australian Planning Commission, as they are subject only to approval under the Metropolitan Region Scheme and not the Town's local planning framework which includes LPP 29.

		Policy Application Area	
		Specified areas only (as per existing LPP 29)	Town-wide, excl. Industrial zone (as per draft revised LPP 29)
Development Value	\$5M+ developments (as per existing LPP 29)	<b>Existing LPP 29:</b> <b>16 DAs</b> generating approx. <b>\$7.6M</b> of public artworks (Average of 2.3 DAs/year)	<b>27 DAs</b> generating approx. <b>\$9.4M</b> of public artworks (Average of 4.3 DAs/year)
	\$2M+ developments (as per draft revised LPP 29)	<b>29 DAs</b> generating approx. <b>\$8M</b> of public artworks (Average of 4.3 DAs/year)	<b>Draft revised LPP 29:</b> <b>53 DAs</b> generating approx. <b>\$10.1M</b> of public artworks (Average of 7.8 DAs/year)

As seen in the above table, the revised policy provisions substantially increase the number of development proposals that would be required to provide a 1% public art contribution, increasing from an average of 2.3 to 7.8 approved development applications per year. Notwithstanding, this remains a very small proportion (2.2%) of the total applications approved by the Town or Metro Central Joint Development Assessment Panel. It is noted that this 2.2% proportion is based on the average number of development applications approved per year, since the introduction of the *Planning and Development (Local Planning Schemes) Regulations 2015* in October 2015.

It should also be noted that the above figures do not take into account that a significant proportion of the development approvals subject to a public art requirement do not proceed to construction due to developer and/or market constraints, economic unviability, etc. This is particularly the case for large proposals in excess of \$5M, which is the current threshold for proposals subject to a public art contribution requirement under LPP 29.

### Outcomes achieved under existing LPP 29

Based on the Town's application data, only 16 development approvals have been subject to a public art requirement under LPP 29 since 2013. A search of Council records has been able to identify only 8 public artworks that have actually been delivered in accordance with LPP 29 in the 11 years since its adoption in May 2008. These are located at:

- 59 Albany Highway, Victoria Park (c. 2010)
- 26 Goodwood Parade, Burswood (c. 2014)
- 4-12 Riversdale Road, Burswood (c. 2014)
- 1-15 Thorogood Street, Burswood (c. 2015)
- 131-133 Burswood Road, Burswood (c. 2017)
- 118 Goodwood Parade, Burswood (c. 2018)
- 34 Goddard Street, Lathlain (c.2019)
- 646-660 Albany Highway, Victoria Park (c. 2019 - nearing completion of construction)

There have not been any public art cash-in-lieu contributions received by the Town since the adoption of LPP 29 in May 2008.

Town-funded public artwork installations far exceed both the number and value of public artworks facilitated by LPP 29 to date. Notwithstanding, LPP 29 has the potential to become a significant mechanism to facilitate public artwork within the Town if the proposed changes are implemented. Even under a conservative estimate that only

50% of approved developments proceed to construction, this would still equate to 3 to 4 public artwork installations and/or cash-in-lieu contributions being received by the Town per year, based on historical development approvals data.

In the last year, development approvals which have had a condition imposed in relation to a public art requirement include:

- (a) Lot 9000 Bow River Crescent, Burswood
- (b) 14 Leonard Street, Victoria Park
- (c) 53 – 55 Canning Highway, Victoria Park
- (d) 51 Seabiscuit Drive, Burswood

### Comparison with other local governments

A table comparing the major elements of existing LPP 29 with the similar policies of 19 local governments (LGs) from across the Perth Metropolitan Area as well as the Metropolitan Redevelopment Authority (MRA) is contained in Attachment 3 to this report.

The Town's current policy was found to have the highest development value threshold from which a developer is required to provide public art (\$5 million), whereas the majority of local governments were found to range in value from \$1 million (9 LGs) and \$2 million (4 LGs and the MRA).

A majority of LGs (12) do not have a cap on the contribution requirement amount, however for those that do this was set at \$150,000 (1 LG), \$250,000 (3 LGs) or \$500,000 (4 LGs). All of the reviewed LG policies had a minimum 1% contribution requirement although a small number of LGs had a 1% requirement that later reduced to either 0.75% (1 LG) or 0.5% (2 LGs) for that portion of developments that exceed \$100 million or \$50 million, respectively.

A majority of LGs exclude single houses, grouped dwellings and industrial development from being required to provide a public artwork contribution consistent with the approach taken in draft revised LPP 29.

### Legal advice and initial drafting of policy changes

Legal advice has been obtained on an initial draft of the revised policy which has helped to inform further changes and guide its overall form and content. The legal advice confirmed that the initial draft revised policy was consistent with contemporary local government public art contribution policies but recommended a number of changes to provide a further explanation and justification of the benefits that public art provides, in particular to the future residents or occupants of the development from which they are generated, as well as the proposed cash-in-lieu contribution provisions and mechanisms by which the Town would ensure private developer artwork contribution requirements are met. These changes were recommended on the basis of several recent State Administrative Tribunal decisions where local government imposed private developer public art contribution requirements were under contention.

While the majority of changes recommended by the legal advice have been incorporated into the final draft revised version of LPP 29 (which remains subject to further modification having regard to the outcomes of any future public advertising), a number of recommendations relating to a proposed sliding contribution requirement rather than a flat 1% contribution rate, and the initially proposed legal agreement mechanism to secure public artwork obligations, have not been incorporated into the current draft revised version of the policy.

An interim draft was prepared with a sliding contribution scale that had regard to the number of dwellings and/or number of future residents, staff, customers and visitors of proposed developments along with a comprehensive legal agreement requirement to secure public artwork obligations. However, upon further internal review with Urban Planning Officers, it was found that these provisions would be overly complex to administer, difficult to ascertain accurate rates of future development occupancy or customer/visitor numbers of developments, and that the legal agreement mechanism to secure artwork obligations (as is currently the mechanism under existing LPP 29) has proven costly/onerous to the Town as well as landowners/developers in terms of administrative resources, legal costs and time associated with the preparation, review and execution of legal agreements.

In view of the above, the draft revised version of LPP 29 has maintained a flat 1% contribution requirement, consistent with the majority of local government planning policies in WA, and relies on development approval conditions to secure public artwork obligations, rather than the additional requirement for a legal agreement secured by a caveat on the title of the property on which the approved development is located. The change to a reliance on development approval conditions will require Town Officers to be diligent in ensuring compliance with any relevant development approval conditions at building permit and built strata application stages, however this is considered preferable given the time and resources associated with legal agreements as noted previously.

The initial review of LPP 29 has also considered the merit of introducing a cap on the contribution amount in terms of dollar value, as it has been expressed by several developers that for very significant developments (e.g. of \$50M or \$100M) that the 1% contribution requirement would generate an inordinate and excessive public artwork requirement. This was referred to the Town's Public Art Working Group for consideration who were strongly of the view that a cap is not appropriate and that the scale and sophistication of public artworks should increase with the scale and value of the developments from which they are generated.

The review and proposed revision of existing LPP 29 has been the subject of significant internal review and analysis, informed by legal advice and liaison with the Town's Public Art Working Group. The proposed changes are considered to substantially enhance the existing policy, provide the policy with a well-substantiated justification, improve its application and ultimately result in significantly increased potential to facilitate the delivery of public artwork through the private development process, along with its associated amenity benefits.

In view of the above, it is recommended that draft revised LPP 29 proceed to public advertising. A further report will be presented to Council in the future following the conclusion of the advertising period, reporting on any submissions received, and seeking a final decision from Council as to whether or not to adopt the draft revised policy, with or without modifications.

Recognising the proposed lowering of the threshold for public art contributions would have a financial impact upon developers, it is intended that community consultation on the proposed revised policy will include notification to relevant development industry bodies and known developers of apartments within the Town, in addition to normal consultation methods (newspaper notice; Your Thoughts).

## **Relevant documents**

[Town of Victoria Park – Developers Public Art Handbook](#)

[Town of Victoria Park Public Art Strategy 2018-2023](#)

[State Government's Percent for Art Scheme](#)

## **Further consideration**

In response to a question raised at the Agenda Briefing Forum on 5 November 2019, the proposed 15% discount for a cash-in-lieu contribution made to the Town is based upon the same amount applied by the City of Vincent, with it being understood that this has worked well.



## COUNCIL RESOLUTION (236/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

1. Approves advertising of draft revised Local Planning Policy 29 'Public Art Private Developer Contribution' (as contained within Attachment 1) for public comment for a minimum period of 21 days in accordance with deemed Clause 4 of the *Planning and Development (Local Planning Schemes) Regulation 2015*.
2. Requests that the Chief Executive Officer provides a further report to Council summarising and responding to any submissions received during the public advertising period along with a recommendation on whether to adopt draft revised Local Planning 29 'Public Art Private Developer Contribution' with or without modifications.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

## 11.7 1/109 President Street, Welshpool - Commercial Additions (Office)

<b>Location</b>	Welshpool
<b>Reporting officer</b>	Josh Arnott
<b>Responsible officer</b>	Robert Cruickshank
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - Development Plans - Unit 1 #109 President Street WELSHPOOL [<b>11.7.1</b> - 3 pages]</li> <li>2. Attachment 2 - Archive Plans - 109 President Street, Welshpool [<b>11.7.2</b> - 1 page]</li> <li>3. Attachment 3 - Planning Justification Report CF Town Planning [<b>11.7.3</b> - 7 pages]</li> <li>4. Attachment 4 - Aerial Photograph [<b>11.7.4</b> - 1 page]</li> <li>5. Attachment 5 - Site Photos [<b>11.7.5</b> - 4 pages]</li> </ol>

<b>Landowner</b>	James & Elisha Damer
<b>Applicant</b>	Quality Design Solutions
<b>Application date</b>	12 September 2019
<b>DA/BA or WAPC reference</b>	5.2019.485.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Industrial 2
<b>R-Code density</b>	N/A
<b>TPS precinct</b>	P9 – Welshpool Precinct
<b>Use class</b>	Proposed – Office Approved – Warehouse
<b>Use permissibility</b>	'Office' - 'P' (permitted) 'Warehouse' - 'P' (permitted)
<b>Lot area</b>	1897m <sup>2</sup>
<b>Right-of-way (ROW)</b>	N/A
<b>Municipal heritage inventory</b>	N/A
<b>Residential character study area/weatherboard precinct</b>	N/A
<b>Surrounding development</b>	Industrial

## Recommendation

That Council:

1. Approves, by absolute majority, the application for development approval submitted by Quality Design Solutions (DA Ref: 5.2019.485.1) for Additions and Alterations to the existing Warehouse development at No. 1/109 (Lot 21) President Street, Welshpool as indicated on the plans dated received 12 September 2019, 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:
  - a. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped approved 19 November 2019 at all times, unless otherwise authorised by the Town.
  - b. External colours, finishes and materials of the building are to be in accordance with the colours and materials schedule date stamped approved 19 November 2019, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the building must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.
  - c. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge(s) must be submitted to and approved by the Town, and must include the following:
    - I. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
    - II. Any lawn to be established;
    - III. Any existing vegetation and/or landscaped areas to be retained; and
    - IV. Any verge treatments.
  - d. Prior to the occupation of the development, all landscaping is to be completed and thereafter maintained to the satisfaction of the Town.
  - e. Prior to the occupation of the development, all on site car bays being provided and line-marked in accordance with the originally approved car parking layout dated 3 August 1976 (refer to Attachment 2).
  - f. A zero-lot gutter to be provided for the boundary wall unless otherwise approved in writing by the Town.
  - g. Prior to the occupation or the strata-titling of the building, whichever occurs first, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall must be finished to the same standard as the rest of the development to the satisfaction of the Town.
  - h. The location and details of the sign, and any supporting structure, as shown on the approved plans, must not be altered without the written consent of the Town.
  - i. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town.
  - j. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
  - k. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

## Advice to Applicant

AN1

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 Council.

i. AN2

Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

ii. AN3

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 of Council by the State Administrative Tribunal within 28 days of the date of this decision.

2. Advise those persons who lodged a submission on the application of Council's decision.

## **Purpose**

The application seeks approval for the development of commercial additions, in the form of a two-storey office addition, to the existing warehouse located at 1/109 President Street, Welshpool ('subject land' or 'site'). The proposed addition is for an 'Office' land use, which is a 'P' (permitted) use within the 'Industrial 2' zone under the Town's Town Planning Scheme No. 1 (TPS1).

As the application seeks to vary a TPS1 provision which Officers do not have the delegation to determine, being the prescribed minimum front setback for development within the 'Industrial 2' zone outlined under Precinct Plan 9 – Welshpool Precinct, the application is referred to Council for determination.

## In brief

- The application seeks approval to develop a two-storey office addition and alterations, including a driveway, a canopy over a portion of the driveway and garrison style fencing, within the common property area between Unit 1 and President Street frontage at the subject land (refer to development plans at **Attachment 1**).
- The intent of the development is to provide office space for the business currently operating from Unit 1 at the subject land as well as Units 1 and 3 of No. 111 President Street, Welshpool, being the neighbouring property and operating as Perth Autobody Repairs.
- The proposed use of 'Office' is a 'P' (permitted) use within the 'Industrial 2' zone.
- As the proposed development seeks to vary the required front setback under the TPS1 (4.0m proposed in lieu of a minimum requirement of 4.5m), Council determination is required.
- In addition to the above, the proposal also seeks to vary the building height requirement outlined under LPP27, which for this area refers to the height controls outlined in the Urban Design Study prepared by Hames Sharley in October 2000. The Urban Design Study indicates that built form should adhere to the same maximum height as residential properties in accordance with State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes). The development proposes a maximum building height of 7.15m in lieu of a 7m maximum.
- Community consultation concluded on 22 October 2019. One submission was received with objecting to the parking layout in the common driveway area between Nos. 109 and 111 President Street. It has been confirmed by the applicant and owner that the proposed modified parking layout no longer forms part of this application.
- The front setback variation proposed is considered minor and not to result in any amenity impacts on, or set an adverse precedent for, the surrounding locality.
- The proposal is recommended for approval subject to conditions and advice notes.

## Background

11. On 3 August 1976, the City of Perth approved the development of 6 warehouse units at the subject land with associated car parking consisting of 17 car bays (refer to archive plans at **Attachment 2**). The units have remained as a 'Warehouse' land use since the original approval.
12. On 12 September 2019, the Town received an application for office additions to Unit 1 at the subject land.

## Application summary

13. The development application proposes a two-storey office addition to Unit 1 of the subject land.
  14. The office addition will provide office and administration space for the business currently operating from Unit 1 of the subject land as well as Units 1 and 3 of No. 111 President Street, Welshpool being the neighbouring property.
  15. The development plans (see **Attachment 1**) indicate the following:
-

- A ground floor reception, waiting room, kitchenette and unisex toilet measuring 38.6m<sup>2</sup>;
- An upper floor consisting of an office and kitchenette measuring 38.5m<sup>2</sup>;
- Landscaping of the front setback area and a new driveway providing access to a new roller door that will allow direct entrance to Unit 1 from President Street;
- A roof canopy covering part of the driveway;
- New garrison style front fencing; and
- Associated signage on the front façade of the addition.

## Applicants submission

16. In the applicant's justification report prepared by CF Town Planning & Development (refer to **Attachment 3**), it is advised that the purpose for the application is as follows:

*"The proposed office addition is required to provide improved and more attractive administration space of the existing business operating on the land (i.e. 'Perth Autobody Repairs'). The business also operates from Units 1 & 3 on Lot 20 and is a well-established business that has operated for over 23 years. It is significant to note that the proposed upgrade works will not result in additional staff being employed as part of the current business operations on the land. The purpose of the office addition is to provide a more professional environment for clients attending the site and to improve the overall appearance and image of the development/business when viewed from the Street."*

17. In addition to the above, the report also indicates that the application does not propose any other changes to the existing developments at both No. 109 and 111 President Street, including the existing on-site parking area. Notwithstanding this, it has been clarified that the parking indicated by the proposed development plans (**Attachment 1**) do in fact propose an alternative parking arrangement than that approved under the original development approval in 1976 (refer to archive plans at **Attachment 2**). Accordingly, after discussions with the Applicant, this aspect of the proposal has been removed from consideration as part of the application.

## Relevant planning framework

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• Town of Victoria Park Town Planning Scheme No. 1 (TPS1)</li> <li>• TPS1 Precinct Plan 9 – Welshpool Precinct</li> <li>• <i>Planning and Development (Local Planning Schemes) Regulations 2015</i></li> </ul>
<b>State Government policies, bulletins or guidelines</b>	N/A
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• Local Planning Policy 23 – Parking Policy</li> <li>• Local Planning Policy 27 – Building Height Controls</li> <li>• Local Planning Policy 37 – Community Consultation on Planning Proposals</li> <li>• Local Planning Policy 38 - Signs</li> </ul>
<b>Other</b>	N/A

## General matters to be considered

<p><b>TPS precinct plan statements</b></p>	<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>• <i>Development shall be of a good standard with particular attention being given to the setting and finish of the buildings. Emphasis should also be placed upon improving the visual appearance of properties from the street. Buildings will be set back from the street to accommodate landscaping and car parking.</i></li> <li>• <i>A healthy attractive working environment is sought in this precinct and will be taken into consideration with regard to uses, movement and the environment. Traffic generated within the precinct shall be directed away from nearby residential streets. Development and redevelopment shall take into consideration pedestrian and cyclists access, safety and convenience.</i></li> </ul>
<p><b>Local Planning Policy 23 – Parking Policy objectives</b></p>	<p>The following objectives of Local Planning Policy 23 – Parking Policy are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>(a) <i>To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manager parking supply and demand.</i></li> <li>(b) <i>To ensure that the environmental and amenity objectives of the Town Planning Scheme, as outlined in the Scheme Text, are not prejudiced.</i></li> <li>(c) <i>To maintain a high standard of secure and attractive parking facilities.</i></li> <li>(d) <i>To provide guidance on the development and design of parking facilities.</i></li> </ul>
<p><b>Local Planning Policy 38 – Signs objectives</b></p>	<p>The following objectives of Local Planning Policy 38 – Signs are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>(a) <i>To ensure that the display of signage does not adversely impact upon the amenity of the streetscape or surrounding area;</i></li> <li>(b) <i>To allow the reasonable identification of businesses through signage without causing a negative and visually intrusive impact on the streetscape and public realm;</i></li> <li>(c) <i>To avoid the proliferation of signs on individual sites and buildings;</i></li> <li>(d) <i>To provide clear guidance on how advertising signs can be appropriately incorporated into existing buildings and/or new development; and</i></li> <li>(e) <i>To outline the standards that apply to signage throughout the Town and the matters that the Town will have regard to in determining applications.</i></li> </ul>
<p><b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b></p>	<p>The following are relevant matters to be considered in determining the application.</p> <ul style="list-style-type: none"> <li>(a) <i>The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</i></li> <li>(b) <i>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;</i></li> <li>(g) <i>Any local planning policy for the Scheme area;</i></li> <li>(m) <i>The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i></li> <li>(n) <i>The amenity of the locality including the following -</i></li> </ul>

- (i) *Environmental impacts of the development;*
- (ii) *The character of the locality;*
- (iii) *Social impacts of the development*
- (p) *Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (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;*
- (t) *The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (v) *The history of the site where the development is to be located;*
- (y) *Any submissions received on the application;*

## Compliance assessment

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

<b>Non-residential development</b>		
<b>Planning element</b>	<b>Permissibility/deemed-to-comply</b>	<b>Requires the discretion of the Council</b>
<b>Land use</b>	X	
<b>Plot ratio</b>	X	
<b>Building height</b>		X
<b>Street setback</b>		X
<b>Side setback</b>	X	
<b>Car parking</b>	X	
<b>Vehicle access</b>	X	
<b>Landscaping</b>	X	
<b>Other (state relevant LPP provisions)</b>	X	

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



Element	Requirement	Proposed	Variation
<b>Street Setback</b>	4.5m minimum	4.0m	0.5m
			Supported

- The variation is considered minor, being only 0.5m, and not to result in an amenity impact on, or set an adverse precedent within the streetscape.
- The proposed development will result in a better outcome for the streetscape than what is currently existing on-site.
- All other requirements, with regard to landscaping and parking, as well as the objectives of the Welshpool Precinct Plan have been met.

Element	Requirement	Proposed	Variation
<b>Building Height</b>	7.0m to top of external wall (concealed roof)	7.15m	0.15m
			Supported

- The variation is considered minor, being only 0.15m, and not to result in an amenity impact on, or set an adverse precedent within the streetscape.
- The proposed development will result in a better outcome for the streetscape than what is currently existing on-site.
- All other requirements, with regard to landscaping and parking, as well as the objectives of the Welshpool Precinct Plan have been met.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 – Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed	The proposal will enhance the appearance of the property to the streetscape through the development of a well maintained and well managed addition to the existing building on-site.

## Engagement

Internal engagement	
Stakeholder	Comments
Building Department	Requirement for a building permit to be lodged after development approval. Compliance with disability access requirements under the Building Code of Australia.

External engagement	
<b>Stakeholders</b>	Owners and occupiers of adjoining properties
<b>Period of engagement</b>	9 October 2019 – 22 October 2019 (14 days)
<b>Level of engagement</b>	2. Consult
<b>Methods of engagement</b>	Written submissions and Your Thoughts (the Town's online engagement tool)
<b>Advertising</b>	Letters issued by the Town outlining the proposed application and a Your Thoughts page containing development plans and a description of the proposal and the variations sought
<b>Submission summary</b>	One objection received. The objection was to the car parking arrangement between Nos. 109 and 111 President Street, this parking arrangement has since been removed from consideration as part of the application.
<b>Key findings</b>	No objection to the proposed development itself or the varied street setback.

## Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
The applicant/owner has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council.	Moderate	Unlikely	Low	Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

## Financial implications

<b>Current budget impact</b>	N/A
<b>Future budget impact</b>	Should the applicant be aggrieved by the Council's decision they have a right of review to the State Administrative Tribunal. If the applicant were to exercise this right, then there may be financial implications for the Town in terms of representation to defend Council's decision.

## Analysis

19. The proposed development seeks development approval for alterations and additions to Unit 1, 109 President Street, Welshpool.
20. An 'Office' is a 'P' (permitted) land use within the 'Industrial 2' zone.
21. The proposed development seeks to vary the street setback requirement outlined under the 'Industrial 2' zone Development Standards of Precinct Plan 9 – Welshpool Precinct, by proposing a 4.0m setback in lieu of the required minimum setback of 4.5m.
22. In accordance with Clause 29(1)(a) of the Town Planning Scheme No. 1, an application which does not comply with a standard or requirement of the Scheme, where that standard or requirement does not provide for variation, is a "non-complying application" and subject to Clause 29(2) & (3) of the TPS1 requires Council determination by an Absolute Majority.
23. Notwithstanding the above, the development complies with all other requirements under the Scheme and LPP23 – Parking and LPP38 – Signs, including landscaping provisions, car parking, standards for 'above awning signs' and the statement of intent of Precinct Plan 9.
24. The variation to the street setback is considered minor and not to result in amenity impacts on, or set an adverse precedent within, the streetscape and surrounding locality.
25. The proposed development is of a scale and use that is compatible with the surrounding industrial area and is consistent with the intent of the Precinct Plan.
26. Having regard to the above, it is recommended that the application is approved, subject to conditions and advice notes.

## Relevant documents

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

[Town of Victoria Park Precinct Plan 9 – Welshpool](#)

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

[Local Planning Policy 38 – Signs](#)

### COUNCIL RESOLUTION (237/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

1. Approves, by absolute majority, the application for development approval submitted by Quality Design Solutions (DA Ref: 5.2019.485.1) for Additions and Alterations to the existing Warehouse development at No. 1/109 (Lot 21) President Street, Welshpool as indicated on the plans dated received 12 September 2019, 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:
  - a. The development, once commenced, is to be carried out in accordance with the approved plans, date stamped approved 19 November 2019 at all times, unless otherwise authorised by the Town.
  - b. External colours, finishes and materials of the building are to be in accordance with the colours and materials schedule date stamped approved 19 November 2019, unless otherwise approved in writing by the Town. Prior to the occupation of the development, the building must be finished, and thereafter maintained, in accordance with the schedule provided and approved by the Town.

- c. Prior to lodging an application for a building permit, a detailed landscaping and reticulation plan for the subject site and the adjacent road verge(s) must be submitted to and approved by the Town, and must include the following:
  - I. The location, number and type of proposed trees and shrubs including planter and/or tree pit sizes and planting density;
  - II. Any lawn to be established;
  - III. Any existing vegetation and/or landscaped areas to be retained; and
  - IV. Any verge treatments.
- d. Prior to the occupation of the development, all landscaping is to be completed and thereafter maintained to the satisfaction of the Town.
- e. Prior to the occupation of the development, all on site car bays being provided and line-marked in accordance with the originally approved car parking layout dated 3 August 1976 (refer to Attachment 2).
- f. A zero-lot gutter to be provided for the boundary wall unless otherwise approved in writing by the Town.
- g. Prior to the occupation or the strata-titling of the building, whichever occurs first, unless otherwise approved in writing by the Town, the external surface finish of the boundary wall must be finished to the same standard as the rest of the development to the satisfaction of the Town.
- h. The location and details of the sign, and any supporting structure, as shown on the approved plans, must not be altered without the written consent of the Town.
- i. All stormwater must be contained and disposed of on-site at all times, to the satisfaction of the Town.
- j. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage and collection area must be graded, drained and screened from public view, and the garbage collected regularly, to the satisfaction of the Town.
- k. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

#### Advice to Applicant

##### AN1

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 Council.

##### (i) AN2

Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

##### (ii) AN3

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 of Council by the State Administrative Tribunal within 28 days of the date of this decision.

2. Advise those persons who lodged a submission on the application of Council's decision.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

## 12 Chief Operations Officer reports

### 12.1 Hillview Bushland Management Plan

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Brendan Nock
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. TVPHB M 01_ Hillview Bushland Mgt Plan Rev 1 Complete (1) [<b>12.1.1</b> - 79 pages]</li><li>2. D 18 69495 Plan - Town of Victoria Park - Environment Plan 2013-2018 [<b>12.1.2</b> - 68 pages]</li><li>3. Hillview bushland MP [<b>12.1.3</b> - 11 pages]</li></ol>

#### Recommendation

That Council:

1. Endorses the Hillview Bushland Management Plan, as included in attachment 12.1.1.
2. Requests that the Chief Executive Officer commences implementation of the first year, high priority actions, as outlined in the Hillview Bushland Management Plan.

#### Purpose

For Council to consider the endorsement of the Hillview Bushland Management Plan.

#### In brief

- The Hillview Bushland is situated on the corner of Hillview Terrace and Berwick Streets, East Victoria Park. Being a small patch (1ha) within a highly urbanised area means that conservation of the bushland has been challenging, with the bushland experiencing incremental degradation over time.
- The value of having this remaining habitat amongst such an urbanised environment is significant.
- The Town of Victoria Park, in partnership with our community, has developed a Hillview Bushland Management Plan. The main purpose of this Plan is to provide direction in respect to how the Hillview Bushland can be protected and enhanced into the future.
- It is recommended that Council endorse the Hillview Bushland Management Plan.

#### Background

1. The Hillview Bushland is situated on the corner of Hillview Terrace and Berwick Street, East Victoria Park. Being a small patch (1ha) within a highly urbanised area means that conservation of the bushland has been challenging, with the bushland experiencing incremental degradation over time.

2. Some identified key threats affecting the site include:
  - Potential for infrastructure works surrounding the site (e.g. Main Roads WA and the redevelopment of neighboring properties).
  - Potential development of the site given the current MRS zoning (Urban).
  - Lack of management and monitoring resources for the site.
  - Human impacts (ie rubbish dumping).
  - Presence of weed species.
  - Small size of the site – impact of edge effects on maintaining genetic diversity in flora including Banksia spp.
3. In 2005, a management plan was developed for the Hillview Bushland, which created the foundations for proposed environmental management within the site. An updated plan will guide the Town with respect to future management of the site.
4. Community interest in the Hillview Bushland is strong. In October 2018, a petition relating to Hillview Bushland and Remnant Bushland Management Plan was brought to Council.

## Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	<p>The Hillview Bushland Management Plan will provide a framework to deliver best practice environmental management of Kensington Bushland for the next five years.</p> <p>Through the development of the Hillview Bushland Management Plan, the Town recognises the importance of the site for the benefit of current and future generations.</p>

## Engagement

Internal engagement	
Stakeholder	Comments
Town staff	Staff were invited to contribute to the community survey, where the Town invited community to tell us what is important to them about the Hillview Bushland.
Town staff	Staff were consulted regarding the draft Hillview Bushland Management Plan. Feedback received will be reviewed and may be incorporated in the final draft which will then be open to public comment. The Place Leader (UFS) was also consulted on budget and approach and his input has informed this report.

