



TOWN OF  
VICTORIA PARK

# Agenda Briefing Forum

## Agenda – 2 April 2024

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**WE'RE OPEN**  
**VIC PARK**

Please be advised that an **Agenda Briefing Forum** will be held at **6:30 PM** on **Tuesday 2 April 2024** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Mr Anthony Vuleta – Chief Executive Officer**

28 March 2024

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# 1 About the Agenda Briefing Forum

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

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

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

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

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

## Disclaimer

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

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

## **2 Opening**

## **3 Acknowledgement of country**

### **Acknowledgement of the traditional owners**

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

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

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

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

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

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

## **4 Announcements from the Presiding Member**

### **4.1 Purpose of the Agenda Briefing Forum**

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

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

### **4.2 Notice of recording and live-streaming**

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

### **4.3 Conduct of meeting**

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

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

#### **4.4 Public participation time**

There is an opportunity to ask questions and make statements at the beginning and end of the meeting. The opportunity to ask questions and make statements at the end of the meeting is limited to the following:

1. Those items on the agenda and
2. Those members of the public who did not participate in the first public participation time at this meeting.

Public participation time will be held for 30 minutes. Any additional time must be by agreement from the meeting and will be in five-minute increments.

#### **4.5 Questions taken on notice**

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

## 5 Attendance

### Mayor

Ms Karen Vernon

### Banksia Ward

Cr Claire Anderson

Cr Peter Devereux

Cr Peter Melrosa

Cr Lindsay Miles

### Jarrah Ward

Cr Sky Croeser

Cr Jesse Hamer

Deputy Mayor Bronwyn Ife

Cr Daniel Minson

### Chief Executive Officer

Mr Anthony Vuleta

### Chief Operations Officer

Ms Natalie Adams

### Chief Financial Officer

Mr Duncan Olde

### Chief Community Planner

Ms Natalie Martin Goode

### Manager Governance and Strategy

Ms Bernadine Tucker

### Manager Strategic Projects

Mr Nick Churchill

### Secretary

Ms Felicity Higham

### Public liaison

Ms Alison Podmore

### 5.1 Apologies

### 5.2 Approved leave of absence

Nil.



## **6 Declarations of interest**

### **6.1 Declarations of financial interest**

A person has a financial interest in a matter if it is reasonable to expect that the matter will, if dealt with by the local government, or an employee or committee of the local government or member of the Council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest, where they are providing advice or a report to the Council. Employees may continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

### **6.2 Declarations of proximity interest**

A person has a proximity interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5) of the *Local Government Act 1995*) of land that adjoins the persons' land.

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

A member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

Employees are required to disclose their proximity interests where they are providing advice or a report to the Council. Employees may continue to provide advice to the Council in the decision-making process if they have disclosed their interest.

### **6.3 Declarations of interest affecting impartiality**

Elected members (in accordance with Code of Conduct for Council Members, Committee Members and Candidates) and employees (in accordance with the Code of Conduct for employees) are required to declare any interest that may affect their impartiality in considering a matter. The declaration must disclose the nature of the interest. This declaration does not restrict any right to participate in or be present during the decision-making process.

- 7 Public participation time**
- 8 Presentations**
- 9 Deputations**
- 10 Method of dealing with agenda business**

# 11 Chief Executive Officer reports

## 11.1 Council Resolutions Status Report - March 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Governance Officer
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Outstanding Council Resolutions Report March 2024 [ <b>11.1.1</b> - 12 pages] 2. Completed Council Resolutions Report March 2024 [ <b>11.1.2</b> - 3 pages]

### Summary

The Council Resolution status reports are provided for Council’s information.

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

### Background

1. On 17 August 2021 Council resolved as follows:

*That Council:*

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

### Discussion

- The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.
- The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 1 March 2024 to 25 March 2024. A status update has been included by the relevant officer/s.

### Legal and policy compliance

Not applicable.

### Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
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## Future budget impact

## Risk management consideration

Risk impact category	Risk event description	Risk Rating	Risk appetite	Risk Mitigation
Financial	Not applicable.		Low	
Environmental	Not applicable.		Medium	
Health and safety	Not applicable.		Low	
Infrastructure/ ICT systems/ utilities	Not applicable.		Medium	
Legislative compliance	Not applicable.		Low	
Reputation	Not applicable.		Low	
Service delivery	Not applicable.		Medium	

## Engagement

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

## Strategic alignment

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

## 12 Chief Community Planner reports

### 12.1 2023/24 Economic Development Grants Recommendations

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Place Leader (Economic Development)
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Attachment 1 Economic Development Grant 2023 24 Evaluation Summaries [ <b>12.1.1</b> - 7 pages]

#### Summary

To provide Council with oversight of the Town's 2023/24 Economic Development Grant applications and assessments for Council endorsement.

#### Recommendation

1. That Council endorses the recommendation that the below applications receive funding under the Town's 2023-34 Economic Development Grants.
  - a. Spacecubed Ventures Pty Ltd: Business Boosted – Marketing Masterclass Series, \$7,500
  - b. Reach Her Inc: Reach Her Business Education and Networking Events, \$10,000
  - c. Naja Business Consulting Services: Local Business Development, Improvement and Training – How to Access Funding, \$9,320
2. In accordance with section 9.49A(4) of the Local Government Act 1995, Council authorise the Manager Place Planning to sign the corresponding documents in alignment with Category Two documents in Policy 009 – Execution of Documents.

#### Background

3. The objective of the 2023/24 Economic Development Grants is to support projects that deliver economic benefits to a group of businesses, an industry sector or the broader local economy in the Town of Victoria Park.
4. The Town administers Economic Development Grants in accordance with Policy 117 Business Grants. The policy aims to support the local business community while ensuring transparency of funding decisions and accountability of those parties receiving funding.
5. The Economic Development Grants round was open for a period of 35 days commencing 12 January 2024 and closing 16 February 2024.
6. The Town received nine applications with a total request of \$79,820. The total funding available for Economic Development Grants is \$40,000.
7. A review of applications by the Town's Economic Development Grant Assessment Panel concluded that three applications sufficiently met the criteria and are recommended to be awarded a collective total of

\$26,820.

8. In making recommendations to Council the Economic Development Grant Assessment Panel provides the following details on all applications to ensure Council can make informed and transparent decisions.

## Discussion

9. The Economic Development Grants were assessed individually by judges and then reviewed in a formal panel meeting in accordance with Policy 117 Business Grants. Four panel members assessed applications against three criteria, scoring out of a maximum 100 points.
10. Membership for the Town's internal Economic Development Grant assessment Panel was recruited directly from different service areas. This was to ensure an appropriate mix of skills, knowledge and expertise could be applied to the assessment process.
11. The Economic Development Grant Assessment Panel consisted of the below Town officers.
- a) Coordinator Communications and Engagement
  - b) Community Development Officer – Inclusion
  - c) Place Leader (Transport)
  - d) Environmental Health Officer
12. The Town's assessment questions included:
- a) Eligibility
  - b) Conflict of interest
  - c) Applicant details
  - d) Project details
  - e) Assessment criteria questions
13. The assessment criteria questions are described below.

Assessment Criteria Questions	Weighting per question
Criterion 1 The proposed project, activity or program occurs within, or substantially benefits economic development outcomes within the Town of Victoria Park local government area.	10%
Criterion 2 The applicant can demonstrate the feasibility of the proposed project, activity or program and their capability to successfully deliver the proposed project, activity or program. The proposed project, activity or program is a discrete piece of work and is not, in the opinion of the Town of Victoria Park, a standard operational expense.	30%
Criterion 3 The proposed project, activity or program will deliver at least one substantial broad benefit to the local economy, including: a) Substantial improvements to the amenity of the public realm that will attract visitors to the area; b) Substantial activation of underutilised or vacant spaces that will attract	60%

visitors or investment to the area; c) Provide a unique and visible retail or service offering that will attract visitors to the Town of Victoria Park; d) Foster networking and collaboration between local businesses; e) Provide unique, regionally significant promotion, development or investment for the Town of Victoria Park's local economy; and/or f) Foster innovation industries or innovative business practices in the Town of Victoria Park's local economy.	
	Total weighting for three questions = 100% Average score between judges is out of 100

14. The Town received nine eligible applications with a total request of \$79,820.
15. After the assessment and review of applications by the assessment panel three applications were deemed to sufficiently met the criteria and are recommended to be awarded a collective total of \$26,820.
16. Evaluation summaries related to all Economic Development Grant applications are provided in Attachment 1 – Economic Development Grants 2023-24 Evaluation Summaries.
17. The Town recommends the below Economic Development Grants for endorsement by Council.

<b>Applicant</b>	<b>Project</b>	<b>Amount</b>
Spacecubed Ventures Pty Ltd	Business Boosted: Marketing Masterclass Series	\$7,500
Reach Her Inc	Reach Her Inc's Business Education & Networking Events	\$10,000
Naja Business Consulting Services	Local business development, improvement and training: how to access government and industry funding	\$9,320
<b>Total</b>		<b>\$26,820</b>

18. The Town does not recommend the below Economic Development Grants for endorsement by Council.

<b>Applicant</b>	<b>Project</b>	<b>Amount</b>
Grove Medical Victoria Park	Community Health Outreach: Mobile Vaccination Program for Local Businesses	\$10,000

Mike Ghasemi Research	Innovation & Digital Tech Seminars	\$10,000
DICAPE PTY LTD	FoodSafe 360	\$10,000
Swan River Distillery	Marketing for new venue, expanding the Vic Park strip	\$3,000
Narrowband Technologies Australia	Smart Bin Monitoring	\$10,000
LEONARD ALTO	ALT Delivery Service	\$10,000
Total		<b>\$53,000</b>

### Funding Administration

19. Decisions regarding funding of grant applications are the responsibility of Council. Policy 009 Execution of Documents requires the execution of Grant Agreements for successful applications by the Chief Executive Officer. However, as the issue of Grant Agreements is a standard administration practice which utilises a standard template, this report requests the Council provide authorisation to the Manager Place Planning to execute Grant Agreements in-lieu of the CEO as permitted under Clause 10 of Policy 009 Execution of Documents and 9.49A(4) of the Local Government Act, 1995.

### Relevant documents

[Policy 009 Execution of Documents](#)

[Policy 117 Business Grants](#)

### Legal and policy compliance

Not applicable.

### 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.

### Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Loss of funds if projects are not delivered as agreed.	Moderate	Low	TREAT risk by Letter of agreement will be executed that outlines expected deliverables. Acquittal process to be communicated to all successful participants to help ensure



	funding is used per proposed applications.			
Environmental	Not applicable.			
Health and safety	Not applicable.			
Infrastructure/ ICT systems/ utilities	Not applicable.			
Legislative compliance	Not applicable.			
Reputation	Negative public perception towards the Towns applications being funded or not funded	Minor	Low	TREAT risk by Administering grant application and assessment through a transparent system. Rationale and feedback will be provided to unsuccessful applicants.
Service delivery				

## Engagement

Internal engagement	
Stakeholder	Comments
Economic Development Grant Panel	Consultation, assessment and panel evaluation of applications.
Communications and Engagement	Consultation with the Town's Communications team to develop a Communications Plan to promote the opening and closing of Economic Development Grants.

External engagement	
Stakeholders	Business owners
Period of engagement	Economic Development grants opened 12 January 2024 and closed 16 February 2024. Prom
Level of engagement	1. Inform
Methods of engagement	<ul style="list-style-type: none"> <li>Town's website</li> </ul>

	<ul style="list-style-type: none"> <li>• Town’s social media platforms – Facebook, Instagram and LinkedIn</li> <li>• Town of Victoria Park Business E-newsletter; E-vibe Newsletter</li> <li>• Place Leaders directly emailing and contacting businesses</li> </ul>
Advertising	<ul style="list-style-type: none"> <li>• Town’s website</li> <li>• Town’s social media platforms – Facebook, Instagram and LinkedIn</li> <li>• Google and Facebook ads</li> </ul>
Submission summary	Nine applications were received.
Key findings	Three applications met the grant assessment criteria and are recommended for Council Endorsement. Six applications are not recommended for Council endorsement.

## Strategic alignment

Economic	
Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	The objective of the Economic Development Grants is to deliver broad economic benefits to the local business community. This helps achieve the EC1 goals of enabling the local economy to be prosperous and resilient and ensuring businesses feel supported.
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	Economic Development Grants provide an opportunity for businesses to attract visitors to the Town by activating underutilized places, making improvements to the amenity of the public realm or by providing unique and visible retail or service offering.

