



TOWN OF  
VICTORIA PARK

# Agenda Briefing Forum Notes – 7 May 2024

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**WE'RE OPEN**  
VIC PARK

An **Agenda Briefing Forum** was held at **6:30 PM** on **Tuesday 7 May 2024** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Her Worship the Mayor Karen Vernon**  
15 May 2024

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## Table of contents

Item	Page no
1 About the Agenda Briefing Forum .....	5
2 Opening .....	6
3 Acknowledgement of country .....	6
4 Announcements from the Presiding Member .....	6
5 Attendance.....	8
5.1 Apologies .....	8
5.2 Approved leave of absence .....	8
6 Declarations of interest.....	9
7 Public participation time .....	12
9 Deputations.....	16
10 Method of dealing with agenda business.....	19
11 Chief Executive Officer reports .....	20
11.1 Council Resolutions Status Report - April 2024 .....	20
11.2 Elected Member Superannuation .....	22
11.3 April 2024 Policy Review.....	25
11.4 Standardised Meeting Procedures Submission.....	29
11.5 Long Term Sponsorship Agreement - Santas Symphony .....	32
12 Chief Community Planner reports.....	38
12.1 No. 31 The Circus, Burswood - Retrospective Change of Use from Restaurant to Unlisted Use (Small Bar).....	38
12.2 Urban Forest Grants 2024.....	51
12.3 Urban Forest Implementation Working Group - New Working Group Member Endorsement.....	57
12.4 Extension to Contract CTVP/21/20 - Albany Highway PSP.....	61
12.5 Preferred Growth Scenario for Oats Street Station Precinct .....	68
12.6 Preparation of Local Planning Policy for the protection of trees on private property progress update.....	83
12.7 134 Oats Street, Carlisle - Application for Development Approval - Proposed Telecommunications Infrastructure Replacement.....	86
13 Chief Operations Officer reports.....	99
13.1 Rutland Avenue PSP - Response to petition and project development.....	99
13.2 Lathlain Precinct Redevelopment Project Zone 1 Approval of Business Plan.....	115
13.3 Award of Request for Tender TVP/24/04 - Lathlain Precinct Redevelopment Project – Zone 1.....	122

13.4 Review of Strategic Waste Management Plan.....	128
13.5 31 Rushton Street - Outcome of advertising for EOI.....	137
13.6 McCallum Park - Feasibility of Scoot and Skate Facility .....	143
14 Chief Financial Officer reports.....	147
14.1 Financial Statement March 2024 .....	147
14.2 Schedule of Accounts - March 2024 .....	150
15 Committee reports.....	154
15.1 Final Audit Report: Workplace Health and Safety.....	154
15.2 Final Audit Report: Financial Sustainability.....	157
15.3 Audit Update Report March 2024 .....	160
15.4 Quarter 3 Progress Report 1 January 2024 - 31 March 2024 .....	163
15.5 Debt Write-off Debtors .....	173
16 Motion of which previous notice has been given .....	176
17 Public participation time.....	176
18 Questions from members without notice on general matters.....	176
19 Confidential matters.....	176
20 Closure.....	176

# 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 at the Agenda Briefing Forum must be related to agenda items only.

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**

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

## **3 Acknowledgement of country**

*Cr Peter Melrosa read the 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 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

<b>Mayor</b>	Ms Karen Vernon
<b>Banksia Ward</b>	Cr Claire Anderson Cr Peter Devereux Cr Peter Melrosa Cr Lindsay Miles
<b>Jarraah Ward</b>	Cr Sky Croeser Deputy Mayor Bronwyn Iffe Cr Daniel Minson
<b>Chief Executive Officer</b>	Mr Anthony Vuleta
<b>Chief Operations Officer</b>	Ms Natalie Adams
<b>Chief Financial Officer</b>	Mr Duncan Olde
<b>Chief Community Planner</b>	Ms Natalie Martin Goode
<b>Manager Governance and Strategy</b>	Ms Bernadine Tucker
<b>Strategic Projects Manager</b>	Mr Pierre Quesnel
<b>Strategic Projects Manager</b>	Mr Nick Churchill
<b>Strategic Projects Manager</b>	Mr David Lappan
<b>Manager Assets and Environment</b>	Mr John Wong
<b>Secretary</b>	Ms Winnie Tansanguanwong
<b>Public liaison</b>	Ms Alison Podmore
<b>Public</b>	23

### 5.1 Apologies

Nil.

### 5.2 Approved leave of absence

<b>Jarraah Ward</b>	Cr Jesse Hamer
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## 6 Declarations of interest

### 6.1 Declarations of financial interest

Nil.

### 6.2 Declarations of proximity interest

Nil.

### 6.3 Declarations of interest affecting impartiality

Name/Position	Mayor Karen Vernon
Item No/Subject	11.5 - Long Term Sponsorship - Santa's Symphony
Nature of interest	Impartiality
Extent of interest	I have had discussions with the CEO of Burswood Park Board about their need for future sponsorship of Santa's Symphony, and I have been a VIP guest of the Board at Santa's Symphony for the last 3 years.

Name/Position	Deputy Mayor Bronwyn Ife
Item No/Subject	11.5 - Long Term Sponsorship - Santa's Symphony
Nature of interest	Impartiality
Extent of interest	I am on Burswood Park Board. Additionally, I have in the past worked for Perth Symphony Orchestra who has provided the musicians for this event.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.1 - No. 31 The Circus, Burswood - Retrospective Change of Use from Restaurant to Unlisted Use (Small Bar)
Nature of interest	Impartiality
Extent of interest	I have had a meeting and correspondence with the applicant (operator of the business) regarding the Town's management of this issue.

Name/Position	Mayor Karen Vernon
Item No/Subject	12.2 - Urban Forest Grants 2024
Nature of interest	Impartiality
Extent of interest	One of the applicants recommended for a grant, Swancare, is well known to me from attending their Board and Residents Council meetings, social events and I also have friends who are residents of the retirement village.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.1 - Rutland Avenue PSP - Response to petition and project development
Nature of interest	Impartiality

Extent of interest	I have met with a group of residents opposing the one way conversion of Rutland Avenue, and engaged in communications with local residents expressing both opposition to and support for the one-way conversion of Rutland Avenue.
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Name/Position	Cr Claire Anderson
Item No/Subject	13.1 - Rutland Avenue PSP - Response to petition and project development
Nature of interest	Impartiality
Extent of interest	I have received extensive correspondence from the community.

Name/Position	Cr Peter Melrosa
Item No/Subject	13.1 - Rutland Avenue PSP - Response to petition and project development
Nature of interest	Impartiality
Extent of interest	I've had phone conversations with community members and responded to emails I have received on this item.

Name/Position	Cr Peter Devereux
Item No/Subject	13.1 - Rutland Avenue PSP - Response to petition and project development.
Nature of interest	Impartiality
Extent of interest	I have received many emails and spoken with many people in the community with a range of perspectives on the Rutland Ave PSP and one and two way car traffic options.

Name/Position	Cr Lindsay Miles
Item No/Subject	13.1 - Rutland Avenue PSP - Response to petition and project development
Nature of interest	Impartiality
Extent of interest	I have spoken with members of the public regarding this issue.

Name/Position	Deputy Mayor Bronwyn Ife
Item No/Subject	13.1 - Rutland Avenue PSP - Response to petition and project development
Nature of interest	Impartiality
Extent of interest	I have received extensive correspondence from community members on this topic.

Name/Position	Cr Sky Croeser
Item No/Subject	13.1 - Rutland Avenue PSP - Response to petition and project development
Nature of interest	Impartiality
Extent of interest	I have discussed this matter with members of the community.

Name/Position	Cr Daniel Minson
Item No/Subject	13.1 - Rutland Avenue PSP - Response to petition and project development
Nature of interest	Impartiality
Extent of interest	I have met and corresponded with many members of the community regarding the proposal.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.2 - Lathlain Precinct Redevelopment Project Zone 1 Approval of Business Plan
Nature of interest	Impartiality
Extent of interest	I have had meetings with the Board of Perth Football Club regarding the redevelopment of Zone 1 to provide new facilities for PFC, attended events held by PFC, been lobbied by PFC Board members in favour of this redevelopment & business plan. I have also been a member of the Lathlain Park Advisory Group since 2020.

Name/Position	Cr Claire Anderson
Item No/Subject	13.2 - Lathlain Precinct Redevelopment Project Zone 1 Approval of Business Plan
Nature of interest	Impartiality
Extent of interest	I have attended events held by Perth Football Club.

Name/Position	Cr Peter Devereux
Item No/Subject	13.2 - Lathlain Precinct Redevelopment Project Zone 1 Approval of Business Plan
Nature of interest	Impartiality
Extent of interest	I have attended events at lathlain park and have been on the lathlain advisory committee and am an 'in the wings' eagles member

Name/Position	Mr Anthony Vuleta
Item No/Subject	13.2 - Lathlain Precinct Redevelopment Project Zone 1 Approval of Business Plan
Nature of interest	Impartiality
Extent of interest	I have met with Perth football club representatives about the project

Name/Position	Cr Daniel Minson
Item No/Subject	13.2 - Lathlain Precinct Redevelopment Project Zone 1 Approval of Business Plan
Nature of interest	Impartiality
Extent of interest	I have met with members of the Perth Football Club regarding the proposed redevelopment.

Name/Position	Mayor Karen Vernon
Item No/Subject	13.3 - Award of Request for Tender TVP/24/04 - Lathlain Precinct Redevelopment Project – Zone 1
Nature of interest	Impartiality
Extent of interest	I have attended meetings with the Board of the Perth Football Club about the redevelopment of Lathlain Park to include facilities for use by PFC and attended events held by PFC. I have also been a member of the Lathlain Park Advisory Board since 2020.

Name/Position	Mr Anthony Vuleta
Item No/Subject	13.3 - Award of Request for Tender TVP/24/04 - Lathlain Precinct Redevelopment Project – Zone 1
Nature of interest	Impartiality
Extent of interest	I have met with Perth football club representatives about the project

Name/Position	Cr Daniel Minson
Item No/Subject	13.3 - Award of Request for Tender TVP/24/04 - Lathlain Precinct Redevelopment Project – Zone 1
Nature of interest	Impartiality
Extent of interest	I have met with members of the Perth Football Club regarding the proposed redevelopment.

## 7 Public participation time

*Public question time opened at 6:40pm.*

### **Alex Louise, Lathlain (read out by the Presiding Member)**

Made a statement in support of the proposed change to Rutland Avenue, noting the projected increase in traffic on Gallipoli is negligible and the one way option offers numerous benefits to residents and urged Councillors to prioritise the collective interests of Lathlain residents.

### **Amanda Hawkins, Lathlain**

*1. Is there additional traffic calming proposed for the one way conversion of Rutland Avenue and are funds available for the works?*

The Strategic Projects Manager advised traffic calming is proposed for Midgely Street corner as a raised plateau, in lieu of the current speed cushions. The station precinct is to have three new raised plateaus with one marked as a pedestrian wombat crossing directly opposite the station entry and a yet to be designed treatment near the crest of Rutland Avenue near the Clydesdale bridge.

*2. Will modifications to address safety concerns on Goddard and Gallipoli Streets be completed prior to starting*

*the bike path, what funds have been secured for this?*

The Strategic Projects Manager advised that with Council approval of the capital budget in July the design and engagement on modifications and timing will be aligned but independent of the PSP works. Funding is in the proposed draft capital budget for 24/25.

*3. Who will be responsible for the long term maintenance and watering of verges and planting and what is the approximate annual cost of this?*

The Strategic Projects Manager advised the initial supply and establishment is funded by the Department of Transport as part of the PSP greening program. Longer term has been discussed and is supported with the whole of life cycle maintenance activities. The current cost of pruning the existing trees will be similar for the new plantings.

Made a statement about the impact of the Rutland Avenue one way trial and disappointment with the Town's report which downplays residents' concerns about safety and will push more traffic onto school routes.

**Amber Douglas, Lathlain**

*1. The images on the two-way vs one-way option depicting the most narrow section of Rutland and the average verge will be greater along Rutland?*

The Strategic Projects Manager advised the majority of the 900m section proposed to change to one-way is on average 15m wide with some areas reduced to 13m. The average verge would be 3.2m remaining after road widening and in the 13m area it would be reduced to 1.2m.

*2. If funds have been allocated for this project will they be taken away if they are not spent within a given amount of time?*

The Strategic Projects Manager took the question on notice.

*3. How has the one way option been costed given there are no technical drawings similar to those currently available for the two way option?*

The Strategic Projects Manager advised the detailed costings on the road widening and two way design is all that's been done is taking away the road widening from the detailed costings.

**Steve Walker, Bentley**

*1. Is it a reasonable estimate that \$21,000 rent is paid from mobile carriers Optus/Vodafone to the property owner of 134 Oats Street, Carlisle?*

The Chief Community Planner advised the rent paid is not a matter for the Town.

*2. Can the Town show an aerial or streetscape photo from before the 1972 radio aerial tower that shows any*

*prior trees at the front section of 134 Oats Street?*

The Chief Community Planner advised there is an aerial photo from 1965 that is difficult to see but the Town would be happy to post it to Mr Walker.

*3. What year did 'Belfarm Pty Ltd' gain ownership control of the property at 134 Oats Street, Carlisle?*

The Chief Community Planner advised it was 1992.

*Made a statement urging elected members to vote against the recommendation at item 12.7 and suggested councillors read the Town Planning report from December 2023 for the development application for 134 Oats Street mobile tower and the April 2024 response by NSW based Indara Pty Ltd to submitter attachment 7.*

**Rose Kamarudin, Lathlain**

Made a statement against the Towns recommendation and concerned that elected members have not been made fully aware of the communities' concerns and the potential impact of this project. In personal experience over 90% of people spoken to were opposed to the one way option.

*1. Does the Town have data on local pedestrians and cyclists who use Goddard and Gallipoli Streets and how many could change to use Rutland Avenue as their route?*

The Manager Strategic Projects advised that video surveys were conducted pre-trial to get baseline data so we could extract pedestrian data, at the moment the data from consultants is purely for vehicles.

Mayor Karen Vernon asked if the Town could take the question on notice to have the information for the Ordinary Council Meeting?