## External engagement

Stakeholders	Whole of Town community
Period of engagement	31 January 2019 – 16th June 2019.
Level of engagement	3. Involve
Methods of engagement	Community consultation on Draft Hillview Bushland Management Plan - Public Comment Period 24 May – 16 June 2019.  Community survey – Town invited community to tell us what was important to them about the Hillview Bushland – 14 January 2019 – 4 February 2019.  Community Workshop – 31 January 2019.
Advertising	Newspaper advertisement Town website Posters and flyers Social media Google Ads
Submission summary	The Town received 40 contributions to our community survey, 31 attendees to the community workshop and 8 submissions to the Draft Hillview Bushland Management Plan.
Key findings	Consultation undertaken with community stakeholders overwhelming highlighted the conservation value of the site. As such there was a strong desire to preserve the bushland and enhance its existing condition and level of biodiversity. In terms of usage of the site, passive activities (i.e. bird watching, walking trails) were supported.  Details of the community consultation outcome can be found in Appendix A of the Hillview Bushland Management Plan.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Community may become disengaged with the Plan and lose ownership.	High	Low	Medium	Community will be kept informed of action progress. This will include targeted communication to the workshop participants.



				Participants may form a “Friends of” group, in which case the Town will engage with this group.
Inadequate progress	High	Low	Medium	The actions within the Hillview Bushland Management Plan will be assessed during the budget process and reviewed annually to check progress. Actions will also be integrated into Service Delivery Plans.

## Financial implications

### Current budget impact

Whilst many of the actions within the Hillview Bushland Management Plan do not require a budget or primarily officer time, there are some actions that will require budget to implement.

Estimates within the Hillview Bushland Management Plan indicate that, cumulatively, a total of \$50,560 will be required for the high priority actions.

#### UFS

There are several actions that will assist in the preservation of and enhancement of the Hillview Bushland and, more broadly, contribute to the health of the Town’s urban forest. These actions and their associated expenditure include:

- Complete a Dieback Survey to identify whether present on site - \$3,000
- Initial weed control - \$5,900
- Order tubestock for planting- \$7,500

Total from UFS budget: \$16,400

It is proposed that funds for the implementation of the above actions be drawn from the existing Urban Forest Strategy Reserve. This in accordance with the following Strategic Outcomes/Targets/Actions of the Urban Forest Strategy (and associated Implementation Plan):

Strategic Outcome 5:

- *Improve soil and water quality.*

Target:

- *Develop and employ benchmarks that ensure soil moisture is maintained at levels that support healthy vegetation, water quality and effective flood and water resource management.*

Action:

- *Minimise spread of dieback through the soil, in line with the Town’s Dieback Management Procedures and Protocols.*

	<p>Strategic Outcome 6:</p> <ul style="list-style-type: none"> <li>• <i>Improve urban ecosystems.</i></li> </ul> <p>Target:</p> <ul style="list-style-type: none"> <li>• <i>Protect and enhance biodiversity, green infrastructure and green corridors that contribute to a healthy urban ecosystem.</i></li> </ul> <p><b>Infrastructure</b></p> <p>The remaining actions relate to the installation of infrastructure that will contribute to the protection of the bushland itself and enhancement of community accessibility to the site:</p> <ul style="list-style-type: none"> <li>• Installation of conservation style fencing along site boundary of Berwick Street and Hillview Terrace - \$11,650.</li> <li>• Installation of limestone paths - \$22,510.</li> </ul> <p><u>Total Infrastructure Cost: \$34,160</u></p> <p>It is proposed that funding for the infrastructure component be sought as part of the 2020/21 budget process.</p>
<p><b>Future budget impact</b></p>	<p>There is a combination of low and medium priority actions that will require budget to implement over the five-year life of the Hillview Bushland Management Plan.</p> <p>Based on estimates in the Plan itself, the collective costs over the remaining years of the Plan are \$12,160 (average \$3,040/year). This cost will need to be included in the annual budgets as an operating and/or capital expense over subsequent financial years.</p>

## Analysis

- The Hillview Bushland Management Plan aims to provide actions and strategies which can be met within budgetary, time and volunteer labour constraints. As such, priority ratings have been recommended to actions/strategies depending on the urgency of implementation. The priority ratings are:
  - High: within one year.
  - Medium: one to two years.
  - Low: between three to five years.
  - Ongoing: over five years.
- Based on the existing biophysical environment and the outcomes of the community consultation, there was a strong consensus that conservation (biodiversity value), aesthetic and passive activities (i.e. bird watching) should be given priority. In line with this, the following vision goals have been developed for the site:
  - Conservation**

Protect and enhance the site's natural values including biodiversity through the implementation of appropriate management measures such as weed control, revegetation and monitoring programs.
  - Education**

Facilitate informed appreciation of the site's biophysical environs within the community through the provision of appropriate facilities (i.e. education signage and formalised pedestrian access).

•**Social**

Promote community ownership of the site through liaison and coordinated management, and creation of a 'sense of place' for the local community.

7. To achieve these goals, the Plan outlines the following:
  - Bushfire Risk Considerations;
  - Controlled Access, Fencing and Signage;
  - Weed Control;
  - Areas Proposed for Revegetation;
  - Bushfire requirements;
  - Recommended Species List;
  - Planting Requirements;
  - Performance Targets;
  - Monitoring, Assessment and Reporting; and
  - Contingency.
8. In regard to future management actions for the bushland, some high priority examples include:
  - Investigate whether a restoration tool (eg controlled burn) is a viable option for the reserve. If so, develop a restoration plan which identifies the restoration goal and predicted outcomes of the tool and detailed procedures for undertaking proposed works;
  - Complete a Dieback (*Phytophthora* spp) Survey to identify whether present on site;
  - Installation of conservation-style fencing along site boundary- Berwick Street and Hillview Terrace; and
  - Installation of limestone paths.

## **Relevant documents**

Town of Victoria Park (2013) Environmental Plan 2013-2018.

Griffin and Associates (2005) Hillview Community Bushland Management Plan.

**AMENDMENT:****Moved:** Cr Brian Oliver**Seconded:** Cr Claire Anderson

That an additional point 3 be included to read:

Authorises the transfer of \$50,560 from the Urban Forest Strategy Reserve to fund the delivery of high priority actions, as referenced in point 2.

**CARRIED (6 - 0)****For:** Cr Vicki Potter, Cr Bronwyn Ife, Mayor Karen Vernon, Cr Brian Oliver, Cr Claire Anderson, Cr Jesvin Karimi**Against:** nil**Reason:**

The purpose of the amendment is so that the high priority infrastructure items be included for funding from the Urban Forest Strategy reserve. These being the installation of conservation-style fencing along the site boundary of Berwick Street and Hillview Terrace at a cost of \$11,650, and the installation of limestone paths at \$22,510. As these two actions, along with the other three high priority actions listed in the report all align to the strategic outcomes of our Urban Forest Strategy, I believe it is appropriate for Council to endorse these required works to be funded from the reserve.

**COUNCIL RESOLUTION (238/2019):****Moved:** Cr Vicki Potter**Seconded:** Mayor Karen Vernon

That Council:

1. Endorses the Hillview Bushland Management Plan, as included in attachment 12.1.1.
2. Requests that the Chief Executive Officer commences implementation of the first year, high priority actions, as outlined in the Hillview Bushland Management Plan.
3. Authorises the transfer of \$50,560 from the Urban Forest Strategy Reserve to fund the delivery of high priority actions, as referenced in point 2.

**CARRIED BY ABSOLUTE MAJORITY (6 - 0)****For:** Mayor Karen Vernon, Cr Jesvin Karimi, Cr Bronwyn Ife, Cr Vicki Potter, Cr Claire Anderson, Cr Brian Oliver**Against:** nil

## 12.2 Investigation of use of Glyphosate within the Town of Victoria Park

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Gregor Wilson
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Glyphosate Infopage [<b>12.2.1</b> - 2 pages]</li><li>2. Use of Glyphosate Statement from WA Health Department [<b>12.2.2</b> - 1 page]</li></ol>

### Recommendation

That Council:

1. Receives the information regarding alternatives to glyphosate and integrated weed management techniques included in this report
2. Endorses continuation of an integrated weed management approach to in the Town
3. Endorses the continued use of the "do not spray" register

### Purpose

This report is in response to a resolution at the 17 September 2019 OCM that a report be presented back to Council on potential alternatives to using glyphosate-based chemicals for weed control within the Town.

### In brief

- The Town uses glyphosate as part of a range of chemical, physical and structural practices that form an integrated weed management approach in the Town.
- Weeds not only have an aesthetic impact, they also lead to negative impacts on the structural integrity of the Town's assets including footpaths, roads and kerbs and in parks and reserves where they out-compete wanted or native species and negatively.
- A request was made by Council for the Town investigate the use of alternative weed control methods to glyphosate, a common broad spectrum weed killer (also commonly known as "Roundup") used commonly since the 1970s in agriculture and horticulture.
- There have been recent court cases in the United States focused on alleged health effects from use of glyphosate, however most reputable scientific bodies support the safety (with proper handling and use) of glyphosate including; the US Environmental Agency, the European Food Safety Authority, European Chemicals Agency, Germany's Federal Institute for Risk Assessment, Food and Agriculture Organisation of the United Nations, Health Canada, as well as the health and regulatory agencies of France, New Zealand, Japan Brazil and Australia (including the Australian Pesticides and Veterinary Medicine Association or APVMA and Cancer Council).

- It is therefore recommended that the Town use an integrated weed management approach within the Town that uses a range of physical, structural and chemical weed control methods including glyphosate.

## Background

1. The Town uses glyphosate as one of a range of weed control mechanisms.
2. Mechanical control (mowing/whipper snipping) hand removal, steam treatment and other chemicals are used within the Town. The table below provides some context of weed control techniques and possible options.
3. Due to recent court cases in America and now in Australia, there is a high degree of public interest regarding the use of glyphosate.
4. The national regulator for chemical use in Australia is the Australian Pesticides and Veterinary Medicines Authority (APVMA). The APVMA is responsible for the regulation and control of agricultural and veterinary chemicals, registering all chemicals prior to them being legally sold, supplied or used in Australia.
5. Glyphosate is registered for use in Australia and APVMA approved products containing glyphosate can continue to be used safely according to label directions. Australian law requires appropriate warnings on product labels, which include relevant poisons scheduling, first aid, and safety directions detailing personal protective equipment when handling and using products containing glyphosate. The APVMA reminds users of the importance of following all label instructions.
6. For preparation prior to revegetation works, glyphosate is particularly effective for weed control in bushland where vehicle access and staff resourcing can be an issue.
7. Glyphosate has been used to control Caltrop weeds within the Town, which infests parts of the Town, particularly in unsealed laneways. This weed has spikes which can puncture bike tyres. It is mapped on the Town's data base, and the infestation has been heavily reduced throughout the Town by glyphosate spraying.
8. The Town advertises upcoming kerb and weed spraying program in the local paper and on our website, two weeks prior to commencement.
9. Town residents who are concerned about chemical use can nominate for the "do not spray" register. Those that do accept responsibility to keep the footpath and kerb line in front of their residence maintained. Currently the Town has 111 residents registered.
10. The table below provides some context of weed control techniques and possible options.

Treatment type	Usage area	Advantages	Disadvantages	Comments
Glyphosate	Kerbs, footpaths, spot spraying in garden beds, revegetation preparation, spot spraying in bushland, control of Caltrop in laneways, Right of	Cost effective, relatively fast, can access most areas with hand spraying gear, kills weeds and root system, fast breakdown in the soil and quickly becoming inactive	Negative public perception, can't be sprayed in rain or high wind, non-selective so spray drift can be an issue.	It is a very important integral part of weed control, particularly in revegetation works and bushland areas. Preparation of the George St reserve

	Ways and bike path edges.	comparative to other chemicals		for tubestock planting and treatment of annual weeds after the Kensington fire with glyphosate has resulted in a large weed reduction, good quality bushland and minimal chemical use going forward.
Steam	Kerbs, paving footpaths, generally any hardstand area	Only produces water vapour, can spray in most weather and wind conditions, good public perception	Comparatively expensive and slow, with treatment required more frequently, not as effective killing hardy weeds, high energy (gas) usage, does not always kill weeds, difficult to use in bushland areas (large equipment and ~8 metre hose)	Cost to chemical treat Albany Highway ~\$2400 compared to steam treatment option ~\$20,000. Our last tender prices indicate Steam is approximately 4 times the cost per spray, and needs to be done more frequently to achieve similar result
Hand weeding	Garden beds, roundabouts	No chemicals involved, garden bed looks neat when weeding completed	labour intensive, difficult to control couch as it has underground rhizomes, some weeds hard to remove, doesn't remove weed seedlings	Works well in smaller garden areas with large weeds performed on an infrequent basis, but not in other situations.
Mechanical control (mowing/ whippersnipping)	Verges, larger garden areas	Instant results, fairly fast and cost effective work	May need extra traffic management, weeds not killed just cut down, potential projectiles from mowing activities,	works well for unkept verges, but difficult in garden beds due to damaging other plants (cutting off smaller plants/ringbarking)

			more servicing required compared to spraying	
Fusilade	grass control in bushland areas	Selectively removes couch and kikuyu grasses from bushland without damaging native plants. Spray drift not an issue	Only kills grasses not other weeds, Schedule 6 chemical so more caution required than glyphosate.	Integral part of bushland grass management, but not able to be used to control other weeds.
Pelargonic acid ("Slasher")	Kerbs, paving footpaths, generally any hardstand area	Plant biproduct, safe once applied, alternative to glyphosate	Comparatively expensive to glyphosate, operators need to be cautious while mixing due to caustic nature of chemical, can stain paving.	Relatively new to local government, not a lot of council long-term data available. Not as safe for users due to risk while handling. Can cause skin burns/irritation, eye irritant.

## Strategic alignment

<b>Civic Leadership</b>	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	Provide correct accurate information to the public on weed control techniques
<b>Economic</b>	
Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	Maintaining footpaths and kerbs clear to allow for easy access.
<b>Environment</b>	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Weed control an integral part of green space maintenance to uphold a high standard of turf, gardens and aesthetics.
<b>Social</b>	



Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Good quality greenspace provides mental health benefits.

## Engagement

### Internal engagement

Stakeholder	Comments
Parks staff	Information on current practices and costs
Engineering staff	Discussions on the effects of weeds on path/kerb infrastructure

### Other engagement

Stakeholder	Comments
WALGA	Information available on their website was used to inform this report
APVMA	Information available on their website was used to inform this report
Steam and Spray contractors	Acquire advice on glyphosate alternatives and costing
Perth Metropolitan Park Managers	Agenda item on two monthly meeting. Discussions with multiple councils on current weed control practices and recent focus on glyphosate alternatives.

## Legal compliance

[https://www.legislation.wa.gov.au/legislation/statutes.nsf/law\\_s40586.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s40586.html)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town's use of glyphosate	Moderate	Likely	High	Consistent information provided regarding chemical usage Promotion of "do not spray" list Ensure Town follows APVMA

				advice on chemical use
<b>Financial</b> Increased costs of weed control and impacts on Town assets	Moderate	Likely	High	Integrated approach to weed management to reduce chemical use. Future weed management budget increases

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address the officer's recommendation to use an integrated weed management approach.
<b>Future budget impact</b>	If the Town chooses to increase the use of alternative weed control methods to reduce the use of glyphosate, weed control budgets will need to be increased and the Town's asset management budgets (e.g. footpaths, kerbs and roads) increased. To go to steam treatment of footpaths and kerbs will require additional estimated budget of \$250,000.

## Analysis

11. Integrated weed management involves the use of various techniques for weed control. The Town already uses a variety of chemical, steam, manual and mechanical weed control methods.
12. Complete removal of the use of glyphosate from the management of weeds will have a detrimental effect on the standard of our POS, particularly in bushland areas, where vehicle access can be limited. Based on current information, steam units generally need to be within eight metres of the weeds being treated, which is not possible for most of our bushland areas.
13. The Town has already reduced the amount of glyphosate being used by altering the frequency of spraying as well as halving the amount of chemical used in the mix.
14. Manual removal of weed species from bushland is carried out using staff labour, contract labour and volunteers. This tends to be on specific areas with target species. Due to prior integrated weed management, the amount of manual weeding required within bushland has been significantly reduced.
15. The controlled use of glyphosate has dramatically reduced problem species such as Caltrop. The Town can further investigate alternative management techniques for this weed now it is under control.
16. With further proposed removal of grass areas to allow for more tree planting as part of the UFS, glyphosate is the most cost-effective method to remove the turf prior to mulching and planting.
17. Based on the Town's weed control contracts, as well as recent quotes, there would be a significant increase in cost for weed control if not using glyphosate. The most recent example is for steam control on Albany Highway hard stand. To chemically maintain it is approximately \$2,400 per annum (4 sprays). Steam treatment would need to be done more frequently at a cost of \$20,000 per annum, over 8 times more expensive in this location.
18. The Town carries out spraying of footpaths and kerb lines usually four times per year with glyphosate.

19. The cost of doing 1 chemical spraying round for weed control on all kerbs and footpaths within the Town is less than \$17,000. To do the same area with steam treatment is \$53,000. For 4 rounds per annum, this would equate to a \$144,000 increase in cost. It is also anticipated that further steam treatments would be required to maintain current standards. Two additional treatments would cost another \$106,000 on top of the \$144,000 increase.
20. Our chemical spraying is carried out under contract. There may be contractual implications if the Town alters the spraying requirements.
21. Increasing the use of steam treatment of weeds in high pedestrian traffic areas such as Albany Hwy and Archer St, may be an option the Town wishes to consider. There would be a cost increase in the range of \$30,000 per annum to do these two areas. Further hard stand areas could be looked at for steam treatment depending on budget available.
22. Residents who are concerned about chemical usage already have the option to register on the "do not spray" list if they are willing to maintain their path and kerb line. Currently, we only have 111 residents registered on the do not spray list. (Current as of 11 October 2019)
23. The Town should continue to use Glyphosate in accordance with proper handling and application guidelines and with reference to the advice of the government regulatory body, the APVMA, as part of our integrated weed management approach.
24. The Town will continue to investigate and incorporate other weed management practices, where alternative controls and budget are available.

## **Relevant document**

[Australian Pesticides and Veterinary Medicines Authority Website](#)

## **Further consideration**

At the agenda briefing forum, it was requested to include an "estimated cost of using steam treatment in areas immediately adjacent to schools, childcare facilities and aged care facilities in addition to the areas where it currently uses steam."

An estimate using tendered steam prices, based on 6 treatments per annum, and considering sites the Town is aware of, indicates a \$13,000 – \$16,000 increase in costs per annum, over the current glyphosate treatment of these areas. This is based on the kerb length, and an average path width of 1.8 metres.

## PROCEDURAL MOTION

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That the item be deferred to the Ordinary Council Meeting to be held at 6.30pm on 17 December 2019.

**CARRIED (6 - 0)**

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

**Against:** nil

**Reason:**

There remains outstanding questions about this item in the agenda that come from the original motion from Cr Ronhhda Potter who is not in attendance. This item came as a result of her original notice of motion.

## 12.3 Underground Power Subsidy and Service Charges – Carlisle North, Victoria Park East and Victoria Park West

<b>Location</b>	Carlisle Victoria Park
<b>Reporting officer</b>	Peter Scasserra, John Wong, Graham Pattrick
<b>Responsible officer</b>	Ben Killigrew, Michael Cole
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Service charges for the various options [<b>12.3.1</b> - 1 page]</li> <li>2. Service Charge Options (initial calculation sheet) [<b>12.3.2</b> - 1 page]</li> <li>3. Discount Option 1 for SUP P 6 [<b>12.3.3</b> - 2 pages]</li> <li>4. SUPP 6 Project Area Map for Carlisle North, Victoria Park East and Victoria Park West [<b>12.3.4</b> - 3 pages]</li> <li>5. SUPP 6 Original Works Programs (to be updated after contract execution) [<b>12.3.5</b> - 3 pages]</li> <li>6. State Average SUPP6 E10 estimates [<b>12.3.6</b> - 1 page]</li> <li>7. SUPP Round 6 - PUO Guidelines Final [<b>12.3.7</b> - 27 pages]</li> <li>8. SUPP 6 September Concept Forum presentation with Option 4 added [<b>12.3.8</b> - 22 pages]</li> <li>9. Comms &amp; engagement plan V 2 [<b>12.3.9</b> - 2 pages]</li> </ol>

### Recommendation

That Council:

1. Approve the three State Underground Power Project 6 (SUPP6) projects and authorize the Chief Executive Officer to execute all contract documents for the SUPP6 projects with the Public Utility's Office and Western Power.
2. Adopts a variable subsidy approach as outlined in option 2 – this will result in service charges per property as follows: Carlisle North (CN) \$3,959, Victoria Park East (VPE) \$3,849 and Victoria Park West (VPW) \$2,089.
3. Funds the estimated project cost of \$18,150,000 of the three SUPP6 projects (including discounts) with a loan of up to \$18,150,000. The borrowing will be from Western Australian Treasury Corporation (WATC) or other approved funding source for the purpose of pre-funding the contributions of those property owners choosing to use the instalment payment method, and all necessary procedures for acquiring the money to be borrowed be undertaken in accordance with the *Local Government Act 1995* requirements.
4. Approves the inclusion in the long term financial plan and current budget of the estimated loan interest \$911,000 and estimated loan fees of \$484,000 and loan repayments over the seven year term of the loan.
5. Adopts the attached discount schedule for property owners (ie the same as SUPP5).
6. Approves the use of funds from the Underground Power Reserve in the current financial year's

budget to cover the progress payments expected to be invoiced to the Town commencing around the third or fourth quarter of this financial year should these projects proceed.

7. Approves the proposal that property owners be given the option to extend payment of the service charge over a maximum of seven years. For property owners choosing to pay by instalment - interest payable on outstanding balances charged at the rate of 5.5% plus an annual \$41 surcharge to meet administrative costs incurred (the same as for outstanding rates).
8. Inform the affected lot owners within the three project areas in writing of the Council approval for all three projects to proceed, the increase in service charge of no more than 10% based on the estimates provided to lot owners in 2016 and the discounts that may be applicable to certain properties.

## Purpose

The purpose of this report is to determine the level of subsidy to be provided by the Town of Victoria Park for implementing the proposed undergrounding of power program for Carlisle North, Victoria Park East and Victoria Park West, how these projects are to be funded and the extent of authority to be delegated to the Mayor and Chief Executive Officer to execute the relevant contract agreements.

## In brief

- Western Power have provided the final project cost estimate for the three State Underground Power Program projects. The total project cost is on average approximately 30% higher than the previous estimate with each project area subject to cost variances.
- The Town's administration has met internally and with Western Power to discuss multiple options to fund the Town's portion of the project cost:
  1. Maintain the same level of subsidy (in % term) as SUPP 5 across all three project areas.
  2. Apply a variable subsidy across all three projects to bring the service charge of each project area to within 10% of the E50 estimates (E50 in this report refers to the average service charge for each project area calculated with a contingency of plus/minus 50% which was then used to determine the level of support from affected lot owners through a survey done in 2016).
  3. Apply one single higher subsidy percentage level (approximately 39%) across all three project areas to bring all project areas to within 10% of E50 (as per the lot owner survey done in 2016).
  4. Provide an alternative variable subsidy option which is a hybrid of Options 1 and 2 (25% - Carlisle North, 25% - Victoria Park East and approximately 39% - Victoria Park West).
  5. Apply an average cost recovery model and spread the total cost evenly across all three projects to create one service charge (in dollar term as opposed to % term) of \$1,517. This option was subsequently found to be too costly.
  6. Adopt a specific cost recovery approach and apply the same service charges as per the E50 estimates and as referenced in survey of 2016 (\$3,600 for CN, \$3,500 for VPE and \$1,900 for VPW). This option was subsequently found to be too costly.
- If there is a requirement to resurvey property owners within the project boundaries, the quote validity period may not be extended. This may result in the potential increase in construction costs and further expenses in the planning phase of the projects.
- Subsidy option 2 as a pricing model allows all three projects to proceed without resurveying property owners by providing a subsidy to reduce the cost variance to less than 10% of the original

estimate of E50. This approach will ensure that a re-quotation will not be required for VPW as a re-quotation will delay the project commencement date and also potentially result in a project cost increase.

## Background

1. At its ordinary meeting held on 8 March 2016, Council resolved:
  - a) *Approves the preparation and submission of expressions of interest for precincts 1A, 1B, 2A, 2B, 5A, 5B, 6A, 6B and balance portion of precinct 8 shown on the plan "Precincts to be Nominated for Inclusion in Round Six of the State Underground Power Program," subject to minor administrative variations to the precinct boundaries in order to meet the selection criteria of project area sizes being 500 to 800 allotments, based on the Town contributing no more than 50% of the project cost of any precinct selected for progression to the Evaluation and Selection of Project Proposals Stage – Including Community Support (Short-listing of Projects) of the selection process.*
  - b) *The Mayor and the Chief Executive Officer be authorised to sign the expressions of interest for areas within the Town to be included in Round Six of the State Underground Power Program – Major Residential Projects.*
  - c) *If a nominated precinct is short-listed for progression to the Community Support Stage, a further report to be presented to Council detailing a strategy to be submitted to the State Underground Power Steering Committee to enable the short-listed project to progress to the Detailed Proposal Stage.*
2. In 2016 the Town applied to the State Government's State Underground Power Program (SUPP) – Round 6, for funding assistance to underground the overhead distribution powerlines in the remaining areas of the Town. The Town was a successful recipient of the grant and approximately 42% of the total project cost will be State Government funded. This percentage was calculated without any discounts.
3. The three successful project areas included in Round 6 are:
  - Carlisle North (50% of total project cost being State Government funded)
  - Victoria Park East (50% of total project costs being State Government funded)
  - Victoria Park West (50% of \$11mil funded by State Government as per funding criteria 2.1.3 of the Round 6 SUPP Guidelines)
4. Collectively, there are 4,944 properties over all three projects, and 2654 allotments. Should Round 6 proceed, approximately 8.9km<sup>2</sup> of the district will have underground distribution power and only approximately 1,500 residential properties will be left with overhead distribution power. It is noted that Western Power has its infrastructure renewal program either at the planning or implementation stage at various areas of the Town
5. After the results of funding application were released in 2016, the Town conducted a survey of affected property owners to determine the level of support for the undergrounding of the overhead distribution powerlines in all three project areas. The survey included an estimated cost per property based on an estimate (+/- 50%) provided by Western Power. The number of owners returning the survey reached the 50% return rate and achieved the following results:
  - Carlisle North – 65.9%
  - Victoria Park East – 67%
  - Victoria Park West – 73.2%

6. With the clear majority of those who have responded supporting the projects proceeding, the Town engaged Western Power to carry out the design and to provide a cost estimate, plus or minus 10%. Subsequently the Town was provided with a revised cost estimate (+/- 10%) for Carlisle North in November 2018 and Victoria Park East & West in May 2019. Consequently, the contract cost increased dramatically from the initial design estimate as a result of the tender process and each project cost exceeded the 10% increase allowed under the SUPP Round 6 Guidelines. Each project increased by:
  - Carlisle North increased by 27%
  - Victoria Park East increased by 22%
  - Victoria Park West increased by 38%
7. The latest Western Power E10 quote (plus or minus 10%) after deducting state government's contribution for each project is:
  - Carlisle North: \$4,283,704 (27% higher than E50 estimate)
  - Victoria Park East: \$4,505,652 (22% higher than the E50 Estimate)
  - Victoria Park West: \$9,355,257 (74% higher than the E50 Estimate)
8. The Carlisle North project was quoted by one contractor and the remaining Victoria Park East and West projects were quoted by another contractor as a bundled contract which benefitted in greater cost saving due mainly to economy of scale factors.
9. The uneven cost per property, as quoted by Western Power's contractors, was largely due to the varying density levels in each project area. Residents in Victoria Park West in general live in the most dense environment out of the three SUPP6 project areas of the Town and their average project cost per property has been quoted to be one of the cheapest among the State's entire SUPP6 projects. On the other hand, Carlisle North residents in general reside in the least dense of the three SUPP6 project areas and their quoted cost per property is the highest
10. The average cost per property for the Victoria Park East and Victoria Park West projects is under the State average for SUPP6
11. Only 9.3% of the affected properties in SUPP5 were considered as small units (four or more ratable properties located within a lot) and were afforded a discount rate of 50% on the services charge. This discount was funded by the remaining 90.7% of the plot owners
12. In Victoria Park West, more than 64.5% of the properties are considered to be small units. This high density environment is one of the reasons for the low E10 project cost per property for this project. Should a 50% discount be applied to these small units, the Town will need to fund a further discount of approximately \$2mil for the Victoria Park West project if a lot owner resurvey is to be avoided.
13. Similarly, the proportion of small units within the Victoria Park East project area is also much higher than that of SUPP5 project area (25.3%)
14. The proportion of small units within the Carlisle North project area is 5.5% out of a total of 949 properties within the project area.
15. Cognisant of the recommendation to avoid the additional cost and time delay associated with a resurvey, the relatively low number of properties within the Carlisle North project area and the lower than average E10 cost per property already achieved for both the Victoria Park East and Victoria Park West projects, it is recommended that discounts related to the size of a property is not applied to SUPP6 projects.
16. To allow this report to be prepared and for a basis for Council decisions, the Western Power estimated cost of 90% accuracy confidence (E10) has been used.