## Further consideration

## 12.2 Mindeera Advisory Group Terms of Reference for endorsement

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Community Development
<b>Responsible officer</b>	Manager Community
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Draft Terms of Reference Mindeera March 2024 v2 [ <b>12.2.1</b> - 2 pages] 2. Draft Terms of Reference Mindeera March 2024 changes marked [ <b>12.2.2</b> - 2 pages]

### Summary

- The Mindeera Advisory Group is seeking endorsement of the terms of reference for the group as included in Attachment 1.
- On 6 March 2024 the Mindeera Advisory Group meeting was held, and the draft terms of reference were presented and discussed.
- After some amendments in consultation with the group, the Terms of Reference were agreed to.
- Amendments suggested and agreed:
  - Include 'community engagement' in 1.c
  - Include 'up to' in item 3.b
  - Include item 4 'The group shall maintain Aboriginal representation, as outlined in the Town's Reconciliation Action Plan.'

### Recommendation

The Council endorses the updated Terms of Reference for the Mindeera Advisory Group as per Attachment 1.

### Background

1. New Elected Members were appointed to the Mindeera Advisory Group at the Special Council Meeting on 30 October 2023.
2. Policy 101 Governance of Council Advisory and Working Groups states that once new members are appointed, the Chief Executive Officer, with agreement from members of that group, is required to present a group's proposed terms of reference to Council for adoption.
3. Due to quorum constraints, the first meeting of the new group was held 6 March 2024 and the new Terms of Reference (Attachment 1) were discussed and agreed via email circular after the meeting.

### Discussion

4. On 6 March 2024 the Mindeera Advisory Group met. One of the items discussed at the meeting (and in an email circulated after the meeting) was the adoption of the draft terms of reference.
5. The members supported progression of the revised terms of reference to go to April 2024 OCM for final

endorsement.

## Relevant documents

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

## Legal and policy compliance

Not applicable.

## 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.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable.		Low	
Environmental	Not applicable.		Medium	
Health and safety	Not applicable.		Low	
Infrastructure/ ICT systems/ utilities	Not applicable.		Medium	
Legislative compliance	Not applicable.		Low	
Reputation	Not applicable.		Low	
Service delivery	Mindeera Advisory Group does not adhere to the terms of reference, resulting in project / consultation delays and potential service delivery implications.	Low	Medium	TREAT risk by adopting revised terms of reference to guide the group member's role and function.

## Engagement

Internal engagement	
Stakeholder	Comments
Governance	Advice provided on the terms of reference and impact of Policy 101 Governance and Council Advisory and Working Groups.

<b>External engagement</b>	
Stakeholders	Mindeera Advisory Group
Period of engagement	28 April 2024 to 19 March 2024
Level of engagement	2. Consult
Methods of engagement	The draft terms of reference were included with the meeting agenda for pre reading. The document was discussed at the 6 March 2024 Mindeera Advisory Group meeting. Changes were incorporated into the document after the meeting and recirculated to the group members for any final input.
Advertising	Not applicable.
Submission summary	Not applicable.
Key findings	The group agreed to the revised terms of reference.

## Strategic alignment

<b>Civic Leadership</b>	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Good governance is practiced in consultation with the advisory group and adherence to Policy 101.

## Further consideration

## 12.3 State Development Assessment Unit referral for Proposed Residential Apartments and Commercial Tenancy

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Senior Planning Officer
<b>Responsible officer</b>	Manager Development Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - Aerial photo [<b>12.3.1</b> - 2 pages]</li> <li>2. Attachment 2 - Development plans &amp; Renders [<b>12.3.2</b> - 35 pages]</li> <li>3. Attachment 3 - Applicants report [<b>12.3.3</b> - 42 pages]</li> <li>4. Attachment 4 - Applicants R- Code Assessment [<b>12.3.4</b> - 57 pages]</li> <li>5. Attachment 5 - Landscape Concept [<b>12.3.5</b> - 5 pages]</li> <li>6. Attachment 6 - Sustainability Design Report [<b>12.3.6</b> - 25 pages]</li> <li>7. Attachment 7 - Waste Management Plan [<b>12.3.7</b> - 31 pages]</li> <li>8. Attachment 8 - Noise Management Plan [<b>12.3.8</b> - 26 pages]</li> <li>9. Attachment 9 - Transport Impact Assessment [<b>12.3.9</b> - 40 pages]</li> <li>10. Attachment 10 - Economic Benefit Assessment report [<b>12.3.10</b> - 20 pages]</li> <li>11. Attachment 11 - Previous development concept [<b>12.3.11</b> - 10 pages]</li> <li>12. Attachment 12 - Summary of Submissions to LG [<b>12.3.12</b> - 4 pages]</li> </ol>

<b>Landowner</b>	<b>Goldblaze Nominees Pty Ltd</b>
<b>Applicant</b>	Rowe Group
<b>Application date</b>	17 December 2021
<b>DA/BA or WAPC reference</b>	Town ref# DA5.2024.40.1; WAPC ref# SDAU-057-21
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	'Industrial 1'
<b>R-Code density</b>	Not applicable
<b>TPS precinct</b>	Precinct 9 – Welshpool Precinct
<b>Use class</b>	Multiple Dwellings and unspecified 'commercial tenancy' (indicated by applicant as either Shop, Fast Food Outlet or Restaurant/Café)
<b>Use permissibility</b>	Respectively 'X' (Prohibited) Use and either 'P' (Permitted) or 'AA' (Discretionary) Use - depending on the commercial tenancy land use chosen

<b>Lot area</b>	1226m2
<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>	The site has frontage to Bank Street. The under-construction elevated rail and new Oats Street Train Station is located to the east. Single storey and two storey residential dwellings about the subject site to the north and west. Further north (across Oats Street) is the South Metropolitan Tafe Campus. Light industrial units are located to the south.

## Summary

The purpose of this report is for Council to form a recommendation to the Western Australian Planning Commission (WAPC) with respect to the development application for the mixed-use proposal comprising a 16 storey tower with 85 multiple dwellings and a ground floor commercial tenancy, at Nos. 167 and 169 Bank Street, East Victoria Park.

The Town's officers do not have delegation to make recommendations to the WAPC in relation to a development application under the State Development Assessment Unit (SDAU) process for significant projects.

## Recommendation

That Council advises the Western Australian Planning Commission that the development application for the proposed Mixed-Use development at Nos 167 and 169 Bank Street, East Victoria Park is not supported for the following reasons:

1. The purpose and intent of the Town of Victoria Park Town Planning Scheme No. 1 includes the following:  
*"The Council has prepared this Scheme for the purpose of controlling and guiding development and growth in a responsible manner "*  
The design in its current form and the manner in which it is being pursued (noting that it precedes precinct planning for the area) is considered to be contrary to this stated aim of the Scheme.
2. The proposal seeks approval for an 'X' (prohibited) land use. Approval of a prohibited land use by SDAU should only be contemplated where it is certain that the proposal is consistent with the strategic intent for the area and would not prejudice or pre-determine the future character of the area.
3. The proposal runs contrary to Actions OS.1, OS.2, OS.3 and OS.4 outlined in the Town's Local Planning Strategy, which outlines that although residential land uses are envisioned for this location and may be facilitated in the future, this should only take place following the preparation of a Precinct Structure Plan (or other suitable planning instrument).
4. The Town does not accept the applicant's assertion that the proposal is *"Consistent with the desired future character"* for the area. The proposed building height is far greater than current controls would allow. Content from the Town's Local Planning Strategy and draft precinct structure plan (currently

being prepared for the area) suggest that a 16 storey development will be well in excess of future planning controls for the area.

5. Approval of the development in its current form would prejudice or pre-determine the future character of the area, which is currently having a precinct structure plan prepared for it. As noted in the DPLH/WAPC 'Development Application Exercise of Discretion Guidelines' :

*"It is rarely appropriate for an application for development approval that proposes a significant change to the existing character of the area (usually by way of height, bulk and scale) to be approved ahead of a more comprehensive plan for the area being progressed".*

6. Approving the development application without ability to collect infrastructure contributions, could potentially place greater financial burden on the Town to upgrade public infrastructure.
7. The proposal does not demonstrate satisfaction of the 10 design principles of State Planning Policy 7.0 – Design of the Built Environment or the Element Objectives of R-Codes Volume 2. Reasons for this view includes:
  - a. R-Code Volume 2 acceptable outcomes, particularly pertaining to visual privacy and stormwater disposal are not met, while these are incorrectly marked 'compliant' in the applicants supporting documentation.
  - b. The applicants own R-Code self-assessment indicates that access corridor widths do not meet the element objectives, and silver accessibility compliance is doubtful.
  - c. State Design Review Panel critique levelled against this design (February 2023) with respect to residential floor plans have not been responded to by the applicant either in terms of justification or design changes.
8. The adjoining dwellings located at 64, 66 and 68 Oats Street will be adversely impacted by way of loss of visual privacy and amenity overlooked by a significant number of balconies located in very close proximity to their rear boundaries.
9. The adjoining dwellings located at 64, 66 and 68 Oats Street will be adversely impacted by way of visual bulk and scale, stemming from the 16 storey development abutting their single storey and two storey dwellings.
10. The applicant's assertion that the subject site falls within a District Centre are not verified or clear. SPP 4.2 Activity Centres Policy (2010) listed Oats St as a District Activity Centre and while the maps from this SPP are not clear, it appears the centre is not on the railway line. This implies there was not an intent to create another centre at Oats St Station. This is supported by the METRONET Gateway Strategy designation of the precinct as a 'Neighbourhood Centre'.
11. Economic activity generated by the development is not considered to offset the negative impacts that would result from the approval of this development. Development of this scale will always generate economic activity. Such economic activity does not 'as-of-right' automatically justify either poor design, adverse amenity impacts, departures from the planning framework and orderly and proper planning (including potentially prejudicing a substantially progressed precinct structure planning exercise).
12. 'Housing affordability' shouldn't be used to justify departures from the planning framework which deliver poor design outcomes.
13. The proposal does not deliver superior design outcomes that are commensurate to the extent of discretion being sought, as per Local Planning Policy 33 – Guide to concessions on planning controls,



based on the development controls applicable under Town Planning Scheme No 1 and Draft Local Planning Scheme No 2.

14. The proposal does not deliver superior design outcomes that are commensurate to the extent of discretion being sought, as per Local Planning Policy 33 – Guide to concessions on planning controls, based on a hypothetical scenario where the scheme development controls are amended to reflect increased density contemplated within the Oats Street Precinct Planning growth-scenario consultation material.

## Background

1. The State Government introduced a new development application process for significant projects as part of COVID-19 economic recovery plans. Part 17 of the *Planning and Development Act 2005* (as amended by the *Planning and Development Amendment Act 2020*) was established by the WAPC as a temporary decision-making authority for applications for significant development.
2. The proposed development was lodged with the SDAU in December 2020. The applicant has elected to seek approval via the SDAU pathway. The SDAU is not bound by the local planning framework and therefore has the ability to vary local provisions and undertake a more strategic assessment to consider non-planning related matters. as part of its decision-making process.
3. In accordance with s.276 (4) of the *Planning and Development Act 2005*, the Commission must-
  - a. give any local government to whose district the development application relates an opportunity to make submissions to the Commission within a period specified by the Commission; and
  - b. have due regard to any submissions made by the local government within that period.
4. Town Officers were invited to provide preliminary feedback on the concept proposal on 6 February 2023. Feedback provided to the applicant in late February from both Town Officers and the State Design Review Panel was critical of the concept proposal as presented at that time.
5. The SDAU advised the Town of an updated set of plans and supporting documentation had been prepared by the applicant on 15 February 2024 and invited the Town to provide a formal referral response/recommendation.

## Applicant's submission

6. The applicant contends that the local context is well suited to a development of this scale, and that the proposal aligns with state and local strategic intent/directions to accommodate growth, and focus residential infill development around train station precincts.
7. The applicant acknowledges that having a precinct plan prepared for the location (currently in development by the Town) in accordance with State Planning Policy 7.2 would 'have merit'.
8. Notwithstanding the above, the applicant contends that waiting for the preparation and adoption of a precinct plan and subsequent scheme amendments, would result in significant delay to the release of dwellings which are urgently needed to respond to a housing affordability crisis.
9. The applicant contends that the design of the proposal incorporates the ten (10) principles of State Planning Policy 7.0 Design of the Built Environment, is consistent with Element Objectives outlined in State Planning Policy 7.3, with regard to the desired future urban form of the locality and will have no adverse impact on the amenity of the surrounding development within the locality.
10. The applicant contends that the approval of the development would be consistent with the principles of orderly and proper planning.