The Manager Strategic Projects advised yes.

*2. Item 34 indicates that under the two proposals the traffic data increases seen in the trial would occur naturally within 3-5 years, can the Town confirm what this is based on for increased traffic and what would the forecast be in 3-5 years?*

The Manager Strategic Projects took the question on notice.

*3. Can the Town explain why there was an increase in traffic on Goddard Street during the trial period, but it decreased once the trial finished?*

The Manager Strategic Projects advised that he cannot explain the perceived increase, the data for the intersection at Gallipoli Street and Rutland Avenue shows the traffic volumes remained the same pre and post-trial.

### **Paul Lanyon, Lathlain**

Made a statement acknowledging the importance of improving cycling infrastructure and road safety but the one-way conversion is not the answer. Living on Gallipoli Street I can attest to existing traffic challenges and these would be exacerbated. Increased traffic during the trial impacted significantly to my family, and others in the neighbourhood impacting our quality of life. Lathlain is a family area and people like to be outdoors and don't want more vehicles travelling through the area.

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

*1. Does the Town receive minutes from the Burswood Park Board?*

The Chief Executive Officer advised the Town does not receive these.

*2. The Burswood Park Board is largely funded by royalties from the Casino, why can't they fund the Santas Symphony?*

The Chief Executive Officer advised they potentially could.

*3. Why would the Town be considering giving them money?*

Mayor Karen Vernon advised the Burswood Park Board applied for sponsorship last year and were recommended for funds following a panel assessment. Following the success of last years event the Town has been asked to participate as a sponsor.

### **Eugenie Stockman, Lathlain**

Made a statement on behalf of Massimo Galati who runs the bike bus for Lathlain Primary School that riding along Rutland Avenue is rarely pleasant and I ride along Gallipoli every Friday morning with about 25 children on bikes to Lathlain primary school so safety is paramount. I strongly support the Town's one way proposal as it affordable, will encourage increased bicycle use with cost savings directed to traffic calming..

### **Joan Healey, Lathlain**

Made a statement against the Town's proposal to change Rutland Avenue to one way due the traffic it pushes through other streets, especially Gallipoli making it difficult to cross, particularly for the elderly using walkers. Having lived in Lathlain for over 50 years she has seen lots of change but this is short sighted, the elderly have a voice and want to be heard.

### **Maxine Drake, Lathlain**

Made a statement as a long time resident of Lathlain and cyclist and concerned about change and the community. Rutland Ave is dangerous for cyclists but the one way trial provided a safe route. In support of Massimo, the status quo is not working, Rutland Ave is a rat run, motorists cross on the crest and driving behaviour puts cyclists at risk.

### **Flavia Pardini, Lathlain**

Made a statement in support of the Town's proposal for Rutland Ave and has stopped riding as she doesn't feel safe. People with kids could ride wherever they want, think of the bigger impact to the community the one way solution will have.

### **Eric Toever, Lathlain**

Made a statement in support of the one way proposal for Rutland Ave and was involved in door knocking the area and conducted about 200 spot interviews, most were in favour of the PSP, anecdotal opposition was due to inconvenience. As a cyclist and resident, Council has the opportunity to resolve a sore spot and danger zone for cyclists and pedestrians.

*Public question time closed at 7:19pm.*

## **Presentations**

Nil.

## **9 Deputations**

Item	Presenter
13.1 - Rutland Avenue PSP - Response to petition and project development	Andrew Wilkinson, East Victoria Park Eugenie Stockmann, Lathlain Eric Tohver, Lathlain

### **Questions and responses.**

#### **Cr Peter Melrosa**

*1. On the slide with pins on location is the yellow the area the group have been doorknocking?*

Ms Eugenie Stockman confirmed that because of the other petition they have made a conscious effort to doorknock in the affected area where it seemed there was a lot of support for the two way option, this is the area highlighted in yellow. There has been many conversations with people in Gallipoli Street. The petition will be tabled at the Ordinary Council Meeting.

#### **Cr Sky Croeser**

*1. You recommend the raised 'wombat' crossings?*

Mr Andrew Wilkinson advised it seems there are different names for it, but yes.

*2. Were there particular points in Goddard or Gallipoli Streets you identified in your analysis where these would be useful?*



Mr Andrew Wilkinson advised the Town staff are the experts and have identified the highest priority and these can be implemented quickly as a component of the scope. Ultimately the eastern side of Gallipoli does not even have a footpath. If raised platforms were at every intersection in addition to a new footpath it could make Gallipoli, the safest street in Vic Park.

**Cr Peter Devereux**

*1. You have supported the PSP, the one way trial and have advocated for Gallipoli St, do you feel doing work on Gallipoli will ensure there is an integrated approach and improve safety especially for children, is that your opinion?*

Mr Andrew Wilkinson advised that yes there is an opportunity for a consolidated solution, immediate term interventions and a longer term vision. If you upgrade Gallipoli you will get more people using the train station and address some of the pre-existing issues at the local level.

Item	Presenter
12.1 - No. 31 The Circus, Burswood - Retrospective Change of Use from Restaurant to Unlisted Use (Small Bar)	Ms Krystal Tighe Mr Jack Tighe

**Questions and responses.**

**Cr Daniel Minson**

*1. Are you happy with the Town’s proposed operating hours?*

Mr Jack Tighe advised this issue came to light due to the café over the road being approved for a small bar licence and there was a difference in trading hours, we have always been able to trade until 12am.

*2. The Town is proposing until 10pm on Monday, Tuesday, Wednesday and Thursday?*

Mr Jack Tighe confirmed he has no issue with closing at 10pm, we close on Monday, but Tuesday, Wednesday and Thursday it’s a rarity that we are actually open until that time.

Item	Presenter
13.1 - Rutland Avenue PSP - Response to petition and project development)	Ms Amber Douglas

**Questions and responses.**

**Cr Peter Melrosa**

*1. Can you please provide more detail on your concerns about the images the Town has used?*

Ms Amber Douglas advised she has an issue with the detailed drawings of the path, there are sections on Rutland Avenue the concrete footpath isn’t going to be up against the road, there will be verge. The two

images were at the narrowest section of Rutland Ave, so the worst case scenario and there are sections of Rutland that will be wider.

Item	Presenter
13.2 - Lathlain Precinct Redevelopment Project Zone 1 Approval of Business Plan	Mr Adrian Barich, President Perth Football Club Mr Colin Lofts, Chairman of the Development Committee

## Questions and responses.

### Mayor Karen Vernon

1. *The Council report states there is a shortfall in funding, what position does the Perth Football Club (PFC) take on it's potential to make a funding contribution to this project?*

Mr Colin Lofts advised that it is unusual for sporting clubs to make a contribution to the capital cost of a project. The Town is aware of the club's financial capability, sponsorships and grants and PFC has very little capacity to contribute to the construction fund. However, PFC's brand, ability and respect from political parties has been a major source of funding for this project and the club can talk to government to try to raise additional funds.

## 10 Method of dealing with agenda business

Questions were received from elected members on the following items:

11.3 April 2024 Policy Review

12.2 Urban Forest Grants

12.5 Preferred Growth Scenario for Oats Street Station Precinct

12.7 134 Oats Street, Carlisle - Application for Development Approval - Proposed Telecommunications Infrastructure Replacement

13.1 Rutland Avenue PSP - Response to petition and project development

13.2 Lathlain Precinct Redevelopment Project Zone 1 Approval of Business Plan

13.3 Award of Request for Tender TVP/24/04 - Lathlain Precinct Redevelopment Project - Zone 1

13.5 31 Rushton Street – Outcome of advertising for EOI.

14.1 Financial Statements March 2024

# 11 Chief Executive Officer reports

## 11.1 Council Resolutions Status Report - April 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 April 2024 (1) [ <b>11.1.1</b> - 9 pages] 2. Completed Council Resolutions Report April 2024 (1) [ <b>11.1.2</b> - 16 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:*
  - Outstanding Items – all items outstanding; and*
  - Completed Items – items completed since the previous months' report to be presented to each Ordinary Council Meeting, commencing October 2021.*
- Endorse the format of the Council Resolutions Status Reports as shown in Attachment 1.*

### 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 26 March 2024 to 30 April 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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<b>Future budget impact</b>	Not applicable.
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## 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.

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

## 11.2 Elected Member Superannuation

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - Tax advice - Town of Victoria Park [11.2.1 - 10 pages]

### Summary

At the Council meeting held 12 December 2023, it was resolved (in part) that:

- Council defers consideration of the Town becoming an eligible governing body under the Taxation Administration Act 1953 (Cth) for the purpose of making compulsory superannuation contributions to Elected Members until the May 2024 Council meeting.

This report addresses this resolution.

### Recommendation

That Council not progress with elected member superannuation at this time.

### Background

1. At the Council Meeting held Tuesday 18 July 2023, it was resolved that a report be provided to Council by August 2023 to consider resolving becoming an eligible governing body under the Taxation Administration Act 1953 (Cth) allowing the Town to make compulsory superannuation contributions to Elected Members.
2. At the Council meeting held Tuesday 15 August 2023, it was recommended that Elected Member superannuation not be progressed at that time.
3. Council subsequently resolved that specialist taxation and superannuation advice was required and requested a further report be provided back to Council with options for introducing superannuation to Elected Members.
4. A subsequent report was provided to Council at the Ordinary Council Meeting held 12 December 2023.
5. At that meeting, Council subsequently resolved (in part) that:  
Council defers consideration of the Town becoming an eligible governing body under the Taxation Administration Act 1953 (Cth) for the purpose of making compulsory superannuation contributions to Elected Members until the May 2024 Council meeting.

### Discussion

6. As the former Minister for Local Government supported amendments to the *Local Government Act 1995* to enable Council members to receive superannuation payments, it is recommended that Council not progress with Elected Member superannuation until the Minister does make those legislative amendments.
7. Should Council resolve to be paid superannuation, the Council must make a unanimous resolution that the remuneration of Council members be subject to withholding under Part 2-5 (about Pay As You Go

withholding). The effect is to capture payments and benefits to Elected Members within the PAYG and fringe benefits tax (FBT) provisions.

8. The Council resolution must specify a day on which the resolution takes effect which must be within 28 days of the Council resolution.
9. Council must also resolve to make a budget adjustment to accommodate this extra financial expense. An allocation of \$38,000 is listed in the draft 2024-25 annual budget for superannuation.
10. The Town must then give written notice of the resolution to the Taxation Commissioner within 7 days of the Council resolution being made.
11. That resolution would continue in force despite any change to the membership of the Council but the Council would have the power, at a later stage, to make another unanimous resolution cancelling the initial unanimous resolution.
12. If such a resolution is made, the Elected Members will be taken to be 'employees' for the purposes of PAYG withholding, superannuation guarantee and FBT.
13. The Town will be required to withhold tax from amounts it pays to Council members (including by way of allowances) from the date on which the resolution takes effect and remit it to the Australian Taxation Office.
14. The Town will then be obliged to provide payment summaries to all Elected Members detailing the total of the payments made to them during the financial year together with the amounts withheld from those payments.
15. FBT rules are applicable to all benefits provided to Elected Members. The Town will therefore be required to determine the taxable value of all benefits provided to Elected Members, report the benefits in the annual FBT return, pay any FBT due on those benefits, and if applicable, if a reportable fringe benefit, report that on the payment summary issued to Elected Members.

## Relevant documents

Taxation and superannuation advice as contained in Attachment 1.

## Legal and policy compliance

[Taxation Administration Act 1953 \(Cth\)](#)

## Financial implications

<b>Current budget impact</b>	No funds are allocated within the annual budget to accommodate the cost of paying elected member superannuation this financial year.
<b>Future budget impact</b>	If elected member superannuation is supported, future budget allocations of approximately \$38,000 per year will be required

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	The Town has insufficient financial resources to pay for Elected Member superannuation	Medium	Low	Treat the risk by Making provision for the payment through the annual budget process
Environmental			Medium	

Health and safety				Low	
Infrastructure/ ICT systems/ utilities				Medium	
Legislative compliance				Low	
Reputation	Negative media Coverage	Moderate	Low		Treat the risk by following amendments made to WA legislation for Elected Member Superannuation
Service delivery				Medium	

## Engagement

Internal engagement	
Stakeholder	Comments
Finance and Payroll have been consulted	Relevant officers have provided comments on the impact of implementing Elected member superannuation

External engagement	
Stakeholder	Comments
Taxation and superannuation advice	The Town sought taxation and superannuation advice which has been included in this report.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	It is unclear whether using the Town’s financial resources for superannuation for Elected Members will provide public value.
CL3 - Accountability and good governance.	It is unclear whether using the Town’s financial resources for superannuation for Elected Members will provide public value.

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

## 11.3 April 2024 Policy Review

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Governance and Strategy
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Attachment 3 - Policy 022 and Policy 332 [<b>11.3.1</b> - 9 pages]</li><li>2. Attachment 2 - Policy 118 Child Safe Awareness [<b>11.3.2</b> - 3 pages]</li><li>3. Attachment 1 Policies with amendments from April Review [<b>11.3.3</b> - 69 pages]</li></ol>

### Summary

A review of 12 of the Town's policies identified that nine (9) needed amending, one (1) new policy was required to be adopted and two (2) policies were reviewed with no changes recommended. This report addresses the findings of the review.

### Recommendation

That Council:

1. Amends the following policies as contained in Attachment 1:
  - a. Policy 021 Elected Member fees, expenses and allowances
  - b. Policy 026 Complaints Policy for Council Members Committee Members and Candidates
  - c. Policy 105 Advocacy
  - d. Policy 205 Vehicle Crossovers
  - e. Policy 207 Paths – locations
  - f. Policy 221 Strategic management of land building assets
  - g. Policy 222 Asset Management
  - h. Policy 260 Single use plastic and polystyrene
  - i. Policy 302 Investments
2. Adopts the following new policy contained in Attachment 2:
  - a. Policy 118 Child Safe Awareness
3. Notes that the following policies have been reviewed with no changes as contained in Attachment 3:
  - a. Policy 022 Elected Member professional development
  - b. Policy 332 Record Keeping

### Background

1. Policy 021 Elected Member fees, expenses and allowances was last amended in April 2022 and only has minor change to definition of ICT expenses.
2. Policy 026 Complaints Policy for Council Members Committee Members and Candidates was last amended in April 2022. The amendments consist of adding information about Division 4 Breaches, minor formatting and change to a definition.
3. Policy 105 Advocacy was last amended by Council in April 2022 with only one minor change to add more examples in advocacy projections section.