17. The increase in the cost estimate was brought to Elected Members' attention at the Concept Forum meeting on 24 September 2019, where the Town's administration provided options for subsidies to apply against the actual service cost per residence.
18. Funding for the project will be sourced from the following areas:
  - A State Government grant provided by the State of Western Australia
  - The Underground Power Reserve from the Town of Victoria Park
  - A bank loan provided to the Town of Victoria Park (considering that the low interest loan arrangements that are available to local governments in the current economic climate)
  - Contributions from property owners
  - Potentially other Reserves of the Town
19. Due to the revised Contractor quote validity period (24 December 2019) for the Victoria Park East and West projects, a decision to proceed needs to be made as soon as possible. Should a decision not be made before the revised Contractor quote validity period expires (24 December 2019), a revised quote may be required and may potentially result in higher costs which in turn would require a resurvey to be carried out if the proposed service charges went above the E50 estimates by 10%.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	By selecting subsidy option 2, all 3 project areas can be completed.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Subsidy option 2 costings have been provided with transparency showing the clear benefit to the community.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	With multiple subsidy options presented and analysis of those options a sound and accountable objective decision-making process has been undertaken

Environment	
Strategic outcome	Intended public value outcome or impact
EN07 - Increased vegetation and tree canopy.	By undergrounding and removing overhead powerlines there will be more opportunity to plant trees and provided growth for the canopy to increases without the limitation of power lines heights.

## Engagement

Internal engagement	
Stakeholder	Comments have been incorporated into this report
Finance	Long Term Financial Plan, loan arrangement and use of Reserves required to fund all three projects

Operations	Quote for the implementation works expires on the 24 December 2019
Elected Members	<p>Further actions identified during the Concept Forum of September 2019 are:</p> <ul style="list-style-type: none"> <li>• Inform elected members of the survey figures from the last survey.</li> <li>• Include why schools and retirement villages could/should be given a discount.</li> <li>• Include any other potential options.</li> <li>• Present report to November Ordinary Council Meeting outlining all options.</li> </ul>

## External engagement

Stakeholders	<i>Residents within the Carlisle North, Victoria Park East and Victoria Park West project areas</i>
Period of engagement	<i>March and April 2016</i>
Level of engagement	2. Consult
Methods of engagement	<i>Letters</i>
Advertising	<i>Town website</i>
Submission summary	Overall Supportive of the estimated service charge amounts provided.
Key findings	<i>Significant support from respondents for the 3 projects to progress</i>

## Other engagement

Stakeholder	Comments
Western Power	<p>The Town has met with Western Power to determine why there were large variances in the cost changes between original and final estimates, as well as understand the reasons why there are significant cost differences between individual project areas. Western Powers advice is that:</p> <ul style="list-style-type: none"> <li>• The original estimates were based on calculated street frontages (not a detailed design and construction Request For Quotation or RFQ).</li> <li>• The original estimate for Victoria Park East &amp; West projects did not include recent boundary changes and increase in total number of lots.</li> <li>• The original estimates were based on averages of SUPP Round 5 Projects with lower project population (not high-density areas).</li> </ul>

- As a result of the high-density of Victoria Park West the overall project cost associated with materials and installation is higher than originally estimated but the cost per property is one of the lowest recorded for round 6 of SUPP.
- The projects have been in the planning phase for longer than is typical for SUPP projects primarily due to the complex nature of the projects.
- The construction period for these projects is longer than typical for SUPP projects due to the size and complex nature of the projects.
- The extended time to plan and execute these projects has resulted in additional costs and escalation provisions.
- Each project area has a variance in length of underground cabling in the street frontage. This impacts the cable cost component of projects.
- Each project area exhibits different numbers of mixed use and large apartment blocks all of which impact on the cost of the network serving these areas.
- Each project area has a differing number of properties which require connection to the underground network. Each project area also has a different number of properties that are serviced by an existing partial or full underground connection from the street poles.

## Legal compliance

Section 6.20 of the Local Government Act states that:

- "1) Subject to this Act, a local government may –  
 borrow or re-borrow money;  
 obtain credit; or  
 arrange for financial accommodation to be extended to the local government in ways additional to or other than borrowing money or obtaining credit, to enable the local government to perform the functions and exercise the powers conferred on it under this Act or any other written law."
- "2) Where, in any financial year, a local government proposes to exercise a power under subsection (1) ("power to borrow") and details of that proposal have not been included in the annual budget for that financial year-  
 unless the proposal is of a prescribed kind, the local government must give one month's local public notice of the proposal; and  
 the resolution to exercise that power is to be by absolute majority."

Section 6.21 of the Local Government Act states that:

- "3) Except in the case of –  
 Over drawings on current account from a bank or other financial institution; and  
 such other form of financial accommodation (if any) as is determined by the Treasurer and notified to local governments in the State, a local government is only to exercise a power under section 6.20 (1) with the prior approval of the Treasurer or a person authorized in that behalf by the Treasurer."

## Risk management consideration

Undertaking a resurvey and/or considering committing to the State Underground Power Program would be considered both a major policy and substantial expenditure decision considered in the Election Caretaker Policy however exemption should be given on the basis of the long standing planning and commitment to underground power of the Council and the existing strong community support for the project.

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<p><b>Financial</b></p> <p>Should a decision not be made by the revised Contractor quote validity period (24 December 2019) a revised quote may be required and may potentially result in higher costs and up to 4,000 rate payers affected.</p>	Major	Likely	High	Council accepts the timeline proposed and endorses a subsidy option that does not require the additional costs associated with a further survey and project re-quote.
<p><b>Reputational</b></p> <p>Negative public perception from up to 4,000 rate payers towards the Town if the project doesn't commence because the E10 estimates for VPE and VPW are below the Perth metropolitan average.</p>	Moderate	Possible	Moderate	Council approves sufficient subsidy to allow all 3 projects to proceed. Avoid a resurvey of VPW. Commentary around reasons for progress expectations not being met due to budget constraints.

## Financial implications

<p><b>Current budget impact</b></p>	<p>It is proposed to allocate funds in the budget for FY2021 for this project. The funding for the project is proposed as follows:</p> <ul style="list-style-type: none"> <li>SUPP6 E10 estimated total project cost for all 3 projects after deduction of State Government contribution excluding loan interest is \$18,150,000</li> <li>SUPP6 E10 estimated total project cost for all 3 projects after deduction of State Government contribution and including loan interest and the associated fees is \$19,550,000</li> <li>Estimated total discounts for the affected lot owners is \$2.3 million (CN</li> </ul>
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\$320k, VPE \$666k, VPW \$1.32 million)

- Estimated loan interest is - \$911,000
- Potential transfers from the Underground Power Reserve of \$3,950,000
- Borrow from WA Treasury Corporation – \$18,150,000
- The draft FY2021-2035 Long Term Financial Plan will forecast the remaining required expenditure (based on actual project costs) as well as recovery of the property owners' portion of the project costs.
- Council has prepared for this project by establishing a UGP reserve. The resolved purpose of which is to provide for the undergrounding of power lines within the area of the Town not undergrounded. The funds available will be approximately \$3,950,000 in FY2021
- The contribution required from property owners in the affected areas for subsidy option 2 (including discounts and excluding interest and bank fees) is \$11,704,254
- The balance of the project cost (including SUPP6 discounts and excluding interest and bank fees) to be funded by the Town of Victoria Park under subsidy option 2 is \$6,440,358
- There are loan guarantee fees of approximately \$484,000
- Current loans as at 30 June 2019 total \$3,852,719
- As a percentage of rate revenue, the Town's debt service costs are:  
2018/2019 Estimated Total loans \$3,852,719;  
Debt service (this includes principal + interest + fees) \$2,661,692 which is 5.8% of rates (\$46,063,129);  
The estimated loan balance at the start of 2020/2021 is \$1,784,220 add UGP loan \$18,150,000 equals total loans of \$19,934,220;  
Estimated debt service costs \$3,546,100 which is 7.7% of rates (\$46,063,129 – assuming no rate increases)  
(NOTE – Debt service is not estimated to actually increase until 2020/2021 due to timing of loan draw down)
- The loan option is the recommended funding solution. In order for Council to borrow, the Annual Budget must detail the borrowings as per section 6.20 of the Local Government Act and those borrowings must be approved by the Treasurer as per section 6.21 of the Local Government Act before the borrowings can proceed. The 2020/2021 Annual Budget will outline that borrowings would be required to fund the Underground Power Project for those ratepayers who elect to pay by instalments instead of paying in full.
- Borrowing quotation forms were received on 5 September 2019 seeking quotes on borrowing \$13,644,613 over 7 years with semi-annual fixed repayments. The estimated borrowing costs have changed as new information became available, the borrowing costs have been based on the current recommendation for Option2 and interest costs have been pro-rated on that basis from the WA Treasury quote.

- As per Section 6.21(1) of the Local Government Act 1995 the loan quotation from the Western Australian Treasury Corporation is now forwarded to the Council for approval.

The \$18,150,000 borrowings will require estimated repayments of \$19,540,000 during the repayment period. This will be funded by ratepayers who have chosen to pay by instalments, general revenue and funds to be drawn from the Underground Power Reserve.

### Future budget impact

There will be loan repayments for the proposed loan period of the loan of up to fifteen years. This will be partially offset by the recoup of the outstanding balance of ratepayers who choose to pay by instalments.

There are a number of other significant funding commitments or expected commitments in coming years. The implementation of a 3 Bin system, the potential redevelopment of the Perth Football Club and potential costs associated with the future of the Mindarie Regional Council. A commitment by Council to fund its portion of SUPP6 as outlined above may Impact on the Town's ability to fund these, and other commitments in coming years.

## Analysis

20. Western Power have completed a tender evaluation for the three projects and have revised project costs, which are summarised as follows:

	<b>E50</b>	<b>E10 (without interest and fees)</b>
SUPP 6 Total Cost for TVP	\$12,428,324	\$18,144,613
CARLISLE NORTH		
Total Project Cost	\$6,750,488.00	\$8,567,407.00
TVP Contribution	\$3,375,244.00	\$4,283,704.00
Number of Properties	603	949
Service Charge	\$3,600	\$4,514
VICTORIA PARK EAST		
Total Project Cost	\$7,360,268.00	\$9,011,303.00
TVP Contribution	\$3,680,134.00	\$4,505,652.00
Number of Properties	1025	1,073
Service Charge	\$3,500	\$4,199

VICTORIA PARK WEST		
Total Project Cost	\$10,745,892.00	\$14,855,257.00
TVP Contribution	\$5,372,946.00	\$9,355,257.00
Number of Properties	2799	2,922
Service Charge	\$1,900	\$3,202

21. With the addition of the estimated loan interest of \$910,958 and the associated fees of \$483,522, the E10 project cost is increased from \$18,144,613 to \$19,539,093 for the purpose of calculating the proposed service charges.
22. The risk and issues created by the revised estimate (+/- 10%) variance include:
  - Re-surveying might produce a “no” for projects and one or more SUPP projects are lost (linked projects)
  - The additional time required to re-survey might lead to contract failure, cost escalations and a need to re-tender
  - Costs escalations might lead to another >10% change
  - There may not be any future SUPP projects endorsed by the State Government
  - Future SUPPs may be more costly
  - It may be more difficult to secure future SUPP funding if Western Power begin instead to renew existing aging poles leading to a “business as usual” approach in the project areas
23. Should the Town choose not to grant a subsidy that achieves less than a 10% difference between E50 and E10 estimates, there would then be a Public Utilities Office (PUO) requirement to re-survey landowners. However, should the Town consider granting such a subsidy, it is possible to proceed without re-surveying landowners.
24. At the Concept Forum meeting on 24 September 2019, the Town’s administration presented Elected Members with subsidy options based on the feasibility of the Town undertaking all three projects with external funding being supported. These options considered the costs changes that were identified from the original estimate (+/- 50%) and the revised estimate (+/- 10%). On average the projects were approximately 30% more costly than the original estimate (+/- 50%).
25. For the past two SUPP projects, the Town applied a subsidy of approximately 25% of the project cost after deduction of the State Government contribution. For SUPP5, \$1435 subsidy was funded against a base cost of \$5740 and the following discounts were applied:
  - Property adjacent to high voltage power lines – 50% of service charge
  - Property impacted by switchgear/transformer boxes – 50% of service charge
  - Property with internal underground already – \$750
  - Property with internal underground already but with a service pole – \$375
  - Vacant Land – \$750
  - Properties with multiple dwellings on one assessment (group rated) were charged for each dwelling.
26. For the 1,377 properties of SUPP5, a total of \$682,000 was subsidised by Council.

27. For SUPP6, the 3 options for the discounts to be applied to are as follows:
- a) Discount option 1 applies the above five discount categories as specified above which is at 100% of the discount rates applied to SUPP5. It is recommended that no more than one category of discount is applied to a property. This results in a total discount of approximately \$2.3 million which is recommended to be funded from the Town's Underground Power Project Reserve. Note that if a property is eligible for multiple discount categories as per SUPP5, the total cost of discount would be approximately double that being recommended in this report.
  - b) Discount option 2 applies the above five discount categories as specified above but at 50% of the discount rates applied to SUPP5. It is recommended that no more than one category of discount is applied to a property. This results in a total discount of approximately \$1 million which is recommended to be funded from the Town's Underground Power Project Reserve
  - c) Discount option 3 applies the above five discount categories as specified above but at 25% of the discount rates applied to SUPP5. It is recommended that no more than one category of discount is applied to a property. This results in a total discount of approximately \$513,000 which is recommended to be funded from the Town's Underground Power Project Reserve
28. The discounts applied to SUPP 5 properties were absorbed into the service charge and the overall average discount applied per property was \$490. This cannot be applied to SUPP6 projects (based on the options proposed in the report) if the Town is to avoid the additional cost and time delay associated with a resurvey.
29. The possible discounts based on 100% of the SUPP5 discount rates are presented on a table as attached (discount option 1).
30. The following options were presented to Elected Members for consideration at the Concept Forum meeting on 24 September 2019:

**Option 1** - Maintain the same level of subsidy of 25% on the portion of the project cost across all 3 projects (after deducting Western Power's contribution and adding interest and associated fees).

**Benefits:**

- Precedent
- Fair/equitable (in % but not in value)
- Easy to communicate and defend

**Risks:**

- Requires re-survey for Victoria Park West 2,922 properties).
- Time delay may require VPE and VPW projects to be re-quoted due to the tendered pricing for these project areas expiring. This may result in even higher project costs for both project areas.
- Greater time and cost.
- Inequity of subsidy in dollar value.
- Both VPE and VPW projects may become unviable.
- Community discontent due to higher costs to residents, project delays and risk of losing the VPE and VPW projects in SUPP6.
- Potential reputational damage to the Town.

**Subsidy:**

- Estimated subsidy payable by the Town - \$4,884,773

**Option 2** - Providing a variable subsidy across all 3 projects to bring each to within 10% of the E50 Estimates (after deducting Western Power's contribution and adding interest and associated fees).

**Benefits:**



- No need to resurvey
- Reduced borrowings

**Risks:**

- Inequity of subsidy

**Subsidy:**

- Estimated subsidy payable by the Town - \$5,546,123

**Option 3** - Reduce the cost of all projects by applying the same subsidy, in percentage terms, across all 3 projects while reducing the service charge of all projects to within 10% of E50 surveyed cost (after deducting Western Power's contribution and adding interest and associated fees). This equates to approximately 39% for all 3 projects).

**Benefits:**

- No need to resurvey
- Fair and Equitable (in %)

**Risks:**

- Setting a precedent of a higher % subsidy than in previous years
- Higher borrowing costs
- Inequity of subsidy in dollar value

**Subsidy:**

- Estimated subsidy payable by the Town - \$7,697,776

31. Once the Town's pricing model was developed based on the initial cost estimates for each project area and the options presented, it became apparent that pricing inequity between similar properties but in different project areas would be apparent. Consequently, three further options were considered.

**Option 4** - Provide an alternative variable subsidy option to fund the portion of the project cost excluding Western Power's contribution but included loan interest and fees (25% - CN, 25% - VPE and approximately 39% - VPW) such that CN and VPE subsidy is similar to that of SUPP5 in percentage term and the service charge for VPW is such that it is no more than 10% of the E50 estimate.

**Benefits:**

- No need to resurvey
- All 3 projects can proceed
- Maintained the SUPP 5 subsidy percentage for Carlisle North and Victoria Park East.

**Risks:**

- Inequity of subsidy in percentage and dollar value terms

**Subsidy:**

- Estimated subsidy payable by the Town - \$6,335,141

**Option 5** - The actual cost per residence is calculated based on the feasibility of proceeding with all three projects and the actual amount being no more than 10% of the original estimates (+/- 50%). This calculation uses a cost averaging method which considers allowing the costs of the three projects to be aggregated and shared amongst all properties in the three project areas. Recognition was given to the pricing model method for the previous underground power project (SUPP 5) which considers the project areas being contiguous, the apparent cost differences for similar properties in different project areas and the level of Local Government funding being applied. This option was subsequently found to be too costly and hence no further detailed analysis was carried out.

**Benefits:**

- No need to resurvey
- All 3 projects can proceed
- Fair and equitable subsidy in dollar value

**Risk:**

- Higher borrowing costs
- Inequitable subsidy in %

**Subsidy:**

- Subsidy payable by the Town - \$10,644,564

32. The attached subsidy table illustrates the anticipated costs to property owners for underground power based on individual project areas for all four options, with no discounts applied.
33. The attached discount table illustrates the impact of applying the same discounts used in SUPP5 to SUPP6.
34. Owners pay the contribution to cost through a service charge. An Underground Power (UGP) service charge is specifically provided for in the Local Government Act and is levied by s6.38 of Local Government Authority (LGA) at the time of adopting budget. The service charge cannot be levied at another time although the actual service charge accounts can be sent out at a time of the Town's choosing.
35. The service charge is levied against properties owned by Government agencies and all ratable properties within the project area whether single residential, multi residential, commercial, industrial, retirement village or other. The service charge does not vary between a single residence and a unit because it is based on each property's contribution towards the total project cost and not the size of the property. Retirement villages and government properties such as schools within the SUPP5 project boundary were levied also levied a service charge.
36. Key information resulting from a direct comparison between SUPP5 and SUPP6 (option 2) is provided below:

E10 divided by number of properties - Considering the project costs after the deduction of the state government's 50% contribution (limited to a maximum of \$5.5 million per project) at the point of contract execution, the round 5 of SUPP undertaken for Lathlain had a per property average cost of \$4,686 (excluded subsidy and discounts). This compares with the average cost per property for round 6 of SUPP as follow:

Carlisle North = \$4,523

Victoria Park East = \$3,945

Victoria Park West = \$3,089

The Council funded subsidy for SUPP5 was \$1,435 per property

If subsidy option 2 is adopted by Council, the estimated Council funded subsidy per property for SUPP6 (included estimated loan interest but excluded discounts) is:

Carlisle North = \$ 902

Victoria Park East = \$ 673

Victoria Park West = \$ 1,358

The service charge for SUPP5 was \$4,305 for all properties that did not qualify for any of the discounts.

If subsidy option 2 is adopted by Council, the estimated service charge for SUPP6 properties that do not qualify for any discounts will be no more than the following:

Carlisle North = \$ 3,960 (cheaper than SUPP5)

Victoria Park East = \$ 3,850 (cheaper than SUPP5)

Victoria Park West = \$ 2,090 (cheaper than SUPP5)

It is noted that lot owners of a number of other metropolitan councils are levied a service charge of more than \$7,000 per property under SUPP6.

37. Council can offer an instalment plan. The instalment option may be developed on these assumptions:  
Modelled on 5 years/quarterly payments

There is a direct cost for administering instalments and this is covered by the interest charge

Assuming 50% request instalments the Town has to finance \$5,852,127. The proportion of requests for instalment payment is an estimate.

It is proposed the prefunding comes from borrowings

As instalments are paid all funds go back to the Municipal Account.

Charge 5% pa for outstanding balances

38. The service charges are not municipal rates and an instalment option should not be complicated by allowing an outstanding amount to be apportioned between a seller and buyer at the time of a sale. Experience of other local governments has been that this is a grey area in terms of the law and causes conflict that can draw the Town into dispute. If an instalment option is offered, it should be on the basis the outstanding service charge balance is to be paid in full by the owner before a property is sold.
39. A simple agreement will be prepared as the basis for instalment arrangements and the conditions will be clearly articulated.
40. Pensioners and seniors who are the holder of a valid concession card are eligible for rebates from the Office of State Revenue under the Rates and Charges (Rebates and Deferments) Act 1992. The State Government is yet to determine rebates and caps for 2020/2021. There is currently an existing cap on the rebate for a senior which limits the amount to \$100. On this basis, the situation for pensioners and seniors would be:  
Pensioners eligible for a rebate up to 50%  
To be eligible, the property owner must pay the service charge in full by 30 June in the year charged  
Seniors eligible for rebate capped at \$100  
Seniors can claim the rebate if they use the instalment option but only for the first year's payment
41. Pensioner, but not seniors, may defer payment of the service charge in the same manner that rates can be deferred. If deferred Council carries the outstanding amount as a debtor and receives an interest payment from the State until the debt is paid. It is difficult to predict take up of option although the deferral of rates is very minimal.
42. The project budgets developed by Western Power include a construction contingency and provisional sum allowances to cater for a reasonable approach to unforeseen construction events. The Town has a further small contingency sum for inclusion in budgets.
43. The Works contract has mechanisms to deal with situations where the forecast final cost is likely to exceed budget which will be dealt with if the situation arises. This may include the Town providing additional funding as necessary.

44. If a decision to proceed with underground power under the SUPP regime was taken, the Funding Agreement and the Construction Contracts will need to be executed by the Town. Upon execution of these agreements, the Contractor's Safety, Health and Environment Management Plan will need to be submitted and approved prior to construction works commencing.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (239/2019):

**Moved:** Cr Vicki Potter

**Seconded:** Cr Bronwyn Ife

That Council:

1. Approve the three State Underground Power Project 6 (SUPP6) projects and authorize the Chief Executive Officer to execute all contract documents for the SUPP6 projects with the Public Utility's Office and Western Power.
2. Adopts a variable subsidy approach as outlined in option 2 – this will result in service charges per property as follows: Carlisle North (CN) \$3,959, Victoria Park East (VPE) \$3,849 and Victoria Park West (VPW) \$2,089.
3. Funds the estimated project cost of \$18,150,000 of the three SUPP6 projects (including discounts) with a loan of up to \$18,150,000. The borrowing will be from Western Australian Treasury Corporation (WATC) or other approved funding source for the purpose of pre-funding the contributions of those property owners choosing to use the instalment payment method, and all necessary procedures for acquiring the money to be borrowed be undertaken in accordance with the *Local Government Act 1995* requirements.
4. Approves the inclusion in the long term financial plan and current budget of the estimated loan interest \$911,000 and estimated loan fees of \$484,000 and loan repayments over the seven year term of the loan.
5. Adopts the attached discount schedule for property owners (ie the same as SUPP5).
6. Approves the use of funds from the Underground Power Reserve in the current financial year's budget to cover the progress payments expected to be invoiced to the Town commencing around the third or fourth quarter of this financial year should these projects proceed.
7. Approves the proposal that property owners be given the option to extend payment of the service charge over a maximum of seven years. For property owners choosing to pay by instalment - interest payable on outstanding balances charged at the rate of 5.5% plus an annual \$41 surcharge to meet administrative costs incurred (the same as for outstanding rates).
8. Inform the affected lot owners within the three project areas in writing of the Council approval for all three projects to proceed, the increase in service charge of no more than 10% based on the estimates provided to lot owners in 2016 and the discounts that may be applicable to certain properties.

**CARRIED BY ABSOLUTE MAJORITY (6 - 0)**

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

**Against:** nil

## 12.4 Proposed lease of 707-709 Albany Hwy to Paradigm Shift trading as Perth Cars & Commercials

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Jon Morellini
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Approves the leasing of 707-709 Albany Highway to Paradigm Shift (Aus) ACN 616 115 443 Pty Ltd trading as Perth Cars and Commercials for a term of six (6) months with two further optional terms of six months with the option in favor of the lessee.
2. Authorises the provision of a Local Public Notice of the above proposed lease.
3. Delegates to the Mayor and Chief Executive Officer to execute the lease between the Town of Victoria Park and Paradigm Shift trading as Perth Cars and Commercials, after a two week Public Notice period if the public submissions received are deemed by the CEO to not warrant further investigation.
4. Endorses the allocation of income received from the leasing of 707-709 Albany Highway to the Land Asset Optimisation reserve fund.

### Purpose

The Town of Victoria Park acquired the property 707-709 Albany Highway as a strategic land acquisition, the site also had an existing car dealership tenant in place which was able to provide a financial return on investment for the Town. Since acquisition the Town has needed to formalise this lease, an Offer to Lease has now been provided to Council for consideration.

### In brief

- When the Town acquired the car yard located at 707-709 Albany Highway there was an existing car dealership trading from the property.
- Originally there were two car dealership tenants, one tenant however has been unable to continue leasing the property with the other tenant agreeing to take over the entire property.
- The lease at the time of acquisition was only on a month by month basis, a longer term 6 month lease has been offered with a further two (2) six month options in favor of the tenant.

- A licensed valuer has provided a valuation report assessing the fair market rental of 707-709 Albany Highway which is in line with the Lease Offer received.
- The longer term strategic intent of the ownership of 707-709 Albany Highway, East Victoria Park will not be impacted by the Lease Offer presented to Council for consideration.
- In relation to the term of the lease being less than 5 years (as for the Town's other retail leases), the Commercial Tenancy (Retail Shops) Agreement Act 1985 does not apply as the tenant occupies a site of greater than 1,000 sqm.