## Relevant planning framework

<b>Legislation</b>	<a href="#">Planning and Development Act 2005</a> <a href="#">Planning and Development (Local Planning Schemes) Regulations 2015</a> <a href="#">Town Planning Scheme No. 1 (TPS1)</a> <a href="#">TPS1 Precinct Plan P9 'Welshpool Precinct'</a> <a href="#">Metropolitan Region Scheme Text</a>
<b>State Government policies, bulletins or guidelines</b>	<a href="#">Policy 3.6 – Infrastructure contributions (SPP3.6)</a> <a href="#">Policy 7.0 – Design of the Built Environment (SPP7.0)</a> <a href="#">Policy 7.2 – Precinct Design (SPP7.2)</a> <a href="#">Policy 7.3 – Residential Design Codes Volume 2 – Apartments (R-Codes Vol 2)</a>
<b>Local planning policies</b>	<a href="#">Local Planning Policy 23 - Parking and Access Policy (LPP23)</a> <a href="#">Local Planning Policy 27 – Building Height Controls (LPP27)</a> <a href="#">Local Planning Policy 29 – Public Art Private Developer Contribution (LPP29)</a> <a href="#">Local Planning Policy 33 – Guide to concessions on planning controls (LPP30)</a>
<b>Other</b>	<a href="#">Town of Victoria Park Local Planning Strategy (May 2022)</a> <a href="#">Development Application Exercise of Discretion Guidelines</a>

## General matters to be considered

<b>TPS precinct plan statements</b>	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <ul style="list-style-type: none"> <li>• <i>"The Welshpool Precinct shall continue to function as an industrial area, meeting the need for service industry in the inner areas of the city and close to the city centre."</i></li> <li>• <i>Non-industrial uses shall generally be discouraged from locating in this precinct except where they directly serve the area, or are to be incidental to a primary industrial use.</i></li> <li>• <i>Development shall be of a low to medium scale</i></li> <li>• <i>"Where sites are adjacent to or abut residential uses, setbacks... must be provided to ensure that development respects those residential uses.</i></li> </ul>
<b>Local planning policy objectives</b>	<p>The following objectives of <a href="#">Local Planning Policy 29 – Public Art Private Developer Contribution</a> are relevant in determining the application:</p> <ul style="list-style-type: none"> <li>• <i>The development and promotion of the community's identity through the provision of public artworks which reflect the place, locality and/or community of which the occupants, visitors and customers of new or refurbished developments form part;</i></li> </ul>

- To increase the amenity provided to the existing or future occupants of new or refurbished developments through the provision of public artwork on the development site or within the surrounding locality;
- To establish a clear and consistent approach for the provision of public art as part of the private development process;
- To facilitate understanding and celebration of the Town's natural, physical, cultural and social values, including natural and built cultural heritage;
- To enhance the visual amenity, vibrancy and character of the Town's built environment; and
- To improve way-finding and legibility of streets, open spaces and buildings, including landmark treatments where appropriate.

The following objectives of Local Planning Policy 33 – Guide to Concessions on Planning Requirements for Mixed Use, Multi Dwelling and Non-residential Developments are relevant in determining the application:

- *“Development applications within the Town of Victoria Park are assessed in accordance with the Town's planning and legislative framework. The aim of this document is not to replicate development requirements outlined in other Town of Victoria Park documents or State Government documents such as the Residential Design Codes. Rather, its purpose is to outline only the additional requirements that a development proposal must satisfy in order to be considered favourably in terms of concessions on prescribed plot ratio, height, recession plan, and setback requirements.”*
- *“The benchmark for achieving a concession for planning requirement is deliberately set high, well beyond compliance levels. Strata-titled residential developments have a very long life and the Town of Victoria Park seeks to encourage this form of efficient inner city living while at the same time ensuring that:*
  - *The amenity for multi-residential occupants and their long-term wellbeing are maximised;*
  - *New developments exhibit a well-mannered response to neighbouring properties; and*
  - *The Town's changing urban character is significantly enhanced.”*

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

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

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

	<p>(c) any approved State planning policy;</p> <p>(g) any local planning policy for the Scheme area;</p> <p>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development</p> <p>(n) the amenity of the locality including the following –</p> <ul style="list-style-type: none"> <li>(i) environmental impacts of the development;</li> <li>(ii) the character of the locality;</li> <li>(iii) social impacts of the development.</li> </ul> <p>(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;</p> <p>(s) the adequacy of –</p> <ul style="list-style-type: none"> <li>(i) the proposed means of access and egress from the site; and;</li> <li>(ii) arrangements for the loading, unloading, manoeuvring of vehicles;</li> </ul> <p>(u) the availability and adequacy for the development of the following —</p> <ul style="list-style-type: none"> <li>(iii) storage, management and collection of waste;</li> <li>(iv) access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</li> <li>(v) access by older people and people with disability;</li> </ul> <p>(y) any submissions received on the application</p> <p>(zb) any other planning consideration the local government considers appropriate.</p>
<p><b>Urban forest strategy</b></p>	<p>This application has the following impacts, in regards to the Town’s Urban Forest Strategy.</p> <ul style="list-style-type: none"> <li>• The proposed development does not involve removal of significant trees. It also, however, does not propose many trees that would positively contribute to the Town’s tree canopy.</li> <li>• An alternate development that met (or was closer to meeting) the acceptable outcomes of R-Codes Volume 2 with respect to Deep Soil Area would likely be able to provide a greater contribution to the Town’s Tree Canopy cover.</li> <li>• Approval of the development under consideration could ‘lock in’ this outcome where the site is not developed in a manner that positively contributes to the Town’s tree canopy as much as R-Codes Volume 2 encourages developers to.</li> </ul>

11. Deemed clauses 67(b) and 67 (zb) of the Planning and Development (Local Planning Schemes) Regulations 2015, list the requirements of ‘orderly and proper planning’ and ‘any other planning consideration the local government considers appropriate’ as matters to be considered in the determination of a development application. Under the abovementioned clauses, the following observations are noteworthy and should be given due regard:

- (a) Draft Local Planning Scheme No 2 was endorsed by Council in February 2024 and has been sent to the WAPC for consideration. This document is therefore a 'seriously entertained document'. Accordingly, although not yet in effect, how the proposal *would* be assessed under Local Planning Scheme No 2 (if gazetted) is noted where considered relevant under the compliance assessment section below.
  - (b) Town of Victoria Park Local Planning Strategy (May 2022) lists the preparation of a precinct structure plan for the Oats Street Station neighbourhood as a short-term action. This action is progressing with community consultation for growth scenarios already having taken place. A preferred growth scenario is expected to be presented to Council in in May 2024.
12. While the above matters should not be considered matters of 'compliance' they should nonetheless be given regard in the assessment of this proposal, particularly where the proposal seeks discretion on the basis/under the assertion that the proposal will be consistent/is aligned with the future planning framework.

## Compliance assessment

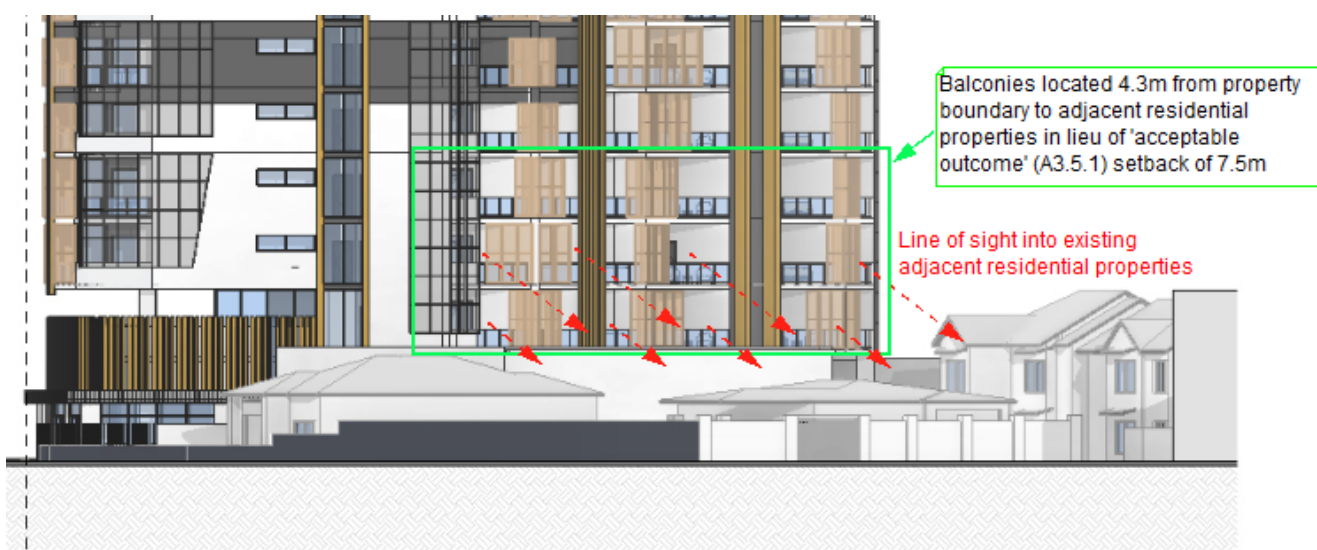
The table below summarises the planning assessment of the proposal against the provisions of the Town of Victoria Park Town Planning Scheme No.1, the Towns local planning policies, the Residential Design Codes and other relevant documents, as applicable. In each instance where the proposal requires the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

As noted in the background section of this report, the SDAU is not bound by the local planning framework and therefore has the ability to vary local provisions and undertake a more strategic assessment to consider non-planning related matters. as part of its decision-making process. Nonetheless, SDAU must give any local government to whose district the development application relates an opportunity to make submissions to the Commission and then give due regard to any submissions made by the local government.

Mixed use development		
Planning element	Permissibility/deemed-to-comply	Proposed & requires the discretion of SDAU
Land use	<p><u>TPS1</u> (Current)            Multiple Dwelling: 'X' (prohibited);            Fast Food Outlet: 'P' (permitted);            Shop: 'AA' (discretionary); and            Restaurant/Café: 'AA' (discretionary).</p> <p><u>Draft LPS2</u> (Proposed/Seriously entertained)            Multiple Dwelling: 'X' (prohibited);            Fast Food Outlet / Lunch Bar: 'P' (permitted);            Shop: 'I' (incidental); and            Restaurant/Café: 'I' (incidental).</p> <p>NOTE: exact land use proposed for 'commercial tenancy' is unclear</p>	<p>The vast majority of the development consists of Multiple Dwellings, which is an 'X' (prohibited) land use.</p> <p>This would remain the case if draft LPS2 were gazetted in the form endorsed by Council in February 2024</p> <p>An 'X' (prohibited) land use is, in the vast majority of instances, legally incapable of being approved under the Town Planning Scheme. The SDAU, however, while not <i>bound</i> by the Scheme must still have regard to the Scheme</p>

<b>Plot ratio</b>	Buildings shall have a maximum plot ratio of 1.0	Plot ratio of 5.12
<b>Street setback</b>	4.5m primary street setback	0.9m primary street setback
<b>Landscaping</b>	A minimum of 25% (37.5m <sup>2</sup> ) of the front setback area between the site boundary and the building setback requirement shall be landscaped and maintained in such a manner.	6% (9.3m <sup>2</sup> ) of front setback area landscaped (at ground level)
<b>Car Parking</b>	Between 9 and 20 car bays* required (LPP23) for exclusive use of commercial tenancy. *Dependent on whether Shop or Café proposed	8 car bays proposed as <u>both</u> commercial bays and visitor parking for apartments
<b>Building height</b>	2 storeys (LPP27)	16 storeys
<b>Public Art</b>	1% contribution to public art (LPP29)	No public art indicated in proposal

13. State Planning Policy 7.3 Residential Design Codes Volume 2 applies qualitative performance-based criteria in assessing developments. While many 'acceptable outcomes' are listed within the document, they are not intended to serve as method to assess *compliance*. Notwithstanding the above, the applicant's R- Code Volume 2 self-assessment responds to numerous element objectives by responding to the associated acceptable outcomes as 'compliant'.
14. It is noted that Town staff do not agree with or support many of the assertions made by the applicant with respect to whether or not the acceptable outcomes (and the related element objectives) R- Code Volume 2 are satisfied.
15. One example of the above is the applicant's description of visual privacy setbacks (A3.5.1) as 'compliant' despite open balconies being located as close as 4.3m from the adjoining residential property boundary and the 'acceptable outcome' setback for that interface being 7.5m.