4. Policy 205 Vehicle Crossovers was last amended in April 2021 and has been amended by removing clause 4 as it refers to a contribution being made to replace an existing bituminous driveway which is already covered under clause 10 and some other minor amendments.
5. Policy 207 Paths – locations within road reserves to be renamed - Path locations with amendments to broaden the scope of affected pathways and align with Liveable Neighbourhoods state planning policy. It was last amended in April 2021.
6. Policy 221 Strategic management of land building assets was last amended in April 2022 and has been updated to reflect Council's current strategic outcomes and amend the property classification and use of process sections.
7. Policy 222 Asset Management has had major changes made to facilitate the transforming asset management practices and was last amended in April 2022.
8. Minor changes required for Policy 260 Single use plastic and polystyrene with regards to updating a definition and additional information about events. The policy was last amended in April 2021.
9. Policy 302 Investments was amended to provide more information and limitation about investments the Town can make with surplus funds, with the policy last reviewed in March 2022.
10. Adoption of new Policy 118 Child Safe Awareness which directly addresses recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse.
11. No change required for Policy 022 Elected Member professional development as it is still fit for purpose and was last amended in April 2022.
12. A review of Policy 332 Record Keeping demonstrates no changes required as it is up to date with the current information and adopted by Council in April 2023.

## Discussion

13. Policy 021 Elected Member fees, expenses and allowances has had one minor amendment made to the definition of ICT expense by removing reference to a facsimile machine and have a more expansive definition for ICT expenses.
  14. Policy 026 Complaints Policy for Council Members Committee Members and Candidates has major changes recommended. This policy is titled "complaints Policy for Council Members Committee Members or Candidates, yet only relates to alleged breaches of Division 3 of the Code of Conduct for Council Members, Committee Members and Candidates. The proposed changes address alleged breaches of Division 3 and Division 4 of the Code to make it clearer for complainants on the legislative process. A marked-up copy and a clean copy of the policy has been provided for easier reading in Attachment 1.
  15. Policy 105 Advocacy has only a minor change by adding two more examples in advocacy projections section for Environmental and Civic Leadership.
  16. Policy 205 Vehicle Crossovers has been amended by removing clause 4 as it refers to a contribution being made to replace an existing bituminous driveway which is already covered under clause 10. Other minor amendments have been made to ensure owners engage a reputable and experienced contract to complete the crossover works. Developers may also be involved as part of a residential/commercial build and must submit the necessary documentation on their client's behalf. Furthermore, the Town will not initiate a request to install a new crossover on behalf of a private property owner, unless Council roadworks impact access to the lot/property.
  17. Policy 207 Paths – locations within road reserves to be renamed - Path locations. The other proposed amendments to this policy broaden the scope of the affected paths to include those that may be developed by others which will at one point in time be handed to the Town to manage. It also identifies locations where alternative path locations may be considered. Policy revisions also identify minimum path requirements dependent on street hierarchy. The intention is to align this policy with Liveable Neighbourhood.
  18. Policy 221 Strategic management of land building assets has been updated to reflect Council's current strategic outcomes. The 'Property Classifications' and 'Use of Proceeds' sections have also been revised to acknowledge any overriding legal or statutory requirements and to add scope for a proportion of
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property income to be allocated to asset renewal. A marked-up copy and a clean copy of the policy has been provided for easier reading in Attachment 1.

19. Policy 222 Asset Management has been updated to reflect Council’s current strategic outcomes. The ‘Property Classifications’ and ‘Use of Proceeds’ sections have also been revised to acknowledge any overriding legal or statutory requirements and to add scope for a proportion of property income to be allocated to asset renewal. A marked-up copy and a clean copy of the policy has been provided in Attachment 1.
20. Policy 260 Single use plastic and polystyrene has been amended to update the definition of compostable to be in line with relevant legislation and to add in reference to the Environmental Protection Regulations that is the legislation for the bans on certain plastic items. Another amended is the clarification of the policy on Town events and Town sponsored events.
21. Policy 302 Investments has been amended to provide more information and limitations around the types of investments the Town can make with surplus funds. It clearly displays the maximum percentages of allowable investments based on S&P ratings the total portfolio to manage the risk of investments. A further addition has been a statement on Environmentally and Socially Responsible Investment.
22. Adoption of new Policy 118 Child Safe Awareness directly addresses recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse. Adopting this policy demonstrates the Town’s commitment to implementing the Royal Commission’s recommendations and prioritising children’s safety. This policy has been adapted from a recommended template provided by the Department of Local Government, Sport and Cultural Industries.

## Relevant documents

Not applicable

## Legal and policy compliance

[Section 2.7\(2\)\(b\) of the Local Government Act 1995](#) – to determine the local government’s policies.

## Financial implications

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

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			Low	
Environmental			Medium	
Health and safety			Low	
Infrastructure/ ICT systems/ utilities			Medium	

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Legislative compliance	Not reviewing policies may lead to non-compliance with regulation.		Low	Treat the risk by conducting regular reviews of policies.
Reputation	Not reviewing policies to ensure they are fit for purpose may impact on the Towns reputation.		Low	Treat the risk by conducting regular reviews of policies.
Service delivery	Not reviewing policies may impact service delivery.		Medium	Treat the risk by conducting regular reviews of policies.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	A policy workshop was held with elected members on 22 April 2024.
Relevant staff	Relevant staff have provided feedback.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Conducting regular reviews of policies ensures that the policies align with the strategies and resources of the Town.
CL3 - Accountability and good governance.	Conducting regular reviews of policies ensures they are up to date and are fit for purpose.

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

Cr Sky Croeser indicated she would wait for the response to her emailed questions.

## 11.4 Standardised Meeting Procedures Submission

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Governance and Strategy
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Standardised- Meeting- Procedures- Consultation- Paper [ <b>11.4.1</b> - 14 pages] 2. Submission Standardised Meeting Procedures [ <b>11.4.2</b> - 7 pages]

### Summary

The purpose of this report is to adopt the Council's position by way of submission to the Department of Local Government, Sporting and Cultural Industries (DLGSC) on the proposed Standardised Meeting Procedures.

### Recommendation

That Council:

1. Adopts the Council submission on the Department of Local Government, Sporting and Cultural Industries proposed Standardised Meeting Procedures in Attachment 1; and
2. Authorises the Chief Executive Officer submit to the Department of Local Government, Sporting and Cultural Industries the adopted Council submission by 29 May 2024.

### Background

1. In March 2024, the Town received an e-mail from Department of Local Government, Sporting and Cultural Industries (DLGSC), advising they were undertaking consultation on the proposed Standardised Meeting Procedures Regulations as part of ongoing local government reform.
2. Currently local governments in Western Australia use the *Local Government Act 1995* (the Act) and its subsidiary legislation as well as their own meeting procedure or standing orders local laws to manage council and committee meetings.
3. This means all local governments in Western Australia currently manage council and committee meetings slightly differently because of the individual meeting procedure local laws.
4. The Town of Victoria Park has its own *Meeting Procedures Local Law 2019* which is used as the primary piece of legislation in the first instance to manage its council meetings and committees.
5. The *Local Government Amendment Act 2023* inserted section 5.33A, to allow standardised meeting procedures for all local governments to be made in the form of Regulations or model provisions.
6. The State Government now intends to make these regulations, and by order of the Governor under section 3.17 of the Act to repeal all existing local government meetings procedures, standing orders or council meeting local laws.
7. That intention is the new standard meeting procedures will apply to all council and committee meetings and Regulations will contain consistent rules on how these meetings are held.

### Discussion

8. The consultation paper discusses a number of proposals and asks 34 questions about those proposals.

9. The DLGSC consultation paper, the WALGA draft submission and Town of Victoria Park administration responses were sent to Elected members via Sli-do in March 2024. The Sli-do asked Elected members to respond to the 34 questions in the DLGSC consultation paper, with two elected members responding.
10. Following the Sli-do, staff presented the administration version and the responses received by Elected members to a Concept Forum held on Tuesday 23 April 2024 to discuss further.
11. The Council submission attached details all the responses to all 34 questions.
12. Some of the major proposals that are different from current legislation includes:
  - a. Council meetings to end by 11pm – Elected members have various view on this matter as there is a lot of nuances. Some of these views include:
    - i. 11pm is suitable
    - ii. An earlier time is required
    - iii. 11pm with ability to have discretion of further time such as 15 minutes
    - iv. Current legislation with no end time to remain
  - b. Petitions being able to be created and submitted by a person not an elector of the district
  - c. Time limit on presentations to Council.
  - d. Adverse reflection.
13. It is important the Elected members make a submission to this important topic to DLGSC as it will guide the way that all Elected members and administration will conduct and manage council and committee meetings into the future. Without their input, the DLGSC won't be able to create Regulations with input from the reality of managing these meetings.
14. The administration will make a separate submission to DLGSC as there are some questions where the Council and administration differ on responses.
15. Submissions will be treated as public documents by the DLGSC.

## Relevant documents

[Town of Victoria Park Meeting Procedures Local Law 2019](#)

## Legal and policy compliance

Not applicable

## Financial implications

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

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			Low	
Environmental			Medium	
Health and safety			Low	
Infrastructure/			Medium	

ICT systems/ utilities				
Legislative compliance			Low	
Reputation	Not providing any comments on the Standardised Meeting Procedures proposal may cause public perception that Council is in favour of the whole proposal to DLGSC.	Low	Low	TREAT risk by making a submission on the proposed Standardised Meeting Procedures to the DLGSC by 29 May 2024.
Service delivery			Medium	

## Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	<p>Survey conducted with Elected Members via Slido on the 34 questions presented in the Consultation Paper – Standardised Meeting Procedures from 20 March to 1 April 2024. During this period a total of two Elected Members responded to the 34 questions.</p> <p>At the 23 April 2024 Concept Forum, Elected Members discussed the submission with the responses from the survey. There were several matters discussed with a few more needing clarifications before the attached submission being finalised.</p>

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The submission provides responses from Council on the proposed Standardised Meeting Procedures Regulations that will assist in providing the good governance of all local governments across Western Australia.

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

## 11.5 Long Term Sponsorship Agreement - Santas Symphony

<b>Location</b>	Burswood
<b>Reporting officer</b>	Manager Stakeholder Relations
<b>Responsible officer</b>	Manager Stakeholder Relations
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. 03443 Santas Symphony A 5 Invite [<b>11.5.1</b> - 1 page]</li> <li>2. 2024.04.09 Letter of Request for Sponsorship, Santa's Symphony in the Park [<b>11.5.2</b> - 2 pages]</li> </ol>

### Summary

To provide Council with the sponsorship application for a three year agreement with Burswood Park Board to deliver an annual Christmas event and assessments for endorsement.

#### Recommendation

That Council endorses provision of annual financial contribution for a three-year term, valued at \$150,000 to Burswood Park Board to deliver the annual Santas Symphony event.

### Background

1. At the December 2020 Ordinary Council meeting, Policy 116 – Sponsorship was adopted by Council.
2. Further to the adoption of Policy 116 – Sponsorship at the December 2020 Ordinary Council meeting, Council endorsed the Chief Executive Officer to establish a panel of no less than three members to assess all eligible sponsorship application submissions (SAP).
3. In accordance with Policy 116 – Sponsorship, unsolicited offers for sponsorship can be submitted in writing, ensuring it sets out:
  - a. The proposed sponsorship arrangements;
  - b. The value of the proposed sponsorship; and
  - c. How the sponsorship meets an assessment criteria.
4. Further, in accordance with Policy 116 – Sponsorship, for the SAP to make a recommendation to accept an unsolicited offer it must:
  - a. Not have been able to be lodged during a funding round, and thereby subject to a competitive application.
  - b. Bring extraordinary benefits and opportunities to the Town that could not have otherwise been.
  - c. Be received at least three months before the proposed activity, to allow appropriate due diligence, assessment, and Council approval to occur.
5. The panel is to assess applications against the requirements and an assessment criteria and present a report to Council for endorsement.
6. At the July 2023 Ordinary Council meeting, Council endorsed Perth Symphony Orchestra (PSO) for a rescoped event from the original request of \$80,0000 to \$40,000.
7. The Town met with the PSO team to create a rescoped event in line with the funding in August 2023.
8. Due to the cost impacts of staging and musician fees a reasonable event could not be delivered for the value of the sponsorship.
9. In August 2023 the Town approached Burswood Park Board to consider a partnership arrangement where the Town uses the sponsorship to PSO to support delivery of the annual Santa's Symphony concert on the Burswood Peninsular.

10. The Town entered into a memorandum of understanding with Burswood Park Board and sponsored PSO as the talent for the Santas Symphony event.
11. The partnership with Burswood Park Board was highly successful with both parties noting that the event was most sustainable as a partnership.
12. The event numbers were strong with 8000 free tickets claimed and a total attendance figure of 5000 attendees.
13. The Town has met with Burswood Park Board and both parties agree that the partnership to deliver Santas Symphony would be beneficial as a long term sponsorship agreement.
14. The partnership would reduce the overall cost of the event delivery for Burswood Park Board and allow the Town to deliver a Christmas event in the Town without using internal resources.