## Background

1. The Council agreed to the acquisition of 707-709 Albany Highway as a strategic land acquisition as part of the Land Asset Optimisation Strategy.
2. The Land Asset Optimisation Strategy is a priority project for the Town of Victoria Park that will aim to deliver revenue diversification opportunities whilst enabling redevelopment proposals and act as a catalyst for regeneration or redevelopment of the Town's land assets.
3. The property was acquired to strategically add to the largest combined centrally located land holding owned by the Town of Victoria Park proximate to John Macmillen Reserve and provide potential future Albany Highway access and frontage for those land holdings.
4. The asset was purchased as an actively trading car yard with minimal improvements to the site.
5. The offer to lease is based on the main terms and conditions set out in the schedule below:

Lease Term	6 Months
Commencing	1 June 2019
Expiring	30 November 2019
At the Commencement rent of	Net annual rent of \$72,000 (SEVENTY-TWO THOUSAND DOLLARS) GST Inclusive, payable calendar monthly in advance on the 1 <sup>st</sup> (first) of each calendar month in the amount \$6,000.00 (SIX THOUSAND DOLLARS INCLUDING GST)
Lessor to pay following outgoings	Water Rate – Service Charges & sewer volume Council Rates (if applicable) Land Tax & MRIT (if applicable) Building Insurance Management Fees
Lessee responsible for following items	Property Maintenance of a non-structural nature Provide and maintain any additional fire protection equipment that they or their insurers deem necessary Cleaning – all area within the defined premises and all fixed glass Water disposal more than the services provided by the council Security as required Pest control if required Electricity Consumption & Water Consumption Signage

	The Lessee expressly acknowledges that they are required to keep in effect public liability insurance cover of \$20 million. The Lessee acknowledges that they are responsible for insuring all their stock and equipment and signs.
First Renewed Option	Period of six months from 1 December 2019 to 30 May 2020 to be exercised in writing no later than 31 October 2019
Second Renewed Option	Period of six months from 1 June 2020 to 30 November 2020 to be exercised in writing no later than 31 March 2020

6. An independent valuation has been prepared and is shown below table in comparison to the agreed lease.

Outgoings	Valuation	Lease Offer
	<b>\$35,000</b> p.a exclusive of GST and outgoings	\$72,000 inclusive of GST and outgoings
Land Tax	\$28,219.20 (if applicable)	
Council Rates	\$16,001.69 (Town is exempt)	
Water Rates	\$1,720.50	
Management Fees	\$1200	
Valuation Comparison	Lease Offer	\$72,000.00
	Less GST	\$65,454.54
	Less Land Tax	\$37,235.34
	Less Water Rates	\$35,514.84
	Less Management Fees	<b>\$34,314.84</b>

7. The current economic climate for car dealerships is a weak market, the existing tenant has been operating from the property for several years and has managed to pay all rents during the period of handover to the Town. The Lease offer will finalise the agreement and allow a month by month lease situation anticipated at acquisition to progress into a more stable six month lease with two 6 month options.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the	The outcome from the leasing of the Strategic Land Asset located at 707-709 Albany Highway provides a

community.	return on investment for the Town of Victoria Park the outcome of which delivers appropriate management of finances for the benefit of ratepayers.
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## Engagement

### Internal engagement

Stakeholder	Comments
Elected Members	Concept Forum and Ordinary Council Item provided to Elected Members when discussing the proposed acquisition of 707-709 Albany Highway and the existing tenancy and potential ability of the site to generate income.
Parking	Consideration from Parking to turn into metered parking should existing tenant not want to continue leasing the land. Not supported at this stage
Finance	Discussion with the rental income to be allocated to the LAOS reserve fund. Agreed
Project Management	Project Manager for John Macmillen precinct masterplanning project informed of land parcel to be considered within masterplanning process. Supported

### External engagement

Stakeholders	During the statutory process for compliance with leasing of a Town owned property a two-week advertising period of the offer price and corresponding independent valuation will be undertaken with public submissions to be received
Period of engagement	Period of Local Public Notice will be two (2) weeks.
Level of engagement	1. Inform
Methods of engagement	a) published in a newspaper circulating generally throughout the district; and b) exhibited to the public on a notice board at the local government's offices; and c) exhibited to the public on a notice board at every local government library in the district.
Advertising	As above in methods of engagement
Submission summary	Nil submissions



Key findings	N/A
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## Legal compliance

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

[Section 1.7 of the Local Government Act 1995](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Financial</b> Failure of Lessee to meet rent payment obligation or damages to the Town's branding or properties due to wilful acts of the proponent.	Moderate	Low	Low	The lease provides various clauses to de risk this situation, the Town has also engaged LJ Hooker Commercial Property group who can manage these risks moving forward. It is to be noted that the tenant has never missed a rental payment. The property should be considered for re-lease or repurposing in the event that the tenant vacates the premises

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Net revenue from the lease of 707-709 Albany Highway, East Victoria Park will be allocated to the Land Asset Optimisation Strategy Reserve

## Analysis

8. The Town undertook a strategic acquisition of 707-709 Albany Highway, East Victoria Park. At the time there was an existing tenant in place.
9. The tenant was on a month by month lease agreement, with the change of ownership the Town needed to formalise a lease with the existing tenancy unless the tenant wanted to vacate which.
10. The tenant has provided an Offer to Lease to the Town which is in line with an Independent Valuation, this offer represents a good outcome for ratepayers with a strategic land asset also having the added benefit of being able to provide an alternative revenue source for the Town.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (240/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

1. Approves the leasing of 707-709 Albany Highway to Paradigm Shift (Aus) ACN 616 115 443 Pty Ltd trading as Perth Cars and Commercials for a term of six (6) months with two further optional terms of six months with the option in favor of the lessee.
2. Authorises the provision of a Local Public Notice of the above proposed lease.
3. Delegates to the Mayor and Chief Executive Officer to execute the lease between the Town of Victoria Park and Paradigm Shift trading as Perth Cars and Commercials, after a two week Public Notice period if the public submissions received are deemed by the CEO to not warrant further investigation.
4. Endorses the allocation of income received from the leasing of 707-709 Albany Highway to the Land Asset Optimisation reserve fund.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

## 12.5 Tender TVP19-21 Supply and laying of asphalt

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Jonathan Horne
<b>Responsible officer</b>	Gregor Wilson
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Tender ( Council report) attachment evaluation summary for TVP 19-21 asphalt resurfacing [12.5.1 - 2 pages]

### Recommendation

That Council accepts the submission from Asphaltech Pty Ltd (ABN 26064520869) for Tender TVP19-21, issued through the Western Australia Local Government Association (WALGA) as request for quotation VP164095, for the supply and laying of asphalt over a maximum of five years (being an initial term of three years, with an option for an additional two year term).

### Purpose

For Council to accept the tender submission from Asphaltech Pty Ltd for the supply and laying of asphalt.

### In brief

- Tender TVP/19/21 was issued as quotation request VP164095 under the WALGA Preferred Supplier Arrangement in October 2019, closing 18 October 2019.
- Of the 12 suppliers invited to respond, six suppliers completed submissions for the scope of works. The respondents were:
  1. Asphaltech Pty Ltd (ABN 260064520869)
  2. Boral Resources WA Limited t/a Boral Asphalt (ABN 57008686904)
  3. Downer Infrastructure – Australia West (ABN 66008709608)
  4. Fulton Hogan Industries Pty Ltd (ABN 54000538689)
  5. Kee Surfacing (ABN 68148877347)
  6. Roads2000 (ABN 77081677778).
- Suppliers were requested to provide appropriate unit rates for the supply and laying of asphalt, including associated traffic management and milling/profiling services
- An evaluation of the tender submissions has been made against the prescribed criteria and it is recommended that Council accepts the submission made by Asphaltech Pty Ltd for the services.
- The expected value of the works on an annual basis is in the order of \$2.3 million, which is the budget for road resurfacing in the 2019/2020 financial year.

### Background

1. The current contract for the supply and laying of asphalt (and associated services) is due to expire in December 2019.
2. To allow for continuity of supply, the tender was advertised through the WALGA Preferred Supplier Arrangement as quotation request VP164095 to attract those suppliers considered to be capable of

delivering this scope of services. The term of the tender/request for quotation covers an initial term of three years, with an option for an additional two year term.

3. The WALGA process was closed on 18 October 2019. Evaluations of the tenders submitted were undertaken by a three staff evaluation panel based on the qualitative and quantitative weightings as advertised in the tender documents.

### Compliance criteria

4. The request for quotation/ tender included several compliance and qualitative criteria which Tenderers were required to address to be considered for evaluation.
5. Evaluation criteria included a heavy weighting for price (60%) to ensure value for money was achieved for the Town and our ratepayers

### Evaluation process

6. Evaluation of the tenders was undertaken by a panel of three staff members, who reviewed the tender submission against criteria weightings as detailed below:

Qualitative Criteria		Weighting
1)	<p><b>Organisational Capability</b></p> <ul style="list-style-type: none"> <li>a. Provide a case study of a recent similar long-term contract a brief summary on the work undertaken, client, client contact details, and project value.</li> <li>b. Provide details of your organisations credentials to undertake this contract including any registrations, certifications. (Eg OHS, Environmental, MRWA etc)</li> <li>c. Provide your methodology to this contract considering client communications and engagement, project programming, identifying site specific issues, personnel and materials availability.</li> </ul>	15%
2)	<p><b>Personnel</b></p> <ul style="list-style-type: none"> <li>a. Provide a listing on the project team members directly involved in this contract including a brief summary on each team member's experience, role, relevant qualification/certifications held and suitability for the role. (Include an organisation chart)</li> <li>b. Provide a listing of your subcontractors and material suppliers including a brief summary on each subcontractor/material supplier on their experience and suitability for their role.</li> </ul>	15%
3)	<p><b>Sustainability</b></p> <p>Provide information on your organisation's sustainability credentials and practices as well as any related ratings or certifications, materials which demonstrate your organisation's practical commitment to sustainability.</p>	10%

4)	<b>Schedule of Rates</b> Complete the Schedule of Rates	60%
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## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To put in place value for money and sustainable contracts based on tendered outcomes, while meeting statutory obligations.

## Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Acted to advise and assist in the procurement process.

## Legal compliance

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

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

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Service interruptions for scope of work	Moderate	Possible	Moderate	Award contract to suitable and reputable supplier, with appropriate contractual safeguards

## Financial implications

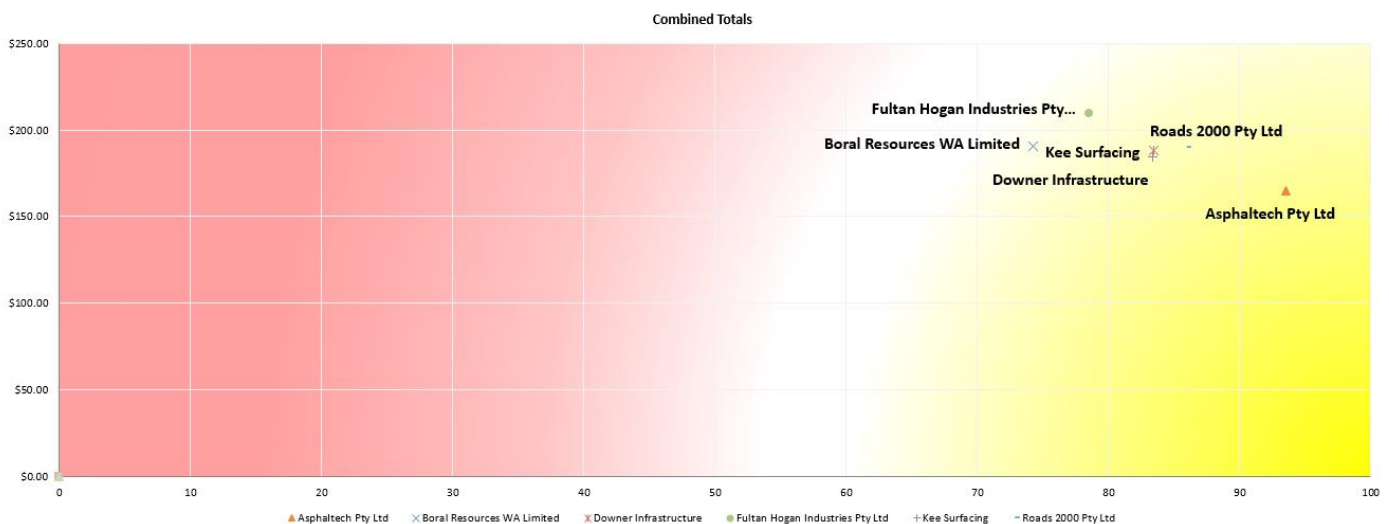
<b>Current budget impact</b>	<p>Council Delegation 1.24 – Limits on Delegations to CEO requires all tenders exceeding \$200,000 to be by Council determination. The value of the total contract over three years with further extension options is expected to exceed \$200,000, therefore it is required that this item be brought before Council for determination. An indicative annual contract value is about \$2.341 million which is being spent on road resurfacing in the 2019/2020 financial year.</p> <p>Council policy <a href="#">FIN4 Purchase of Goods and Services</a> requires Council to invite tenders before the Town enters into a contract if the consideration under the contract is or is expected to exceed \$150,000.</p> <p>Sufficient funds will exist within the annual budget to address this recommendation as Council will approve future capital works budget and programme.</p>
<b>Future budget impact</b>	Not applicable.

## Relevant documents

[Council policy FIN4 Purchase of Goods and Services.](#)

## Analysis

7. The assessment of the submissions was formally undertaken by a panel that included:
  - Acting Manager Infrastructure Operations
  - Street Operations Engineer
  - Project Officer - Waste
8. The Town invited 12 suppliers to respond. Of these, six suppliers completed their submissions.
9. The attachment details the results of the evaluation panel's assessment of the tenders, based on the qualitative and quantitative weightings as advertised in the tender.
10. The evaluation is also represented are shown on the graph below:



**COUNCIL RESOLUTION (241/2019):****Moved:** Mayor Karen Vernon**Seconded:** Cr Brian Oliver

That Council accepts the submission from Asphaltech Pty Ltd (ABN 26064520869) for Tender TVP19-21, issued through the Western Australia Local Government Association (WALGA) as request for quotation VP164095, for the supply and laying of asphalt over a maximum of five years (being an initial term of three years, with an option for an additional two year term).

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)****For:** Mayor Karen Vernon, Cr Jesvin Karimi, Cr Bronwyn Ife, Cr Vicki Potter, Cr Claire Anderson, Cr Brian Oliver**Against:** nil

## 12.6 Petition Relating to the Revegetation of Kent St Sand Pit

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Brendan Nock
<b>Responsible officer</b>	Gregor Wilson
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Friends of Kensington Bushland Petition [<b>12.6.1</b> - 16 pages]</li> <li>2. 8010 1913 - Crown Lease 999 Years - 63 Kent Street - Harold Rossiter Reserve [<b>12.6.2</b> - 5 pages]</li> <li>3. D 19 14428 Report - Town of Victoria Park - Future Planning Committee report - Reclassification of [<b>12.6.3</b> - 5 pages]</li> <li>4. D 18 2165 Letter - Department of Water and Environmental Regulation - NOTICE OF A CLASSIFICATION OF [<b>12.6.4</b> - 6 pages]</li> <li>5. D 18 2234 Plan - Site Environmental and Remediation Services - Kent St Sand Pit Site Management Pla [<b>12.6.5</b> - 38 pages]</li> </ol>

### Recommendation

That Council:

1. Receives the report in response to the petition submitted by the Friends of Kensington Bushland on 15 October 2019 requesting the revegetation of a portion of Lot 705 (63) Kent Street, Kensington (commonly known as the Kent Street Sand Pit) which forms a part of the Jirdarup Bushland Precinct.
2. Endorses the preparation of a report for the Kent Street Sand Pit, as recommended by the draft Public Open Space Strategy, ensuring that the recommended option(s) for the site:
  - a) Is consistent with its zoning as a Parks and Recreation Reserve under the provisions of Town
  - b) Planning Scheme No.1.
  - c) Considers the past recommendations and decisions made in relation to the Kent Street Sand Pit site.
  - d) Culminates in a plan for the Kent Street Sand Pit site including (but not limited to):
    - i. Design considerations (if any)
    - ii. Site preparatory works
    - iii. Environmental considerations
    - iv. Community engagement
    - v. Funding, staging and delivery considerations

### Purpose

The purpose of this report is to present the Administration's response to the petition presented by the Friends of Kensington Bushland at the 15 October 2019 Ordinary Council Meeting (OCM).



## In brief

- At the 15 October 2019 OCM the Town received a petition from the Friends of Kensington Bushland requesting the revegetation of the Kent Street Sand Pit as part of the Jirdarup Bushland Precinct.
- Use of the site for recreational and cultural purposes, with revegetation being a strong focus, would enhance Kensington Bushland and create amenity for the Town's community and visitors.
- The Town proposes the preparation of a report to determine the scope and methodology of a future plan for the site. The report will include exploration of future elements to be potentially integrated into the site, design considerations and community consultation. The scope will remain within the boundaries of the current planning framework (Parks and Recreation Reserve) and follow the direction set by previous recommendations and decisions regarding the site.

## Background

1. This report has been prepared in response to the motion carried at the 15 October 2019 OCM for Administration to prepare a report by November 2019 addressing the requests made in a petition from the Friends of Kensington Bushland.
2. Part of Lot 705 (63) Kent Street Kensington, commonly referred to as the Kent Street Sand Pit or Tip Site (the site), the land parcel includes Bush Forever Site 48 - Kensington Bushland, Harold Rossiter Reserve and Kensington Police and Citizens Youth Club. The site occupies approximately eight hectares.
3. The history of the site is not well documented but is generally thought to have been used as a sand quarry, domestic landfill and for the storage of building materials, construction and road sweeping waste and as a discharge area for run off.
4. A Crown Grant in Trust document issued in 1913 states that the land is leased for 999 years under the *Land Act 1898* to the Victoria Park Municipal Council. The document also states that "*the said piece of Parcel of Land hereby demised shall at all times during the said term be used by the Lessee solely for the purposes of Municipal Endowment*". 'Municipal Endowment' means the Town of Victoria Park can lease the land, subject to lease conditions and zoning, to provide a source of income to benefit the Council.
5. The site is currently zoned Parks and Recreation under the provisions of Town Planning Scheme No.1 (TPS1).
6. The site is identified as remaining as a Parks and Recreation Reserve in the Town's Draft Local Planning Strategy.
7. The site is identified in Appendix C the Town's Draft Public Open Space Strategy as part of the Kensington Bushland. The following recommendation is provided for the site:  
*The future use of the Kent Street Sand Pit should be the subject of a thorough investigation and business case analysis examining all options for the site. This process should include in-depth community consultation, noting that feedback received during the Public Open Space Strategy preparation valued an environmental outcome.*
8. Under the direction of the Department of Water and Environmental Regulation (DWER), the Town has undertaken a series of Preliminary and Detailed Site Investigations (PSI/DSI), the aim of which was to assess, measure, map and detail the extent of the contamination on site including in the soil, ground water and related gases. These investigations have resulted in DWER re-classifying the site from "Contaminated – Investigation Required" to "Remediated for Restricted Use". This classification means that the site is contaminated and has been remediated such that it is suitable for passive recreational use, subject to implementation of the site management plan (developed June 2017).

This site management plan guides future management procedures for the Site, primarily if any works were to take place.

9. A petition from Friends of Kensington Bushland advocating for the revegetation of the site as part of the Jirdarup Bushland Precinct was received by Council at the 15 October 2019 OCM. The petition requests that Council:
  - a. *Implement Council's long-standing policies and decisions to revegetate the Kent Sand Pit in the Jirdarup Bushland Precinct as Public Open Space for passive recreational and cultural purposes.*
  - b. *Collaborate with community groups to immediately commence project planning and revegetation activities.*
  - c. *Allocate the necessary resources to ensure the project is completed within reasonable time.*

As outlined in the Friends of Kensington Bushland Petition there are a number of past decisions and recommendations from various plans and strategies that relate to the site.

## Strategic alignment

### Environment

Strategic outcome

Intended public value outcome or impact

EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.

The conversion of the site to public open space for recreational and cultural purposes, with revegetation being the prime focus, would not only protect and enhance the adjacent precious remnant Kensington Bushland, but also potentially create an excellent amenity for the Town's community and wider visitors.

EN07 - Increased vegetation and tree canopy.

Given the size of the site, the revegetation of Kent St Sand Pit would contribute significantly to the Town's canopy cover.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Potential loss of future financial or other social benefits as a result of not exploring options outside of	Major	Possible	High	Continue to gauge the preference of the Town's community in terms of potential revenue

the current Parks and Recreation zone.

generation opportunities to offset a portion of the rates revenue.

## Financial implications

### Current budget impact

It is proposed that the report be conducted utilizing existing resources and internal capacity.

### Future budget impact

Funds will be required in future budgets to deliver a concept plan for the site subject to Council approval. The proposed report will provide an estimated cost for the Concept Plan.

As the revegetation of the Kent St Sand Pit has direct alignment with the implementation of the Urban Forest Strategy (UFS), it is proposed that associated costs could be drawn from the UFS Reserve.

## Analysis

9. In response to the petition from the Friends of Kensington Bushland and range of decisions and recommendations made in relation to the site the Town proposes to prepare a report with recommended option(s) for the site that:
  - a. Is consistent with its zoning as a Parks and Recreation Reserve under the provisions of Town Planning Scheme No.1;
  - b. Considers the past recommendations and decisions made in relation to the Kent Street Sand Pit site;
  - c. Culminates in a plan for the Kent Street Sand Pit site including (but not limited to):
    - i. Design considerations;
    - ii. Site preparatory works;
    - iii. Environmental considerations;
    - iv. Community engagement; and
    - v. Funding, staging and delivery considerations.
10. Given the significance of the site, it is important that the Town appropriately plan and scope all of the necessary considerations and options in an orderly and well-planned manner to ensure the success of the outcome for the community.

## Relevant documents

- Friends of Kensington Bushland Petition.
- Letter - Department of Water and Environmental Regulation - NOTICE OF A CLASSIFICATION OF A KNOWN OR SUSPECTED CONTAMINATED SITE GIVEN UNDER SECTION 15 OF THE CONTAMINATED SITES ACT 2003 - Kent St Sand Pit - September 2017
- Plan - Site Environmental and Remediation Services - Kent St Sand Pit Site Management Plan - June 2017

- Report - Town of Victoria Park - Future Planning Committee - Reclassification of Kent St Sand Pit Contaminated Site Status - January 2018
- Lease - Crown Lease 999 Years - 63 Kent Street - Harold Rossiter Reserve – November 1913.

#### AMENDMENT:

**Moved:** Cr Claire Anderson

**Seconded:** Cr Vicki Potter

That points 2 and 2b, of the officer recommendation be amended to read:

2. Endorses the preparation of a report to rehabilitate and revegetate the Kent Street Sand Pit ensuring the recommended options for the site.

b) is consistent with past recommendations and decisions made in relation to the Kent Street Sand Pit site.

#### Reason:

Firstly, the Public Open Space strategy document is currently in draft form and council has not received public feedback on the draft document as yet so we are unaware of changes that could possibly be made from community feedback, hence I have removed reference to it.

Secondly, although the additional infrastructure for the site will enhance the area, we need to remember the main focus for the Kent Street sandpit, the foundation, has always been revegetation and rehabilitation.

#### AMENDMENT:

**Moved:** Cr Claire Anderson

**Seconded:** Cr Vicki Potter

That point 2, of the officer recommendation be amended to read:

2. Endorses the preparation of a report to rehabilitate and revegetate the Kent Street Sand Pit ensuring the recommended options for the site.

**CARRIED (6 - 0)**

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

**Against:** nil

#### AMENDMENT:

**Moved:** Cr Claire Anderson

**Seconded:** Cr Vicki Potter

That point 2b, of the officer recommendation be amended to read:

b) is consistent with past recommendations and decisions made in relation to the Kent Street Sand Pit site.

**LOST (4 - 3)**

**For:** Cr Claire Anderson, Cr Bronwyn Ife, Cr Jesvin Karimi

**Against:** Cr Brian Oliver, Mayor Karen Vernon, Cr Vicki Potter

As the votes were equally divided, Mayor Karen Vernon cast a second vote against the motion.

#### COUNCIL RESOLUTION (242/2019):

**Moved:** Cr Bronwyn Ife

**Seconded:** Mayor Karen Vernon

That Council:

1. Receives the report in response to the petition submitted by the Friends of Kensington Bushland on 15 October 2019 requesting the revegetation of a portion of Lot 705 (63) Kent Street, Kensington (commonly known as the Kent Street Sand Pit) which forms a part of the Jirdarup Bushland Precinct.
2. Endorses the preparation of a report to rehabilitate and revegetate the Kent Street Sand Pit ensuring the recommended options for the site:
  - a) Is consistent with its zoning as a Parks and Recreation Reserve under the provisions of Town Planning Scheme No.1.
  - b) Considers the past recommendations and decisions made in relation to the Kent Street Sand Pit site.
  - c) Culminates in a plan for the Kent Street Sand Pit site including (but not limited to):
    - i. Design considerations (if any)
    - ii. Site preparatory works
    - iii. Environmental considerations
    - iv. Community engagement
    - v. Funding, staging and delivery considerations

**CARRIED (6 - 0)**

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

**Against:** nil

## 12.7 Occupancy of 10 Kent Street, East Victoria Park

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Jayde Robbins
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council requests that the Chief Executive Officer continues to pursue options for leasing the property at 10 Kent Street, Victoria Park.

### Purpose

Council resolved at the July Ordinary Council Meeting to investigate potential occupancy for 10 Kent Street, East Victoria Park. This was following the approval to terminate the Communicare Inc lease due to them no longer requiring 10 Kent Street for Government funded programs as these contracts had ceased in March 2019 and they had vacated the property.

### In brief

- The Town has been actively discussing with Department of Health the potential relocation of Infant Health Clinic at 4 Temple Street. The Infant Health Clinic however have recently advised the Town they do not wish to relocate to 10 Kent Street as they would prefer a more modernised facility similar to the Lathlain Clinic.
- The Lathlain Community Centre is also occupied by a branch of Child Infant Health Services and currently uses two rooms, however is not big enough to accommodate the additional staff and business from 4 Temple Street.
- Discussions have also taken place with the Community Development Team for potential relocation of staff at the premises for Community led programs, however other accommodation options have presented in the meantime.
- The Town is also looking to contact other parties within the Town that may have an interest in a relocation, these discussions are ongoing however no outcome has yet been achieved
- Although the Town is not proactively advertising the property for lease or licence, we are strategically reviewing our existing tenancies to determine whether the Town is maximising its level of occupancy in terms of how each facility is being used.

### Background

1. The lease for 10 Kent Street, East Victoria Park with Communicare Inc. was terminated as of 30 June 2019.

2. The property has been handed back to the Town in good condition with all necessary maintenance carried out including freshly painted surfaces internally and externally.
3. A disability access audit has been carried out for the property has highlighted a number of non-compliant items, which was expected due to the property being designed and constructed prior to adoption of accessibility legislation and standards.
4. To make the building disability access compliant is broadly estimated to cost in the order of \$100k-\$250k depending on the agreed scope of works.
5. The land use of 10 Kent Street is zoned Parks and Recreation and therefore cannot be leased for a Commercial return. It has therefore been recommended to offer the property to a not-for-profit community group.
6. The Town's Property team has been investigating options for not-for-profit community groups that currently occupy a lease within the Town to relocate to 10 Kent Street that may provide a strategic benefit to both the Town as well as the potential lease holder.
7. No successful negotiations with stakeholders to occupy the site have resulted to date.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Ensure appropriate use of a Town facility.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Provide fair and equitable access to council facilities for community or not for profit organisations.

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	Ensure that the premises will be fit for purpose.

## Engagement

Internal engagement	
Stakeholder	Comments
Property Management Team	Discussed future options for the property. Options are being explored with tenants of other Town properties.
Community Development Team	Discussed options for moving staff to the property and also investigate potential of using shed and garden areas for Community led programs.

## Other engagement

Stakeholder	Comments
Department of Health	The Town's Property Management team met with Department of Health at the 10 Kent Street premises for them to inspect and assess whether it would be suitable for their operations currently provided at 4 Temple Street. Department of Health have recently indicated that the property does not meet their needs.
Disability Services Commission	Correspondence has been sent to the Disability Services Commission to discuss options for relocation, however no reply has been received to date.

## Legal compliance

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

[Regulation 30 of the Local Government \(Functions & General\)](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
e.g <b>Property</b> Property is vacant which could attract anti-social behaviour	Moderate	Likely	High	Continue to investigate potential occupants for the property. Keep property well maintained and secure.
<b>Financial</b> Depending on the tenant for the property, will determine the capital works required to make the building compliant with accessibility requirements etc. Not enough funds allocated in current budget	Moderate	Almost Certain	High	Investigate options that would require less modifications to the existing property. Prioritise structural defects and accessibility improvements and allocate appropriate capital budget in 6 month budget review process.

## Financial implications

<b>Current budget</b>	Sufficient funds exist within the annual budget to address this recommendation.
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<b>impact</b>	\$35,000 is currently allocated in this financial year's capital works budget which may not be spent if a tenancy agreement is not reached prior to the end of the financial year. If this is the case, at the 6 month budget review process the funds will be reallocated to a building renewal priority identified in the Town's asset management plan.
<b>Future budget impact</b>	Depending on the Tenancy requirements as well as Council's obligations to comply with its Disability Access and Inclusion Plan, the capital budget currently at \$35,000 will need to increase to in excess of \$100,000 to \$250,000, dependent on the scope of works agreed.

## Analysis

8. The Town is currently investigating options for optimising the property at 10 Kent Street. Based on the Town's investigation's to date, the most viable options are using the property for staff office space or leasing the property to a not-for-profit community group.
9. Several service areas are in the process of reviewing their office requirements. As part of that review, some service areas will be investigating potential for moving staff into 10 Kent Street. In the meantime, the Property team are engaging with potential not-for-profit organisations that may be interested in moving to the premises as a long-term occupant.
10. Following the determination of an occupant for the property, the building will need to be refurbished to meet the tenant requirements. Any upgrades to the building will also require it to meet requirements of the Disability Access and Inclusion Plan.
11. The property is an identified land parcel within the John MacMillan Precinct Masterplan and therefore any future occupancy or works to this property should align or favour the broader strategic planning for this area.