Above: Annotated elevation depicting interface of proposed balconies onto/above adjacent residential properties.

Below: Aerial photo of No 64, No 66 (a & b) and No 68 Oats Street, which would have their back yards overlooked by the proposed development.



16. Additional issues are commented on in the following section of this report. Noting that that Town is not the key assessing agency for this proposal, however, a comprehensive assessment of the proposal against the entirety of R-Codes Volume 2 has not been undertaken. Instead, Officers have limited themselves to higher level comments framed against the 10 Design Principles of SPP7.0

State Planning Policy 7.0 – Design of the Built environment

17. The applicant contends that *“The design of the proposal incorporates the ten (10) principles of State Planning Policy 7.0 Design of the Built Environment and is consistent with Element Objectives outlined in State Planning Policy 7.3, with regard to the desired future urban form of the locality.”*
18. The applicant has not provided a report outlining their response to the 10 design principles. Their report infers that this policy and the design principles is addressed via their R-Codes Volume 2 self-assessment (see Attachment 4)
19. It is noted that Town staff do not agree with or support many of the assertions made by the applicant with respect to whether or not the acceptable outcomes (and the related element objectives) of the R-Code Volume 2 are satisfied.
20. State Planning Policy 7.0 is a performance-based policy that places a greater emphasis on design review and expertise rather than prescriptive ‘compliance’ based approaches.
21. Design review has taken place as part of this proposal. An earlier concept design for this proposal (see attachment 11) was reviewed at a State Design Review Panel (SDRP) meeting held in February 2023. Aside from largely cosmetic changes to the elevations, the main differences noted between the previous concept proposal and the plans currently under consideration are that the carparking decks now form a three-storey basement rather than an above-ground plinth with four-storey blank/lot boundary walls abutting neighbours.

22. At the February 2023 SDRP meeting, the apparent emphasis on yield at the expense of resident amenity, dwelling size and usability of this design was critiqued. It is observed that the floor plan layout and configuration for the multiple dwellings remains largely unchanged. Accordingly, it is expected that problems previously noted (such as the long and narrow corridor) are still an issue.

<b>State Planning Policy 7.0 Design of the Built Environment</b>	
<b>10 Design Principles – relevant policy excerpts</b>	<b>Officer comments in relation to this planning proposal</b>
<p><b>1. Context and character</b>            Good design responds to and enhances the distinctive characteristics of a local area, contributing to a sense of place.</p> <p><i>“New development should integrate into its landscape/townscape setting, reinforcing local distinctiveness and responding sympathetically to local building forms and patterns of development. Building materials, construction techniques and details should, where appropriate, enhance local distinctiveness.</i></p> <p><i>Good design also responds positively to the intended future character of an area. It delivers appropriate densities that are consistent with projected population growth, and able to be sustained by existing or proposed transport, green and social infrastructure.</i></p> <p><i>Consideration of local context is particularly important for sites in established areas that are undergoing change or identified for change.”</i></p>	<p>Design Principle not demonstrated:            The intended future character of the area is being considered and planned for as part of the precinct structure planning (PSP) process referred to by the Town’s Place Planning team. While still in development, the proposed development is well in excess of future built form controls (by a significant margin) contemplated by the initial scenarios presented as part of the PSP work, in addition to exceeding the current built form envisioned for the area.</p> <p>While not displacing the consideration of appropriate built form for the context, the provision of public art could have been an opportunity for the applicant to consider, respond and contribute to the local context, but the applicant’s submission provides no indication that public art is being considered.</p>
<p><b>2. Landscape quality</b>            Good design recognizes that together landscape and buildings operate as an integrated and sustainable system, within a broader ecological context.</p> <p><i>“Good landscape design provides optimal levels of external amenity, functionality and weather protection while encouraging social inclusion, equitable access and respect for the public and neighbours. Well-designed landscape environments ensure effective establishment and facilitate ease of long term management and maintenance.”</i></p>	<p>Design Principle not demonstrated:            The applicant expresses in their R-Code assessment document that the <i>“the subject site is severely constrained in terms of size and orientation, and the below ground basement parking makes it difficult for the development to provide adequate deep soil areas”</i>.</p> <p>The assessing officer is of a view that the above issue is the result of overdevelopment, with larger sites (sometimes created through amalgamating lots) affording greater opportunity to deliver both density and landscape quality.</p>



<p><b>3. Built form and scale</b>  Good design ensures that the massing and height of development is appropriate to its setting and successfully negotiates between existing built form and the intended future character of the local area.</p> <p><i>“Buildings can define open spaces by enclosing them. Good design delivers buildings and places of a scale that responds to landform characteristics and existing built fabric in a considered manner, mitigating the potential for negative amenity impacts on both private land and the public realm”</i></p>	<p>Design Principle not demonstrated:</p> <p>The 16 storey development is considered to represent a clear significant adverse amenity impact to adjoining residences in terms of visual bulk and scale, in addition to considerations such as visual privacy that appear to have been neglected by the applicant/architect.</p> <p>The applicant’s claim that the development “<i>will have no adverse impact on the amenity of the surrounding development within the locality</i>” is clearly incorrect.</p>
<p><b>4. Functionality and build quality</b>  Good design meets the needs of users efficiently and effectively, balancing functional requirements to perform well and deliver optimum benefit over the full life-cycle.</p> <p><i>“Good design accommodates services in an integrated manner, without detriment to the appearance, functionality and serviceability of the final outcome.”</i></p>	<p>Design Principle not demonstrated:</p> <p>No stormwater retention or disposal has been accounted for. Resolution of this issue should not be deferred, as the proposed development would fill the site to maximum capacity – leaving no opportunity to provide soak wells or similar within the site boundaries.</p> <p>Discussions with internal business units suggest that the water table could potentially be an issue for the three basement levels proposed.</p> <p>The applicant’s R-Code assessment states that 46 bicycle bays are provided to the dwellings, but no details are provided. If relying on the use of storerooms as bicycle bays, then this:</p> <ul style="list-style-type: none"> <li>(a) Substantially diminishes the amount of practical storage available for dwellings to use; and</li> <li>(b) Often leaves the bicycle location ill-suited to facilitate or encourage active modes of transport.</li> </ul>
<p><b>5. Sustainability</b>  Good design optimises the sustainability of the built environment, delivering positive environmental, social and economic outcomes.</p> <p><i>“Sustainable design also includes the use of sustainable construction materials, recycling, good waste management practices, re-use of materials and existing structures, harnessing of renewable energy sources, and total water cycle management.”</i></p>	<p>Design Principle not demonstrated:</p> <p>Solar access is not as good as the applicants R-Code Volume 2 report would indicate. Access to winter sun under A4.1.1 a (Minimum 2hrs between 9am and 3pm) is to a “living room <i>and</i> balcony”, not “living room <i>OR</i> balcony” as the applicant’s figure of 80% relies upon.</p> <p>Many apartments will receive minimal winter sun, but still be subject to hot summer afternoon sun due to the orientation of windows and balconies.</p>

	<p>It is noted that far better solar access could be achieved if less yield was being pushed for by the applicant within this relatively small site. With that noted, affordable housing shouldn't be accepted as an excuse for poor design (particularly where such choices result in higher heating and cooling energy costs for users).</p> <p>Cross ventilation arrows shown on the plan sets appear to have no basis in reality. While single aspect apartments can be 'naturally ventilated' this should only be to units that are oriented towards an identified prevailing wind.</p> <p>While it is reassuring that the applicants modelling demonstrates an ability to achieve a minimum of 6.5 and an average of 7.5 Star NatHERS Rating, this is not considered commensurate to the level of discretion sought by the applicant with respect to building height and plot ratio.</p>
<p><b>6. Amenity</b>          Good design provides successful places that offer a variety of uses and activities while optimising internal and external amenity for occupants, visitors and neighbours, providing environments that are comfortable, productive and healthy.</p> <p><i>Good design provides internal rooms and spaces that are adequately sized, comfortable and easy to use and furnish, with good levels of daylight, natural ventilation and outlook. Delivering good levels of internal amenity also includes the provision of appropriate levels of acoustic protection and visual privacy, adequate storage space, and ease of access for all.</i></p>	<p>Design Principle not demonstrated:          The applicant describes visual privacy setbacks (A3.5.1) as 'compliant' despite open balconies being located as close as 4.3m from the adjoining residential property boundary and the 'acceptable outcome' setback for that interface being 7.5m. The adjacent dwellings located at Nos 64, No 66 (a &amp; b) and No 68 Oats Street would have their back yards overlooked by the proposed development.</p> <p>This, in addition to the bulk and scale of the proposed 16 storey development, is considered to represent a clear adverse amenity impact. The applicant's claim that the development "<i>will have no adverse impact on the amenity of the surrounding development within the locality</i>" is strongly disagreed with.</p>
<p><b>7. Legibility</b>          Good design results in buildings and places that are legible, with clear connections and easily identifiable elements to help people find their way around.</p> <p><i>"Good design provides environments that are logical and intuitive to use, at the scales of building, site and precinct. Consideration should be given to how</i></p>	<p>Design Principle potentially satisfied:          Narrow 'L' shaped hallway corridors with minimal natural light (discussed under the following design principle) is considered to be a poor design outcome.</p> <p>Aside from that issue, however, the development is considered to be sufficiently logical and intuitive in terms of layout and legibility.</p>

<p><i>the urban design of street environments can provide visual cues as to the street hierarchy.”</i></p>	
<p><b>8. Safety</b>          Good design optimises safety and security, minimising the risk of personal harm and supporting safe behaviour and use.</p>	<p>Design Principle not demonstrated:          The applicant’s own assessment acknowledges that an 11m long hallway is proposed to be 1.2m in width (notably narrow) in lieu of 1.5m width sought by R-Code Volume 2 Acceptable Outcome A4.5.1.</p> <p>The relevant objective here is that circulation spaces have adequate size and capacity to provide safe and convenient access for all residents and visitors.</p> <p>No further comment or discussion is provided as to how or why this long, dark and narrow corridor might be considered acceptable with respect to the SPP7.0 Design Principles, or the sense of safety or ‘community’ (design principle 10) this space is expected to create.</p> <p>It is acknowledged that with respect to the Bank Street interface, the proposal is an improvement from the previous design concept that went before the State Design Review Panel in February 2023. The previous concept had a plinth of carparking above ground for the first 4 storeys, meaning there was negligible interface or surveillance to the street (See attachment 11)</p> <p>The sinking of the carparking decks to become basement levels has improved CPTED outcomes by providing habitable rooms and spaces at lower levels that provide activation close to the street level. This change, however, carries around to the non-street interfaces with balconies now situated directly above neighbours back yards causing visual privacy issues.</p>
<p><b>9. Community</b>          Good design responds to local community needs as well as the wider social context, providing environments that support a diverse range of people and facilitate social interaction.</p> <p><i>“New development should have some capacity to adapt to changing demographics, an ageing population, new uses and people with disability. In residential proposals, good design achieves a mix of</i></p>	<p>Design Principle not demonstrated:          A review of bathroom configurations by the assessing officer suggests that few, if any, of the dwellings would satisfy the silver standard for accessibility (Liveable Housing Australia design guidelines). This in contrast to the applicant’s claim regarding Element O4.9.1, that 56% of the proposed dwellings would meet the standard.</p>

<p><i>dwelling types, providing housing choice for different demographics, living needs and household budgets, and accommodating all ages and abilities."</i></p>	<p>The applicant has referred to addressing the housing crisis as a rationale for supporting the proposed departures from the planning framework (height, plot ratio, land use etc). It is contended that housing affordability shouldn't mean abandoning amenity standards that ensure dwellings are ready to facilitate changing demographics, an ageing population and people with disability.</p>
<p><b>10. Aesthetics</b>          Good design is the product of a skilled, judicious design process that results in attractive and inviting buildings and places that engage the senses.</p> <p><i>"Good design resolves the many competing challenges of a project into an elegant and coherent outcome. At the precinct scale, good design delivers outcomes that are logical and guided by a consideration of the experiential qualities that it will provide. Consideration should be given to how the arrangement of built form and spaces can contribute to the setting of important buildings and landmarks, including public art."</i></p>	<p>Design Principle not demonstrated:          This design does not resolve many of the above listed competing challenges (including visual privacy, stormwater drainage, landscaping and more). Concerningly, the applicant appears to ignore the existence of many of those issues and/or states that those areas are 'compliant' when they are not.</p> <p>Noting that the Town's Urban Planning team are not subject matter experts on design aesthetics (an understandably subjective area), the Town's DRP expertise is often relied upon for judgements pertaining to aesthetics. As noted below, the Town's DRP was not engaged in this instance, but the State DRP did express concerns.</p>

23. The Town's DRP was not engaged in this instance for a number of reasons. These include the following:
- (a) Limited time for the Town to prepare this report.
  - (b) The absence of application fees paid to the Town to justify the involvement of DRP members.
  - (c) State DRP involvement has occurred.
24. The conclusion reached by Town Officers, as detailed in the above table, is that the proposal does not demonstrate that the 10 Design Principles of SPP7.0 are satisfied.

## Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	<ul style="list-style-type: none"> <li>• Consideration of the proposal should be guided by impending changes to the planning framework through the preparation of the Oats Street Station Precinct Structure Plan (PSP) and Scheme Amendment. The proposed changes to the planning framework are based on context and place analysis and community / stakeholder engagement, and they will provide certainty around the future form and scale of development.</li> <li>• The applicant's justification for the proposal rests on the assertion that subject site is located in a District (Activity) Centre. However, the activity centre status was questioned in the Town's Local Planning Strategy (and Activity Centre Strategy) and</li> </ul>

	<p>will be resolved following adoption of the PSP, with an option to remove the District Centre designation given the likely focus of the PSP on residential development. METRONET's Gateway Strategy designates this type of station precinct as a "Neighbourhood (station) Precinct" implying a lower order centre rather than a higher order District Centre.</p> <ul style="list-style-type: none"> <li>• The proposed building height and scale are significantly higher than those suggested in the draft/under-development PSP. The Preferred Growth Scenario for the Precinct reflects community and stakeholder feedback and support for building heights up to 6 storeys in this location (Station Core sub-precinct) with the potential for up to 10 storeys subject to the suitability of sites having sufficient size to accommodate a reasonable transition in height to surrounding lower height and density areas. The need to minimise the negative impacts of a substantial change in height on surrounding residential areas was a core objective for the Precinct in the Town's Local Planning Strategy.</li> <li>• The METRONET Station Precinct Design Guidelines should be given due regard in relation to this application. The Guidelines nominate Oats Street as a Neighbourhood (station) Precinct where building height and scale should respond to neighbourhood character. The Guidelines suggest high rise apartments over 10+ storeys are more appropriately located in Strategic (station) Precincts.</li> <li>• While proposals that exceed height and density limits are sometimes justified on the basis of design excellence, this proposal is not considered to deliver design excellence. There is an emphasis on yield at the expense of dwelling size, usability and amenity, and creating a stable long-term resident population.</li> </ul>
Engineering (General)	<ul style="list-style-type: none"> <li>• Objection - No stormwater details or design provided for multistorey development with nearly 100% lot coverage. Disposal onsite may not be achievable with current proposed design.</li> <li>• Concerns regarding proposed excavation and construction of 3 basement levels, potentially into or below the water table for this area.</li> <li>• Concerns regarding proposed excavation and construction of 3 basement levels adjacent to neighbouring properties and Water Corporation Sewerage System.</li> <li>• Unclear how visitors, deliveries, DFES, and waste collection vehicles etc. operate proposed access gates to parking area/s.</li> <li>• Applicant has not demonstrated they have liaised with DFES in relation to fire Booster location, access pathways and need for a clearway, 6.0m x 15.0m hardstand for 30 Tonne fire appliance vehicle. This could impact the design of the apartments.</li> <li>• Stairway walls next to Proposed Bay 1 (next to access ramp) is blocking sightlines for vehicle in the car bay creating an unsafe situation. This is applicable to both basement level 1 and level 2.</li> <li>• Proposed Bay 25 next to ramp access blocks sightlines for vehicles coming down ramp and should either be removed or converted to a motorbike bay/s that do not extend out past wall to stairs. This is applicable to both basement level 1 and level 2</li> </ul>
Engineering (Traffic)	<ul style="list-style-type: none"> <li>• The current level of information provided is not adequate to provide the Town with confidence in the functioning of the development with respect to safe traffic and vehicle movements, ramp gradients and other technical details.</li> </ul>

Health	<ul style="list-style-type: none"> <li>• The information provided does not provide sufficient confidence that noise impacts generated from the development will not adversely impact neighbours.</li> <li>• Potential impacts from operational noise sources such as the bin chute, mechanical noise (air conditioners, entrance gate, car doors), and noise from the commercial tenancy (exhaust flue, refrigeration condensers) have not been considered. A revised acoustic assessment/noise management plan is required.</li> <li>• The proposed location of the waste compound is noted as a substantial area of concern as out-of-hours servicing might be the only feasible manner in which internal waste collection (vehicle on site) could take place safely. Those out-of-hours collections would likely result in unacceptable noise levels during times when the <i>Environmental Protection (Noise) Regulation 1997</i> require activities to be relatively quiet (ie – early morning or late evening)</li> </ul>
Waste management	<ul style="list-style-type: none"> <li>• The applicant outlines that waste collection by Town of Victoria Park is their first preference, while private collection is their second preference. Review by Town officers outline that <ul style="list-style-type: none"> <li>- collection by ToVP is not viable; and</li> <li>- concerns exist with relation to on-site collection.</li> </ul> <p>The large quantity of bins (32 in total, 21 being residential and 11 being commercial) would not fit within the verge for collection. Verge collection is required if relying on Town of Victoria Park collection. Accordingly, the proposal would rely on private waste collection.</p> </li> <li>• The above-mentioned number of bins is taken from the applicant's waste management plan. This plan assumes 1) Compaction of waste at a ratio of 2:1; and 2) twice weekly collection.</li> <li>• Cleanaway only provides once-weekly collection in this area.</li> <li>• Waste compactor units occasionally require servicing.</li> <li>• Given the above/Depending on the above operational issues, the bin store area and collection area planned for <i>may</i> be inadequate (as twice as many bins could be needed).</li> <li>• If internal collection is proposed, then further information regarding swept path movements and ceiling clearance (particularly near the entry gate) is required to demonstrate that the proposed development can function in this manner.</li> </ul>
Building	<ul style="list-style-type: none"> <li>• Dewatering Concerns: There will need to be dewatering of the site due to the proposed 3 level basement carpark, which is considered a major issue. Reports from DWER and Geotechnical experts are needed to assess the impact on the site and surrounding areas.</li> <li>• Contamination Risks: The proximity to a 'contaminated site' at 76 Oats Street raises concerns about potential impacts on dewatering efforts at 167 Bank Street. Relevant reports are required before lodging a Building Permit Application.</li> <li>• Noise Nuisance: The location of water closets (WCs) opposite bedroom heads may lead to noise complaints. It's suggested to relocate WCs to internal walls to prevent such issues.</li> </ul>

Parks & Place Planning (Urban Forrest)

- Driveway Design: Suggests tighter corner radii to the driveway and planting to the edge of the kerb. This would reduce the extent of hardstand and increase pedestrian space.
- Root Space: Concerns about the tight space allocated for the tree in NW corner of lot.
- Small and medium trees in raised beds should be swapped for better fit.
- Species selection: Callistemon Kings Park Special is not suitable and not supported due to limited shade provision and short lifespan.
- Inconsistent information provided between development application plans and landscaping plan with respect to tree placement. Lack of clarify whether tree on south side of crossover is to be planted within private property or the street verge

## External engagement

### Community Consultation

The SDAU is responsible for undertaking all community consultation for the proposed development. Advertising of the subject SDAU application commenced on 15 February 2024 and concluded on 15 March 2024, during which a total of 59 submissions were received with the responses to the proposed development comprising:

- No Support – 25.42% (15)
- Support with changes – 28.81% (17)
- Support – 45.76% (27)

It is unclear what proportion of submitters are local residents, landowners, or interested non-locals.

Themes opposing the development include impacts on amenity via excessive height & plot ratio, poor design, loss of privacy, traffic and parking, solar access and safety, and a lack of compatibility with the character of the area.

Themes in support of the development centred on encouragement for transport-oriented-development (TOD), Housing affordability and this type of development in this location.

“Support with changes” possibly could reflect a combination of the above matters, with some submissions noting that a smaller ‘midrise’ development (possibly 3-4 storeys, or 10 storeys) could be more appropriate for/compatible with the area. Other requested changes touch on housing affordability, safety, amenities, sustainability and design/built form.

A summary of submissions received by the SDAU is provided below in attachment 12.

## Planning Assessment

Deemed Clause 67(2) matters to be considered.

25. The *Planning and Development (Local Planning Schemes) Regulations 2015* require that, in considering an application for development approval, local governments have due regard to a wide range of matters listed out within deemed clause 67(2).
26. Matters that Town staff have identified as relevant to this application are listed within the 'General Matters to be considered' table featured earlier within this report.
27. Due to the general/broad nature of these matters listed, there are countless overlapping themes and issues that may already be discussed under a scheme, policy or strategy. For the purposes of brevity, the matters discussed below are noted as being considered against/under the respective sub elements of deemed clause 67(2).

#### Land Use

28. Multiple Dwellings are, under the current zoning (Industrial 1), an 'X' (prohibited) land use is. An 'X' (prohibited) Land Use is, in the vast majority of instances, legally incapable of being approved under the Town Planning Scheme. The SDAU, however, while not bound by the Scheme must still have regard to the Scheme.
29. Noting that Town of Victoria Park's Draft Local Planning Scheme No 2 was endorsed by Council in February 2024 and is before the WAPC for consideration, that document is now 'seriously entertained'. Under draft Local Planning Scheme No.2 the subject site is proposed to retain an 'industrial' zoning and the Multiple Dwellings would remain an 'X' prohibited land use.
30. It is further noted that the subject site is located in the Oats Street Precinct Planning Area as defined in the Town's Local Planning Strategy. Three of the four recommended actions for the Oats Street Neighbourhood are relevant to the consideration of the proposed development, these being:
  - Action OS.1 - *"Designate the Oats Street Neighbourhood as a Precinct Planning Area. Investigate the long-term future of Industrial land (west of the railway) and opportunities for higher density mixed use development (residential and commercial). Prepare a precinct structure plan (or other suitable planning instrument) to guide future updates to the local planning framework".*
  - Action OS.3 - *"Following preparation of a Precinct Structure Plan (or other suitable planning instrument) determine whether Oats Street Station should be classified an activity centre."*
  - Action OS.4 - *"Transition the current Town Planning Scheme No.1 zones and densities to the new Local Planning Scheme No.2 until further updates are recommended via Action OS. 1. "*
31. The Local Planning Strategy therefore envisions residential land uses may be facilitated for this location, but that this will only take place following the preparation of a Precinct Structure Plan (or other suitable planning instrument).

#### Orderly and proper planning

32. Preparation of a precinct structure plan for the Oats Street Station neighbourhood is underway. This action is progressing with community consultation for growth scenarios already have taken place. A preferred growth scenario is expected to be presented to Council in in May 2024.
33. Following feedback from council on the preferred growth scenario, the Place Planning team is aiming to commence concurrent Precinct Structure Plan and Scheme Amendment advertising in late 2024 / early 2025, with finalisation of the project in mid 2025.
34. While the Oats Street Station PSP is still in the process of being developed, two growth scenarios consulted upon in late 2023 contemplated the following future built form and land uses for the subject site:
  - (a) Development intensity (up to 10 storeys). Primarily Residential with some ground floor commercial.
  - (b) Development intensity (up to 6 storeys). Primarily Residential with some ground floor commercial.



35. With respect to orderly and proper planning, the following excerpt from the DPLH & WAPC Development Application Exercise of Discretion Guidelines is noted as relevant:

*"The decision-maker must consider whether it is orderly and proper to approve an application for development approval ahead of the higher-order planning framework, and whether such an approval will unreasonably influence a future framework. This is particularly relevant with respect to matters such as building height and scale, and determining the 'desired future character' of an area for infill projects. In these circumstances, the decision-maker should exercise discretion only to approve a development when it is certain approval will not prejudice or pre-determine the future character of the area.*

*It is rarely appropriate for an application for development approval that proposes a significant change to the existing character of the area (usually by way of height, bulk and scale) to be approved ahead of a more comprehensive plan for the area being progressed."*

36. This development under consideration by the SDAU, if approved prior to completion of the precinct structure plan, is considered highly likely to prejudice or pre-determine the future character of the area. Accordingly Town officers have drafted a recommendation (for Council's consideration) that SDAU refuse the proposed development.