## Discussion

15. As part of the Town's sponsorship program, administration met with long term partners to review the approaches to funding and consolidate events that had proven to be successful and beneficial to the Town.
16. The Town met with Burswood Park board as part of the PSO sponsorship acquittal to review the approach and consider if a longer term agreement was in the best interest of both parties.
17. The Town asked that a request for a three year event sponsorship agreement be submitted for review.
18. The Town reviewed the 2023 Santas Symphony event, PSO acquittal and request from Burswood as a total package.
19. The Town's internal Event Sponsorship Assessment Panel (SAP) consisted of seven Town officers:
  - a. Three Place Leaders
  - b. Events, Art and Funding Coordinator
  - c. Manager Community
  - d. Stakeholder Relations Manager
  - e. Communications Advisor
20. A scoring system for review was created based on objectives contained in the Economic Development Strategy, Events Strategy, Art and Culture Strategy and Burswood Place Plan.
21. The panel had three weeks for independent review of the event which was conducted against
  - a. Acquittal documents from PSO
  - b. Communication materials from the 2023 Santas Symphony event
  - c. Video footage of the event and interviews with musicians
  - d. Meeting minutes from the MOU closure with PSO and Burswood Park Board
22. The panel concluded that the offer of a long term partnership be recommended for endorsement for support to the value of \$50,000 per year for three years.
23. Solidifying and consolidating event sponsorship into longer term partnerships allows the Town to create a more stable and predictable funding environment.
24. This stability allows for longer term planning and execution of events, as well as the opportunity for the Town to be more deeply integrated into the event.
25. Below is the criteria and panel assessment of the event and partnership. The criteria was created by taking relevant actions/goals/priorities from relevant strategies and assessing if the partnership and event would support delivery.
- 26.

Criteria	Panel Assessment
ED STRATEGY - The event value adds to create high value precincts.	could further future relationships



ED STRATEGY - The event offers an opportunity to strengthen the Town's image as an innovative place through all relevant promotional add on	starts to support but wouldn't make an impact
ED STRATEGY - The event supports the Burswood Peninsula to reach its potential.	could further future relationships
ED STRATEGY - Promote and position the Town as Perth's and WA's sports and events capital	meets objective and would add value
ED STRATEGY - Supports development of an events program to maximise the use of 'riverside precincts' including exhibitions, music shows, lifestyle and arts events.	meets objective and would add value
ED STRATEGY - Support community celebrations as part of the overall events program	could further future relationships
EVENT STRATEGY - Seek partnerships and opportunities that will support a vibrant events program	meets objective and would add value
EVENT STRATEGY - Assist events to be financially viable, environmentally, and economically sustainable and continue to evolve successfully.	meets objective
EVENT STRATEGY - Develop audiences and promote events, bringing new audiences and offerings.	meets objective and would add value
EVENT STRATEGY - support communities in Vic Park to deliver inclusive, well managed and safe events.	starts to support but wouldn't make an impact
EVENT STRATEGY - Connect local arts and cultural development with event programming	meets objective
EVENT STRATEGY - Provide an events program that is content diverse, supports social equity, and is geographically spread across the municipality	meets objective and would add value
ART AND CULTURE STRATEGY - Create an inclusive and connected community of cultural practitioners within the Town.	starts to support but wouldn't make an impact
ART AND CULTURE STRATEGY - Develop and grow local talent: attract, retain and support the creative community.	starts to support but wouldn't make an impact
ART AND CULTURE STRATEGY - Diversify the cultural offering, ensuring representation of the Town's unique community.	meets objective

ART AND CULTURE STRATEGY - Grow an engaged audience base consisting of residents and visitors from Perth's wider metro area and nationally	meets objective and would add value
ART AND CULTURE STRATEGY - Facilitate a sense of belonging and pride in place, showcasing the Town's unique assets and telling local stories through a precinct based approach.	meets objective
ART AND CULTURE STRATEGY - 1.4 Establish partnerships to identify programming and sponsorship opportunities	meets objective and would add value
ART AND CULTURE STRATEGY - 3.3 Ensure a balance of family friendly events and adult-focused events	meets objective and would add value
ART AND CULTURE STRATEGY - 3.4 investigate locations for outdoor performance spaces	could further future relationships
ART AND CULTURE STRATEGY - Events and activities which capitalise on extensive public open space through Burswood	meets objective and would add value
ART AND CULTURE STRATEGY - 4.1 Arts and cultural offering are integrated into existing programmings	could further future relationships
BURSWOOD PLACE PLAN - 2.02 Promote the Burswood Peninsula to key markets	could further future relationships
BURSWOOD PLACE PLAN - 2.01 Schedule of events and campaigns for the Burswood Peninsula	meets objective and would add value
BURSWOOD PLACE PLAN - 2.03 Burswood Peninsula Alliance (ensure a strong relationship)	meets objective and would add value
BURSWOOD PLACE PLAN - 2.18 Preparation of the Burswood Park Masterplan	meets objective and would add value

## Relevant documents

[Events-Strategy-2022-2026.pdf \(victoriapark.wa.gov.au\)](#)

[Annual Events Plan » Town of Victoria Park](#)

[Burswood-Peninsula-Place-Plan.pdf \(victoriapark.wa.gov.au\)](#)

[Arts-and-Culture-Plan.pdf \(victoriapark.wa.gov.au\)](#)

[Santas Symphony 2023 \(youtube.com\)](#)

## Legal and policy compliance

[Policy-116-Sponsorship.pdf \(victoriapark.wa.gov.au\)](#)

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	\$50,000 to be included in the Sponsorship Budget for three years to cover the agreement term.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Loss of funds/resources spent if selected events are cancelled and funds spent are not redirected or used for the intended purpose.	Low	Low	TREAT risk by Where the event is cancelled money would be returned to the budget or another event of a similar value would be sought.
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
Place Leader – Burswood	This event supports advocacy efforts to get an amphitheatre at Burswood Park. This event supports the economic development and partnership goals on the Burswood Peninsular.

Events, Arts and Funding	This event delivers a Christmas event in a prime location and is aligned to the partner elements of the Event Strategy.
Communications	The community in Burswood is highly engaged regarding Christmas events, it is also a peak period for tourism at Crown Perth and creates a connection to the Town.
Place Manager	This partnership supports a solid project with Burswood Park Board which supports the Burswood Peninsula Alliance.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Securing the Santas Symphony event at Burswood Park for a three-year term will reduce the administrative burden of annual submission and review for both parties. Partnership to deliver an event that is beyond the resource capacity of the Town. Utilises resources effectively to deliver a Christmas event.

Economic	
Community Priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	Burswood Peninsular is a high value precinct and being involved in a major event during a peak period allows us to profile the area as part of the Town.

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

## 12 Chief Community Planner reports

### 12.1 No. 31 The Circus, Burswood - Retrospective Change of Use from Restaurant to Unlisted Use (Small Bar)

<b>Location</b>	Burswood
<b>Reporting officer</b>	Coordinator Urban Planning
<b>Responsible officer</b>	Chief Community Planner
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Location Plan [<b>12.1.1</b> - 1 page]</li><li>2. Applicant's Business Overview and Management Plans [<b>12.1.2</b> - 6 pages]</li><li>3. Development Plans [<b>12.1.3</b> - 3 pages]</li><li>4. Schedule of Submissions [<b>12.1.4</b> - 24 pages]</li></ol>

<b>Landowner</b>	<b>TNN Pty Ltd</b>
<b>Applicant</b>	Tilt Commercial
<b>Application date</b>	31 August 2023
<b>DA/BA or WAPC reference</b>	5.2023.313.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Special Use
<b>R-Code density</b>	R-IC
<b>TPS precinct</b>	Precinct P2 - Burswood Peninsula
<b>Use class</b>	Unlisted Use (Small Bar)
<b>Use permissibility</b>	Discretionary
<b>Lot area</b>	6,887 m <sup>2</sup>
<b>Right-of-way (ROW)</b>	Not applicable

<b>Municipal heritage inventory</b>	Not applicable
<b>Residential character study area/weatherboard precinct</b>	Not applicable
<b>Surrounding development</b>	Mixed Use Development including apartments, commercial premises and townhouses

## Summary

1. The purpose of this report is for Council to determine a development application for retrospective approval for an Unlisted Use (Small Bar) at No. 31 The Circus, Burswood. Council officers do not have delegation to determine applications proposing an Unlisted Use.
2. Following planning assessment of the application and consideration of the public submissions received, Council officers recommend that the application is approved, subject to conditions.

## Recommendation

That Council:

- A. Approves the application for retrospective development approval (DA Ref: 5.2023.313.1) for proposed change of use from 'Restaurant' to 'Unlisted Use (Small Bar)' at No. 31 (Lot 116) The Circus, Burswood in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the following conditions:
1. The development, once commenced, is to be carried out in accordance with the approved plans (including modified Management Plan), unless otherwise authorised by the Town.
  2. A maximum of 75 patrons are permitted in the premises at any one time.
  3. The Small Bar shall be limited to the following hours of operation:
    - i. 7:00am to 10:00pm Monday to Thursday;
    - ii. 7:00am to 12:00am Friday and Saturday; and
    - iii. 7:00am to 10:00pm Sunday and Public Holidays.
  4. Within one (1) month of the date of this approval, the operator is to submit for approval by the Town, a modified Management Plan which addresses the following:
    - i. Under the heading 'Operating Hours'
      - To be consistent with the hours of operation at Condition 3, above.
      - Deliveries (including the loading and unloading of vehicles) is to only occur between the hours of 7am and 7pm.
    - ii. Under the heading 'Complaints'
      - A log book is to be maintained of all complaints received, and available to be viewed by Council officers upon request.

iii. Under the heading 'Noise':

- Music is to be at an ambient level only, with no amplified music permitted outdoors.
  - All music is to cease playing at the venue by 10pm Sunday to Thursday, and public holidays.
  - A statement acknowledging that the business is required to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
5. All windows and doors to street frontages are to be provided with clear glazing and are not to be subsequently obscured by alternative window treatments, signage or internal shelves, to the satisfaction of the Town.
6. At all times provision must be made onsite for the storage and collection of garbage and other solid waste. A waste storage area must be screened from public view, and the garbage collected regularly, to the satisfaction of the Town.

Advice Notes

AN1 Any amendments, or modifications to this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

AN2 Sound levels created do not exceed the provisions of the *Environmental Protection (Noise) Regulations 1997*.

AN3 The development approval is granted on the merits of the application under the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and does not constitute approval for the purposes of the *Strata Titles Act 1985* or its subsidiary regulations nor affect any requirement under the by-laws of the body corporate in relation to a proposed development pursuant to such legislation.

- B. Requests the CEO to advise those persons who lodged a submission on the application of Council's decision.
- C. Requests the CEO to forward a copy of this report and the Schedule of Submissions at Attachment 4 to the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor (RGL) for their information.

## Background

1. Development approval was granted in November 2003 for a Restaurant land use at the subject premises as part of a broader planning application for development of the site with 80 Multiple Dwellings, 5 Grouped Dwellings, Restaurant, Offices and Plaza. The location of the subject premises can be viewed at Attachment 1.
2. In 2010, the Town supported an application to the Department of Local Government, Sport and Cultural Industries – Racing, Gaming and Liquor (RGL) for a Small Bar liquor licence, notwithstanding the premises

had development approval from the Town for use as a Restaurant not a Small Bar. This was an error on the Town's part.

3. In early 2011 a Small Bar liquor licence was granted by RGL for the subject site. The venue has been operating as a Small Bar ever since, noting the business has changed hands a number of times, as well as property ownership.
4. The business currently trading at the premises is known as Three B's Burswood Bar & Bistro. In February 2018, this licensee received a small bar liquor licence from the Department of Local Government, Sport and Cultural Industries which includes conditions prohibiting the sale of packaged liquor, limiting patrons to 75 persons and that the kitchen must be open to serve food up until one hour before trading ceases.
5. Since 2018, the Town has received three formal complaints relating to the noise and management of the premises. These have related to individual events rather than complaints around the ongoing use of the premises.
6. In May 2021, Council approved an Application for Development Approval for the change of use from Restaurant to Unlisted Use (Small Bar) for a nearby premises at No. 23 The Circus, Burswood (operating as Darren's Small Bar) subject to conditions inclusive of the following:

*1.1 This approval does not include any modifications to the existing building.*

*1.2 A maximum of 75 patrons is permitted in the premises at any one time.*

*1.3 For a period of 12 months, the small bar shall be limited to the following hours of operation:*

- 7:00am to 10:00pm Monday and Tuesday;*
- 7:00am to 12:00am Wednesday to Saturday; and*
- 7:00am to 10:00pm Sunday and Public Holidays.*

*Thereafter the business shall revert to the hours of 7am to 10pm Monday to Thursday, 7am to 12pm Friday and Saturday and 7am to 10pm Monday and public holidays, or such alternative hours approved by Council.*

*1.4 Prior to the use commencing, the operator is to submit and have approved by the Town, a Management Plan which addresses the following matters:*

- a. Security on the site;*
- b. Security of patrons leaving the venue;*
- c. Sale of alcohol;*
- d. Methods of patron control (including training and surveillance);*
- e. Complaints procedure;*
- f. Assistance in departure from the venue (Le. direct availability telephone link to a taxi service); and*
- g. Noise.*

*1.5 Any music is to be ambient only.*

7. In 2023, the Town received a customer query requesting the details of the approved operating hours for the small bar at No 31 The Circus. As a result of this enquiry, it was noted that the premises has development approval from the Town for use as a Restaurant but approval from DRGL for a Small Bar.



Accordingly, the Town requested that the business operator submit an application for retrospective development approval for the use as a small bar.

8. This application for retrospective development approval, being for a change of use from a Restaurant to an Unlisted Use (Small Bar) was submitted to the Town in August 2023. No changes are proposed to the current business operations i.e. approval is sought for the business to continue to operate in the same manner that it currently does.
9. The application seeks to ensure the approvals granted under the Liquor Control Act (from RGL) and the Planning and Development Act (from the Town) both permit the premises to be used as a Small Bar, addressing the Town's error from 2010.