### COUNCIL RESOLUTION (243/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council requests that the Chief Executive Officer continues to pursue options for leasing the property at 10 Kent Street, Victoria Park.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

**For:** nil

**Against:** nil

## 12.8 Proposed Sale of 355-357 Shepperton Road, East Victoria Park

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Jon Morellini
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Attachment 1 Albany Hwy Development Proposal [<b>12.8.1</b> - 17 pages]</li><li>2. Attachment 2 Public Submissions [<b>12.8.2</b> - 10 pages]</li><li>3. Attachment 3 Submission to TVP 20190926 [<b>12.8.3</b> - 9 pages]</li><li>4. Attachment 4 Woolworths Group Solar Energy Policy [<b>12.8.4</b> - 4 pages]</li><li>5. Attachment 5 Planning Comments [<b>12.8.5</b> - 3 pages]</li><li>6. Attachment 6 East Vic Park - Council Sale and Purchase Contract ( Final -... [<b>12.8.6</b> - 51 pages]</li></ol>

### Recommendation

That Council:

1. Receives the public submissions and notes the Officer's responses as contained at Attachment 2.
2. Approves the contract of sale for 355-357 Shepperton Road as contained at Attachment 6 being lot 30 on Diagram 10509, lot 488 on Plan 2609 and lots 131 and 132 on Deposited Plan 45782 for the value of \$3,821,000 excluding GST.
3. Delegates the Chief Executive Officer and Mayor the authority to execute all necessary documentation under the Town's Common Seal, to effect the sale of 355-357 Shepperton Road, East Victoria Park to Fabcot Pty Ltd.
4. Notes the following obligations to be address in the proposed contract of sale to Fabcot Pty Ltd as part of the delivery of the site:
  - i. installation of rooftop solar photovoltaic cells;
  - ii. entry statement considerations on the corner of Albany Highway and Shepperton Road;
  - iii. consideration of more iconic design principles in accordance with the Town of Victoria Park's relevant planning policies and guidelines at the Contract Date;
  - iv. Allocation of circa 15 car parking bays which are accessible by the public at all times with the remainder of any car parking bays on the Property (number to meet the Town of Victoria Park's minimum car parking ratios) being publicly accessible during business hours, with free parking limited to 90 minutes;
  - v. commitment to a 6 to1 ratio of new tree planting (minimum 100 litre tree size unless otherwise agreed by the Seller acting reasonably) to existing trees in the adjacent area owned by the Buyer and on the Property where possible in the local area and on the Property where possible;

- vi. minimum four-star Green Star rating for the Development; and
  - vii. inclusion of a minimum of 4 electric car charging stations; and
  - viii. the Buyer to maintain its commitments under the publicly advertised Reconciliation Action Plan (RAP) while delivering and operating its business from the Property,
  - ix. A charge and caveat will be lodge following settlement in favour of the Town for the Buyer to achieve their obligations under the contract.
  - x. Access to Car Park – The Buyer acknowledges and agrees with the Seller that rights of access and car parking must be provided and maintained over the Car Park for the use by the general public at all times, 7 days a week 24 hours a day from the date of Settlement until the date of substantial commencement of the Development Works (Access Period) subject to the parties agreeing otherwise both acting reasonably.
5. Delegates the Chief Executive Officer and Mayor the authority to execute all necessary documentation under the Town's Common Seal in accordance with Section 58 and Section 87 of the Land Administration Act 1997, and Regulation 9 of the Land Administration Regulations 1998 to satisfy conditions precedent 2.3 (b).
  6. Approves allocating the amount received for the sale of land, being \$3,821,000 excluding GST, to the Land Asset Optimisation Reserve Fund.

## Purpose

To consider public submissions on the proposed sale of 355-357 Shepperton Road, and to consider whether to proceed with the sale of the land in line with the negotiated contract of sale.

## In brief

- At the 20 August 2019 Ordinary Council Meeting it was requested that the Chief Executive Officer presents a further report back to Council by November 2019 to consider any submissions received in response to the local public notice.
- An unsolicited bid for \$3,821,000 excl GST on freehold land owned by the Town of Victoria Park was received from Fabcot Pty Ltd (a wholly owned subsidiary of Woolworths Limited) for 355 – 357 Shepperton Road, East Victoria Park, a Town owned carpark, who propose to build a large shopping centre with Woolworths as an anchor tenant and publicly accessible carpark on the Town owned site and adjoining sites which they control.
- As the land is included in the Land Asset Optimisation Strategy, a Business Case was prepared to determine if further consideration should be given to the Unsolicited Bid.
- A Business Case was provided to Elected Members which undertook analysis of the following options:
  - a. Option 1: Do Nothing
  - b. Option 2: Hypothetical Development (residential and commercial)
  - c. Option 3: Ground Lease
  - d. Option 4: Unsolicited Bid
  - e. Option 5: Open Market Sale
  - f. Option 6: Sale of Woolworths lots to ToVP and ToVP to Fund construction
- The recommended Option was Option 4 being the Unsolicited Bid. The value proposed at \$3,821,000 excl GST was the highest resulting value and represented an appropriate outcome for the Town. The redevelopment proposed also represented an investment in the order of approximately \$30M into

the Town's commercial and retail infrastructure, with approximately 90 jobs to be created during the construction phase and approximately 150 ongoing long-term employment opportunities along with urban renewal, streetscape upgrades, and a more secure and well-lit precinct. The resulting redevelopment will also deliver ongoing circa \$200-250,000 in annual rates revenue to the Town.

- The revenue from the anticipated sale will be allocated to the Town's LAOS Reserve Fund to facilitate and continue to de constrain and de risk other LAOS land holdings and enable investment in future income generating opportunities.
- Two valuations were received one valuing the property at an adopted market value of \$2.5M and the other at \$3.61M excl GST. Both were less than the unsolicited bid. The lower value is likely to represent what the Town might achieve in the open marketplace from a sale. The value of the sale provides a strong commercial outcome for the Town in the current market and is above the valuation of the land.
- The purchaser has provided some very conceptual plans to show their intent to build, this is only a draft and is still required to go through a comprehensive formal Development Application process including consideration by the Town's Design Review Panel, the draft plans have been attached to this report.
- Fabcot Pty Ltd have contractual control of four adjoining properties fronting Albany Hwy which directly adjoins the Town owned properties. The potential purchaser wishes to buy and utilise the Town's landholdings in order to deliver a large commercial and retail complex with Woolworths as the anchor tenant.
- Combining the Town's land with the Fabcot controlled sites would allow the delivery of a more iconic development proposal with greater amenity compared to what currently exists, and what otherwise might be achieved with only the Albany Hwy frontage properties.
- The value provided in the unsolicited bid was also the preferred financial outcome which allowed a better design outcome for the strategic location, delivered jobs, economic stimulus, provided additional rates to the Town, and delivered funds for reinvestment opportunities. There is also a continuation of car parking for the community with an increase in the overall number of available car parking to the community (albeit with a proposed 90 minutes time restriction).
- There are currently circa 80 bays available for public use. Through the proposed conditions of sale the public will continue to have access to these 80 bays until such time as a redevelopment of the site may occur. Further, the proposed conditions of sale will require the landowner to make available for public use all car parking bays within any redevelopment of the site. Based upon the Fabcot draft concept plans attached (see Attachment 1), this anticipates circa 250 car bays for public use. The proposed contract of sale outlines that these circa 250 bays will be available free of charge for 90 minutes. An additional circa 15 bays are to be made accessible to the public at all times. In summary there will be significant increase in the number of free publicly accessible car bays, albeit these bays will be time restricted.
- As requested at the August Ordinary Council Meeting a further report was to be provided for November to include the contract of sale of 355-357 Shepperton Road, East Victoria Park which was to incorporate several recommended conditions. This contract is attached for Councils consideration.
- After the August Council approval, a public submission period was undertaken with 29 submissions received. These have been included as an attachment to this report with the officer's response provided (see Attachment 2).
- A large number of submissions which objected were on the basis on the loss of car parking spaces. In consideration of this the Town has negotiated a caveat on the land to achieve the approximate 250 bays in the proposed secure parking to be free for a limited 90 minutes to the general public. In

addition to these bays a further anticipated 15 bays which sit outside the secure parking will be provided to the Town to manage with the benefit provided by way of an easement.

## Background

1. Since 2013 the Town's freehold property assets have been captured in the Land Asset Optimisation Strategy. This strategy was received and approved by Council with recommendation that any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy, Council Strategic Community Plan and Long Term Financial Plan.
2. The Land Asset Optimisation Strategy is a priority project for the Town of Victoria Park that will aim to deliver revenue diversification opportunities whilst enabling redevelopment proposals and act as a catalyst for regeneration or redevelopment of the Town's land assets.
3. 355-357 Shepperton Road, East Victoria Park was listed in the Land Asset Optimisation Strategy with the recommendation to 1) Meter this car park in the short term, and 2) Consider the redevelopment of portion of this property into the future for commercial use. This recommendation was derived by a Property Team comprised a multi-disciplinary representation of the Council's operations area and provided the means by which all operation areas of the Town could be considered with respect to each property under discussion.
4. The Land Asset Optimisation Strategy's strategic intent is to diversify income streams for the Town so that there is less reliance on rates for the Town.
5. The subject property located at 355-357 Shepperton Road is currently an unmetered car park. This car park currently has 80 car bays and services the immediate business surrounds mainly for customers. Within the area of a walkable distance there is adequate all-day parking in excess of this car parking facility. The adjoining properties which are currently subject to an acquisition process by Fabcot are also the main users of the carpark. At night the car park is not well utilised.
6. There are five trees within the Town owned land and several trees within the Shepperton Road road reserve, the trees will need to be removed or relocated during the delivery of the anticipated development, a condition of contract has been negotiated to mitigate this tree loss.
7. A draft development proposal has been received and is attached to this report. The draft development proposal has been discussed internally and consideration has been given to the location of the site and the potential of the development to be an entry statement for the Town
8. With the inclusion of the Town owned land it will allow a more considered development outcome with greater flexibility and will be able to give a more considered focus on a pedestrian orientated design rather than just a hard-commercial frontage.
9. The current planning scheme permits up to five storeys. Based upon the concept plans provided, there are concerns that the Shepperton Road elevation appears to be "back of house". Also given this is an important gateway to the Town any development should aim to address both Albany Hwy and Shepperton Road. These design considerations and others will form part of the statutory Development Application process and will include the Town's Design Review Panel input. With Initial viewing of the plans it appears that plot ratio and setback to Shepperton Road are matters likely to require discretion, however these are initial comments not based upon a comprehensive assessment of the concept plans.
10. The St James end of the Albany Hwy retail/commercial strip is slowly going through a regeneration. The area has long suffered from limited private investment and a redevelopment as per that proposed is likely to be a catalyst for further investment and revitalisation in this part of Albany Highway.

11. The proposed design (and its compliance with the Town's planning framework) will be dealt with separately by the Town's Urban Planning team via the normal assessment process.
12. The proposed development concept is premised not only on the purchase of the subject lots owned by the Town, but also the closure of a portion of dedicated road (known as ROW 54). To satisfy Conditions Precedent 2.3 (b) the Town will advertise the closure and amalgamation of the subject portion of dedicated road for 35 days and write to the adjoining landowners and service providers asking for input. After all submissions are considered an application will be lodged with the Department of Planning, Lands and Heritage requesting to close and amalgamate the subject portion of dedicated road. Should approval be granted the subject portion becomes unallocated Crown land which is then ceded to the Town freehold and amalgamated into the adjoining car park.
13. The development opportunity represents the following ongoing benefits in addition to financial:
  - a. A direct investment of approximately \$30M into the Town's commercial and retail infrastructure;
  - b. Circa 90 jobs to be created during the construction phase;
  - c. Circa 150 ongoing long-term employment opportunities;
  - d. Streetscape and urban renewal in a portion of Town which needs investment;
  - e. A more secure and well-lit facility to help reduce crime;
  - f. Resulting redevelopment to deliver ongoing circa \$200-250,000 in annual rates revenue;
  - g. A commitment to public use of the parking developed;
  - h. Four electric car charging stations;
  - i. Reconciliation Action Plan commitments

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	The Land Asset Optimisation Strategy aims to deliver well thought out projects and ultimately deliver them successfully.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Managing finances appropriately requires an objective approach with good financial judgment. The Land Asset Optimisation Strategy develops a Business Case approach to each land holding develops and compares multiple scenarios.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	With a Business Case provided exploring multiple option the unsolicited bid achieves several critical outcomes, all option where presented for consideration allowing Council to undertake accountability and objective decision making.

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The anticipated development from the sale of the Town's landholding will generate local employment opportunities in the order of 150 ongoing jobs and stimulate business creation opportunities.
EC02 - A clean, safe and accessible place to visit.	Redevelopment of the Town and adjoining land holdings will upgrade the existing streetscape and provide a cleaner place to visit, the additional increase in pedestrians and tenancies will potentially build out criminal occurrences with additional passive surveillance.

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The inclusion of the Town's landholding will potentially achieve an overall design outcome that opens up Albany Hwy for a more considered pedestrian lead design opportunity, this will allow a design with greater focus on place planning and place activation.

## Engagement

### Internal engagement

Stakeholder	Comments
Elected Members	Information was original provided via the EM Portal when the Unsolicited Bid was received. A further presentation at Concept Forum was delivered by the Town's Property Development Manager regarding the economic, design, financial and planning impact of the Unsolicited Bid this presentation included examples from the attached draft development proposal. A further report with a Business Case was provided in August to the Ordinary Council Meeting.
Place Planning	<p><b><u>Planning Comments – 355 – 357 Shepperton Road – Potential Sale.</u></b></p> <p>The Town is currently undertaking a substantial program of strategic planning reform, including:</p> <ul style="list-style-type: none"> <li>• Preparation of Local Planning Strategy (estimated completion end of 2020);</li> <li>• Preparation of a new Local Planning Scheme (estimated completion end of 2022); and</li> <li>• Progressing a strategic framework for development in Albany Highway centres</li> </ul>

(estimated completion June 2021).

These projects will have substantial bearing on the future development pattern of the Town and its activity centres.

The proposal raises two key issues from a strategic planning perspective, being:

1. Should the Town be disposing of the public carpark; and
2. Is the development concept presented by the prospective buyer appropriate for this site?

*Issue 1: Should the Town be disposing of the public carpark?*

- The subject carpark is included within "Hotspot Area 2" of the Town's Parking Management Plan. The Parking Management Plan states that one of the management solutions for this area is "All day free parking in specific areas. [including] All of Shepperton Road carpark".
- This management solution implies firstly that any development on the site should maintain the existing provision of car parking, and secondly that the Town should retain enough control of the carpark to ensure its continued availability for free, all day parking.
- The IMNS actions for parking including ongoing monitoring and review of the Parking Management Plan; examining the potential for parking caps in activity centres; adoption of reduced parking ratio requirements within the Local Planning Scheme; and examining potential for the Town to manage car parking on private land. It is possible that the outcomes of these actions might support removal or reduction of public car parking on the subject site. However, this cannot be confirmed until the actions have been completed and a strategic position agreed upon. This is reinforced by Policy/Position P6 of the IMNS, which provides that the Town should "Ensure decisions about future off-street public parking supply are informed by data, and support alternative modes as a priority".
- We understand that the parking team has reported anecdotally that the general area has a substantial amount of parking available and the subject site is often underutilised. This suggests that parking in the area is perhaps in need of review. Again, until this work is completed it is difficult to confidently form the view that the subject carpark is surplus to requirements.
- Additionally, the Town must consider whether the site might be required for a different civic use. Note that the Draft Public Open Space Strategy does not flag a need for additional public open space in this precinct. Further work on the review of the draft Social Infrastructure Plan and draft Local Planning Strategy is required before it can be definitively said that there is no land requirement in the area for civic purposes, although it is unlikely.

*Issue 2: Is the development concept presented by the prospective buyer appropriate for this site?*

- The subject site is zoned "Urban" under the Metropolitan Region Scheme and "District Centre" under the TPS1. In the "District Centre" zone, uses including "Fast Food Outlet", "Liquor Store – Small", "Lunch Bar", "Office", "Consulting Rooms", "Restaurant/Café" and "Shop" are permitted uses, and a wide range of other



commercial uses are designated discretionary. There is no outright basic land use or zoning requirement prohibiting redevelopment of the site for a supermarket although any future Development Application that might be received will be assessed in accordance with the Planning Framework at that time.

- The Town's Activity Centres Strategy states that the "East Victoria Park Gateway Shopping Area", in which the subject site is located, should be "consolidated into a 'gateway' shopping node serving regional and local populations". This is a statement echoed from the TPS1 Precinct Plan for Albany Highway. A supermarket could be contemplated within this broad statement. Further, many of the broad statements around mixed use relate to Albany Highway and not the centre edges.
- It is also noted that there is an existing Aldi supermarket and Bunnings store in the St James centre, which have a substantial impact on the centre's function, parking arrangements and character. A second supermarket would not generally be inconsistent, although the format of the supermarket within a shopping centre does present a shift in dynamic.
- Notwithstanding the above, the strategic vision for the area as an activity centre is still somewhat unresolved. The Activity Centres Strategy does not support preparation of an Activity Centre Structure Plan in keeping with State Planning Policy 4.2, however, it does recommend that "*the Town build on and enhance the points of difference between the Albany Highway Secondary Centre and the expanding super regional centres*". Alongside this is the need for the Town to accommodate its infill housing targets and strengthen local character of the centre through its place planning approach. Further, the Town is currently preparing a draft Local Planning Strategy and anticipating a review of the IMNS. These documents may adopt a different strategic approach to earlier planning documents as the Town and greater Perth metropolitan area respond to rapidly changing economic conditions, population, sustainability goals and housing and lifestyle choices.
- In the context of the before mentioned changing conditions it is important to consider the future of the Town's mid-sized centres and high streets. Car based retail models with large amounts of parking (such as that proposed by the prospective purchaser) are based on attracting customers at a district/regional scale, which may put the centre in direct competition with similar centres in the area (including those in the Town). Centres that accommodate a large local population through dense development; place a high priority on accessibility (all necessary goods and services within close proximity of the residential population) and lower priority on mobility (highly efficient vehicle movement with lots of parking) are likely to be more resilient in the future because they have a captive local market and are less reliant on a regional customer base (self-sufficiency). The Town's endorsed Activity Centre Strategy makes this point in its commentary on the emergence of competing 'super regional centres' and a need for the Town to 'build on and enhance the points of difference between the Albany Highway Secondary Centre (which includes the St James Town Centre) and the expanding super regional centres'. This is a consideration amongst others in any decision regarding the Town's land and the bid from the prospective purchaser.

In conclusion, Place and Urban Planning does not have a firm view on either the disposal of the carpark or introduction of supermarket / small shopping centre at this time, beyond the

	<p>action in the Parking Management Plan for the subject carpark to be retained. Further resolution of the strategic planning framework (as identified above) and a review of the Parking Management Plan would ideally have taken place before determining the disposal of the site although it is acknowledged that bids such as these do not always present at the ideal time from a strategic planning perspective. We ask that the above comments be taken as a consideration amongst others in the decision-making process.</p>
Urban Planning	<p>Urban Planning note the comments from the Place Planning team. Based upon a preliminary review of the concept plans that have been provided, the comments below are made, with these matters and others to be further considered as part of any future development application for the site:</p> <ol style="list-style-type: none"> <li>1. The use of the land for retail purposes including a Shop(s), is a permitted use of the land under the District Centre zoning.</li> <li>2. The Scheme permits a building height of up to five storeys.</li> <li>3. The concept plans depict a lack of activation and design treatment to the Shepperton Road elevation which reads as "back of house". This is an important gateway into the Town and any development will need to address both Albany Highway and Shepperton Road.</li> <li>4. Planting of trees and/or vegetation and sustainable building design is strongly encouraged.</li> <li>5. Relocated and modified vehicle access to Shepperton Road will need to be the subject of review by Main Roads WA.</li> <li>6. The applicant will need to demonstrate that sufficient on-site car parking exists to accommodate customers and staff of the development, as well as the general public.</li> <li>7. The applicant should refer to relevant Scheme and Local Planning Policy (LPP) requirements that apply to the land, including the design guidelines under LPP15.</li> <li>8. The plot ratio and setback to Shepperton Road are matters likely to require discretion.</li> <li>9. The applicant is requested to engage with the Town's Design Review Panel at an early stage of design.</li> </ol>
Parking	<p>Provided feedback and input for the development of the report where required and has been incorporated into the body of the report.</p>
Finance	<p>Provided feedback and input for the development of the report where required and has been incorporated into the body of the report.</p>
C-Suite	<p>Provided feedback and input for the development of the report where required and has been incorporated into the body of the report.</p>

<b>External engagement</b>	
Stakeholders	<i>Whole of Town community</i>
Period of engagement	The period of the Local Public Notice was two (2) weeks.
Level of engagement	1. Consult
Methods of engagement	<ul style="list-style-type: none"> <li>• Your Thoughts Page</li> <li>• Online and hardcopy submission</li> <li>• FAQs</li> </ul>
Advertising	<ul style="list-style-type: none"> <li>• Public Notice in the West Australian</li> <li>• Public Notice exhibited to the public on the notice board at the Town's office, Library and Town's website</li> <li>• Your Thoughts eNewsletter</li> </ul>
Submission summary	29 Submissions were received, of which 25 objected, and 4 supported the proposal. Of the 25 objections, 14 were concerned in regard to loss of car parking spaces.
Key findings	<p>Overall the submissions have been considered and responses provided in an attachment to this report (see submissions attachment). FAQs and Your thoughts information were provided, this aimed to inform ratepayers that there will be in fact an increase in parking, surrounding businesses were mainly concerned for their customers.</p> <p>There are currently circa 80 bays available for public use. Through the proposed conditions of sale the public will continue to have access to these 80 bays until such time as a redevelopment of the site may occur. Further, the proposed conditions of sale will require the landowner to make available for public use all car parking bays within any redevelopment of the site. Based upon the Fabcot draft concept plans attached, this anticipates circa 250 car bays for public use. The proposed contract of sale outlines that these circa 250 bays will be available free of charge for 90 minutes. An additional circa 15 bays are to made accessible to the public at all times. In summary there will be significant increase in the number of free publicly accessible car bays, albeit these bays will be time restricted.</p> <p>A Business Case exploring multiple options was provided to Councillors for their consideration. This allows internal process of integrity with the Officers allowing clear financial objective decision making to be undertaken, this aligns with strategic civic leadership outcomes in the Strategic Community Plan. Commercial in confidence is sometimes required if on the release of that information the</p>

Town would be placed in a commercial disadvantage that could impact financially an outcome for the ratepayers. The Town then undertook a Public Notice period to allow for submissions and any alternative offers to be presented back to Councillors for their consideration. A Your Thoughts page was created provided background information, FAQs and information on the Land Asset Optimisation Strategy.

Strategic planning issues were considered with comments provided in the report from Urban Planning and Place Planning. Sustainability evaluation was considered during the first Council endorsed report with the contract being negotiated on this basis resulting in the inclusion of a number of sustainable outcomes such as the inclusion of photovoltaics, a minimum of 4 electric car charging stations and a minimum 4 star Green Star rating being contractually required. The value of the sale provided a strong commercial outcome for the Town in this current market and is above the valuation of the land.

The consideration from the sale will go to the Land Asset Optimisation reserve fund. The Land Asset Optimisation Strategy strategic intent is to provide alternative revenue sources and ultimately reduce the Town's reliance on rates.

The LAOS reserve fund is for the intent of generating further revenue generating opportunities to continue to build the Town's economic resistance.

## Legal compliance

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

[Section 3.59 of the Local Government Act 1995](#)

[Section 1.7 of the Local Government Act 1995](#)

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

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

Legal advice has been received on the process of dealing with unsolicited bids and on the requirements of a Major Land Transaction under the Local Government Act 1995. In summary the value of the Unsolicited Bid does not constitute a Major Land Transaction. The Town is acting in accordance with legal advice received.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town may result if the sale goes ahead.	Moderate	Possible	Moderate	FAQs were developed and a Your Thoughts page set up to provide information, this was over and above the statutory process. This allowed a submission period of two weeks will all submission

				provided for Councilors to make an informed decision. There have also been contract conditions negotiated to achieve a greater outcome for the Town than just transactional.
<b>Compliance</b> Negative public perception towards the process the Town has undertaken.	Major	Unlikely	Moderate	Legal advice has been received and followed and the Town is undertaking the process in accordance with the <i>Local Government Act 1995</i> .
<b>Environment</b> Loss of trees on the Town owned Car Park.	Minor	Likely	High	Specific environmental conditions of contract have been negotiated including the use of PVs and an expected ratio (6:1) of tree loss to new trees required.
<b>Service Interruption</b> Loss of car parking for the community	Minor	Likely	Moderate	Contract negotiations have been included for the car park to remain open until construction is commenced. The expected development also results in nearly three times the number of free bays albeit with a 90-minute time restriction. The Town is undertaking contractual controls to continue this obligation.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation. Resulting income to be received from the contract of sale will be allocated to the Land Asset Optimisation Reserve Fund.
<b>Future budget impact</b>	Nil

## Analysis

14. The land tenure details of the individual lots are as follows:

Street No	Lot No	Plan/Diagram	Area	C/T
355	488	P2609	853.00	2001/177
357	30	D10509	635.00	2001/175
	131	P45782	419.00	2229/747
	132	P45782	178.00	2229/747
			2,085.00	

15. The development opportunity represents an investment in the order of \$30M of commercial and retail infrastructure with circa 90 jobs to be created during the construction phase and circa 150 ongoing long-term employment opportunities, urban renewal, streetscape upgrades, a more secure and well-lit facility to help build out crime, the resulting redevelopment will also delivering ongoing circa \$200-250k in annual rates revenue.

16. A Business Case was developed and provided to Elected Members for consideration this business case explored the following options:

- a. Option 1: Do Nothing.
- b. Option 2: Hypothetical Development.
- c. Option 3: Ground Lease.
- d. Option 4: Unsolicited Bid.
- e. Option 5: Open Market Sale.
- f. Option 6: Sale of Woolworths lots to ToVP and ToVP to Fund construction

17. The following methodology was applied to the Options to be considered by Council.

**b. Option 2:**

Hypothetical Development - The hypothetical development scenario involved undertaking a discounted cash flow for a proposed development. This approach is suitable for preliminary feasibility studies where detailed building design plans, and detailed construction costs have not been established with any certainty. The net cash flow for the project (revenue less costs) was discounted at an appropriate discount rate and the resulting net present value helped determine if the project was a loss maker and if not the subsequent maximum bid price for the land. The hypothetical development yield analysed accounted for 27 x 2 bed apartments and 2,081 sqm of commercial and retail space.

**c. Option 3:**

Ground Lease - The analysis involved a potential ground lease, and a combination of fixed percentage increases or CPI increases. This is a hard outcome to achieve given the lots would need to be amalgamated. In order to continue the ground lease and own the underlying land the Town may need to acquire all lots, this became a very capital intense option.

**d. Option 4:**

Unsolicited Bid - Under the letter of intent offered by Woolworths there was a fixed lump sum consideration. As Fabcot are an adjoining owner their interest in 355-357 Shepperton Road has a 'special value', this commonly results in a premium being paid above market value. The valuations provided to the Town of Victoria provided comment that "there is evidence in the market where adjoining owners have demonstrated a willingness to pay over and above market values." The value of the unsolicited bid is \$3,821,000 excl GST which is higher than both valuations and demonstrates good value in comparison to all other options analysed. This was the recommended option.

**e. Option 5:**

Open Market Sale - This option was another one to consider however the risk is that the most active buyer in the market being Fabcot knowing that they would likely be the most interested and willing buyer won't have much competition and would be able to control the sales process, this could give them the strategic decision to go lower than what they have already offered given our lower valuation indicate a much lower potential value, other than a special value being applied to the subject project the value that may be achieved in this option could be considerably less than what has been offered in the Unsolicited Bid.

**f. Option 6:**

Sale of Woolworths lots to the Town with the Town to fund construction - This option involved the sale of Woolworths controlled lots to the Town to allow the Town to amalgamate with the car park lots. Woolworths could then facilitate a Development Management Agreement whereby Woolworths would deliver the new development on behalf of the Town who would fund the construction. The acquisition cost for the Woolworths controlled lots would be in the order of \$10M and the potential construction cost in the order of \$22.7M excluding consultant costs, rates and taxes, internal costs and leasing costs. The order of magnitude of such a development is at this stage considered too capital intensive and carry too much risk for the Town.

18. The recommended Option was Option 4 being the acceptance of the Unsolicited Bid. With the consideration of the alternative Options analysed the value proposed at \$3,821,000 excl GST was the highest value outcome for the Town and carried minimal risk. The revenue from the anticipated sale will be contributed to the Town's LAOS Reserve Fund to facilitate and continue to de constrain and de risk other LAOS land holdings and allow potential income generating investments and opportunities.
19. With the anticipation of income producing investments to be acquired or part taken in by the Town, the potential revenue generated by the endorsement of Option 4 will contribute significantly to achieving those investment objectives for the future economic resilience for the Town. This strategy is to ultimately reduce the Town's reliance on rates.
20. Overall Option 4 represents a strong "triple bottom line" investment from a 'value for money' perspective, results in a more holistic pedestrian focus design, helps to regenerate the St James end of Albany Hwy, provides an entry statement for the Town and generates immediate and ongoing job opportunities for the local community.
21. The contract provided has been negotiated to achieve further strategic outcomes for the Town, including photovoltaic cell installation, focus on an iconic design with entry statement opportunities, electric charge charging stations, achievement of a minimum four star Green Star rating for the development, commitment to negate and remedy by a factor of six any tree loss, and for the development to incorporate Reconciliation Action Plan outcomes for this site's redevelopment. The contract also places a caveat on the land to deliver a parking solution for the Town to account for the loss of the existing bays.