Infrastructure contributions

37. The Town is not able to quantify any potential development contributions that may be warranted to assist with the long-term financial delivery of infrastructure and facilities such as paths and cycleways, sewerage and drainage connections, parks, open spaces, and community facilities etc., in accordance with the State Planning Policy 3.6 Infrastructure Contributions.

38. The recently revised SPP3.6 introduces a cap of \$5,000 per dwelling for infrastructure contributions. Should the concept SDAU proposal and development application proceed without a formal contributions plan, the Town has no ability to impose infrastructure contributions on this development.

39. A thorough and accountable investigation of potential new and upgraded infrastructure is required at the precinct planning stage to provide adequate evidence of need and nexus to adequately justify contributions in an equitable manner.

40. Approval of the proposed development prior to investigation and/or completion of a development contribution plan for the area would preclude an infrastructure contribution being sourced (as a condition of approval) from the developer. The proportional burden of this development "free-riding" in terms of infrastructure would likely fall on surrounding landowners if/when such a contribution plan was adopted.

41. The above consideration contributes towards the Officer recommendation (for Council's consideration) that SDAU refuse the proposed development.

Height and plot ratio

42. Variations to the permitted height and plot ratio standards of the current planning framework are proposed by the development as follows:

Planning element	Permissibility/deemed-to-comply	Proposed & requires the discretion of SDAU
<b>Plot ratio</b>	Buildings shall have a maximum plot ratio of 1.0	Plot ratio of 5.12
<b>Building height</b>	2 storeys (LPP27)	16 storeys

43. The applicant has described the proposal as *"consistent with the desired future character and amenity of the surrounding area"*. It is noted, however, that the applicant is silent on what planning document or group of people that 'desire' is supposedly established by. It can be said with certainty that no equivalent precinct planning exercise (to the one currently being undertaken by the Town) involving community consultation has taken place for this area without the Town's knowledge. Accordingly, the applicant's language is given little weight.
44. While the Oats Street Station PSP is still in the process of being developed, it is considered noteworthy that the upper end of height limits envisioned under the 'growth scenarios' for the subject site location contemplate a maximum built form of 6 storeys or 10 storeys.
45. The need to accommodate height transition was raised in the Local Planning Strategy (LPS) and its importance translated into a core objective for the Oats Street Station neighbourhood in the Local Planning Strategy:  
*Objective OS2 - Ensure appropriate transition in built form and scale between future high-density development with established lower density development.*
46. The need for lower height density was also foreshadowed in the LPS in the discussion on planning opportunities and challenges for the Oat Street precinct *"the potential to transition all or part of the Industrial zone to a mixed commercial and residential area that takes advantage of the larger lot sizes to develop lower-rise, high density residential development"* (Local Planning Strategy Part Two, pp100).
47. Noting the above, it would appear that the 16 storey proposal is well in excess of the future permitted height limits in addition to those that currently apply under the current planning framework. In other words, it should not be assumed (as the applicant has) that the development is consistent with the desired future built form and character of the area.
48. Development Proposals that exceed height and density limits are sometimes justified, with reference to LPP33, on the basis of design excellence. The proposal is not considered to deliver design excellence. Reasons for this view are detailed within the SPP7.0 assessment table.
49. It should be noted that the applicant has not referred to LPP33 in their report. It does remain, however, a valid and relevant policy to consider if/when concessions are sought to planning controls such as height and plot ratio.
50. The applicant puts forward a contention that the development is needed and, by extension, the proposed departures from the planning framework justified, in part as a response to the housing affordability crisis described in part 8 of their report (See attachment 3).
51. The adjoining dwellings located at 64, 66 and 68 Oats Street will be adversely impacted by way of loss of visual privacy and amenity overlooked by many balconies located in very close proximity to their rear boundaries.
52. The adjoining dwellings located at 64, 66 and 68 Oats Street will be adversely impacted by way of visual bulk and scale, stemming from the 16 storey development abutting their single storey and two storey dwellings.
53. Noting the above, the applicant's assertion that the development 'will have no adverse impact on the amenity of the surrounding residential and light-industrial development within the locality' is blatantly incorrect.
54. It is considered that the design appears to have poor outcomes for both adjoining neighbours and future occupants of the dwelling. This is discussed above within the SPP7.0 assessment table.
55. It is considered that 'Housing affordability' shouldn't be used to simultaneously justify departures from the planning framework and deliver poor design outcomes.

56. The DPLH & WAPC 'Development Application Exercise of Discretion Guidelines' would appear to indicate that the discretion sought by the applicant should not, in the circumstances, be supported by the Town or SDAU.

Economic activity

- 57. Economic activity and the value of the development is generally not a relevant planning consideration. Noting that the SDAU pathway was established as part of COVID-19 economic recovery plans, however, the legislation for this approval pathway allows for some non-planning matters to form part of the overall consideration of the proposal.
- 58. Development of this scale will always generate economic activity. Such economic activity does not 'as-of-right' automatically justify either poor design, adverse amenity impacts, departures from the planning framework and orderly and proper planning.
- 59. In this case, the Economic activity generated by the development is not considered to offset the negative impacts that would result from the approval of this development (including potentially prejudicing a substantially progressed precinct structure planning exercise).

**Financial implications**

<b>Current budget impact</b>	This referral has financial implications to the extent that the Town does not receive any fee or financial compensation for providing comments and draft conditions to the SDAU.
<b>Future budget impact</b>	Not applicable

**Risk management considerations**

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Approving the DA without ability to collect infrastructure contributions, could potentially place greater financial burden on the Town to upgrade public infrastructure	Medium	Low	Avoid - by recommending SDAU not approve significant development until such time as the feasibility of a development contributions plan can be resolved
Environmental	Not applicable		Medium	
Health and safety	Not applicable		Low	
Infrastructure / ICT systems/ utilities	Not applicable		Medium	

Legislative compliance	Not applicable		Low	
Reputation	The Town is publicly criticised for its recommendation to SDAU	Low	Low	Accept – provide a comprehensive report addressing relevant matters.
Service delivery	Not applicable			

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	<p>Should the concept SDAU proposal and development application proceed without a formal contributions plan, the Town has no ability to impose infrastructure contributions as per State Planning Policy 3.6 Infrastructure Contributions</p> <p>A thorough and accountable investigation of potential new and upgraded infrastructure is required at the precinct planning stage to provide adequate evidence of need and nexus to adequately justify contributions in an equitable manner.</p>

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	<p>Construction of the development as proposed would result in adverse outcomes for the owners and occupants of nearby properties by way of overlooking, overshadowing, visual bulk and scale and potentially unmodelled impacts such as noise from bin collection etc.</p> <p>The development could also jeopardise the Precinct Structure Planning currently being undertaken</p>

## 13 Chief Operations Officer reports

### 13.1 Organisational Location Business Case - Review of Macmillan Precinct as preferred option

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Strategic Projects Manager
<b>Responsible officer</b>	Chief Operating Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Extract of Additional Functional Requirements - Macmillan Option 2 a [13.1.1 - 11 pages]</li><li>2. Overview of Organisational Location Option 2 a [13.1.2 - 9 pages]</li><li>3. Organisational Location Business Case 2023 [13.1.3 - 43 pages]</li><li>4. Option 2 - Stack+ Combined [13.1.4 - 9 pages]</li><li>5. Option 5 B - Community And Arts Central Combined (003) [13.1.5 - 7 pages]</li><li>6. Aqualife Option 1 [13.1.6 - 1 page]</li></ol>

#### Summary

The report is to confirm the viability of the incorporation of the Administration and Civic functions within Macmillan Precinct.

#### Recommendation

That Council:

1. Endorse the updated requirements for the Administration and Civic functions as per Option 2a (Attachment 1) to be incorporated into the Macmillan Precinct Masterplan
2. Notes that a further report on the Macmillan Precinct Masterplan will be presented to Council.

#### Background

1. Following the project mandate by Council resolution 537/2020, dated 20 October 2020, the Town and project consultants have prepared the Organisational Future Accommodation – Strategic Business Case. The resolution states:  
"That Council mandate the pre-project proposal for organisation KPI 4b - Future Organisational Needs."
2. At the 15 June 2021 Council meeting council resolution 114/2021 sought to progress the business case and stated:  
"That Council:
  1. Receives the Future Accommodation Multi-criteria Analysis Report.
  2. Endorses the preferred options to be investigated further in a future business case, being:
    - a) Option 2a – A new integrated Administration, Civic and Customer Service facility within the Macmillan Precinct.

- b) *Option 4c – A new integrated Civic and Customer Service facility within the Macmillan Precinct and a new Administration facility within the Aqualife Precinct.*
  - c) *Option 1c – Redevelopment of 99 Shepperton Road.*
  - d) *Option 3a – A new integrated Administration, Civic and Customer Service facility within the Aqualife Precinct.*
  - e) *Option 1a - Do Minimal.*
3. *Requests the Chief Executive Officer to list the business case in the 2021/22 Annual Budget for consideration by Council.*
  4. *Approves the Chief Executive Officer to proceed to a business case to identify a preferred option from the list of options in point 2 above, subject to budget approval."*
3. In June 2023 the preferred option 2a was recommended within the business case and Council Resolution 117/2023 stated
- "That Council:*
1. *Receives the Organisational Future Location- Strategic Business Case.*
  2. *Requests the Chief Executive Officer to investigate how the preferred option can be incorporated into the Macmillan Precinct Redevelopment Masterplan*
  3. *Requests the Chief Executive Officer to prepare a report to be brought back to Council by April 2024 with the outcomes of the investigation into the viability of the incorporation into the Macmillan Precinct Redevelopment Masterplan."*
4. At the council meeting of 15 August 2023 resolution 186/2023 stated:
- "That Council:*
1. *Endorse the following two options for the Community Facility within the Macmillan Precinct Masterplan which are:*
    - a. *Stacked Plus*
    - b. *Community Central*
  2. *Notes that a report be presented back to Council on the Staging and Funding Options for Macmillan Precinct Redevelopment by May 2024."*
5. To date, the Macmillan Precinct Redevelopment Masterplan had progressed the functional requirements for each proposed function but had not included the required civic and administration functions and areas as per resolution 117/2023, and as such a review of the Organisational Location Business Case area requirements has been undertaken using the endorsed Masterplan Options.
  6. The report was prepared through a structured, methodical and analytical process to ensure the outcomes of the Organisational Location Business Case can be achieved with the Macmillan Precinct