## Applicant's submission

10. In support of the application, the applicant has submitted an overview of the business, management plan and code of conduct. This information can be viewed at Attachment 2, along with the venue plans at Attachment 3.
11. A summary of the key business details are as follows:

### Description of business activities

- *Small bar and bistro serving meals and drinks to patrons.*

### Number of staff

- *Approximately 6. Can vary during peak season but not exceeding 8.*

### Maximum number of customers at any one given time

- *75 unless RGL approve extended special license for maximum 120 people*
- *Must be submitted 14 days prior to event*

### Operating hours

- *Tuesday to Friday 4:00pm to 12am (12am is small bar license approved by RGL. We often close by 10pm or earlier during weekdays and some weekends based on patronage and demand)*
- *Saturday and Sunday 7:30am to 12am (12am is small bar license approved by RGL. We often close by 10pm or earlier during weekends based on patronage and demand)*

### Net lettable area

- *166sqm*

## Relevant planning framework

### Legislation

- Metropolitan Region Scheme
- Town of Victoria Park Town Planning Scheme No. 1 (TPS1)
- Burswood Lakes Structure Plan
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *Liquor Control Act 1988*
- *Environmental Protection (Noise) Regulations 1997*

<b>State Government policies, bulletins or guidelines</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• Local Planning Policy 3 – Non-Residential uses in or adjacent to Residential Areas</li> <li>• Local Planning Policy 23 – Parking (LPP23)</li> <li>• Local Planning Policy 37 – Community Consultation on Planning Proposals (LPP37)</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>• Draft Town of Victoria Park Local Planning Scheme No. 2</li> </ul>

## General matters to be considered

<b>TPS precinct plan / structure plan statements</b>	<p>The following statement of intent contained within the Precinct Plan is relevant to consideration of the application.</p> <ul style="list-style-type: none"> <li>• The predominant form of use and development will be for Residential purposes. Some Mixed Uses are required for the daily needs of residents at each stage of development but the decision as to which uses are appropriate should remain in the discretion of Council.</li> </ul>
<b>Local planning policy objectives</b>	<p>The following objectives of Local Planning Policy 3 - Non-Residential uses in or adjacent to Residential Areas are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>• To ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties</li> <li>• To encourage the re-use of existing purpose-built non-residential buildings for a mix of appropriate local convenience/service and commercial uses where it results in an economically viable use of the building and provides a service to the community;</li> </ul> <p>The following objectives of Local Planning Policy 23 - Parking are relevant in determining the application.</p> <ul style="list-style-type: none"> <li>• To ensure that adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand.</li> </ul>
<b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b>	<p>The following are relevant matters to be considered in determining the application.</p> <ul style="list-style-type: none"> <li>a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</li> <li>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 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;</li> <li>g) Any local planning policy for the Scheme area;</li> </ul>

	<p>h) Any structure plan or local development plan that relates to that development;</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>y) Any submissions received on the application</p>
<b>Urban forest strategy</b>	Not applicable

## Compliance assessment

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

<b>Change of use application</b>		
<b>Planning element</b>	<b>Permissibility/deemed-to-comply</b>	<b>Requires the discretion of the Council</b>
<b>Land use</b>	Unlisted Use (Small Bar)	Requires the discretion of the Council
<b>Car parking</b>	No change from existing restaurant land use. This is because the same car parking ratio applies under Local Planning Policy 23: Parking for both restaurant and licensed dining areas.	No discretion required
<b>Signage</b>	No additional signage proposed	N/A

## Engagement

Internal engagement	
Stakeholder	Comments
Environmental Health	Operation of the business is required to comply with the Noise Regulations
Place Planning	The retrospective change of use contributes to the community and public realm by: <ul style="list-style-type: none"> <li>- Providing an option for the local community to gather and socialise within walking distance; and</li> <li>- Extending the period that the buildings at the edge of the public realm are activated, increasing the level of passive surveillance and sense of safety.</li> </ul>
Building	Confirmed that a building permit will only be required if physical building alterations are proposed.

External engagement	
Stakeholder	Comments
Department of Local Government, Sport and Cultural Industries (Racing, Gaming and Liquor)	The subject site and licensee hold a current liquor licence for a Small Bar, with no requirement for liquor to be consumed with a meal. Confirmed that they are responsible for monitoring the business in relation to compliance with the terms of the liquor licence as well as the responsible service of alcohol. RGL have advised that complaints have been received regarding the premises, the premises have routinely been monitored over time and found to be generally compliant with their licence, with action being taken where necessary.

Consultation	
Stakeholders	Owners and occupiers
Period of engagement	8 February 2024 to 7 March 2024 (28 days) and 20 March 2024 to 24 April 2024 (35 days)*
Level of engagement	2. Consult

<b>Methods of engagement</b>	Written submissions
<b>Advertising</b>	<ul style="list-style-type: none"> <li>• Letters to owners and occupiers within a 100 metre radius of the site;</li> <li>• Sign on site; and</li> <li>• Local Newspaper Notice.</li> </ul>
<b>Submission summary</b>	A total of 24 submissions have been received, with 9 submissions of support, 14 objections and 1 of comments only.
<b>Key findings</b>	A summary of the submissions received during the community consultation period, along with the applicant and officer response comments can be found at Attachment 4.

\* Due to an administrative error, a number of nearby properties did not receive the initial consultation letter advising them of the application and providing an opportunity to comment. The second round of consultation was to the property owners who did not receive the initial letter, and a longer consultation duration to account for the Easter holiday period in line with the *Planning and Development (Local Planning Scheme) Regulations*.

## Planning Assessment

### Land Use

12. The TPS1 land use definitions of 'Restaurant' compared with 'Small Bar' is as follows:

**"restaurant/café"** means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*; and

**"small bar"** means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

13. In general terms, a Restaurant liquor licence authorises the sale and supply of liquor to persons on the licensed premises for consumption with a meal supplied by the licensee. In essence, the business should be focused on the regular supply of genuine meals and the supply of liquor should be secondary to this. Whilst a Small Bar liquor license, allows for the sale and supply of liquor for consumption on the licensed premises only, along with restrictions on patronage. It is noted that as per the Small Bar liquor license granted for the subject premises, the maximum patronage is 75 persons, and at all times (up until one hour before trading ceases) the kitchen must be open and food service staff available. It is understood that the limitation of 75 persons is based upon the availability of toilets for the premises.

14. A Small Bar is an Unlisted Use within the Special Use Zone of the Burswood Precinct – Precinct Plan P2. The precinct plan states that "if the use of the land for a particular purpose is not specifically mentioned in the "Use Area" Table and cannot be determined as falling within the interpretation of one of the Use Area categories Council may consider it an unlisted (i.e. discretionary) use requiring that the advertising procedures referred to in clause 28 of the Scheme Text be followed".

15. As part of Scheme Amendment No. 80 to the Town's Town Planning Scheme No. 1 (TPS1), several land uses were added to the Zoning Table. This included the addition of a Small Bar use. The Special Use zones were not updated to reflect the additional uses, with the permissibility of certain land uses being listed within the Precinct Plans only.

16. As per Clause 28 of TPS1, the Council cannot grant development approval for a development which involves an unlisted use unless –

*"(a) the advertising procedure referred to in deemed clause 64 has been followed; and*

*(b) it is satisfied, by an absolute majority, that the proposed development is consistent with the matters listed in deemed clause 67."*

The relevant matters of deemed clause 67 are identified in the above 'General Matters to be Considered' section of this report.

17. In accordance with deemed clause 64 and the Town's Local Planning Policy No. 37 – Community Consultation on Planning Proposals, the application was advertised to the community. A total of 24 submissions were received including 9 of support and 14 objecting to the proposal. The objections received were in relation to noise, operating hours, the anti-social behaviour of patrons, venue management, car parking and strata by-laws. A response to the submissions is contained within Attachment 4.

18. The land use proposed is considered to be of a similar intensity to the approved Restaurant, as the same maximum patron numbers are proposed. It should also be noted that the premises has already been operating as a small bar for a number of years. Complaints received by the Town prior to the lodgement of this development application have related to individual events/incidents rather than ongoing events/incidents.

19. Under draft Local Planning Scheme No. 2, the subject site is proposed to be zoned Mixed Use and in accordance with the listed Restricted Uses apply to the property at clause 20, a Small Bar is listed as a 'D' discretionary use, which is capable of development approval following consideration of an application.

### **Car Parking**

20. The car parking rate for a restaurant and a licensed drinking area under Local Planning Policy No. 23 – Parking (LPP23) are the same. The required number of car parking bays therefore does not change.

21. As the parking rates and the maximum patron numbers do not change, the application does not propose an increase in the number of car bays required, and car parking is not subject to discretion.

### **Hours of Operation**

22. The business' website states that their current operating hours are Tuesday to Friday, 4pm to late and Saturday & Sunday, 7.30am to late, with the kitchen open all day. As part of this application, it is specified in Attachment 2, that the operating hours are until midnight (however the business often closes by 10pm or earlier based on patronage and demand). In terms of public holidays, the business generally does not operate unless it coincides with an event at nearby Optus Stadium.

23. In accordance with the Liquor Control Act 1988, a Small Bar liquor licence permits trading until midnight and on New Year's Day from immediately after 12 midnight on New Year's Eve to 2am. These hours are standard across the State, whilst the purpose of development approval is to assess the proposed hours of operation to its location with consideration to the surrounding development and residential amenity.

24. Local Planning Policy No. 3 – Non-Residential Uses in or Adjacent to Residential Areas (LPP3) states at provision 13 that "hours of operation for all non-residential uses will be considered having regard to the nature and intensity of the use and the context of the site and surrounding areas".

25. Whilst the amenity of the residential area was considered as part of the development of the restaurant land use, aspects of the development application need to be appropriately managed to mitigate impact on amenity, in particular noise and hours of operation.

26. From review of archival records, the existing planning approvals issued for the approved "Restaurant" use does not contain any conditions restricting the operating hours. However, the premises is required to comply with the provisions of the Environmental Protection (Noise) Regulations 1997 (Noise Regulations).
27. The Noise Regulations stipulate the allowed noise levels in decibels and outlines what is deemed reasonable noise. In the evening, the assigned noise levels are reduced from daytime levels after 7pm, and the noise levels are even stricter following 10pm at night until 7am in the morning.
28. In May 2021, Council approved a Small Bar use at nearby No. 23 The Circus, Burswood. As part of this approval, a condition was applied limiting the operating hours to 7am to 10pm Monday to Thursday and public holidays, and 7am to midnight Friday and Saturday. Whilst the applicant requested to operate until midnight each day, this was not supported with Council officers stating that:

*"No [acoustic] statement or specialist report was submitted as part of the development applicant regarding how noise will be prevented or appropriately managed to ensure that the amenity of surrounding residential properties is maintained. Without this information, and notwithstanding the need to comply with the provisions of the Noise Regulations, it is anticipated that the proposed hours of operation and associated noise has the potential to have a significant impact on the amenity of the residents within the immediately surrounding residential properties, with the closest residential property directly abutting the subject site".*

29. The subject application also seeks planning approval to operate each day until midnight at the latest. In support of this, the submitted management plan outlines the following measures to manage noise:

*"To ensure the business does not adversely impact local residents' late night and early morning noise must be kept to a minimum. Outdoor speakers should be kept at an ambient level or turned off late at night. Inside music will be kept to an ambient level with the occasion live music is played. Measures of all doors and windows will be shut to minimise the sound outside. Outside will continue to be ambient level with live music inside. All music will stop being played not exceeding midnight".*

However, it is noted that no acoustic statement or specialist report has been submitted to demonstrate the predicted noise levels.

30. In response to these noise management measures, Council officers recommend that the Management Plan be amended to include that:

- Music is to be at an ambient level only, with no amplified music permitted outdoors
- All music is to cease playing at venue by 10pm on Sunday to Thursday.
- Compliance with the Noise Regulations is required at all times.

31. The hours of operation are required to be appropriately considered to protect residential management and to ensure that noise can be effectively managed. The hours of operation proposed as part of this development application are not supported by Council officers. Accordingly, a condition is recommended to be imposed which would restrict the hours of operation to be consistent with the Small Bar at nearby No. 23 The Circus, Burswood.

### **Anti-social behaviour of patrons**

32. A number of submissions received during the consultation process have raised concerns regarding anti-social behaviour of patrons at the subject premises.

33. As part of this application, the applicant has submitted at Attachment 2 management plans, including a harm minimisation plan, which sets out the actions of the subject premises to minimise anti-social

behaviour. This includes guidelines relating to the refusal of service of alcohol, process to deal with incidents and complaints and noise.

34. The responsible service of alcohol is a matter for RGL to monitor and action compliance matters in this regard. From recent engagement in April 2024 with RGL, the Council Officers were advised that while complaints have been received, the premises has been routinely monitored over time and found to be generally compliant with their licence. Any ongoing issues of this kind should be directed to RGL and/or WA Police.

### Summary

35. To address the anomaly where the subject premises has development approval from the Town for use as a Restaurant but approval from RGL for a Small Bar, this application is seeking to formalise the Small Bar use by applying for retrospective development approval to operate as an Unlisted Use (Small Bar).

36. For the reasons outlined above, it is recommended that the application be approved subject to conditions to ensure that the proposed management strategies can be enforced, and that the amenity of the surrounding area is maintained.

### Financial implications

<b>Current budget impact</b>	No impact
<b>Future budget impact</b>	Not applicable.

### Risk management considerations

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Not applicable			
Environmental	Not applicable			
Health and safety				
Infrastructure/ ICT systems/ utilities	Not applicable			
Legislative compliance	The proponent has a right of review to the State Administrative Tribunal against Council's decision, including any conditions.	Medium	Low	ACCEPT  Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.



Reputation	Public criticism regarding decision on the application as well as the Town's previous error in 2010	Medium	Low	ACCEPT  Provide sound reasons for decision of application and advise submitter/s of decision in a timely manner.
Service delivery	Not applicable			

## Strategic alignment

Economic	
Community Priority	Intended public value outcome or impact

EC1 - Facilitating a strong local economy.	The proposal supports commerce and tourism within the Burswood Peninsula.
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Environment	
Community Priority	Intended public value outcome or impact

EN3 - Enhancing and enabling liveability through planning, urban design and development.	The proposal creates a local meeting point and activates the local area, however this needs to be balanced to ensure that residential amenity is not adversely impacted.
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There were no questions asked or presentations made in relation to this item.