22. The Town has also reserved the right to buy back the land at the purchase price less administrative costs should the developer fail to progress; this inhibits the ability for the developer to speculate on the property.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (244/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Vicki Potter

That Council:

1. Receives the public submissions and notes the Officer's responses as contained at Attachment 2.
2. Approves the contract of sale for 355-357 Shepperton Road as contained at Attachment 6 being lot 30 on Diagram 10509, lot 488 on Plan 2609 and lots 131 and 132 on Deposited Plan 45782 for the value of \$3,821,000 excluding GST.
3. Delegates the Chief Executive Officer and Mayor the authority to execute all necessary documentation under the Town's Common Seal, to effect the sale of 355-357 Shepperton Road, East Victoria Park to Fabcot Pty Ltd.
4. Notes the following obligations to be address in the proposed contract of sale to Fabcot Pty Ltd as part of the delivery of the site:
  - i. installation of rooftop solar photovoltaic cells;
  - ii. entry statement considerations on the corner of Albany Highway and Shepperton Road;
  - iii. consideration of more iconic design principles in accordance with the Town of Victoria Park's relevant planning policies and guidelines at the Contract Date;
  - iv. Allocation of circa 15 car parking bays which are accessible by the public at all times with the remainder of any car parking bays on the Property (number to meet the Town of Victoria Park's minimum car parking ratios) being publicly accessible during business hours, with free parking limited to 90 minutes;
  - v. commitment to a 6 to1 ratio of new tree planting (minimum 100 litre tree size unless otherwise agreed by the Seller acting reasonably) to existing trees in the adjacent area owned by the Buyer and on the Property where possible in the local area and on the Property where possible;
  - vi. minimum four-star Green Star rating for the Development; and
  - vii. inclusion of a minimum of 4 electric car charging stations; and
  - viii. the Buyer to maintain its commitments under the publicly advertised Reconciliation Action Plan (RAP) while delivering and operating its business from the Property,
  - ix. A charge and caveat will be lodge following settlement in favour of the Town for the Buyer to achieve their obligations under the contract.
  - x. Access to Car Park – The Buyer acknowledges and agrees with the Seller that rights of access and car parking must be provided and maintained over the Car Park for the use by the general public at all times, 7 days a week 24 hours a day from the date of Settlement until the date of substantial commencement of the Development Works (Access Period) subject to the parties agreeing otherwise both acting reasonably.
5. Delegates the Chief Executive Officer and Mayor the authority to execute all necessary documentation under the Town's Common Seal in accordance with Section 58 and Section 87 of the Land Administration Act 1997, and Regulation 9 of the Land Administration Regulations 1998 to satisfy conditions precedent 2.3 (b).



6. Approves allocating the amount received for the sale of land, being \$3,821,000 excluding GST, to the Land Asset Optimisation Reserve Fund.

**CARRIED BY ABSOLUTE MAJORITY (6 - 0)**

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

**Against:** nil

## 12.9 Discussions regarding Perth Football Club facilities

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Kevin Cunningham
<b>Responsible officer</b>	Ben Killigrew
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Recommendation

That Council receives the report outlining:

- a) meetings held between the Town staff and elected members, and the Perth Football Club staff, between the period of 1 March 2019 and 15 October 2019.
- b) matters and/or actions discussed and agreed to at the meetings identified in point 1.
- c) new information and/or plans relating to a proposed new facility for the Perth Football Club.

### Purpose

To respond to the Council resolution from the October 2019 OCM, to inform Elected Members and the community about discussions and/or decisions that have been made relating to a proposal for a community and sports club facility at Lathlain Park.

### In brief

- This report responds to the Council resolution from the OCM of 15 October 2019 whereby the CEO was requested to provide a report to Council at its November 2019 meeting in respect to the Perth Football Club facility. The report was requested to outline:
  - a) meetings held between Town staff and/or Elected Members and Perth Football Club staff and/or Board members between the period of 1 March 2019 and 15 October 2019.
  - b) matters or actions discussed and/or agreed to at the meetings identified in point 1.
  - c) new information and/or plans relating to the proposed new facility for the Perth Football Club.
- Perth Football Club (PFC) representatives have not provided the Town of Victoria Park with plans relating to the proposed new facility.
- Meetings were requested by PFC officers, the Mayor and Deputy Mayor were only requested to be invited to the meeting of 23 May 2019, but due to late notice were unable to attend.
- No decisions or agreements have been made by the Town in respect to the PFC, or for the redevelopment of Lathlain Precinct Zone 1 for a community and sports club facility where PFC could be an occupier.

### Background

1. Elected members are regularly updated of meetings that take place between the CEO and stakeholders by way of a "CEO Blog" for Elected Members. Recently Elected Members were advised of meetings held between the Town and PFC over recent months since the appointment of a new

President along with board members at PFC and since a funding commitment was made by the Federal Government towards a future facility.

2. The Town were informed that, at the PFC members' forum on Monday, 7 October, a PFC spokesperson reported to members that architectural plans had recently been presented to the Town's administration about a proposed new design for a new community facility for the PFC.
3. A PFC representative has subsequently advised Town officers that:
  - at a forum of PFC Members on 7 October 2019 he addressed the members to update them on club progress in respect to the Lathlain Precinct Redevelopment.
  - his update to members included advice that their architects had drawn "work-up" plans to reflect the future requirements of the PFC, including women's football.
  - he advised the members that those "work-up" plans had been shown to Town Officers at various meetings.
  - no plans had been left with or formally lodged with Town officers by PFC.
4. Notes from recent meetings with PFC are provided as follows:

**a) Meeting requested by PFC - Monday 1 April 2019 16:00 – 17:00**

**Discussions** - The meeting was informal and not minuted. PFC representatives described the drivers they intended pursuing into the future for the club and its sustainability. They shared their understanding of the background to the Lathlain Precinct Redevelopment Project, the club's involvement and that they remained in the 60-year-old grandstand accommodation while surrounding redevelopment had progressed. One of the representatives who had been a former player of the club discussed his capabilities in assisting the club with his capital works development experience and had volunteered to assist the club in progressing the vision and proposed development of the new facilities. PFC expressed their wish for ongoing executive meetings, to build the relationship and be a forum to create continued and rejuvenated momentum.

**Decisions** – There were no decisions in this meeting.

**b) Meeting requested by PFC - Thursday 23 May 2019 16:00 – 17:00**

Meeting invitations were extended to the Mayor (apology) and the Deputy Mayor (apology).

**Discussion** - The status of the progress of the Federal Government funding agreement was discussed in light of the Federal Election "caretaker period" and "on hold" status by the department progressing that assessment.

The responsibility and need for the Club to analyse and define their own facility accommodation requirements to be compliant with WAFC operational guidelines was discussed (schedule of uses and needs, floor areas by use, space relationships and adjacencies). PFC were to consider how they could best progress the preparation of their accommodation needs specification. The club suggested they would seek "pro bono" assistance from consultant contacts.

The need for ongoing advocacy for State funding support was discussed.

**Decisions** – There were no decisions made at this meeting.

**c) Meeting requested by PFC – Thursday 19 July 2019 8.30 - 9.00**

**Discussions** – PFC representative gave a basic overview of the club's progress on needs for a new facility.

PFC also discussed the Community Development focus for the club.

**Decisions** – There were no decisions at this meeting.

**d) Meeting requested by PFC – Tuesday 20 August 2019 15:00 – 15:30**

**Discussions** – PFC representatives advised they had been in discussion with a number of consultants to assist in club needs analysis and they wished to share the progress, comparative developments, preferences and shared learnings to date. Hand drawn block diagrams were presented displaying the nominated use, relationships between and sizes of specific prospective floor areas. Drawings were not left with Town Officers.

PFC shared the capabilities and expertise of the architectural consultancies that had been assisting them. The Town’s officers explained procurement processes for the engagement of consultants to the Town which would have to be followed in the event that the project proceeded.

**Decisions** – There were no decisions from this meeting.

**e) Meeting requested by PFC – Thursday 12 September 2019 16.00 - 16.30**

**Discussions** – A club representative gave a basic overview of the club’s needs and the information gathered to date, which had been prepared by PFC. This also included a basic “block” plan and elevation over the current lease area.

The use of annual operating subsidy provided to the PFC by the Town and how that should continue to be used and acquitted into the future was also discussed.

No material was left with the Town.

**Decisions** – There were no decisions at this meeting.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Ensure the community is informed about discussions and/or decisions that have been made relating to a new community facility for the PFC.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Ensure Elected Members are informed about discussions and/or decisions that have been made relating to a new community facility for the PFC.

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	In 2015 a Business Case was jointly developed by the Town in conjunction with the Department of Sport and Recreation, West Australian Football Commission and PFC to support the redevelopment of the PFC’s facilities as part of the Lathlain Precinct Redevelopment Precinct. It is important for the community and Elected Members to be informed of progress and/or decisions being made in regard to this Town-owned facility.

Social	
Strategic outcome	Intended public value outcome or impact
S02 - An informed and knowledgeable community.	Ensure Elected Members and the community are informed about discussions and/or decisions that have been made relating to a new community facility for the PFC.

## Engagement

### Internal engagement

Meeting participants from the Town	As per this report.
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### Other engagement

Perth Football Club	As per this report.
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## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town if there is a misconception that agreements or decisions have been made without review or consultation.	Moderate	Likely	Medium	Clarify with Elected Members and community that no agreement or decision has been reached or made at this point in time, however the Town's officers are working with PFC on the future of the PFC facility.

## Financial implications

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

Not applicable.

## Relevant documents

Not applicable.

## Further consideration

At the Agenda Briefing Forum of 5 November 2019 it was requested that the report include whether the Mayor, Deputy Mayor or elected members were invited and/or attended to the meetings included in the report. This has been noted in the report for the meeting requested by PFC for Thursday 23 May 2019.

### COUNCIL RESOLUTION (245/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council receives the report outlining:

- a) meetings held between the Town staff and elected members, and the Perth Football Club staff, between the period of 1 March 2019 and 15 October 2019.
- b) matters and/or actions discussed and agreed to at the meetings identified in point 1.
- c) new information and/or plans relating to a proposed new facility for the Perth Football Club.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

## **13 Chief Financial Officer reports**

### **13.1 Schedule of Accounts for September 2019**

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ann Thampoe
<b>Responsible officer</b>	Graham Pattrick
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Summary Listing - September 2019 [ <b>13.1.1</b> - 8 pages]

## Recommendation

That Council:

1. Confirms the accounts for 30 September 2019, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

## Purpose

To present the payments made from the municipal fund and the trust fund for the month ended 30 September 2019.

## 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) Regulation 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 listings will be forwarded monthly 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) Regulation 1996 is contained within the attachment and is summarised below.

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn	608627 – 608642	16,684
Creditors – EFT Payments		5,902,233
Payroll		1,050,097
Bank Fees		22,755
Corporate MasterCard		5,155
		<b>6,996,924</b>
<b>Trust Account</b>		
Automatic Cheques Drawn		0

### Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The presentation of payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.

### Legal compliance

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

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

### Risk management consideration

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

<b>Financial impact</b> Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.
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## Financial implications

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

## Analysis

1. 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 (246/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

1. Confirms the accounts for 30 September 2019, 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 (6 - 0)**

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

**Against:** nil

## 13.2 Financial statements for the month ending 30 September 2019

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ann Thampoe
<b>Responsible officer</b>	Graham Pattrick
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Financial Statements for the month ending September 2019 [ <b>13.2.1</b> - 39 pages]

### Recommendation

That Council:

- a. Accepts the Financial Activity Statement Report – 30 September 2019, as attached
- b. Approve the reallocation of budget funds of \$8,000 from Mint street/Beatty avenue project to facilitate the verge widening project at Gallipoli Street.

### Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 30 September 2019 and request an amendment to the current budget.

### In brief

- The financial activity statement report is presented for the month ending 30 September 2019.
- 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 for the 2018-2019 financial year. The figures stated as opening balances for the 2019-2020 financial year should therefore not be taken as the Town's final financial position.

### Background

1. Regulation 34 of the Local Government (Financial Management) Regulation 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:
  - (a) Revenue

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

- (b) Expense

Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-)

\$25,000 and in these instances, an explanatory comment has been provided.

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

(c) Period variation

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

(d) Primary reason(s)

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

(e) End-of-year budget impact

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

## Strategic alignment

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

## Engagement

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

## Legal compliance

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

[Section 6.8 of the Local Government Act 1995](#)

## Risk management consideration

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
<b>Financial impact</b> Misstatement or significant error in financial statements	Major	Unlikely	Moderate	Daily and monthly reconciliations. Internal and external audits.
<b>Compliance</b> Misstatement or significant error in financial statements	Moderate	Unlikely	Moderate	Internal review of monthly financial activity statement. External audits of monthly financial statements.
<b>Financial impact</b> Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

### Financial implications

Current budget impact	<p>Commentary around the current budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.</p> <p>The following budget amendment has been included in the recommendation for approval by absolute majority with additional commentary provided within the attachment of this report:</p> <p style="padding-left: 40px;">a) Reallocate budget funds of \$8,000 from Mint Street/ Beatty Avenue Roundabout project to a new project for Gallipoli Street verge widening.</p>
Future budget impact	<p>Commentary around the future budget impact is outlined in the Statement of Financial Activity, forming part of the attached financial activity statement report.</p>

### Analysis

The Financial Activity Statement Report – 30 September complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that the Financial Activity Statement Report – 30 September be accepted.

The budget amendment request complies with the requirements of the *Local Government Act 1995 Section 6.8*. It is therefore recommended that the budget amendment request be approved.

### Further consideration

As requested by Council at the Agenda Briefing Forum held on the 5 of November 2019, a budget amendment request is included within this report to reallocate budget funds from an existing project (Mint Street / Beatty Avenue Roundabout) which is unlikely to proceed this year to a new project to facilitate the verge widening at Gallipoli Street. The total budget funds requested to be transferred is \$8,000. This equates to the contributed requested by the Public Transport Authority.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (247/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

- a. Accepts the Financial Activity Statement Report – 30 September 2019, as attached
- b. Approve the reallocation of budget funds of \$8,000 from Mint street/Beatty avenue project to facilitate the verge widening project at Gallipoli Street.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

### 13.3 Aqualife and Leisurelife Needs Analysis

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Bella I
<b>Responsible officer</b>	Luke Ellis
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. TOVP Leisure Facilities Needs Analysis Final Report 141019 [13.3.1 - 57 pages]

#### Recommendation

That Council:

1. Receives the Community Facilities Needs Analysis assessment for Aqualife and Leisurelife.
2. Approve the community consultation for the future of Leisurelife be in conjunction with the Macmillan Precinct Masterplan consultation to be considered at the December 2019 Ordinary Council Meeting.

#### Purpose

A Community Facility Needs assessment has been completed and the Community should be consulted to progress project and financial planning to meet the Towns Leisure facilities into the future.

#### In brief

- A needs assessment on the Leisurelife and Aqualife centres has been undertaken by consultants to guide facility provision towards 2036.
- Multiple options exist for service delivery scale and location with interdependences, both Town led and from neighboring local governments.
- The Community should be engaged to inform location and scale option generation to meet the future Leisure needs of the Town with initial consultation to be focused on Leisurelife and delivered in conjunction with the Macmillian Precinct Masterplan.
- Following compilation of the results of the community consultation regarding the scale and makeup of Leisurelife and any resultant impacts to Aqualife a report will be submitted to Council to close stage 1 of the project and to seek endorsement to progress the project to stage 2, functional design.

#### Background

1. The Town operates two leisure facilities, Leisurelife and Aqualife. These facilities operate as community hubs delivering programs and services that improve physical, mental and general health and wellbeing.
2. Following an operational review of the Aqualife and Leisurelife centres conducted through 2016/17 the Town has:

- a. Delivered operational and efficiency improvements reducing the operating cost of the centres by \$328,436 between 2017/18 and 2018/19.
  - b. Offered new products and membership options to improve income and attendance. The impact of these changes within the 2019/20 year to date has shown an increase of 700 visits per week and the highest facility membership since the facilities began operation.
3. The Town undertook a building condition assessment and strategic asset review of the Leisurelife and Aqualife Facilities April 2019. The Leisurelife report indicated that whilst the building is in moderate condition it is likely to require significant capital expenditure via renewal or renovation or be functionally obsolete within 5-10 years. The Aqualife Centre represented a viable opportunity for long term asset management expenditure.
  4. During the planning process to review the Long-Term Financial Plan (LTFP), consideration was given for the inclusion of a series of major new projects, services and facility upgrades. Elected Members undertook a prioritisation process to determine the future focus of the projects for the inclusion of a series of major new projects, services and facility upgrades.
  5. Elected Members requested business cases for the top five priority projects, including the Aqualife and Leisurelife Masterplan, to determine the best approach. Another of the top five priority projects is the Macmillan Precinct Masterplan. These two projects have been running in tandem and have differing objectives but key interdependencies. Council resolved on 18 June 2019 to proceed with both projects and sought further reports;
    - a. Aqualife and Leisurelife Masterplan  
The results of the Needs Assessment, including a Community Engagement Plan for the Aqualife and Leisurelife Masterplan, by November 2019 Ordinary Council Meeting.
    - b. Macmillan Precinct Masterplan  
An outline of the Project Initiation Documentation, including a Community Engagement Plan, by the March 2020 Ordinary Council Meeting.
  6. Beyond the Town's boundary the City of South Perth has been developing a feasibility study for a new aquatic and leisure facility – South Perth Regional Aquatic Facility. At its September 2019 meeting, South Perth's Elected Members voted to identify the Collier Park Golf course as the preferred site for the purpose of advancing the feasibility business case. The business case is to include a stakeholder and funding strategy, estimates on capital and operational costs, delivery and operational procurement models, delivery risk assessment, facility scope and accommodation plans, and any required commercial and partner agreements.
  7. The Community Facilities Needs Assessment is provided in full as Attachment 1.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Community consultation informed by a needs analysis to identify Community want and aspiration for Leisurelife and subsequent impacts to Aqualife.
CL03 - Well thought out and managed projects that are delivered successfully.	A coordinated process for both facilities and other dependent Town infrastructure rather than ad hoc facility upgrades
Economic	



Strategic outcome	Intended public value outcome or impact
EC02 - A clean, safe and accessible place to visit.	Accessible and appropriately located facilities to provide Community and visitor benefits.

Environment	
Strategic outcome	Intended public value outcome or impact
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	A successful master plan will ensure efficiency and maximum recreational value is obtained from the resources dedicated to the facilities. Ageing assets are assessed and rationalised to ensure the Town is providing facilities that are fit for purpose, well maintained and sustainable to serve our community needs now and into the future.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Facilitate an active lifestyle for members of the Victoria Park community through the provision of quality recreation facility and programming
S03 - An empowered community with a sense of pride, safety and belonging.	Community and Club engagement to deliver outcomes to create a community hub and healthy community that they are proud of and promote to visitors from outside the community.

## Engagement

Internal engagement	
Stakeholder	Comments
C-suite	Presented to C-suite and received support for the masterplan approach and for shared consultation to reduce community fatigue and improve understanding of the project's relationships.
Project Management	<p>Described and refined approach with the help of the project management team and discussed interdependencies with other strategic projects.</p> <p>The Macmillan Precinct Masterplan, currently being delivered from the Project Management office, has significant overlap and dependencies relating to the Community Facilities Needs Analysis. Specifically, the Leisurelife Centre and how it is intended to operate in the context of future precinct planning.</p> <p>Should Council adopt the proposed resolution, the community consultation proposed for the Precinct Masterplan will absorb the consultation required for future planning of Leisurelife and achieve joint outputs to facilitate the completion of both projects. This engagement process is proposed to begin in early 2020.</p>

Assets	<p>Described approach to Coordinator of Strategic Assets and discussed impact on the Strategic Asset Plans for Aqualife, Leisurelife and Library, including:</p> <ul style="list-style-type: none"> <li>• Future planning for the Macmillen Precinct including the consideration of required refurbishments and upgrades to Leisurelife and Library (including disability access and compliance, secure amenities improvements)</li> <li>• Certainty of future for Aqualife – required upgrades and renewal/maintenance planning.</li> </ul>
Library Services	<p>Library staff were consulted on the Community Facilities Needs Analysis. The Analysis has been shared with Community Planning with the following feedback;</p> <p><i>The findings of the Analysis are consistent with the Social Infrastructure Plan and Library Operational Review findings. A Strategic Asset Management Plan is required for the Library which explores a range of options to meet the Town's projected population growth. Such as;</i></p> <ul style="list-style-type: none"> <li>• <i>the possibility of a central library with branch libraries to accommodate projected growth. For example, a collocated cultural, civic and library service, with a branch library in Burswood and satellite pop-up libraries in neighborhood centers, or</i></li> <li>• <i>the option of multiple district level libraries (opposed to a central library and branch libraries), or</i></li> <li>• <i>other options to be identified</i></li> </ul>

## Legal compliance

Not applicable.

## Risk management consideration

and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town over potential changes to community facilities	Moderate	Moderate	Moderate	Transparent approach to the project and the sharing of the full needs analysis. Community consultation to inform option generation

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
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## Analysis

8. The Town engaged Urbis Consulting to complete a needs assessment for three of the Towns Community Facilities, Aqualife, Leisurelife and the Library. The findings provide the Town with important data concerning the needs for its facilities exploring capacity, location and their relationship to population growth centers.
9. The assessment details the community's needs and high level options to meet those needs both with and without other potential facilities.
10. The assessment considered:
  - a. Population Growth Forecasts and Distribution
  - b. Recreational activities participation rates across the resident population
  - c. Proximity and accessibility of existing Town facilities to existing and future residents
  - d. Proximity of Town of Victoria Park residents to competing current and planned facilities outside of the Town's boundaries including the mooted South Perth Regional Aquatic Facility.
11. The endorsed project plan detailed that stage 1 of the project would include the needs analysis, facility components and scale and potential locations. The assessment can be viewed in full in Attachment 1 with the key findings for the Town's Leisure facilities summarised below:
  - a. Aqualife
    - i. Key conclusions
      - There is no identifiable need for additional aquatic facilities within the Town of Victoria Park over the outlook period
      - The established Aqualife facility is fit for purpose and appears to have sufficient capacity to accommodate demand going forward to 2036
      - The Aqualife facility should be retained as it a functional, serviceable facility meeting the needs of the Town's current and forecast population.
    - ii. Development options
      - The Aqualife facility is fit for purpose and serves a need within the community. It can continue to function as it is over the long term without any need to alter its capacity, even in the event of the South Perth Regional Aquatic Facility proceeding
      - Major renovation of the site is only a consideration if the Town considers colocation of other uses like Leisurelife with the Aqualife, although to do so is not recommended owing to the population growth trends for the Burswood precinct into the future
      - There is an opportunity to encourage development of a small scale facility in Burswood to cater to the significant future growth in this locality (consideration should be given to provision through community benefit policy control arrangements).

## b. Leisurelife

### i. Key conclusions

- There is sufficient demand within the Town to accommodate a facility broadly featuring the following elements:
  1. 2-4 multi use courts
  2. Gymnasium / fitness space
  3. Café
  4. Community sport office space –although this will be influenced if South Perth proceeds
  5. General community space for events like bingo
  6. Broadly indicative floorspace of 4,000 to 5,000 sq.m (contingent on co-location with other use).
- This quantum of space could be aggregated in one place –i.e. the existing Leisurelife site or in an alternative location better suited to the servicing of the shifting population distribution over time
- If the South Perth facility proceeds, we would expect a facility of broadly the same use types but at the lower end of the scale.

### ii. Development Options

- Leisurelife in its current form, and given activity levels, is probably in excess of what the Town needs of such a facility now and into the future
- While renovation / refurbishment of Leisurelife may be an option to extend its life in the medium term, this will likely involve significant cost (depending on the extend of the works) and may not adequately address community needs over the long term
- A new facility of modernised, reduced offering is preferred.

12. The assessment findings indicate the greatest potential for change is at the Leisurelife facility including renewal, relocation or rationalisation with significant resultant impacts to Aqualife and another of the Towns strategic projects, the Macmillan Precinct Masterplan.
13. Accordingly, community consultation to inform option generation for the Aqualife and Leisurelife Masterplan and the Macmillan Precinct Masterplan are recommended to occur together, to enable orderly progress and allow the community to understand the relationship of the projects.
14. The recommended community consultation will comprise the next step in determining the facility components, scale, and relationship to other community infrastructure in the Macmillan Precinct Masterplan. Consultation will explore options to meet community demand considering the key recommendations for Leisurelife both with and without the proposed South Perth Regional Aquatic Facility.
15. A report to Council to close stage 1 of the project and to seek endorsement to progress the project to stage 2, functional design will be undertaken following compilation of the results of the community consultation regarding the scale and makeup of Leisurelife and any resultant impacts to Aqualife.

## Relevant documents

Community Facilities Needs Assessment

## Further consideration

In June 2019, Council sought a report on the needs assessment of Aqualife and Leisurelife by November 2019. A report on the Macmillan Precinct Masterplan was sought by March 2020. The Library is referenced in this report due to its proximity to Leisurelife and discussions with the Town's Assets Team on future planning for the Macmillan Precinct including the consideration of refurbishment and upgrades to the Leisurelife Centre and Library, including disability access and compliance and secure amenities improvements.

### COUNCIL RESOLUTION (248/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Brian Oliver

That Council:

1. Receives the Community Facilities Needs Analysis assessment for Aqualife and Leisurelife.
2. Approve the community consultation for the future of Leisurelife be in conjunction with the Macmillan Precinct Masterplan consultation to be considered at the December 2019 Ordinary Council Meeting.

**CARRIED BY EXCEPTION RESOLUTION (6 - 0)**

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

**Against:** nil

## 13.4 Parking Trial

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Luke Ellis
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

### Recommendation

That Council:

1. Notes the findings of the parking trial.
2. Approves the implementation of changes to parking price and free time for on-street parking along Albany Highway where hourly measured occupancy is below 50%.
  - a. Free 1-hour parking and parking levied at \$1.10p/h (half price) concluding when parking occupancy reaches 50% with associated minor amendments to the 2019-2020 Schedule of Fees and Charges and the advertising of the proposed minor amendments be given in accordance with Section 6.19 of the *Local Government Act 1995*.
  - b. Occupancy based pricing to be updated on a three (3) month schedule.
3. Refers further consideration of the trial results and additional demand responsive management options to the February 2020 concept forum.

### Purpose

- Council resolved to implement a trial of the impact price and free time on parking behavior 19 February 2019. A report on the outcomes of the trial was requested for November 2019, 2 months after the completion of the trial.
- The trial has concluded and changes to free time and price are recommended with consideration of further options to be referred to the February 2020 concept forum.
- The introduction of free 1 hour, and half price parking where measured occupancy is below 50% for on-street parking along Albany Hwy is recommended to encourage an estimated 11,000 extra monthly parking patrons with associated economic benefits to local businesses.

### Background

1. In November 2012, Council resolved to adopt a [Parking Management Plan](#) ('PMP') to assist in delivering outcomes shown in the Town's [Integrated Movement Network Strategy](#) ('IMNS').
2. The PMP is implemented via four levels of parking management supported by ongoing data collection:
  - a. The first level is unmanaged parking, this requires officers to respond to public complaints of illegal or unsafe parking. This level of management costs the Town to provide but equitable access to the Town's limited parking spaces is not managed.