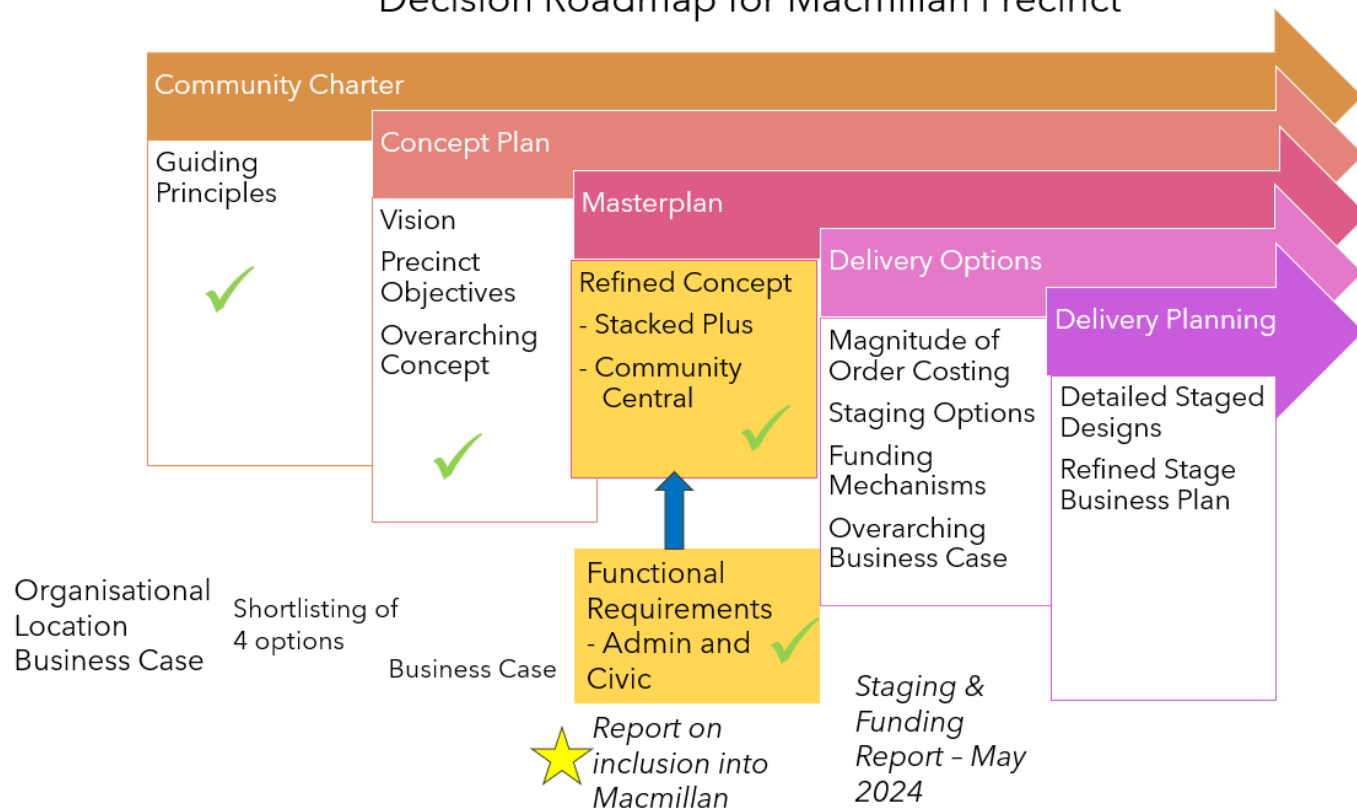
## **Discussion**

7. The Macmillan Precinct Redevelopment Masterplan had progressed the functional requirements for each proposed Town function, and documented this in the document titled the Design Brief (attached)
8. The stakeholder requirements had to that point not specifically included the required civic and administration functions and areas.
9. The Administration and Civic Functional requirements, alongside parking and other supporting areas had been specifically outlined in the Organisational Location Business Case (attached)
10. The process of determining the ability to facilitate the Administration and Civic into the Macmillan Precinct Masterplan has been through a staged approach:
  - a. Review the previous Macmillan Precinct Masterplan and Organisational Location Business Case functions and address any duplication or optional elements

- b. Review the current endorsed options – Stacked Plus and Community Central
- a. Provide an overview of the ability to accommodate the additional floor area of the extra functions

11. The process adopted the previous agreed approach for the overall Macmillan Precinct Masterplan and is indicated as noted in the process overview below as additional requirements into the Masterplan:

### Decision Roadmap for Macmillan Precinct



- 12. Allowance for administration/commercial space had been included in the previous two endorsed options for the Macmillan Concept – this is sufficient for administration functions.
- 13. The areas of additionality from the Organisational Location Business Case are the civic and meeting rooms – but the usage is compatible to the existing proposed community hub which consists of public and semi-public areas – featuring community centre and library with meeting rooms.
- 14. The Civic will add some additional functional areas for Council Chambers, elected member facilities as well as meeting spaces and civic rooms
- 15. The critical element impacted is the carparking requirements, which were previously underground and a substantial component of the overall cost. Further examination of the carparking options will be considered as part of the overall masterplan
- 16. The proposed location of the Administration and Civic is in alignment with Policy 221 – Strategic Management of Land and Building Assets
- 17. The overall recommendation is that the additional functions can be accommodated on the basis that the current floor plans are conceptual in nature and will be subject to further design development within the Master Planning process.

### Relevant documents

*Policy 221 – Strategic Management of Land and Building Assets* – which states:

- 5. The Council will manage its land and building assets in line with the following principles:

- a. Increase the Town's financial capacity.
- b. Increase the Town's social, economic and environmental sustainability.
- c. Providing essential services and facilities.
- d. Actively administer the Town's property portfolio as an asset class including prudent acquisition, investment, management and divestment.
- e. Developing and managing an investment portfolio capable of providing intergenerational equity by delivering long term financial, social and/or environmental value to the community.
- f. The Town's preferred tenure model is to use vested reserves for on-going community services, and use freehold land for income generation opportunities.
- g. Land and building assets will be prudently managed to provide financial sustainability to enable Council to be less dependent on rate revenue and support the vision of the Town of Victoria Park.
- h. All land assets controlled by the Town deliver financial, economic, social or environmental values consistent with the highest and best use of the land for the benefit of the community.

## Legal and policy compliance

Not applicable.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Staging and Funding options will be more closely examined as part of the Macmillan Precinct Masterplan.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Increasing costs from the current building become a key financial factor	High	Low	Treat: Business case and forward planning to be undertaken to align with asset life
Environmental	Current building does not meet the efficiency targets of the town	Low	Medium	Treat: Look at the objectives within any new development
Health and safety	Current assets do not meet the requirements for staff or community	Low	Low	Treat: Review the needs and meet all compliance and other objectives through adequate detailed design
Infrastructure/ ICT systems/ utilities	End of life assets are not planned for in the long-term financial plans	High	Medium	Treat: Develop a detailed staging and funding strategy to meet the Town's financial capacity
Legislative compliance	Not Applicable		Low	



Reputation	Failure to meet the needs of the civic and community hub	Low	Low	Treat: regular updates and ability for engagement on selected options
Service delivery	Building and working environment does not meet the future workforce plan or ability to attract staff	Low	Medium	Treat: undertake interim modifications on the existing assets

## Engagement

Internal engagement	
Place Planning	<p>The Social Infrastructure Strategy (SIS) proposes a network of social infrastructure hubs across the Town to facilitate equitable access to social, cultural and recreational activities and maximise the investment in social infrastructure through co-location of facilities. The Strategy identifies the higher order District Hub at the Macmillan Precinct which is the primary social and civic hub servicing the whole Town and beyond. This aligns with the Town's intent for the Albany Highway precinct to be recognised as a Secondary Activity Centre (a higher order centre in the metropolitan activity centre hierarchy) along its whole length as outline in the Town's Local Planning Strategy and which is currently being planned through the Shape Albany Highway Precinct Structure Planning project.</p> <p>Action 40 of the SIS recognises the Macmillan Precinct Master Plan process and support for redevelopment of the precinct to unlock opportunities for expansion of the library and Vic Park Centre for the Arts (or other cultural operators/facilities), provision of active recreation spaces and youth friendly spaces, development of a key civic/community hub and redevelopment of Leisurelife.</p> <p>Action 15 of the SIS says to investigate opportunities to incorporate Town of Victoria Park administration services with other community uses as part of multi-purpose hubs, including Macmillan precinct. The proposal to locate the Town's administration and civic functions in the Macmillan precinct will complement the proposed social infrastructure planned through the Macmillan precinct master planning project.</p>

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	To ensure that the civic and administration functions can meet the needs of the Town and staff in the future.

Environment	
Community Priority	Intended public value outcome or impact

EN3 - Enhancing and enabling liveability through planning, urban design and development.	The efficient use of the public realm to allow a centralised community hub
EN5 - Providing facilities that are well-built and well-maintained.	To ensure that the facilities are up to the level required for the staff and community

### **Further consideration**

## 13.2 McCallum Park Active Area - Design Outcomes based on Grant Success

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Strategic Projects Manager
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. TOVP 12 Taylor McCallum Reserve - Landscape Plans - Rev B [13.2.1 - 12 pages]</li><li>2. Mc Callum - Outcomes from Grant process [13.2.2 - 4 pages]</li></ol>

### Summary

To endorse the revised design for the McCallum Park Active Area which meets the current funding and to progress the project approvals and construction documentation.

#### Recommendation

The Council notes:

1. the revised design as per Attachment 1 for the McCallum Park Active Area Design.
2. the successful outcome of the Community Sport and Recreation Facilities Fund and Investing in Our Communities grants.

### Background

1. At the 16 June 2020 OCM, Council approved the McCallum Park Active Area Concept Report, listed the detailed design for consideration in the 2020/21 Annual Budget (Resolution 428/2020). The resolution states:  
"That Council:  
  1. Approves the McCallum Park Active Area Concept Report.
  2. Acknowledges the submissions received during the public advertising period.
  3. Lists the detailed design for consideration in the draft 2020/21 Annual Budget deliberations.
  4. Lists an indicative amount of \$1.6 million, which is approximately one third of the estimated project cost, for consideration in the Council's revised Long-Term Financial Plan for this project."
2. As part of the concept development stage, an opinion of probable cost (OPC) was estimated at approximately \$7.5 million for the project (2021), which would have seen further increase of approximately 17% due to ongoing inflation pressures.
3. At the 15 August 2023 OCM (Resolution 181/2023), Council supported the CSRFF Grant Application with the attached revised scope which rescaled the project according to the principles to not impact the overall functionality of the Concept Report. The resolution states:

“That Council supports submitting a \$1,000,000 grant application to the Department of Local Government, Sport and Cultural Industries (DLGSC) through the Community Sport and Recreation Facilities Fund (CSRFF) for the McCallum Park Active Area project.”

4. The revised scope ensured that the core Skating and Pump Track with all ages' activation of the McCallum Active Area are still achieved and that the form and function of the endorsed active area was maintained but with more turf areas and soft landscaping.
5. At the 21 November 2023 OCM, Council approved the transfer and expenditure of \$100,000 to progress the detailed design (Resolution 245/2023) with an initial design deliverable to be the Development Application package for submission to the Department of Biodiversity, Conservation and Attractions (DBCA). The resolution states:  
“That Council
  1. Approves \$100,000 expenditure budget for the design component of McCallum Park Active Area project.
  2. Approves the transfer of \$100,000 from the McCallum & Taylor reserve funds.”
6. Design activities were accordingly undertaken in December 2023 after funds were formally transferred after the November 2023 Council meeting.
7. The detailed design was based on the forecast project budget of \$3.5million consisting of approximately \$1.0m from Community Sports and Recreation Facilities Fund (CSRFF), and \$2.5million from the Investing in Our Communities (liOC Federal).
8. The Town is awaiting formal announcement of the liOC grant agreement totalling \$2.5m (exc GST)
9. The Town has also been advised of the successful application for the McCallum Park Active Area project CSRFF (State) Grants to a total of \$926,653 (exc GST)

## Discussion

10. This report presents the more detailed (50%) design that has further is in line with the previous scope and design as per the scope indicated in the OCM Report of 15 August 2023 and as per the now approved grant funding of \$3,426,653 (exc GST).
11. Further refinements to enable the design to meet the budget objectives are:
  - a. the removal of the concrete hardstand event space which was non-compliant under term of the easement over the Water Corporation Infrastructure – on the basis that event power is still provided throughout the area
  - b. Consideration of the event space to be in the turf area nearer the Swan River, immediately adjacent to the Active Area – currently an events space
  - c. the deletion of the additional carparking and drainage on the basis that event overflow parking can be provided within other areas of McCallum Park and Taylor Reserve Area
  - d. Reduced hardstand and exposed aggregate concrete to be replaced with more turf areas and soft landscaping in line with the parkland nature of the area
  - e. Reduced number of bespoke shade and furniture items
  - f. Deletion of the major bridge structure in favour of natural levels throughout the site
12. The 50% package has additionally rotated the flow bowl to retain more existing trees and better manage the levels to integrate into the Canning Highway Shared Path and seeks to utilise the existing temporary path recently constructed by the Causeway Link Alliance as a more permanent access path.
13. The design is anticipated to be then submitted as a Development Approval through the DBCA as a

requirement of the Swan and Canning Protection Regulations

14. The current construction period is to align with the Causeway Bridge works, and based on the indicated Development Approval timeline will be commencing October 2024.

### Relevant documents

Not applicable.

### Legal and policy compliance

Not applicable.

### Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	<p>A Budget request to access \$150k of the Public Art reserve, as well as the remaining \$50k in the McCallum /Taylor has been provided as part of the considerations for the 2024/25 budget process- which will further enhance the project but will not impact the design as shown in this report.</p> <p>The amount of \$3.426million from grant funding is noted in the draft FY25 Capital Budget</p>

### Risk management consideration

<b>Risk impact category</b>	<b>Risk event description</b>	<b>Risk rating</b>	<b>Risk appetite</b>	<b>Risk Mitigation</b>
Financial	Project Budget exceeds the available funding	High		The current scope has been reduced to meet the budget with an allowance for escalation and contingency. Additional steps to re-estimate will occur prior to tendering based on 85% or 100% drawings
Environmental	The project has to excavate in potential acid soils and aboriginal heritage sites	High	Medium	Detailed Construction Environment and Heritage Management Plan is drafted for inclusion into the construction contract
Health and safety	Potential contamination and other risk factors encountered during excavation	Medium	Low	TREAT: Detailed Construction Environment and Heritage Management Plan is drafted for inclusion into the construction contract
Infrastructure/ ICT systems/ utilities	CCTV is not included to be integrated	Medium	Medium	TREAT: Design is reviewed thoroughly by all stakeholders in the Town

Legislative compliance	N/A		Low	
Reputation	Not delivering the key elements of the Concept Masterplan will impact the community engagement undertaken	Low	Low	TREAT: All key aspects from community feedback have been adopted and only area
Service delivery	Impacts to Operations not included in the design	High	Medium	TREAT: formal design review process to be undertaken including workshops with front line staff.