## 12.2 Urban Forest Grants 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Place Leader (Urban Forest)
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Attachment 1 : 2024 Urban Forest Grants Evaluation Report [ <b>12.2.1</b> - 3 pages]

### Summary

- This report outlines the 2023/24 Urban Forest Grant round and recommends three (3) grant applications for Council approval.
- Funding for the Urban Forest Grant program totals \$25,000 with applicants eligible to receive up to \$10,000.
- The Urban Forest Grant opened on 9 October 2023 and closed on 29 February 2024. The grant was extended by 2 weeks until the 15 March 2024 to allow further applicants to apply as funding had not been exhausted.
- The Town received a total of three (3) applications requesting a total of \$22,447.70

### Recommendation

That Council

1. Endorses the below applications to receive a 2023/24 Urban Forest Grant:
  - a. SwanCare Group, Community Forest project: \$8,547.70
  - b. Montessori School Inc, Growing Our Future project: \$3,900.00
  - c. Perth Street Hockey League Inc, SRHL/Victoria Park Carlisle Bowling Club Greening project: \$10,000.00
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

1. The Town's Urban Forest Grant aims to increase collaboration and partnership between the Town and the community in delivering the goals of the Town's Urban Forest Strategy to increase canopy cover, vegetation and habitat on private property.
2. In making a recommendation to Council, the Urban Forest grant assessment panel provides the following information to ensure Council can make informed and transparent decisions:
  - Details of all applications including title, applicant name, project scope, amount of assistance applied for (ex GST), evaluation, and score.
  - The information provided includes successful and unsuccessful applications.
3. The Urban Forest Grant opened on the 9 October 2023 and closed on the 29 February 2024. The grant was extended by 2 weeks, till the 15 March 2024 to allow further applicants to apply as funding had not been exhausted.
4. The Town received a total of three (3) applications requesting a total of \$22,447.70, from a total available budget of \$25,000.

## Discussion

5. The Urban Forest Grant program was promoted across various platforms to reach target audiences:
  - The Town, via Place Leaders, supported prospective applicants, discussing grant ideas and providing information about the grant application process.
  - All three applicants that submitted for the Urban Forest 2024 grant round contacted the Town prior to submission.
  
6. The Town's Urban Forest Grant Assessment Panel consisted of the following Town officers:
  - Place Leader Urban Forest – Meeting chair
  - Manager Infrastructure Operations
  - Natural Areas Supervisor – Acting
  - Place Activation Officer
  
7. Applications were assessed individually and then reviewed in a formal panel meeting by the Town's Urban Forest Grants panel members, in line with Policy 114 Community Funding and the criteria outlined in the Vic Park Funding Program.
  
8. The Town's initial assessment questions were as follows:
  - Eligibility
  - Applicant details (organisation, auspice arrangements etc.)
  - Project details (brief description, risks, locations, dates etc.)
  - Assessment criteria questions.
  
9. The applications were assessed on the following criteria:

Urban Forest Criteria	Weighting per question per panel member
Criteria 1 – Urban Forest Targets Which actions from the Urban Forest Strategy Implementation Action Plan does the project progress and how?	25%
Criteria 2 – Place Impact How does the project positively influence the experience of the place?	15%
Criteria 3 – Environmental services Provide details on how the project will positively contribute to environmental services (eg. improvements in water management, soil health, biodiversity and ecology).	15%
Criteria 4 – Project costs How does the project represent "good value for money"? (eg. project costs incurred in both implementation and ongoing maintenance).	15%
Criteria 5 – Community support	15%

Explain how the project is supported by community and encourages community member involvement to achieve social outcomes whilst communicating the benefits of the Urban Forest.	
Criteria 6 – Health Outcomes How does the project contribute to positive health outcomes? (eg. Mental health, physical activity, air and water quality are positively affected by the Urban Forest)	15%
	Total weighting for 6 questions = 100% Total score available = 30 points

## Relevant documents

[Policy 114 Community funding \(victoriapark.wa.gov.au\)](http://victoriapark.wa.gov.au)

## 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 Successful.	Moderate	Low	TREAT – Acquittal process to be well organised and monitored.
	Projects are not delivered as the design intends	Moderate	Low	TREAT – Letter of agreement states date of expenditure and applicants engaged with Town to discuss ideas prior to applying to minimise risk
Environmental	Not Applicable			
Health and safety	Not Applicable			

Infrastructure/ ICT systems/ utilities	Not Applicable			
Legislative compliance	Not Applicable			
Reputation	Negative perception towards the Town should applications not be funded	Moderate	Low	TREAT – Transparent application and approval process with rationale and feedback to unsuccessful applicants
Service delivery	Not Applicable			

## Engagement

Internal engagement	
Stakeholder Assessment	Urban Forest Grant Assessment Panel

External engagement	
Stakeholders	Whole community
Period of engagement	29 October – 15 March 2024
Level of engagement	Inform
Methods of engagement	Town website Town's social media platforms – Facebook and Town's e-newsletters Direct email Community outreach through Place Planners
Advertising	Town website Town's social media platforms – Facebook and Town's e-newsletters Direct email Community outreach through Place Planners
Submission summary	Three (3) applications were received
Key findings	All three (3) applications are supported for funding

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	To empower community members to engage with the Towns strategy and goals of the Urban Forest program.

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

## Further consideration

Not applicable.

Questions and responses
<p>Question relate to the administration's proposal to approve an urban forest grant to the Street Hockey operating by sub lease out of the Victoria Park, Carlisle bowling club.</p> <p><b>Mayor Karen Vernon</b></p> <p><i>1. What happens if trees planted as per the project proposal need to be removed to accommodate the Macmillan Precinct redevelopment growth options?</i></p> <p>The Chief Community Planner took the question on notice.</p> <p><i>2. The project is made up of tree planting and hard scaping what is meant by hard scaping and what percentage of the proposal is hardscaping versus tree planting?</i></p> <p>The Chief Community Planner took the question on notice.</p> <p><i>3. The report indicates a preference for the proponent to plant 35 litre trees if they get the grant. How mature would trees of that size be and how likely will they be fully grown mature canopy trees in the next five years?</i></p> <p>The Chief Community Planner advised it would depend on the type of tree and took the question on notice.</p> <p><i>4. Who will be responsible for the watering and maintenance up to maturity of trees planted on Town owned land after the initial grant?</i></p> <p><i>4. The trees the Street Hockey Group proposes will be planted on Town owned property, who will be responsible for watering and maintaining these trees through to maturity after the initial grant?</i></p> <p>The Chief Community Planner took the question on notice.</p> <p><b>Further consideration to be added to the Ordinary Council Meeting agenda</b></p> <p>1. Provide information on the impact of Macmillan Precinct redevelopment growth options on trees planted under the Street Hockey project proposal.</p>

2. Detail the percentage of the proposal is hardscaping versus tree planting.
3. Provide information on the likelihood of 35 litre trees being fully grown mature canopy trees in the next five years.

## 12.3 Urban Forest Implementation Working Group - New Working Group Member Endorsement

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Place Leader (Urban Forest)
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. UFS IWG 2024 EOI Assessment Matrix Master For Council Report Hugo Jorge [ <b>12.3.1</b> - 1 page]

### Summary

This report is to seek endorsement of a new community member to the Urban Forest Strategy Implementation Working Group (UFS IWG), replacing one of the two community member positions currently vacant.

### Recommendation

That Council appoint Hugo Jorge in the vacant community member position of the Urban Forest Strategy Implementation Working Group.

### Background

1. Two community members have resigned from the UFS IWG leaving two positions vacant.
1. The expression of interest (EOI) was publicised to the community for the position and was advertised from the 11 March – 3 April 2024.
2. The UFS IWG Terms of Reference states the group is to comprise of:
  - a. Six (6) community members;
  - b. Three (3) elected members; and
  - c. Six (6) Town officers.
3. Interested community members were required to complete an online form which asked for contact details, professional skills, and relevant qualities relevant to the UFS IWG.
4. The selection criteria for candidates were made available on the Town’s website.
5. The Town asked candidates to demonstrate they were:
  - a. A local resident of the Town;
  - b. An active member of the community;
  - c. Experienced or had expertise relevant to the Urban Forest Strategy and program;
  - d. Able to advocate and align with the principles of the Urban Forest Strategy and Program; and
  - e. Able to commit to the time and effort required from joining the group (attendance of monthly meetings)
6. The EOI was widely promoted through social media.
7. The EOI closed on 3 April 2024. Two (2) applications were received only one application progressed for review by the panel, as the other was revoked due to applicant no longer able to commit to the position.



## Discussion

1. The application was assessed by a panel of three (3) Town staff:
  - a. Leadership and Governance - Corporate Performance Advisor
  - b. Place Planner – Strategic Planning
  - c. Co-ordinator - Public Realm
2. The panel supported the application due to:
  - a. Their prior and ongoing engagement with the Town and Urban Forest Program.
  - b. Regular engagement with the program attending and supporting Urban Forest events,
  - c. Community contribution to the program through regular and considered project proposals.

## Relevant documents

See scoring and matrix criteria attached.

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 support 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	Appointed members do not understand their role or responsibilities as a member of the UFS IWG	Possible	Low	TREAT risk by clearly outlining the requirements of an advisory group member as per Policy 101 and the UFS IWG Terms of Reference.

Service delivery	N/A	Medium
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## Engagement

Internal engagement	
Communications	Advise sought on communication methods to promote UFS IWG EOI

External engagement	
Stakeholders	Local Community
Period of engagement	11 March – 3 April 2024
Level of engagement	5. Empower
Methods of engagement	Online web form located on dedicated Urban Forest Working Group webpage for all interested community members to complete and submit. The webpage included information on the criteria and desired characteristics.
Advertising	Social Media: <ul style="list-style-type: none"> <li>• Website</li> <li>• E-newsletter</li> </ul> Direct contact with Active Community Members
Submission summary	<ul style="list-style-type: none"> <li>• Two (2) applications received, one (1) application assessed, and one (1) application revoked.</li> <li>• As two (2) positions were available with one (1) application submitted, contact was made with previous applicants to see if they would be interested in being considered.</li> </ul>
Key findings	One (1) applicant selected

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The UF working group is a conduit between the community and the delivery of the UF program by the Town, enabling the voice of the community to be represented through the program's delivery and development.

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The group has been involved in the development of the program and supports it to achieve this community priority through the sub-program implementation.

## Further consideration

Not applicable.

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

## 12.4 Extension to Contract CTVP/21/20 - Albany Highway PSP

<b>Location</b>	East Victoria Park St James Victoria Park
<b>Reporting officer</b>	Place Leader (Strategic Planning)
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Summary

The purpose of this report is to recommend that Council extend Contract CTVP/21/20 associated with the Preparation of the Albany Highway Precinct Structure Plan for an additional 18 months, commencing 18 July 2024. As the extension is beyond the original 12 month extension option under the Town's Delegations and Sub-Delegations Register, the CEO does not have Delegated Authority to extend the contract timeframe.

### Recommendation

That Council:

1. Approves the extension of Contract CTVP/21/20 (Preparation of Albany Highway Precinct Structure Plan) for an additional 18 months, commencing 18 July 2024.
2. Authorises the Chief Executive Officer to undertake all necessary negotiations for the extended terms and conditions of Contract CTVP/21/20 and to sign the extension of Contract CTVP/21/20.

### Background

1. The review and update of the Town's local planning framework, as it relates to the Albany Highway activity centre, is a strategically significant project within the Vic Park Planning Program and subsequently the Town's Corporate Business Plan (2023-2027).
2. Albany Highway is further identified in the Local Planning Strategy (2022) as a key growth area requiring precinct planning to accommodate future infill development and to support the viability of the activity centre.
3. As the proposed changes to the planning framework are likely to result in significant and/or complex outcomes to an existing activity centre, a Precinct Structure Plan is required to address State Planning Policy 7.2 Precinct Design (SPP 7.2).
4. At the Ordinary Council Meeting held 18 May 2021, Council awarded the contract associated with TVP/21/02 'Preparation of Albany Highway Precinct Structure Plan' to Hatch Pty Ltd trading as Hatch | Roberts Day (ABN 59 008 630 500), as the lead urban planning consultant.
5. In July 2021, the Town formally entered a 2 year contract (CTVP/20/21) with Hatch Pty Ltd to prepare the Albany Highway Precinct Structure Plan.
6. In June 2023, the original contract was extended by Delegation to the CEO under 1.1.16 Tenders for Goods and Services (of the Town's Delegation Register), for a period of 12 months as permitted under the Local Government (Function and General) Regulations 1996.

7. CTVP/21/20 is due to expire on 18 July 2024 and requires Council endorsement under the Local Government Act 1995 to extend the contract beyond the original 12 month extension timeframe.

## Discussion

8. The completion of Precinct Structure Planning for Albany Highway will serve as a major catalyst for development that requires significant changes to the Town's existing local planning framework.
9. Hatch's tender methodology broke the project into three (3) stages: Stage 1 'Context Analysis and Precinct Visioning', Stage 2 'Optioneering and Preparation of Draft PSP', and Stage 3 'Final Approval and Implementation'.
10. Whilst there was no formal timeframe included in the tenderer's methodology, the Town's tender scoping document (RFT) anticipated a 2-year timeframe to deliver the project, which was then incorporated into the contract as the project timeframe.
11. The timeframes provided in the RFT were subject to review by the tendering applicants and it was not anticipated (at that time) they would form part of the contract terms.
12. Hatch's tender methodology highlighted unknown timeframes associated with Stages 2 and 3, as these stages were dependant on outcomes of previous stages.
13. The two-year timeframe has since been considered erroneous, as it failed to recognise the scale and complexity of the precinct: ultimately comprising 6 sub-precincts that transition along a single activity corridor, each requiring considered and nuanced planning responses.
14. Additional technical reporting requirements, internal and statutory procedures, budget implications, resources, along with the overall scale of preparing a single precinct plan over a 3km corridor, have all led to delays in delivery of the project within the initial contract timeframes.
15. The project is currently in the final steps of Stage 2, with the first draft of the Precinct Structure Plan document having been completed and currently under review by Council Staff in preparation to be presented to Elected Members.
16. Approval to advertise the draft PSP and the subsequent commencement of Stage 3 is however, pending additional traffic analysis (as required by Main Roads WA) and a Community Benefits Framework (as required by DPLH). These two pieces of work were not contemplated by the Town in the original scope and there was no advice from the State Government, at the time of preparing the scope, that they would be required. In short, these are recent and unforeseen requirements from State Government.
17. Funding associated with these two additional pieces of work have been endorsed through the mid-year budget review and are currently being delivered under separate RFQ contracts.
18. The following table sets out the anticipated timeframes to deliver each step of the project methodology - scope versus actual timeframes.