- b. If parking data such as customer, safety and traffic flow concerns demonstrate that intervention is required, the second level of formalised parking is implemented. This consists of minimal management such as marked bays and identified no stopping/parking areas (signs and lines). Minimal enforcement is required with drive by inspections by Officers. This approach can be seen in Technology Park.
  - c. If parking data such as customer, safety, traffic flow and length of stay concerns demonstrate that further intervention is required, the third level of parking management, restricted parking, is implemented. An example of this is Technology Park. These restrictions consist of time restricted and/or permit bays which require regular timed inspection and technology such as the Town's License Plate Recognition (LPR) vehicle.
  - d. If parking data such as parking review counts demonstrate that further intervention is required, the final level of user pays parking is implemented, the intent, as outlined with the PMP is to achieve 90% occupancy.
3. Benefits of the current parking management
- a. By implementing the PMP's recommendations of providing more short stay parking, the Town provides parking for 3,700 patrons per day in 830 high turnover paid parking bays along Albany Highway.
  - b. The PMP also recommended that 30% of the operating surplus from paid parking should be allocated to providing Albany Highway businesses and residents with improved amenity and access to their area.
  - c. The implementation of the 30-minute free parking is an example of this. Last financial year the Town supplied about \$1.49 million worth of parking along Albany Highway, with 995,000 patrons using a free parking ticket and 356,000 patrons receiving 30 minutes extra on their purchased ticket. In other words, on Albany Highway, the Town provides 30-minute free parking to about 2,700 patrons per day. And a further 980 patrons with an extra 30 minutes on their purchased ticket, per day.
4. At its meeting held 19 February 2019, Council approved the implementation of the Parking Trial, to inform a further report recommending potential alternative options to achieve the objectives within the Town's Endorsed PMP.
- (a) The Town has previously identified that peak demand for parking occurs from 11am to 2pm, and from 5pm to 9pm. Across a full week occupancy reaches 100% averaging a peak occupancy of approximately 80%.
  - (b) The Town also identified that off-peak demand for parking occurs from 8am to 11am, and from 2pm to 5pm. During these times occupancy can be as low as 10%. There are two aspects to the Town's current approach:
    - (i) amount of free time
    - (ii) price
  - (c) The trial was designed to test the impact of changing one of the two variables. This was achieved by:
    - (i) extending the amount of free time to one (1) hour free parking, during off-peak times.
    - (ii) discounting the hourly parking charge by 50%, during off-peak times.
  - (d) As well as tracking parking ticket sales, the trial collected parking occupancy data from in-ground sensors.
  - (e) Throughout the trial, the Town consulted businesses with a one-on-one in person survey, while patrons were consulted with an online Your Thoughts survey.
-

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The cost of parking management is borne by patrons of parking bays not levied through rates.

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	Reduce traffic searching for parking, by increasing parking bay availability.
EN03 - A place with sustainable, safe and convenient transport options for everyone.	Providing parking bay availability.

## Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	Reviewed parking data and supports recommendation.

External engagement	
Stakeholders	Businesses and users of parking bays in the trial area
Period of engagement	April to 30 September 2019
Level of engagement	Consult
Methods of engagement	Your Thoughts surveys
Advertising	Businesses were approached in person, and signage on ticket machines informed users of parking bays of the Your Thoughts survey
Submission summary	<p>Business Survey:</p> <ul style="list-style-type: none"> <li>• 57 responses from Businesses (approx. 100 businesses within the trial zone) <ul style="list-style-type: none"> <li>○ 72% Supported the parking trial</li> <li>○ 100% were in the trial zones</li> </ul> </li> </ul> <p>User Survey:</p> <ul style="list-style-type: none"> <li>• 83 responses from users of parking bays <ul style="list-style-type: none"> <li>○ Residence relationship to the Town was: <ul style="list-style-type: none"> <li>▪ 46% visitors/other</li> <li>▪ 54% local community members</li> </ul> </li> <li>○ Frequency of Parking: <ul style="list-style-type: none"> <li>▪ 59% Weekly</li> <li>▪ 22% Monthly</li> </ul> </li> </ul> </li> </ul>



- 18% Daily
- Parked in Trail Zone:
  - 51% in Trial Zone 1 (off-peak 1 hour free)
  - 28% in Trial Zone 2 (off-peak 50% discount)
  - 17% in Trial Zone 3 (control)

## Key findings

Summary of information resulting from the Business Survey (57):

- Availability of Parking
  - 98% consider the availability of parking as important
  - 50% were satisfied with the availability of parking
  - 23% were unsatisfied with the availability of parking
- Cost of Parking
  - 85% consider the cost of parking as important
  - 45% were satisfied with the cost of parking
  - 23% were unsatisfied with the cost of parking
- Enforcement of parking
  - 63% consider the enforcement of parking as important
  - 60% were satisfied with the enforcement of parking
  - 20% were unsatisfied with the enforcement of parking
- Parking Strategy
  - 88% Believe the overall parking strategy contributes to the vibrancy and vitality of their area
  - 49% were satisfied with how the overall parking strategy contributes to the vibrancy and vitality of their area
  - 23% were unsatisfied with how the overall parking strategy contributes to the vibrancy and vitality of their area
- Net Promoter Score
  - 3 for the parking provided by the Town
  - -3 for the affordability of parking
  - -3 for the parking enforcement in the Town is fair and equitable
  - -4 for approaching someone from the Town if they have questions or concerns about parking in the Town
- 72% would like to be kept updated on the outcomes of the trial

Summary of information resulting from the User Survey:

- Price per hour
  - 35% were satisfied
  - 42% were unsatisfied
- Time restriction allocated to the parking bay
  - 37% were satisfied
  - 39% were unsatisfied
- Amount of free time allocated to parking bay
  - 42% were satisfied
  - 48% were unsatisfied
- Other Feedback
  - 17% were supportive of 60 minutes free parking
  - 13% found the parking trial confusing

## Legal compliance

[Section 6.16 of the Local Government Act 1995](#)

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Negative public perception towards the Town may result from perceived inaction following the Parking Trial.	Minor	Likely	Moderate	Following endorsement, the Town will move to implement recommended changes as soon as possible – subject to suppliers' availability. Estimated timeframe 2-4 weeks.
<b>Financial</b> Loss of paid parking revenue is more than estimated, resulting in negative impact on the Towns Budget.	Moderate	Possible	Moderate	The Town will review the financial impact of the recommended changes on a monthly basis
<b>Compliance</b> Reduced turnover may result from patrons deliberately acquiring multiple free parking tickets, to occupy parking bays for over 2 hours.	Minor	Likely	Moderate	The Town will enforce the 2 hour time limit on Albany Highway, using technology such as in-ground sensors and the Town's License Plate Recognition Vehicle

## Financial implications

<b>Current budget impact</b>	Council endorsement of the proposed amendments and inclusions as outlined below to the 2019-2020 Schedule of Fees and Charges is required.				
	<b>Particulars</b>	<b>Conditions</b>	<b>2019/20</b>	<b>GST Applicable</b>	<b>Proposed</b>
	Per hour, or part thereof	Restrictions apply	2.20	GST	1.10 - 2.20
	First 30-60 minutes	Restrictions apply	0.00	GST	0.00
	Total estimated financial impact of the recommended immediate changes to parking time and price is estimated at \$51,800 to be addressed at budget review.				
<b>Future budget impact</b>	An estimated annual reduction in income of \$73,000, and an estimated annual cost of \$17,600 for reprogramming and updating information on ticket machines.				



(b) Figures 1 to 3 show average and maximum parking occupancy for each of the trial zones over a typical week. All three graphs show similar lunch and dinnertime peaks with the highest demand for parking occurring between 6 and 8pm reaching near 100% occupancy a number of days per week.

Figure 1.

Zone 1: One (1) hour free parking during off-peak times demonstrates a more consistent occupancy profile with patrons parking for longer where capacity was available.

Parking was regularly at capacity in the evenings with insufficient parking available to meet the objectives of the PMP and requests from local businesses to maintain parking availability.

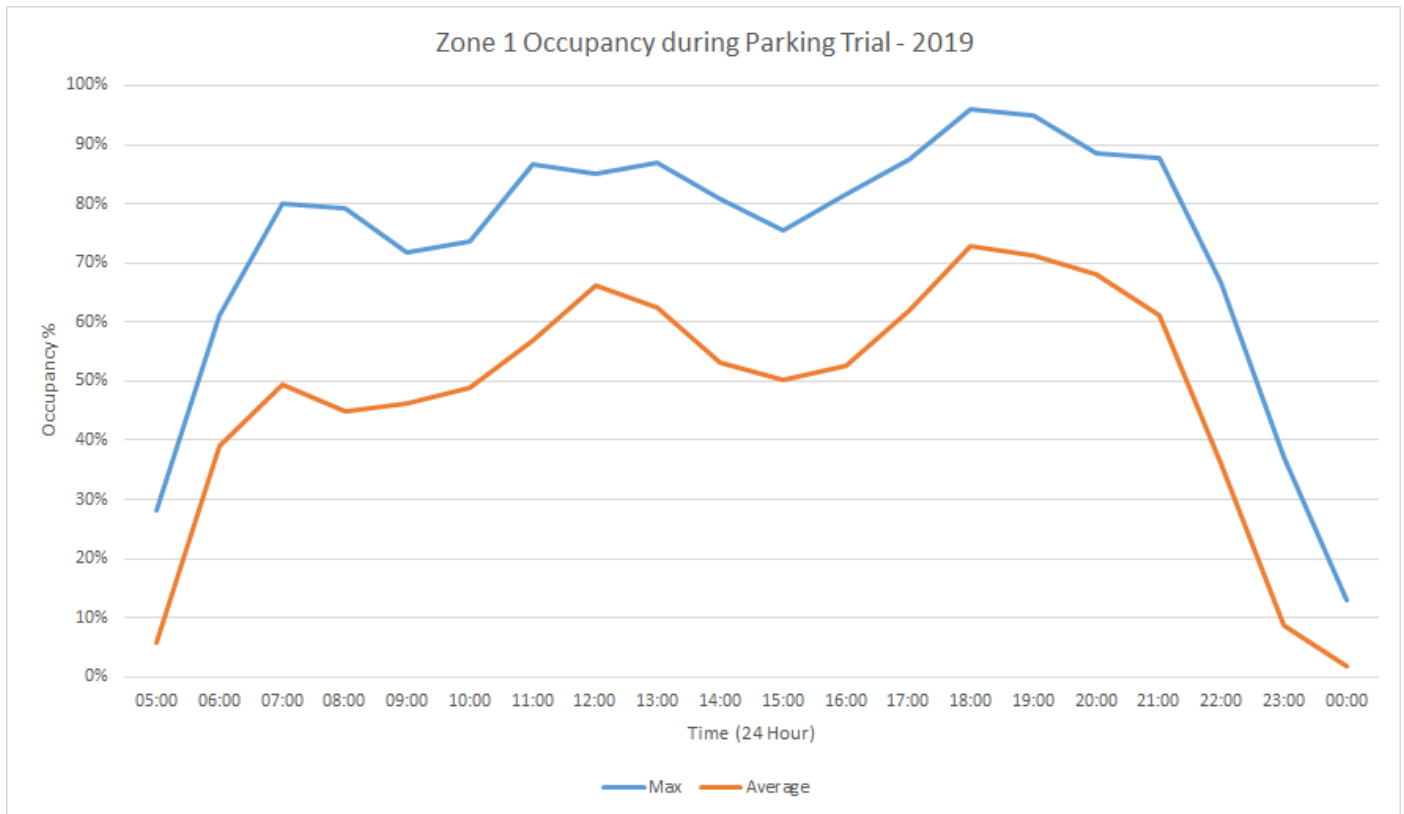


Figure 2.

Zone 2: 50% discounted parking price during off-peak times shows higher overall use however was regularly at capacity in the evenings with insufficient parking available to meet the objectives of the PMP and requests from local businesses to maintain parking availability.

Zone 2 Occupancy during Parking Trial - 2019

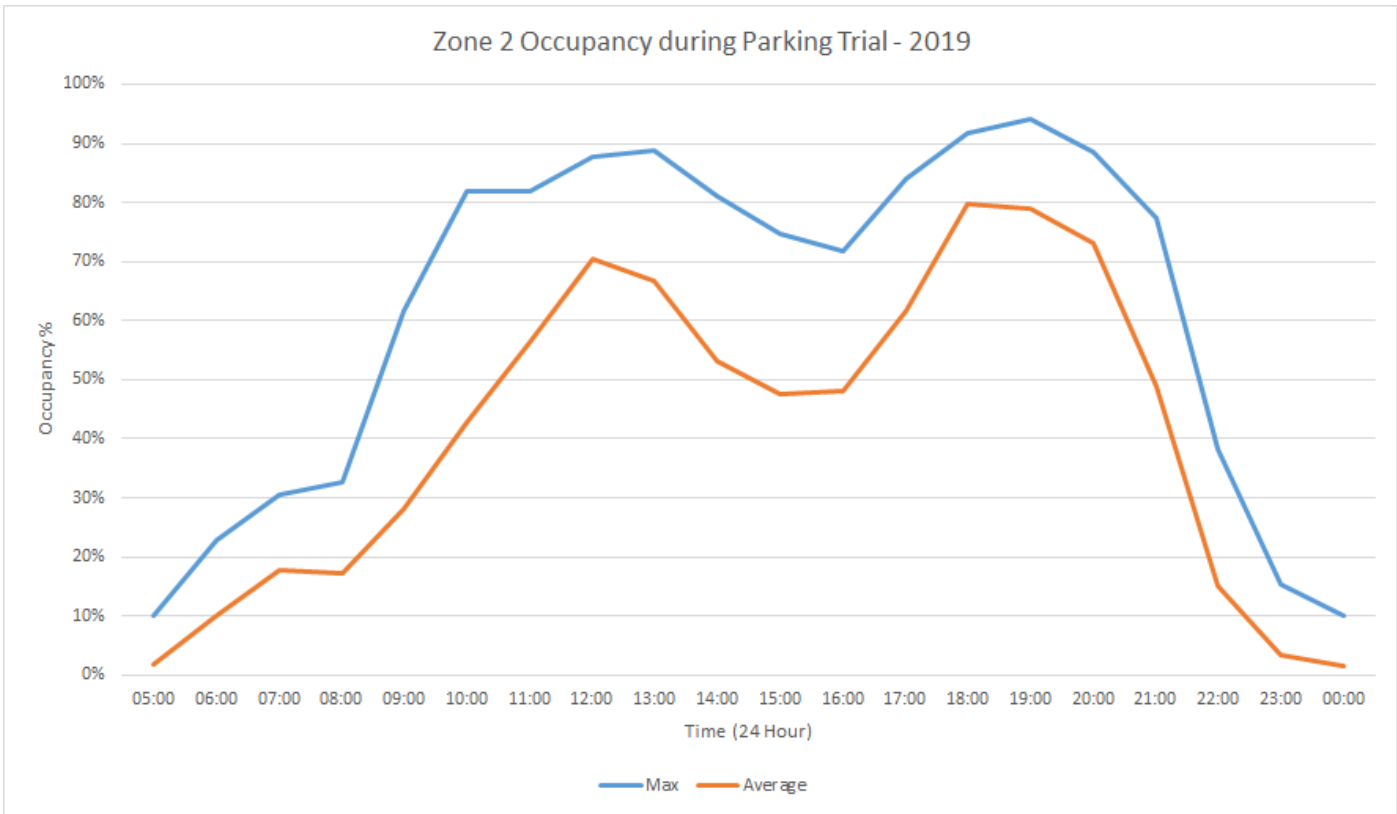
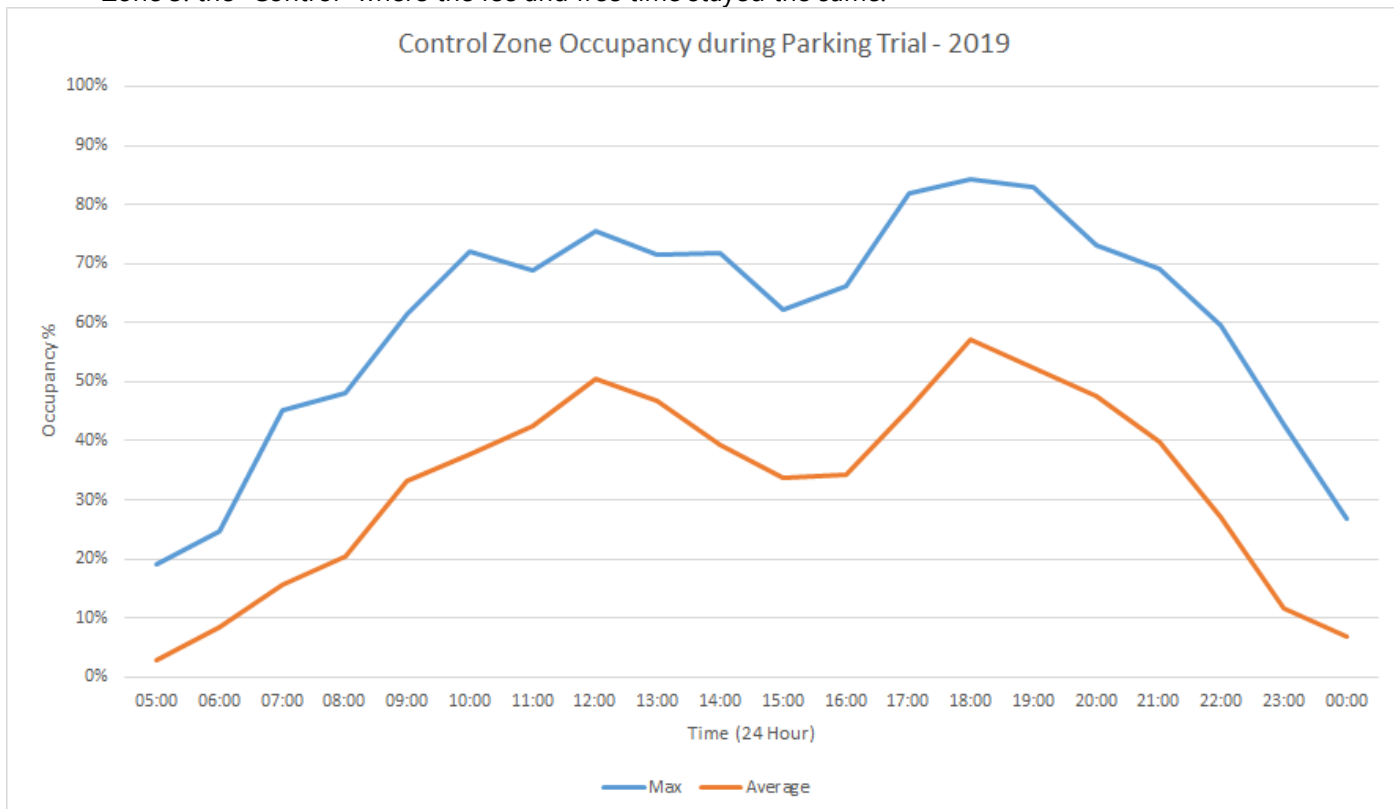


Figure 3.  
Zone 3: the "Control" where the fee and free time stayed the same.



(c) Table 1 summarises the impact each of the Trial Zones had on patronage, the number of parking tickets purchased and the number of free parking tickets utilised compared to same period the previous year. As the table shows, both trialed approaches increased patronage, compared to the Control.

**Table 1**

Trial Zones	Increase in parking Patronage	Increase in purchased parking tickets	Increase in free parking tickets	Increased Cost to the Town
1. One (1) hour free parking during off-peak times	2.0%	3.8%	1.3%	6.8%
2. 50% discounted parking fee during off-peak times	7.7%	12.8%	5.1%	1.1%
Control. No change to parking fee structure	0.2%	1.3%	5.2%	-5.4%

(d) Zone 1 – one (1) hour free parking during off-peak times

This zone extended the amount of free time available to patrons when capacity was readily available in off-peak periods. This change;

- i. increased bay occupancy,
- ii. reduced turnover.

This is evidenced when comparing the increase in free parking tickets between all three zones in Table 1.

This approach increased the use of free parking tickets by 1.3%, compared to higher levels in the other zones of 5.1% (zone 2) and 5.2% (zone 3). This suggests lower volume indicates that more patrons would have liked to take advantage of the additional free time however other patrons had already filled any available bays.

- (e) Zone 2 – 50% discounted parking during off-peak times

This zone reduced the cost of parking for patrons where capacity was readily available.

This change;

- i. increased occupancy and patronage,

This is evidenced when comparing the increase in parking patronage between all three zones in Table 1, parking patronage increased by 7.7%, compared to 2.0% and 0.2% in the other trial zones.

- (f) Control – where the fee and free time stayed the same.

The Control, shown in Table 1, suggests that compared to the same time period last year, the entire trial area had:

- (i) Patronage growth of 0.2%
- (ii) Increase in purchased parking tickets of 1.3%
- (iii) Increase in the use of free parking tickets of 5.2%

- (g) The trial results indicate that parking behavior is responsive to free time and price.

- (i) Where there is available capacity this responsiveness can provide positive benefits to patrons and businesses.
- (ii) Where capacity is limited during peak times the measured behavior changes in response to extended free time or reduced pricing would have disbenefits to business and patrons by reducing the number of patrons able to access bays and visit local businesses.

## • Consultation

- (a) Business Consultation

Based on the consultation with 57 businesses in the trial area, the most important aspect of parking is availability (98%) which aligns with the intent of the PMP and 88% of the businesses believe the overall parking strategy contributes to the vibrancy and vitality of their area.

These results suggest that Parking management and access to parking is seen as an essential component of the economic development and the success of the Town's Albany Highway strip and places.

A result showing 50% satisfaction from businesses with the availability of parking highlights the challenge of increasing the availability of bays to customers through turnover without discouraging overall visitations.

- (b) User Consultation

72% of respondents said they use the parking bays on a weekly basis, with a further 18% parking daily. This suggests that there is acceptance of the current and trialed parking management, as these users choose to park in these bays.

Other feedback suggests that there is a low understanding of the linkages between

- (i) Parking supply being limited

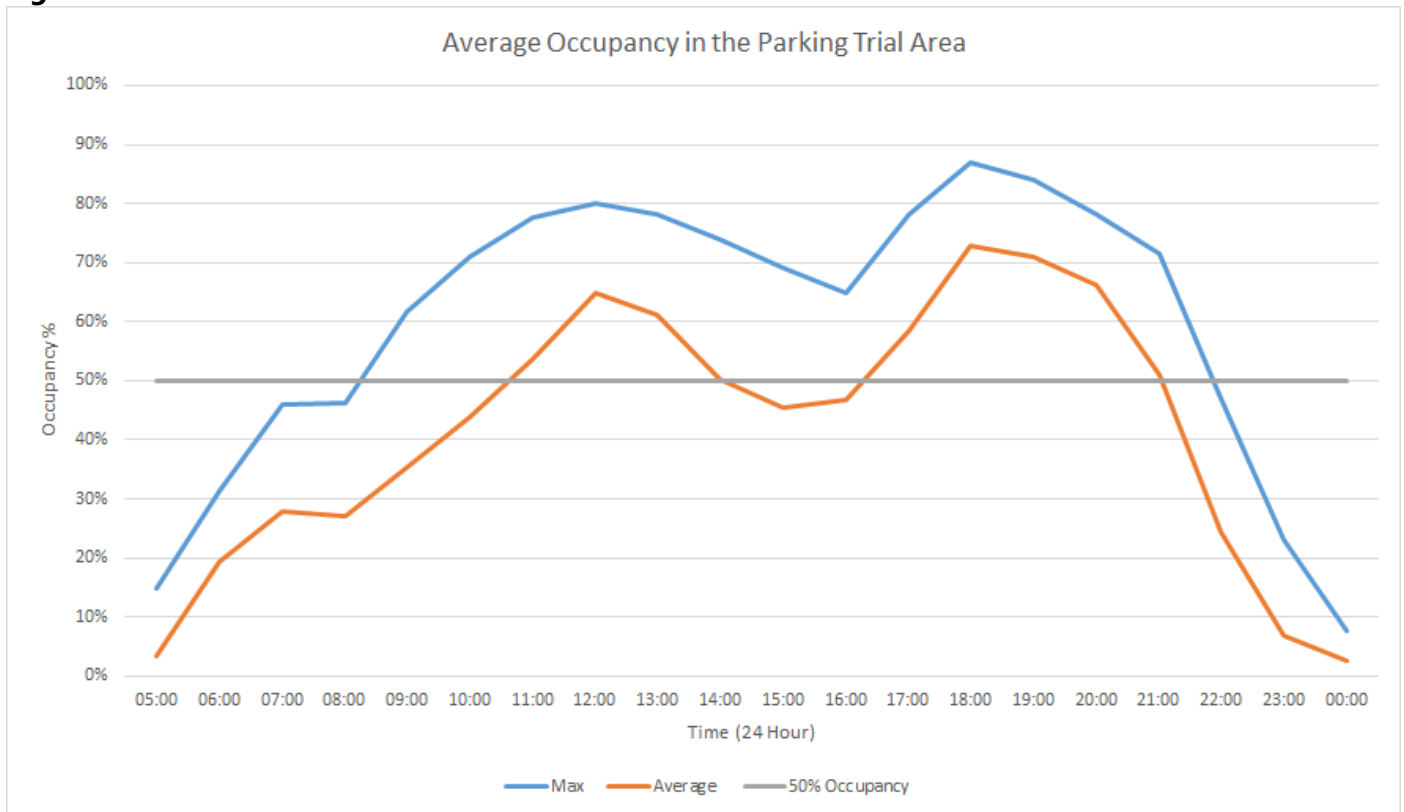
- (ii) Parking demand exceeding supply at peak times with peak demand occurring between 6 and 8pm
- (iii) Price and free time as tools to encourage the turnover of limited parking bays
- (iv) Turnover of limited parking bays increasing the ability of customers to park.

- **Implementation of Learnings**

- (a) The objective of the endorsed PMP is to ensure that equitable access to limited parking resources is managed, and that residents, customers and visitors to the Town can access convenient parking at all times on a user pays basis. This objective was reinforced by the consultation results from businesses local to the trial:
  - (i) 98% considered the availability of parking as important
  - (ii) 85% consider the cost of parking as important
  - (iii) 88% believe the overall parking strategy contributes to the vibrancy and vitality of their area
  - (iv)
- (b) A more dynamic approach to parking management to encourage visitations to local business is achievable and based on trial data, would increase time spent and overall monthly parking patronage by an estimated 11,000 patrons along Albany Highway. By restricting the recommended changes to off-peak times the Town would maintain the current effective controls encouraging turnover and accessibility during peak times in alignment with requests from local businesses to maintain parking availability.
- (c) The implementation of Free 1 hour parking levied at \$1.10p/h (half price) concluding when parking occupancy reaches 50%, would enable the Town to:
  - (i) Encourage parking patronage where capacity exists
  - (ii) Encourage bay turnover in accordance with the IMNS and PMP during peak periods where the availability of parking is limited
  - (iii) Deliver parking management in-line with feedback from local businesses where 98% identified the availability of parking as important.
- (d) Based on the data collected from the trial area, shown in figure 4, free 1-hour, and half priced parking would initially be offered between the times of 8am to 11am, and 2pm to 4pm for all seven days of the week with times responsive to demand thereafter.
- (e) A schedule of reviewing occupancy monthly allows the Towns parking management to respond to measured demand. Should patronage decrease parking controls would be relaxed to encourage visitations where capacity exists improving access and supporting local businesses.



**Figure 4**



(f) Following implementation of immediate recommendations, further discussion regarding the trial results and additional demand responsive management options will be presented at the next available concept forum in February 2020. Consideration of these options can be informed by three months operation and data from the recommended dynamic approach.

- **Communication**

- (a) Patron behavior changed quickly in response to the trial variables communicated through information shown on ticket machines. While it is accepted that a change to a more dynamic approach will incur an adjustment period, consultation showed only 13% of respondents found the parking trial confusing.
- (b) Variable pricing is used to encourage behavior change in parking habits in other cities of the world such as San Francisco and Los Angeles, and across other industries such as airlines, taxi pricing and on-demand ride sharing.
- (c) The main method of communicating the pricing and free time will be via information on the ticket machines however, technology-based options will be used such as the Town’s website and the Town’s supported smartphone parking application, ‘Easypark’.

- **Estimated Costs**

- (a) Based on the outcomes of the parking trail, it is estimated that implementing both 1-hour free parking and half price parking on Albany Highway would reduce paid parking revenue by \$73,000.
- (b) Table 2 details the implementation cost of \$51,800 for this financial year. Ongoing costs for changes as required total \$110 per machine. The Town is working to train internal resources and seeking technological solutions to enable updating of machines remotely at minimal cost.