## Engagement

Internal engagement	
Finance	Comments awaiting co-author
Place Planning	Comments awaiting co-author
Operations	The design is required to minimise future operational maintenance costs but still with the intent of providing a significant active area for the town

External engagement	
Stakeholders	Department of Biodiversity, Conservation and Attractions Water Corporation Main Roads, WA Department of Water and Environment Regulation Department of Planning Lands and Heritage
Period of engagement	November 2023 to February 2024
Level of engagement	
Methods of engagement	Workshops and Meetings
Advertising	Nil.
Submission summary	Nil
Key findings	Summary of information resulting from engagement. All agencies are satisfied that the Town is addressing the key areas within the design and have indicated that no comments other than the normal response will be forthcoming in the appropriate planning approval process.



## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	Development of the underutilized spaces of McCallum will increase the enhancement of the Swan River foreshore
EN4 - Increasing and improving public open spaces	Investment in the key active area will ensure that the city maintains viable healthy and active opportunities
EN5 - Providing facilities that are well-built and well-maintained.	The project will provide a much needed enhancement of some ageing assets.

## Further consideration



### 13.3 Kent St Sand Pit - Approval to change proposed pathway materiality

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Environment Officer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

#### Summary

In April 2023 Council approved the endorsement of the Kent St Sand Pit Detailed Design and approved the development of Tender documentation for future works. Within this endorsed Detailed Design was a proposed pathway constructed of a clay road base overlaid with poly sealant and pea gravel shoulder. Due to cost limitations and trafficability requirements for emergency services vehicles, this pathway material needs to be changed. It is proposed that the pathways instead be constructed of red asphalt.

#### Recommendation

That Council:

1. Notes a change of the paths within Kent St Sand Pit to be three metres wide, accessible, red asphalt paths.
2. Approves, pending confirmation from the Department of Fire and Emergency Services (DFES), that a second entry point may be needed for emergency services access/egress, in accordance with DFES requirements.

#### Background

1. In April 2023 Council approved the endorsement of the Kent St Sand Pit Detailed Design and approved the development of Tender documentation for future works. (Resolution 80/2023):

*“That Council:*

- 1. Endorse the Kent Street Sand Pit Detailed Design as referenced in attachment two (“Kent St Sand Pit Detailed Design”) of this report;*
- 2. Approve the development of Tender documentation for future works.”*
2. Since then, the Town has been working with the design consultant and relevant stakeholders to develop a Restoration Plan for the site and undertake necessary site investigations to complete the Tender documentation, including bushfire risk, geotechnical investigations, feature surveys and structural certification.
3. Within this endorsed Detailed Design was a proposed pathway constructed of a clay road base overlaid with poly sealant and pea gravel shoulder.
4. This pathway was integrated into the (unfinalised) Tender documentation.
5. Also included within the Detailed Design is a formal entry/egress point to accommodate service vehicles on the corner of Kent St and Etwell St.

## Discussion

### Pathways

6. There are several factors which mean that a pathway constructed of a clay road base overlaid with poly sealant and pea gravel shoulder material is not fit for the site.
7. Previous bushfire advice obtained from a consultant in 2023 was that it was likely that in the event of a bushfire within the site, firefighters may (are likely to) operate from the road reserve depending on the perimeter fence height and type. However, recent advice received from the Department of Fire and Emergency Services (DFES) was that the path would need to be constructed such that fire service vehicles would need to be able to access and drive over them. This is because the hose reach for firefighting from a road reserve is typically 30 metres, but due to the size of the Kent St Sand Pit this further than 30 metres from the public road.
8. As such, the Town has a liability to minimise the risk and allow access to the site via the pathways. In order to accommodate this, the Town must change the materiality to an option that is trafficable by fire service vehicles. This includes widening the two metre internal pathway to three metres. The perimeter pathway can remain at the current proposed width of three metres.
9. Emerge have investigated all readily used commercial paving materials to determine fit for purpose and budget (\$300,000). Through the process of elimination, the following options fit the brief and budget:
  - (a) Option 1: 3,670sqm of trafficable grey concrete path (3m wide) = approximately \$370,000 (excluding GST).
    - (i) PLEASE NOTE: This is not the Town's preferred option due to the harsh nature of the material in the setting of Kent St Sand Pit. It also exceeds the existing 2023/24 budget of \$300,000.
  - (b) Option 2: 3,670sqm of trafficable red asphalt path (3m wide) (no kerbing for softer look) = approximately \$250,000 (excluding GST).
    - (i) PLEASE NOTE: This material combination has similar tones to the original proposed clay/polypave path.
  - (c) Options 3: 3,670sqm of trafficable Emulsion Seal path (3m wide) = approximately \$220,000 (excluding GST).
    - (i) PLEASE NOTE: This material looks similar to road bitumen, and therefore is not as aesthetically pleasing as red asphalt.
10. The conversion of the originally proposed clay/polypave path in the detailed design to a trafficable option was also considered, but this was going to cost an estimated \$550,000, which significantly exceeds the budget for 2023/24 of \$300,000.
11. After extensive investigation of readily used commercial paving materials to determine fit for purpose and budget, as well as consultation with design consultants and Curtin University restoration experts, it is suggested that the path materiality be changed to red asphalt (Option 2, above).

### Emergency Services Entry Point

12. In addition to the necessary change to pathway materiality, advice from a bushfire consultant is that if firefighters need to enter the site then the Town may need to install a second access way for fire vehicles, in the interest of safe access/egress for fire services. This has not yet been confirmed with DFES themselves.
13. At the time of writing this report, the Town was attempting to meet with DFES to determine if an emergency services entry point is required, and where. Current bushfires within the state have delayed meeting with DFES to date. The Town intends to update Council with any outcomes within the Further Considerations of the 16 April 2024 Ordinary Council Meeting.
14. Depending on this outcome, the Town requests that Council be willing to accept that a second entry point may be needed for emergency services access/agress, in accordance with DFES requirements.

### Relevant documents

Not applicable.

## Legal and policy compliance

Not applicable.

## 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.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Should the materiality of the pathway not be changed, the Town will need to revert to the clay/polypave path. However, the cost to make this trafficable for emergency services vehicles will mean that the paths will need to be laid in separate stages over different financial years, which will impact the progression of the project long-term.	Major	Low	Change the path materiality to allow for the paths to be laid using the 2023/24 budget.
Environmental	Should the materiality of the pathway not be changed – and therefore not be able to be driven on by fire tankers – there is a risk that these vehicles will be forced to drive through revegetation, potentially causing widespread damage.		Medium	Change the path materiality to allow for the paths to be trafficable by emergency services vehicles.
Health and safety	Should the site not be made trafficable for emergency services vehicles, then the site itself may be unsafe for fire fighting, which creates potential liability issues.	Major	Low	Change the path materiality to allow for the paths to be trafficable by emergency services vehicles.

Infrastructure/ ICT systems/ utilities	Medium
Legislative compliance	Low
Reputation	Low
Service delivery	Medium

## Engagement

Internal engagement	
Stakeholder	Comments
Kent St Sand Pit Working Group	The group agreed that the change of path materiality to red asphalt was the best option for the site, as it is fit for purpose, aesthetic and budget.

External engagement	
Stakeholders	Department of Fire and Emergency Services Curtin University restoration team
Period of engagement	March 2024
Level of engagement	2. Consult
Methods of engagement	Email.
Advertising	N/A
Submission summary	N/A
Key findings	<p>Advice received from the Department of Fire and Emergency Services (DFES) was that the path would need to be constructed such that fire service vehicles would need to be able to access and drive over them. This is because the hose reach for firefighting from a road reserve is typically 30 metres, but due to the size of the Kent St Sand Pit this further than 30 metres from the public road.</p> <p>The Curtin University restoration team were supportive of the choice of red asphalt for the pathways, for reasons of being best for the experience, aesthetic and fit-for-purpose.</p>

## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The conversion of the site to public open space for recreational and cultural purposes, with restoration being the prime focus, would not only protect and enhance the adjacent precious remnant Kensington Bushland but also potentially create an excellent amenity for the Town's community and visitors from the wider community.
EN4 - Increasing and improving public open spaces	The conversion of the site to public open space for recreational and cultural purposes, with restoration being the prime focus, would not only protect and enhance the adjacent precious remnant Kensington Bushland but also potentially create an excellent amenity for the Town's community and visitors from the wider community. Given the site's size, the Kent St Sand Pit restoration would contribute significantly to the Town's canopy cover.

## Further consideration

## 14 Chief Financial Officer reports

### 14.1 Financial Statement February 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statements - February 2024 [ <b>14.1.1</b> - 25 pages]

#### Summary

To present the statement of financial activity reporting on the revenue and expenditure for the period ending 29 February 2024.

#### Recommendation

That Council receives the financial statements for February 2024, as included in the attachment, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996.

#### Background

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

##### Revenue

Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$50,000 or 10% and, in these instances, an explanatory comment has been provided.

##### Expense

Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$50,000 or 10% and in these instances, an explanatory comment has been provided.

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

##### Period variation

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

**Primary reason(s)**

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

**End-of-year budget impact**

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

**Discussion**

4. The Financial Statements – 2024 February complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that the Financial Statements – February 2024 be accepted.

**Relevant documents**

Not applicable.

**Legal and policy compliance**

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

**Risk management consideration**

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Misstatement or significant error in financial statements	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transaction	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.			
Health and safety	Not applicable.			
Infrastructure/ICT systems/utilities	Not applicable.			
Legislative compliance	Council not accepting financial statements will lead to non-compliance	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

## Financial implications

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

## Engagement

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

## Strategic alignment

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



## 14.2 Schedule of Accounts - February 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Summary - February 2024 [ <b>14.2.1</b> - 8 pages] 2. Credit Card Transactions - February 2024 [ <b>14.2.2</b> - 2 pages]

### Summary

Council is required to confirm payments made from the municipal fund and payments by employees via purchasing cards each month, under Section 13 and 13A of the Local Government (Financial Management) Regulations 1996. The information required for Council to confirm the payments made is included in the attachment for the month ended 29 February 2024.

### Recommendation

That Council

1. Receives the accounts for February 2024, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Receives 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.
3. Receives the accounts for February 2024, as included in the credit card transactions attachment, pursuant to Regulation 13A of the Local Government (Financial Management) Regulations 1996.

### 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) and 13A(91) 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 authorised an employee to use a credit, debit or other purchasing card, each payment is to be noted on a list compiled for each month showing:
  - a) The payee's name
  - b) The amount of the payment
  - c) The date of the payment
  - d) Sufficient information to identify the transaction
3. That payment list should then be presented at the next ordinary meeting of the Council, following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.
4. The payment list and the associated report was previously presented to the Audit and Risk Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings

will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

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

<b>Fund</b>	<b>Reference</b>	<b>Amounts</b>
<b>Municipal Account</b>		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$2,919,644.00
Payroll		\$1,282,861.79
Bank Fees		\$16,741.36
Corporate MasterCard		\$8,116.35
<b>Total</b>		<b>\$4,227,363.50</b>

## Discussion

- 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

Nil.

## Legal and policy compliance

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

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

[Procurement Policy](#)

## Financial implications

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

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Misstatement or significant error in Schedule of accounts.	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transactions	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.			
Health and safety	Not applicable.			
Infrastructure/ICT systems/utilities	Not applicable.			
Legislative compliance	Not accepting schedule of accounts will lead to non-compliance.	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.
Reputation	Not applicable.			
Service Delivery	Not applicable.			

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 – Communication and engagement with the community	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town

CL3 – Accountability and good governance.

The presentation of the payment listing to Council is a requirement of Regulation 13 & 13A of Local Government (Financial Management) Regulation 1996.

- 15 Committee reports**
- 16 Motion of which previous notice has been given**
- 17 Public participation time**
- 18 Questions from members without notice on general matters**
- 19 Confidential matters**
- 20 Closure**