Step	Tender Scope (Proposed Date)	Actual/Anticipated Date
<b>Stage 1 Commenced</b> (6 months)	19 May 2021	<b>Contract issued 10 June 2021</b>
<i>NB: Caretaker Period (2nd September to 16th October) – Stage 1 Engagement not permitted</i>		
Stage 1A Engagement	(Aug/Sept)	18 October to 8 December (Completed)
Delivery of Stage 1 Outputs (final form)	5 November 2021	April 2022 (Completed)

Gateway approval to proceed to Stage 2	14 December 2021	21 June 2022 (Completed)
<b>Stage 2 Commenced</b>	15 December 2021	<b>July 2022</b>
<p>Delivery of Stage 2 Outputs (Draft PSP) (9 months)</p> <p>Stage 2 Methodology:</p> <p><u>Stage 2A</u></p> <ul style="list-style-type: none"> <li>• Community Reference Group Design Forum</li> <li>• Town Staff Workshops</li> <li>• Prepare 3D Model and Concept Scenarios</li> <li>• Coordinate technical inputs and performance-based assessments</li> <li>• Prepare draft Transport Strategy</li> <li>• Prepare draft Public Realm Strategy</li> <li>• Deliver Community Engagement relating to concept options</li> <li>• Prepare draft Built Form Strategy based on Preferred Option</li> <li>• Council Endorsement of Preferred Scenario for PSP</li> </ul> <p><u>Stage 2B</u></p> <ul style="list-style-type: none"> <li>• detailed Technical Reporting by consultant team</li> <li>• Prepare Draft Precinct Structure Plan <ul style="list-style-type: none"> <li>- Format</li> <li>- Graphics</li> <li>- 3D Visualizations</li> </ul> </li> <li>• Staff Workshops</li> <li>• Modifications</li> <li>• Issue final Draft for Advertising</li> </ul>	September 2022	<p>Anticipated December 2023 <b>Draft PSP Received February 2024</b></p> <p>Stage 2A Commenced August 2022</p> <p>Community Engagement Completed May 2023</p> <p><b>Stage 2A Completed July 2023 (OCM)</b></p> <p>Stage 2B Commenced July 2023 (Finalisation of Draft Pending Modifications as per additional reports below)</p>
<p>NB: Additional Technical Reports requested by DPLH &amp; Main Roads WA pending Mid-Year Budget Review approval (March 2024)</p>		
RFQ and Scope for Traffic Impact Analysis (March 2024)	Not included in Scope	March 2024 – expected outcome June 2024 (Separate RFQ)
RFQ and Scope for Community Benefits Framework (April 2024)	Not included in Scope	April 2024 – expected outcome July 2024 (Separate RFQ)
<b>Contract End Date – 18 July 2024</b>		

Gateway approval to proceed to Stage 3 (OCM - Endorse advertisement of draft PSP)	15 June 2022	Anticipated August 2024
3-month Advertising of Draft PSP	16 June 2022	Sept - Nov 2024
Review of Submissions and modifications to PSP		Dec 2024 – March 2025
Submission of final Draft Precinct Structure Plan to WAPC (Modified following Advertising period)	31 August 2022	March/April 2025
<b>Completion of Stage 3 - PSP Adopted</b> (following conclusion of assessment and approval by WAPC <b>(9 months)</b> )	18 July 2023	<b>Anticipated Project Completion - January 2026</b>
<i>NB: Final PSP implementation pending LPS2 approval and subsequent Scheme Amendment</i>		

19. Given the need to complete additional technical pieces of work, as requested by State Government, statutory advertising requirements and WAPC approval timeframes, it is anticipated another 12-18 months would be required to obtain a final and approved Albany Highway Precinct Structure Plan.
20. Hatch Pty Ltd have committed to the delivery of the project and have extensive knowledge of the Precinct, having spent the last 3 years working towards a new planning framework that responds to the community vision and economic needs of each six (6) sub-precincts along the activity centre.
21. CTV21/20 awarded the tender to Hatch for the estimated lump sum price of \$524,341 (Excluding GST).
22. The contract and tender scope included potential to review the costs of each stage prior to commencement.
23. In 2022, the CEO, under delegation, endorsed a variation to prepare 3D Modelling that would assist with the visualization of concepts identified in scenario planning, totalling \$17,100 (3.3% of the original contract value).
24. In 2023, in accordance with the terms of the contract, Stage 2 and Stage 3 costs were reviewed for the purpose of ensuring funds would be available in future budget cycles. Stage 2 included an additional \$17,550 and Stage 3 included an additional \$28,000.
25. To date, Council has committed \$460,000 in Operational Expenses towards Stages 1 and 2 of the projects, with an approximate \$155,000 remaining in the budget to complete Stage 3 (including a budget of \$10,000 in each stage towards Council's administration costs for communication, marketing and advertising).
26. Completion of Stage 2 is reliant on the additional Community Benefit Framework and Traffic Impact Analysis requested by State Government, both of which are currently progressing under separate RFQ contracts.
27. Extension of the CTV21/20 contract timeframe will enable the successful completion of Stages 2 and 3 and ultimately the final approval and then implementation of the Albany Highway Precinct Structure Plan.
28. In accordance with regulation 11(2)(j) of the Local Government (Functions and General) Regulations 1996, the CEO does not have delegation to authorise the additional extension of time to the contract, as the CEO has already extended the original tender and contract for the allowed 12 month term, as per the Town's Delegation Register.
29. Part 4, Division 2 (r. 21A) Local Government (Functions and General) Regulations 1996 states that:

*"If a local government has entered into a contract for the supply of goods or services with a successful tenderer, the contract must not be varied unless — (a) the variation is necessary in order for the goods or services to be supplied and does not change the scope of the contract".*

- 30. The scope of contract CTVP21/20 is not changed as a result of the extension.
- 31. It is therefore recommended that Council approve an extension to contract CTVP/21/20 for a further 18 months, commencing 18 July 2024, to ensure the continuation of Hatch Pty Ltd as the lead urban planning consultant and providing sufficient time to administer the WAPC approvals process and deliver the final precinct plan document.

## Relevant documents

[Town Of Victoria Park 'Register of Delegations And Sub-Delegations' 2022-2023](#)

1.1.16 Tenders for Goods and Services

## Legal and policy compliance

[Section 5.42\(1\) of the Local Government Act 1995](#)

[Section 3.57\(2\) of the Local Government Act 1995](#)

[Part 4, Division 2 \(r. 11\) Local Government \(Functions and General\) Regulations 1996](#)

[Part 4, Division 2 \(r. 21A\) Local Government \(Functions and General\) Regulations 1996](#)

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	The FY23/24 budget included all remaining funds to complete the project. It will therefore be required to carry forward any remaining funds from the FY23/24 Albany Highway Precinct Structure Plan budget into FY24/25 for any unspent funds

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not extending the contract would place significant strain on staff resources and additional delays to deliver the project. This in turn could impact the potential for developers to invest in Vic Park and would also delay other projects in the Vic Park Planning Program.  Given the consultant has developed a complex planning document, with	Medium	Low	AVOID risk by extending the contract.



	<p>numerous technical diagrams and graphic illustrations, the Town would still require expert design assistance to update and modify the PSP document. It could take an additional 4 - 6 weeks of procurement processes along with 6 - 8 weeks of time to review and explain requirements for technical graphics, 4 – 6 weeks of obtaining legal advice, should a different consultant be appointed, plus staff time spent on modifying documentation. These processes and uncertainties would be eliminated by a simple contract extension.</p>			
Environmental	<p>Not extending the contract will lead to further delays in delivery of the Precinct Structure Plan which provides mechanisms for better sustainability outcomes in development and the public realm.</p>	Low	Medium	AVOID risk by extending the contract.
Health and safety	<p>Not applicable.</p>		Low	
Infrastructure/ ICT systems/ utilities	<p>Not applicable.</p>		Medium	
Legislative compliance	<p>Not applicable.</p>		Low	
Reputation	<p>Failure to commit to the project delivery may impact the reputation of the Town as a dynamic place for everyone</p>	Medium	Low	AVOID risk by extending the contract.
Service delivery	<p>Not extending the contract would place significant strain on staff resources to complete the Precinct Structure Plan, and subsequent delivery of the</p>	Medium	Medium	AVOID risk by extending the contract.

Vic Park Planning Program,  
which is an Action of the  
Corporate Business Plan.

## Engagement

### Internal engagement

Stakeholder	Comments
Procurement	Place Planning has been having ongoing discussions with Procurement with regards to the ability to extend the contract CTVP/21/20. Advice from procurement has been that Council are required to determine the request to extend the contract as the CEO does not have any further delegation under the Town's Local Delegations Register/Local Government Act 1995/Local Government (Function and General) Regulations 1996

## Strategic alignment

### Civic Leadership

Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	This process will have followed all policies and procedures resulting in a project that meets all expectations.
CL3 - Accountability and good governance.	A decision to vary the contract timeframe will have been made to the appropriate elected member level.

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

## 12.5 Preferred Growth Scenario for Oats Street Station Precinct

<b>Location</b>	Carlisle East Victoria Park
<b>Reporting officer</b>	Place Leader (Strategic Planning)
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Attachment 1 - Vic Park Local Planning Strategy Oats Street Station Chapters [<b>12.5.1</b> - 13 pages]</li> <li>2. Attachment 2 - Oats Street Station Precinct Background and Context Analysis [<b>12.5.2</b> - 63 pages]</li> <li>3. Attachment 3 - Oats Street Station Precinct Stage 1 and 2 Engagement Findings [<b>12.5.3</b> - 25 pages]</li> <li>4. Attachment 4 - Oats Street Precinct Preferred Growth Scenario Report [<b>12.5.4</b> - 40 pages]</li> </ol> <p>Attachment 1 – Local Planning Strategy (2022) Oats Street Station chapters. Attachment 2 – Oats Street Station Precinct Background and Context Analysis. Attachment 3 - Oats Street Station Precinct –Stage 1 and 2 Engagement Findings. Attachment 4 – Oats Street Precinct Preferred Growth Scenario Report.</p>

### Summary

The Preferred Growth Scenario for the Oats Street Station Precinct is presented for Council’s consideration. If endorsed, the scenario will form the basis of a draft Precinct Structure Plan and Scheme Amendment to facilitate rezoning and future redevelopment of the precinct. The scenario is a guiding document only and not a statutory document. The draft Precinct Structure Plan will be further presented to Council for permission for public advertising.

### Recommendation

*Single line recommendation*

That Council:

1. Endorse the Oats Street Precinct Preferred Growth Scenario, as contained in Attachment 4 page 25, as the basis for preparing the draft Oats Street Station Precinct Structure Plan and Scheme Amendment.
2. Instruct the Chief Executive Officer to provide a further report(s) to Council seeking consent to advertise the draft Oats Street Station Precinct Structure Plan and Scheme Amendment, prior to the commencement of any statutory advertising.

### Background

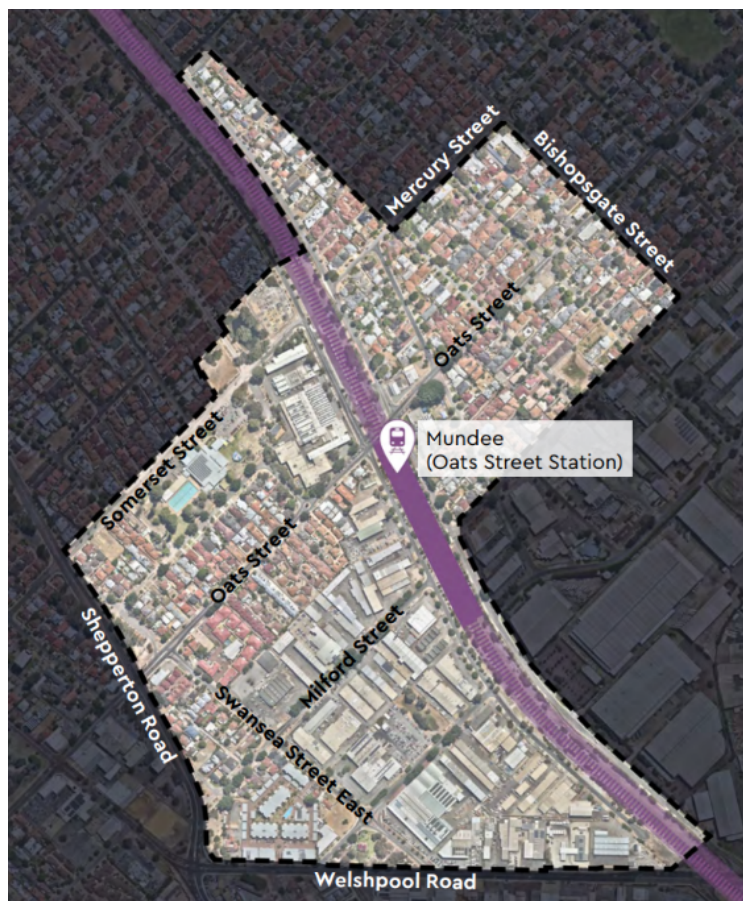
1. Precinct Structure Plans (PSP) are statutory planning instruments prepared under Schedule 2, Part 4 of the Planning and Development (Local Planning Schemes) Regulations 2015. They are prepared for complex areas to guide updates to the local planning framework (ie. Local Planning Scheme zones, land

uses and development controls) and may contain non-Scheme development control provisions that are also used to guide decisions regarding future development and subdivision. They are given “due regard” status in decision making under the Planning Regulations. PSPs have a planning horizon of 10 years. They can also provide guidance on updates to infrastructure to facilitate and support redevelopment (utilities, public realm / streetscapes, community infrastructure) but they are not Development (Infrastructure) Contribution Plans which are a statutory mechanism for collecting funding contributions.