**Table 2**

Description	Cost (\$)
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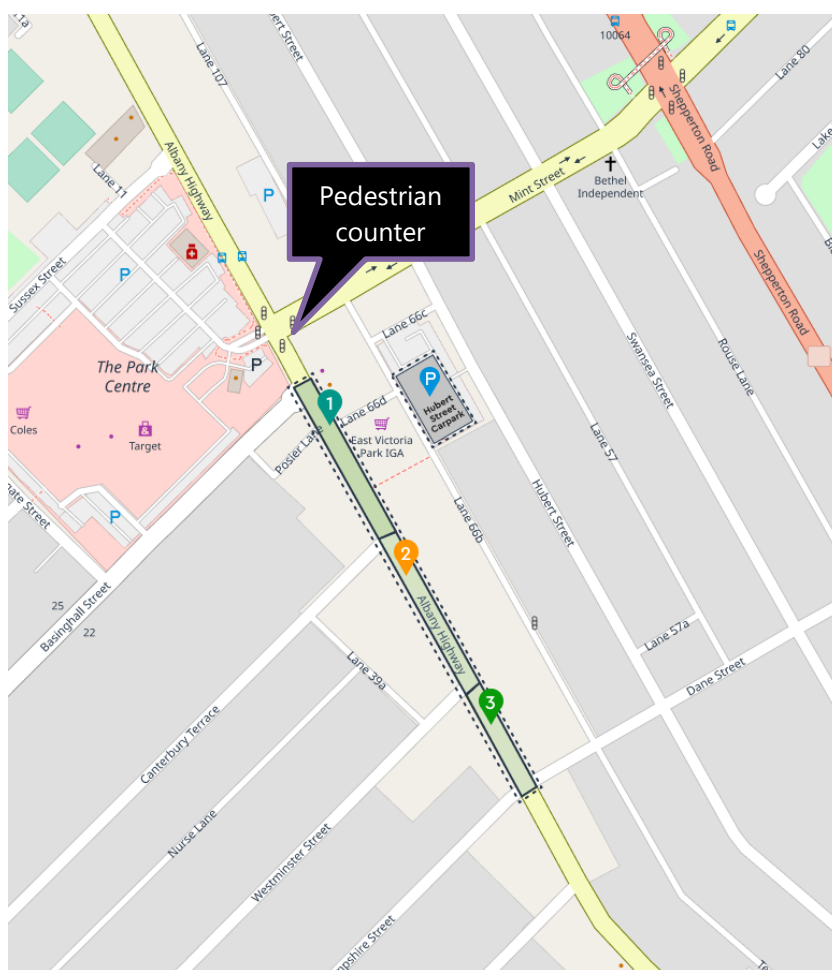
Loss of paid parking revenue for 2019/ 2020	Estimated loss of paid parking revenue from December 2019 to June 2020	43,000
Implementation Costs	Reprogramming and updating of information on 80 Ticket Machines (\$110 per Ticket Machine)	8,800
Total Costs for FY2020 (Dec 2019-Jun 2020)	Loss of paid parking revenue for FY 2020 plus the implementation costs	51,800

## Relevant documents

[Integrated Movement Network Strategy](#)  
[Parking Management Plan](#)

## Further consideration

- A question was raised at the Agenda Briefing Forum regarding pedestrian data in the trial area.
  - The Town maintains two sensors that count pedestrian movement
    1. 356 Albany Highway located near Kabuki Japanese
    2. 828 Albany Highway located near City Farmers, indicated on the below map in relation to the trial zone 1,2 and 3.



- The collected monthly data for the trial months, April to September, is detailed in figure 5 for the past three years. Additionally, the cumulative annual total for the same three-year period is detailed on figure 6. The collected data does not indicate any identifiable trends through the trial months.

- Internal consultation was not able to identify any significant events that may have contributed to the July spike showing in 2019.

Figure 5. Monthly Pedestrian Volume

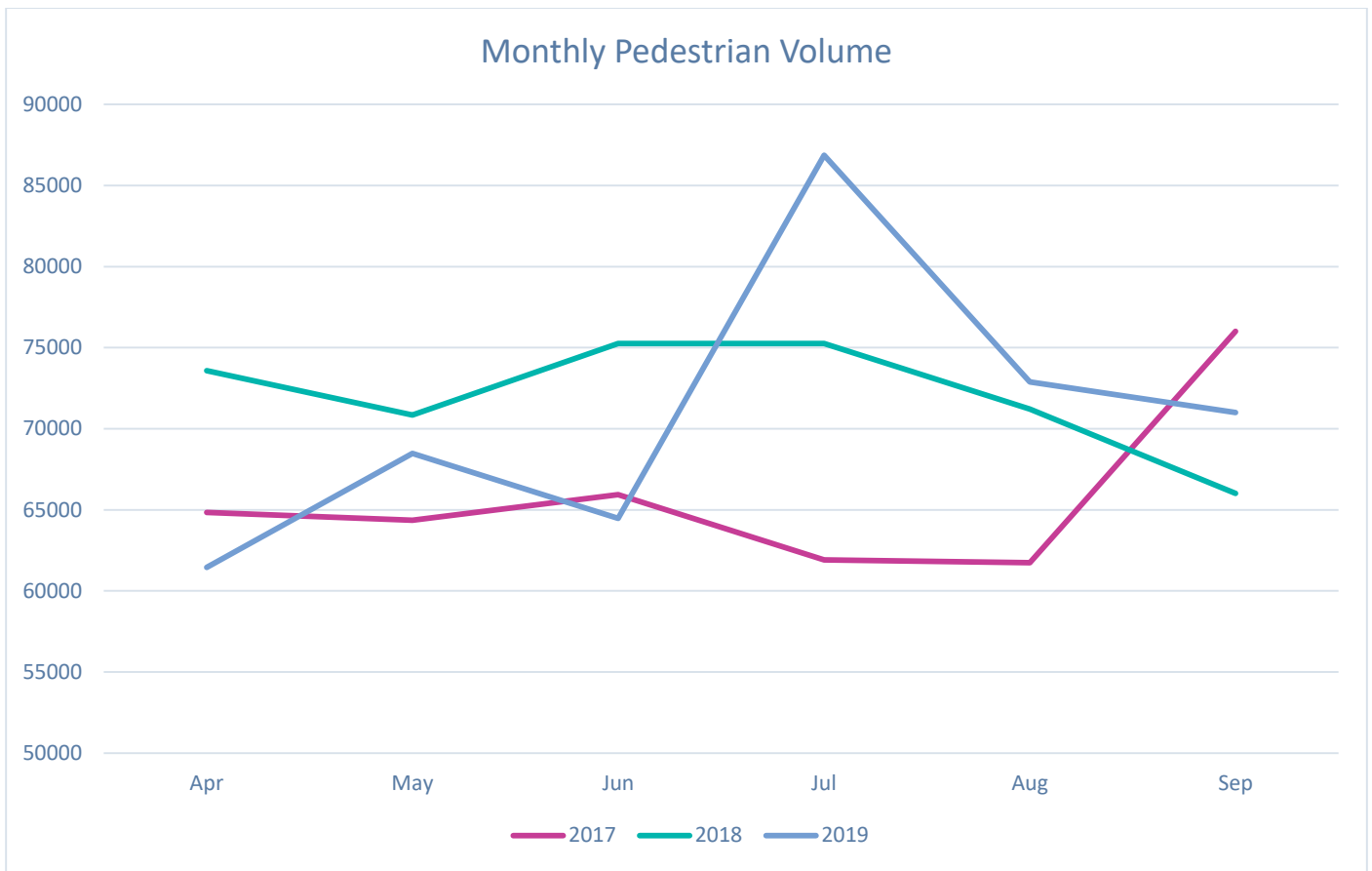
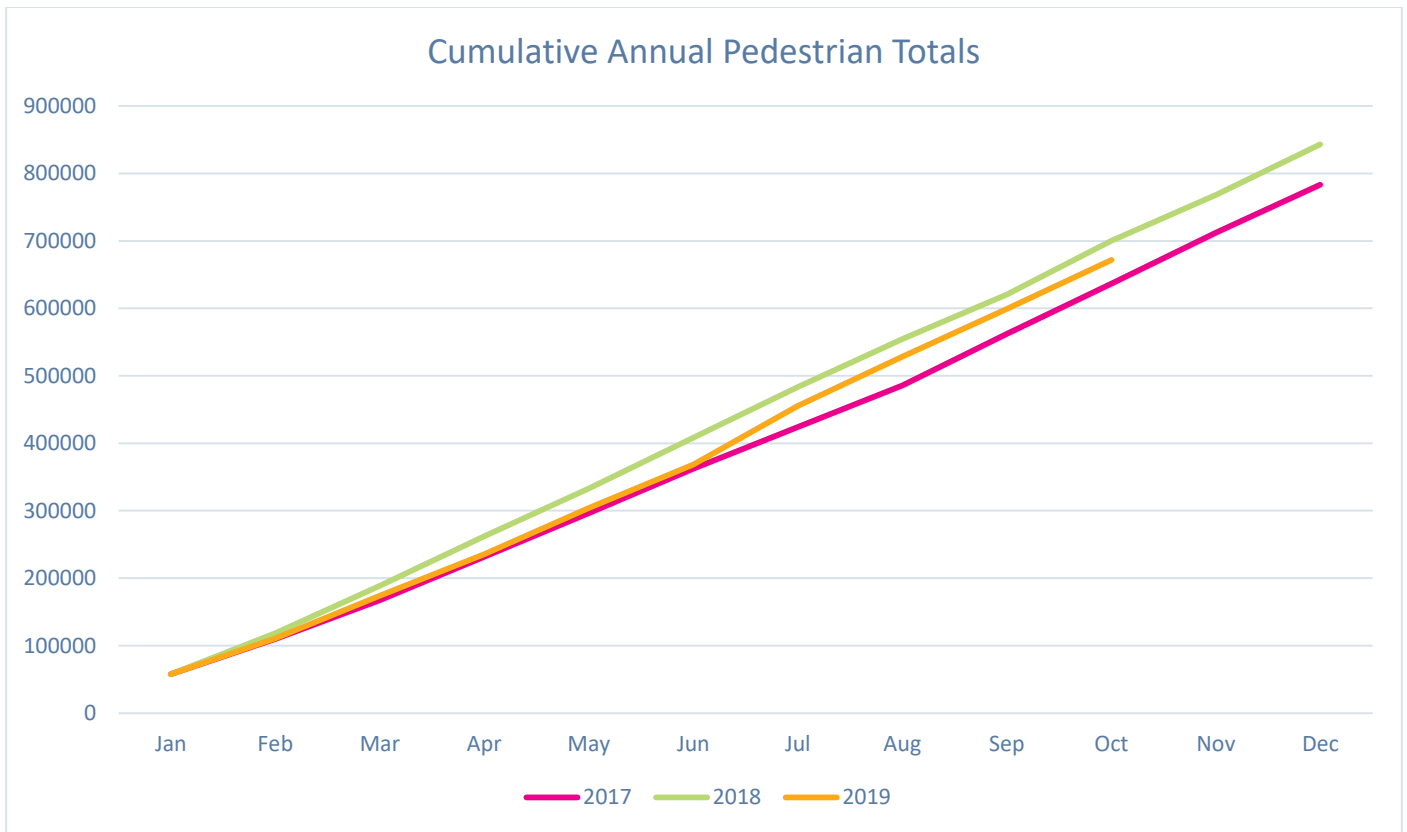


Figure 6. Cumulative annual total for the same three-year period



**PROCEDURAL MOTION**

**Moved:** Cr Brian Oliver **Seconded:** Cr Bronwyn Ife  
 That clause 6.10 Speaking Twice of the Town of Victoria Park *Meeting Procedures Local Law 2019* be suspended.

**CARRIED (6 - 0)**

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

**Against:** nil

**PROCEDURAL MOTION**

**Moved:** Cr Jesvin Karimi **Seconded:** Cr Claire Anderson  
 That clause 6.10 Speaking Twice of the Town of Victoria Park *Meeting Procedures Local Law 2019* be reinstated.

**CARRIED (6 - 0)**

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

**Against:** nil

**Moved:** Cr Vicki Potter**Seconded:** Cr Bronwyn Ife

That Council:

1. Notes the findings of the parking trial.
2. Approves the implementation of changes to parking price and free time for on-street parking along Albany Highway where hourly measured occupancy is below 50%.
  - a. Free 1-hour parking and parking levied at \$1.10p/h (half price) concluding when parking occupancy reaches 50% with associated minor amendments to the 2019-2020 Schedule of Fees and Charges and the advertising of the proposed minor amendments be given in accordance with Section 6.19 of the *Local Government Act 1995*.
  - b. Occupancy based pricing to be updated on a three (3) month schedule.
3. Refers further consideration of the trial results and additional demand responsive management options to the February 2020 concept forum.

**CARRIED BY ABSOLUTE MAJORITY (6 - 0)****For:** Mayor Karen Vernon, Cr Jesvin Karimi, Cr Bronwyn Ife, Cr Vicki Potter, Cr Claire Anderson, Cr Brian Oliver**Against:** nil

## 14 Committee Reports

Nil.

## 15 Applications for leave of absence

### COUNCIL RESOLUTION (249/2019):

**Moved:** Cr Bronwyn Ife

**Seconded:** Cr Vicki Potter

That Council approve the applications for leave of absence from:

1. Cr Vicki Potter from 3 December 2019 to 10 December 2019 inclusive.
2. Mayor Karen Vernon from 4 December 2019 to 6 December 2019 inclusive.

**CARRIED (6 - 0)**

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

**Against:** nil

## 16 Motion of which previous notice has been given

### 16.1 Cr Vicki Potter - Commemorative Signage

In accordance with clause 4.3 of the Town of Victoria Park Standing Orders Local Law 2011, Cr Vicki Potter has submitted the following notice of motion.

#### Motion

That Council asks the CEO to:

1. Identify parks and important places to be included in a programme for commemorative interpretative signage.
2. Investigate an estimate of costs and possible delivery time frames for consideration in the 20/21 budget and the long-term financial plan.
3. Provide a report back to council for the 18 February 2020 Ordinary Council Meeting.

#### Reason

The recent opening of the upgraded John Macmillan Park was attended by John Macmillan however most people didn't know who he was and following that event I had a number of people ask me about Mr Macmillan and what his role was in the community.

As time progresses many of the stories about people that our parks, reserves and the like are named after may be lost. The intention of this notice of motion is to ensure that the stories are not just recorded in our local history, but remain in the public realm. Allowing the community a direct link to stories from our local history.

#### Strategic alignment

Insert strategic alignment provided by elected member.

Social	
Strategic outcome	Intended public value outcome or impact
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	This aligns directly with this outcome providing the community with an awareness and appreciation of heritage.

## Officer response to notice of motion

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Alison Braun
<b>Responsible officer</b>	Natalie Martin Goode
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

## Officer comment

1. Local history officer has begun researching and compiling a list of biographies whom parks and reserves are named in honor or commemoration of within the Town. As per recommendations in the Notice of Motion the Town will provide a report back to Council in February 2020.
2. Should Council in the consideration of its future meeting dates decide not to hold an Ordinary Council meeting on 18 February 2020 (see item 10.3 *Adoption of Council meeting Schedule of 2020* included in this agenda) it is recommended that point 3 of the motion be amended.

## Legal compliance

Not applicable.

## Risk management consideration

<b>Risk and consequence</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk analysis</b>	<b>Mitigation and actions</b>
e.g <b>Reputational</b> Negative public perception towards the Town if biographies are incorrect	Low	Low	Low	Well researched biographies and history collation

## Financial implications

<b>Current budget impact</b>	Nil.
<b>Future budget impact</b>	Future budget considerations to be considered in 20/21 budgeting process.



## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (250/2019):

**Moved:** Cr Vicki Potter

**Seconded:** Cr Jesvin Karimi

That Council asks the CEO to:

1. Identify parks and important places to be included in a programme for commemorative interpretative signage.
2. Investigate an estimate of costs and possible delivery time frames for consideration in the 20/21 budget and the long-term financial plan.
3. Provide a report back to council for the 18 February 2020 Ordinary Council Meeting.

**CARRIED (6 - 0)**

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

**Against:** nil

## 16.2 Cr Brian Oliver - Federal Government 2020/21 Budget Submission

In accordance with clause 4.3 of the Town of Victoria Park Standing Orders Local Law 2011, Cr Brian Oliver has submitted the following notice of motion.

### Motion

That Council requests the CEO to provide a report to Council at its December 2019 meeting to inform the Town of Victoria Park's submission on the Federal Government 2020/21 Budget, which is to focus on:

- a) Funding for key strategic capital works projects in the Town.
- b) Advocating for an increase to the Financial Assistance Grants program.

### Reason

The Commonwealth Treasury is inviting submissions from local councils for their views on what should be considered priorities in the 2020/21 Federal Budget.

The Australian Local Government Association (ALGA) is calling on local councils to support their advocacy for increase in the Financial Assistance Grants as part of any submissions they make.

ALGA will also highlight that the local government sector is willing and able to deliver projects on the ground as part of any stimulus package that may be released.

This Notice of Motion seeks to support the advocacy being undertaken by ALGA, while ensuring that the Town outlines its key strategic capital works projects for consideration by the Federal Government when it is developing its 2020/21 Budget.

The reason for the report back to Council by December 2019 is because submissions on the 2020/21 Federal Budget close on 20 December 2019.

More information on making a submission can be found here <https://alga.asn.au/2020-21-federal-budget-submissions/>

### Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	By requesting a report on the Town's possible submission on the Federal Government 2020/21 Budget, it will assist the Council in meeting this Strategic Outcome, specifically for the delivery of strategic infrastructure projects.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Advocacy to the Federal Government is important for us to explore external revenue streams to deliver projects and initiatives for the benefit of our community. A Federal Government 2020/2021

	Budget submission will assist us in exploring external revenue streams.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Advocacy is one aspect of visionary civic leadership.

## Officer response to notice of motion

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Ben Killigrew Michael Cole
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

## Officer comment

The CEO will provide a report to the December 2019 meeting of Council to inform the Town of Victoria Park submission on the 2020/21 Federal Budget.

This topic can be listed for further discussion with Elected Members at the November Concept Forum at elected members' request, to assist in informing the CEO's report.

## Legal compliance

Not applicable.

## Risk management consideration

<b>Risk and consequence</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk analysis</b>	<b>Mitigation and actions</b>
<b>Financial</b> The Town may miss the opportunity for funding major projects if no submission is made.	Moderate	Likely	High	Council submit projects for consideration.
<b>Reputational</b> The Town's reputation	Moderate	Likely	High	Council submit proposals for MP's consideration.

with Federal MP's may be impacted if no submission is made.

## Financial implications

### Current budget impact

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

### Future budget impact

Not applicable.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (251/2019):

**Moved:** Cr Brian Oliver

**Seconded:** Mayor Karen Vernon

That Council requests the CEO to provide a report to Council at its December 2019 meeting to inform the Town of Victoria Park's submission on the Federal Government 2020/21 Budget, which is to focus on:

- a) Funding for key strategic capital works projects in the Town.
- b) Advocating for an increase to the Financial Assistance Grants program.

**CARRIED (6 - 0)**

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

**Against:** nil

## 16.3 Mayor Karen Vernon - Setting of Council's Advocacy Priorities for 2020

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

### Motion

That Council requests the Chief Executive Officer to:

1. present a concept forum topic to Elected Members in November 2019 to discuss potential Advocacy Priorities for 2020 in line with the Strategic Community Plan;
2. report to the ordinary meeting of Council in December 2019 containing the recommendations for adoption of Council's Advocacy Priorities for 2020.

### Reason

In March 2019 the Council adopted Advocacy Priorities for 2019, which was the first time the Council had sought to formally identify and guide the Town's advocacy efforts for the year ahead, in line with the outcomes in the Strategic Community Plan.

This motion is designed to ensure that by the end of 2019 the Council takes a co-ordinated approach to the preparation of its Advocacy Priorities for 2020, so that advocacy to Federal and State governments and relevant external stakeholders is able to commence at the start of 2020. In particular, the setting of Advocacy Priorities for 2020 well in advance of April and May 2020 will assist the Town in making any budget submissions for external funding in advance of the delivery of the Federal and State Government budgets.

### Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL03 - Well thought out and managed projects that are delivered successfully.	Advocacy to support the Town's projects is vital to ensuing successful delivery of those projects.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Formal advocacy directed to external stakeholders has the potential to increase the funding made available to the Town
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Formal advocacy on behalf of the Town is a part of visionary civic leadership.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Advocacy efforts towards Federal and State government funding for Town projects will create opportunities for the Town to

## Officer response to notice of motion

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Carrie Parsons
<b>Responsible officer</b>	Anthony Vuleta
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

## Officer comment

1. A summary report of the Town's efforts towards its adopted Advocacy Priorities over the past year will be brought to the November Concept Forum for council review, seeking a direction on which of the projects included are to remain a priority and which may need amendment.
2. Whether a subsequent report can be brought to the December Council Meeting, is dependent on the discussion had and outcome reached, with consensus from council on the priorities and the amount of changes required to the projects or any new projects proposals that may need development for inclusion.
3. The preferred timeframe for bringing a report to Council to adopt the Advocacy Priorities for 2020 is February, to allow for:
  - a. thorough review and deliberation on the proposed projects for advocacy in 2020
  - b. the subject matter expert project owners to also have input and respond to questions from council
  - c. the drafting of potential new materials outlining the priorities to occur.
4. If Council does wish for this item to come to December Council Meeting, the best-case scenario would be for it to be submitted directly to the Ordinary Council Meeting agenda, without appearing in the Agenda Briefing Forum prior. In this case any revised draft materials could also not be included as an attachment to the report.
5. Reports for December for the Agenda Briefing Forum are due the day after the November Concept Forum, which does not allow enough time to respond to elected member feedback or direction.

## Legal compliance

Not applicable.

## Risk management consideration

<b>Risk and consequence</b>	<b>Consequence rating</b>	<b>Likelihood rating</b>	<b>Overall risk analysis</b>	<b>Mitigation and actions</b>
<b>Reputational</b> Negative impact on current relationships with project partners and advocacy bodies, and	Moderate	Unlikely	Minor	Review and re-adopt Advocacy Priorities for 2020 by February.

community perception				
<b>Financial</b> Missed opportunities for advocacy wins	Major	Unlikely	Moderate	Review and re-adopt Advocacy Priorities for 2020 by February.

## Financial implications

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

## Relevant documents

[Policy 051 - Agenda Briefing Forum, Concept Forum and workshops](#)

[Advocacy Priorities 2019](#)

### COUNCIL RESOLUTION (252/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Claire Anderson

That Council requests the Chief Executive Officer to:

1. present a concept forum topic to Elected Members in November 2019 to discuss potential Advocacy Priorities for 2020 in line with the Strategic Community Plan;
2. report to the ordinary meeting of Council in December 2019 containing the recommendations for adoption of Council's Advocacy Priorities for 2020.

**CARRIED (6 - 0)**

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

**Against:** nil

## 16.4 Mayor Karen Vernon - Temporary alteration of paid parking

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

### Motion

That Council:

1. Approves the implementation of free parking all day on Sundays in all on-street metered parking along Albany Highway commencing on Sunday 1 December 2019 until Sunday 26 January 2020;
2. Requests the Chief Executive Officer to report to the Ordinary Meeting of Council in March 2020 with a review of the free Sunday parking initiative.

### Reason

In December 2018 at a special council meeting, the Council resolved to approve 4 Sundays of free parking for January 2019.

From a purely anecdotal perspective, this initiative was appreciated by local businesses and residents alike. The Christmas and summer holiday period is an important opportunity for our community to eat out and shop local, for patrons of our local hospitality businesses to enjoy eating outdoors, and for our local businesses to benefit from increased foot traffic that comes with fine weather and longer daylight hours. Adopting and expanding this initiative for 8 weeks over this holiday period will provide a valuable opportunity to:

1. acknowledge our local businesses as valuable contributors to our Town;
2. recognise the Council's role in supporting local businesses to survive and thrive during the current economic environment;
3. reward and encourage local residents for choosing to patronise local businesses;
4. encourage visitors to choose the Town as an attractive place to shop and dine out;
5. compete with neighbouring local councils such as Perth, Vincent and Subiaco who are offering parking incentives to attract customers to their local retail and hospitality businesses.

### Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	A period of free Sunday parking over the summer holiday period will help to attract more customers to the Town's local businesses, and help the Town to maintain a competitive position in relation to the paid parking arrangements of neighbouring local councils.
EC02 - A clean, safe and accessible place to visit.	More opportunities for locals and visitors alike to take advantage of relaxed paid parking and be able to visit local businesses.



## Officer response to notice of motion

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Liam O'Neill
<b>Responsible officer</b>	Michael Cole
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

## Officer comment

- The Town operates paid parking across seven days of the week and has in past years issued warnings for time based overstays rather than infringements for the Christmas holiday period, this was extended to include 4 free Sundays in 2019.
- Other local governments including Perth, Vincent and Subiaco have initiated measures to address localised issues via a range of approaches that are appropriate to their attractions in their area. For example, a varied approach is the City of Perth's current promotions offered in different places for different needs;
  - Perth CBD- Pier Street multistory, aimed at increasing weekend and shopping visitations where it is likely that significant parking capacity exists.
  - Northbridge – Eight of nine off-street carparks offer no free parking period(s) and no discounts as they are likely highly utilised.
- The Town's current Sunday offering in comparison to the below listed Christmas holiday campaigns is detailed below.

Local Government	Location	Amount of Free Parking
Town of Victoria Park	Albany Highway	1,000 free bays
City of Perth	Pier Street Carpark	700 free 3-hour off-street parking bays
City of Perth	His Majesty Carpark	650 free 3-hour off-street parking bays
City of Perth	Cultural Center Carpark	310 free 3-hour off-street parking bays
City of Vincent	Oxford Street, Leederville	500 free 1-hour off-street Park bays
City of Subiaco	Hay Street & Rokerby Road, Subiaco	160 free off-street Park bays
City of Perth	Royal Street, Claisebrook	80 free 1-hour parking bays
City of Perth	Hay Street, West Perth	70 free 1-hour parking bays
City of Perth	Hay Street, East Perth	30 free 1-hour parking bays

4. The proposed notice of motion would add approx. 800 additional free 2-hour parking bays totaling 1,800 free parking bays along Albany Highway. While these bays will be free, maximum signposted time restrictions would still apply.
5. Given the available time following a Council Endorsement, the Town’s recommended approach is to initially place signage on the ticket machines; identifying parking is free with reprogramming of tickets machines to be undertaken as soon as is practicable, subject to contractor availability, to enable data collection.
6. The Town will be able to report objective data in March including:
  - a. Pedestrian data for the past 5 years showing any impact of free Sundays
  - b. Available ticket, occupancy and infringement data for the free Sundays
  - c. The Town does not have the available capacity to prepare and undertake effective and robust user/business surveys for the free Sundays that would enable Officers to make informed recommendations.

## Legal compliance

Not applicable.

## Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
<b>Reputational</b> Misalignment of endorsed strategic position and Council-directed operational practices	Minor	Possible	Low	Clear identification of start and end dates for the temporary alteration.

## Financial implications

<b>Current budget impact</b>	<p>Estimated Loss of Revenue: \$32,400</p> <ul style="list-style-type: none"> <li>• Average Sunday revenue for Dec and Jan: \$3,600</li> </ul> <p>Additional Expenditure \$4,930</p> <ul style="list-style-type: none"> <li>• Additional Labor costs: \$4,500 (average of labor cost per Sunday: \$500)</li> <li>• Signage for 85 Ticket Machine: \$430</li> </ul> <p>Total financial impact is estimated at \$37,330</p> <p>Sufficient funds do not exist within the annual budget. It is proposed that funding will be listed for consideration in the mid-year review.</p>
<b>Future budget impact</b>	Not applicable.

## Relevant documents

Not applicable.

### COUNCIL RESOLUTION (253/2019):

**Moved:** Mayor Karen Vernon

**Seconded:** Cr Claire Anderson

That Council:

1. Approves the implementation of free parking all day on Sundays in all on-street metered parking along Albany Highway commencing on Sunday 1 December 2019 until Sunday 26 January 2020;
2. Requests the Chief Executive Officer to report to the Ordinary Meeting of Council in March 2020 with a review of the free Sunday parking initiative.
3. Requests the Chief Executive Officer to use existing funds in the parking operating budget towards a communications campaign to promote Summer Sunday parking and acquit the funds expended in the mid-year budget review.

**CARRIED (5 - 1)**

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

**Against:** Cr Vicki Potter

## **17 Questions from members without notice**

**Deputy Mayor Bronwyn Ife**

*1. Do we have any information about whether the Friday night markets will be returning?*

The Chief Community Planner advised that the Victoria Park Primary P&C have engaged new event managers. An application has been received and the Town is supporting this.

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

Nil.

## **19 Public question time**

**John Gleeson**

*1. Can the decision to install new flag poles be made without coming to Council? How much would it cost?*

Mayor Karen Vernon advised that Council don't have to make the decision. There is no current budget allocation and no intention to install another one. The requests have been heard and Council can consider it.

*2. Why are we taking our flag down when it belongs to the ratepayers?*

Mayor Karen Vernon advised that she will take in to account Mr Gleeson's support for additional flag poles.

## **20 Public statement time**

Nil.

## **21 Meeting closed to the public**

### **21.1 Matters for which the meeting may be closed**

Nil.

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

Nil.

## 22 Closure

There being no further business, Mayor Karen Vernon closed the meeting at 9.22pm.

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

Signed: .....

Mayor  
Karen  
Vernon

Dated this: .....

Day of: .....

2019