2. The Town’s [Local Planning Strategy](#) (2022) (LPS) designates the Oats Street Neighbourhood as a Precinct Planning Area (LPS Part One, Actions OS.1/OS.2/OS.3 p.36) (refer to Attachment 1) to:
  - a. investigate the long-term future of industrial land (west of the railway) and opportunities for higher density mixed use development (residential and commercial).
  - b. prepare a precinct structure plan (or other suitable planning instrument) to guide future updates to the local planning framework.
  - c. investigate suitable zones and residential densities for land previously zoned Special Use Zone (Eastern Gateway Development Guide Plan).
  - d. determine whether Oat Street Station should be classified as an activity centre in accordance with State Planning Policy 4.2. Activity Centres, following preparation of a PSP (or other suitable planning instrument).
3. The LPS objectives for the Oats Street neighbourhood should guide future updates to the local planning framework for the precinct:
  - *OS.1 To maximise higher density residential and mixed-use development close to the Oats Street station and high frequency bus services.*
  - *OS.2 To ensure an appropriate transition in built form and scale between future higher density development and surrounding lower scale development.*
  - *OS.3 To address gaps in the provision of Public Open Space as per the Public Open Space Strategy.*
4. The LPS must demonstrate that the local planning framework provides the capacity to achieve, at a minimum, the State Government’s Central Sub-Regional Planning Framework (WAPC 2018) dwelling targets which for the Town is a total of 35,090 dwellings by 2050 (at the 2021 Census, the Town had 18,014 dwellings). As such, the LPS estimated that the Oats Street Precinct had the capacity for an additional 276 dwellings (based on current zoning and densities) but recognised the potential for more dwellings through precinct structure planning.
5. Figure 1 shows the boundary of the LPS Oats Street Neighbourhood 10 that extends approximately 400 metres from the station. Figure 2 shows the boundary of the Preferred Growth Scenario area and proposed Precinct Structure Plan area. It includes additional street blocks bounded by Lion, Jupiter, Mercury Streets and Rutland Avenue as this street block has many undeveloped properties and opportunities for infill development and is walking distance to both Oats and Carlisle Stations.



**Figure 1. Local Planning Strategy – Oats Street Neighbourhood 10 boundary**



**Figure 2. Oats Street Precinct – Preferred Growth Scenario Precinct (expanded) boundary**

6. In December 2021, the Council approved the granting of easements to Western Power over Lot 121 and Lot 22 Shepperton Road and Lot 311 Somerset Street, East Victoria Park for the purpose of removing overhead power lines as part of the METRONET Level Crossing Removal project. The \$347,000 (plus

GST) compensation payment received for the granting of the easement was subject to an agreement the funds were used for the purpose of preparing the Oats Street PSP.

7. In April 2023, the Council awarded a Tender to Urbis Pty Ltd to prepare a PSP and Scheme Amendment. Urbis are the lead planning and design consultant, and they sub-contract technical consultants in transport, civil engineering, architecture, landscape design and environment management to assist. The Town engaged Urbaqua Pty Ltd in May 2023 to provide technical advice and documentation for water management. A Local Water Management Plan will be prepared with the PSP.
8. The project is being carried out in stages:
  - Stage 1 – Background and Context Analysis, involving landowner, community and stakeholder engagement (complete).
  - Stage 2 – Scenario Development – developing two different growth scenarios based on Stage 1 outcomes, engaging with landowners, community and stakeholders, technical testing, identifying a Preferred Growth Scenario as the basis of guiding stage 3 (current project stage).
  - Stage 3 – Drafting PSP and Scheme Amendment (SA), preparing recommended updates to local planning framework (land use and development control provisions, zones) and recommending associated infrastructure improvements.
  - Stage 4 – Engagement and advertising draft PSP/SA.
  - Stage 5 – Finalise PSP / SA.
9. The following are Attachments to this report:
  - Attachment 1 – Local Planning Strategy (2022) Oats Street Station chapters.
  - Attachment 2 - Background and Context Analysis report.
  - Attachment 3 – Stage 1 and 2 Engagement Findings.
  - Attachment 4 – Preferred Growth Scenario report with summary of the process to-date, summary of engagement findings, Preferred Growth Scenario map (located on page 25 of the report) and detailed outline of next steps in the project.
10. Based on the results of Stage 1 analysis and engagement findings, two planning scenarios were developed by the Town, the consultant team and representatives from the Department of Planning Lands and Heritage (DPLH). Details of the two scenarios, 'Consolidate Core' and 'Distributed Density' are outlined in the Preferred Growth Scenario report at Attachment 4.
11. The two scenarios provided different options for growth and change in the precinct to accommodate more dwellings and an appropriate extent and mix of commercial land uses to achieve the State government and Town's strategic objectives for infill development and density around stations to provide more sustainable options for living and working in the Town. The scenarios are not statutory documents. As such, they only provided a basic outline of planning proposals including primary land use focus of each sub-precinct, proposed zones, building heights and residential densities.
12. The desirability of each scenario and alignment with strategic planning objectives, was tested through Stage 2 engagement which involved:
  - a public comment period running from 9th to 30th November 2023 that was promoted through the Town's social media, letters to all landowners and key stakeholders in the precinct, leaflet drop to all letterboxes in the precinct, an evening community drop-in engagement event at the Carlisle TAFE, emails to stakeholders who had Registered for Project Updates.
  - review by the Town's Design Review Panel.
  - presentation to an Elected Members Concept Forum and review by Councillors.

- referral to key stakeholders (DPLH / METRONET, PTA, METRONET Community Reference Group, utility providers, TAFE / Department of Training and Workforce Development), referral to key Town departments.

## Discussion

13. The key themes from the community and landowner engagement were:

- Considerable support for minor increases in density in existing Residential zoned areas, although concerns about height over 3 storeys.
- Considerable support for growth and change/ redevelopment in the precinct, in particular height and density close to the train station and for mixed use (residential and commercial). Some calls for a diversity of housing products (townhouses, villas) and not all apartments.
- Considerable support for lower heights in the Distributed Density scenario, and concern about the impact of height on adjoining residential areas which are predominately 1-2 storeys. Some calls for more height/density and expansion of the precinct further into Carlisle.
- Acknowledgement that many industrial properties were reaching the end of their life, but this might also provide good opportunities for more diverse mix of businesses with new businesses being attracted to low rent properties.
- Considerable concern about the poor quality of streets, the poor quality of the pedestrian and cycle environment, and crime and community safety around the area.
- Some concern about existing traffic and parking and increasing traffic from redevelopment.
- Considerable support for improving streetscapes and more greening.

14. The key comments from the Town's Design Review Panel were:

- Support for higher densities in the existing residential zone.
- Consider consolidating redevelopment potential closer to station rather than a wider distribution, which may catalyse redevelopment and enable better alignment of redevelopment with streetscape and infrastructure upgrades. Encourages infrastructure-led redevelopment to create the context for redevelopment investment.
- Support the development of affordable, mid-range products, good opportunity for 3 storey walk up apartments and townhouses, as unlikely to get 4 storey apartments and acknowledging the difficulty of developing 4-16 storeys.
- Consider the business incubation role of the area.
- Important to develop a strong sense of identity for the area.
- Support higher tree canopy targets, greening and a clear open space hierarchy.
- Noted that station precincts require extra attention to the design of streets for pedestrians, and the movement network needs to be clear to prioritise and encourage sustainable transport modes (walking, cycling, micro-mobility).

15. The key comments from DPLH were:

- Key elements from either scenario would suit good precinct planning outcomes.
- Support upcoding of the residential frame precinct.
- Scenario 1 (Consolidated Core) looks appropriate for a short-medium timeframe and Scenario 2 (Distributed) more suited to a longer timeframe. Support increased intensity along Milford Street and some upcoding along Swansea Street East to create an alternative hub to the station core.

- d. Allowing up to 10 storeys close to the station may support the economic feasibility of development and provide flexibility for different built form outcomes, while maximising the benefit of public investment in transport infrastructure and new open space.
  - e. Support transition of height to adjoining lower height areas.
  - f. Acknowledge the important function of the service commercial/light industry area and its contribution to vibrancy of the area, so there is a need to manage the loss of such uses.
  - g. The extent of commercial uses on the ground floor in mixed use areas should be informed by demand, should allow some flexible/adaptable uses (i.e. co working spaces).
  - h. Increasing tree canopy cover should be a priority of the plan.
  - i. Determine a street hierarchy to set and guide streetscape and built form quality. Support streetscape upgrades especially to support pedestrian-cycle access to the station, including Swansea, Somerset and Milford Streets as key links. Consider mid-block pedestrian links.
16. The review of scenarios by the technical consultants did not raise any fatal flaws. Comments of note were:
- a. As a station precinct, the extent of parking will need to be managed.
  - b. Oats St bike lanes require protection and Milford and Somerset Streets also form important links to station. Encourage pedestrian connections through lots where possible.
  - c. The alignment of sub-precincts with existing cadastral boundaries assists in re-using existing infrastructure, particularly relevant where rear sewer lines.
  - d. There are likely water quality improvements with redevelopment of industrial land.
17. In view of the feedback received, a new Preferred Growth Scenario has been developed that takes account of the support for various components of each scenario. The Preferred Growth Scenario is located in Chapter 3 of Attachment 4 (page 25), and generally comprises:
- a. Residential Frame Sub-Precinct - Minor upcoding of existing Residential zones to encourage redevelopment of available properties for medium density such as villas, townhouses and small-scale apartments up to 3-4 storeys depending on the R-Code density applied.
  - b. Station Core Sub-Precinct - Consolidating higher density Mixed Use development closer to the station to leverage investment in the new station and open space, achieving a more focused and staged approach to redevelopment of the precinct and allowing for sufficient building height on larger lots to encourage redevelopment:
    - Building heights along Rutland Avenue (Carlisle side) up to 4-6 storeys with transition of heights to manage impact on adjoining lower height residential areas.
    - Building heights along Bank Street and portion of Milford Street 6 storeys with potential of up to 10 storeys where suitably located larger lots allow for transition of heights to manage impact on adjoining lower height residential areas.
    - Moderate provision of ground floor commercial floorspace (cafes, small shops, small offices/consulting rooms etc) to encourage street activity day-night and cater for some daily commercial needs but not compete with Albany Highway Secondary (Activity) Centre.
    - Water Corporation land on corner of Somerset and Beatty upcoded to R80 (subject to further engagement with Water Corporation).
    - No change to Local Planning Scheme Reserves over TAFE or Aqualife (noting Aqualife is subject to future master planning to guide any future redevelopment, formalise access through the site, open space opportunities and maximise the site as a key social infrastructure hub for the Town, depending on the outcomes of the Macmillan precinct master planning).



- c. Mixed Use Frame Sub-Precinct:
    - Extending Mixed Use down Milford Street (north side and part of the sound side of the street) up to 6 storey to create a strong link between the Mundee station and St James Town Centre (Albany Highway), building height up to 6 storeys with lower height at rear to manage transition to adjoining lower height residential areas.
    - Extending Mixed Use along part of Swansea Street East to Welshpool Road for heights 4-6 storey depending on location and manage transition to existing residential, and to leverage the amenity from the recently upgraded Forward Reserve.
  - d. Retain a portion of the existing light industrial area for light industry and mixed business/commercial (no residential) to allow for the ongoing diversification of businesses in this area (preferably within existing building stock), and to landbank this area for potential redevelopment in the longer term.
  - e. New open space to be created through METRONET, development of space around Water Corporation drainage sumps in Beatty St, Forward St and Jupiter St and landscape improvement to obsolete road reserves 'triangles' along Shepperton Road. Publicly accessible micro-spaces / front courtyards on private land to be encouraged in new developments where practical.
  - f. Retain Bishopsgate-Oats Street neighbourhood centre as Local Centre zone with minor upcoding to R-AC4 to allow for up to 3 storeys.
18. The precinct currently has approximately 750 dwellings. Preliminary calculations estimate that the Preferred Growth Scenario could theoretically accommodate an additional 1,675 dwellings (a total of 2,425 dwellings in the precinct) should every property redevelop to the maximum development potential available (which would also require amalgamation of some properties). This would potentially increase the population by an additional 3,518 residents from 1,575 residents (existing) (calculated using 2.1 residents / dwelling which is the average for the whole of the Town). However, it is highly unlikely any urban area ever reaches the maximum development potential and for the purposes of precinct structure planning, dwelling yields should be calculated for the 10-year planning horizon of the plan. DPLH has not been able to supply a methodology for calculating dwelling yields as yet. As such in the interim, preliminary dwelling yields (conservative and optimistic growth) were calculated below to provide the Council with an idea of the potential dwelling growth and what it might look like on-the-ground. As the plan is further resolved in Stage 3, and DPLH are engaged further, the dwelling yields will be refined, and an estimate of commercial floorspace yield will also be provided.
- a. Conservative Growth estimate- an additional 107 dwellings and an additional 225 residents over 10 years, generated from a small number of new developments in the Residential Frame sub-precinct, and 1-2 apartment developments in the Station Core and Mixed Use Frame sub-precincts.
  - b. Optimistic Growth estimate- an additional 821 dwellings and an additional 1,724 residents over 10 years, generated from a larger number of new developments in the Residential Frame sub-precinct including 2-3 storey apartments, and 8-10 apartment developments in the Station Core and Mixed Use Frame sub-precincts.
19. Should Council support the Preferred Growth Scenario, then the key matters to be addressed in Stage 3 of the project – Drafting the Precinct Structure Plan (PSP) and Scheme Amendment (SA) - include:
- a. Investigating the feasibility of community benefits and infrastructure contributions.
  - b. Confirming zones and permissible land uses and developing any place-specific development controls where needed above and beyond draft Local Planning Scheme No.2, policy and the R-Codes.

- c. Finalising calculations of anticipated dwelling growth and calculating commercial floorspace. Engaging with DPLH regarding the precinct's centre status under the State Planning Policy Activity Centres.
  - d. Confirming the capacity of existing social infrastructure to accommodate growth and/or impacts existing facilities.
  - e. Developing precinct-wide transport management strategies.
  - f. Identify the necessary public realm improvements across the precinct including their prioritization and the program that will facilitate their delivery.
  - g. Preparing a precinct-wide Local Water Management Plan.
  - h. Ongoing engagement with key stakeholders – DPLH, PTA, Main Roads, Water Corporation etc.
  - i. Developing engagement strategies to encourage widespread and informed community engagement during public advertising.
20. In view of the above, it is recommended that the Council endorse the Preferred Growth Scenario to enable the project to proceed to the next stage. Noting that the suite of draft plans prepared in the next stage will be presented to the Council for their consideration and support for public advertising. The project is aiming for draft plans to be presented to Council August-September 2024.

## Relevant documents

- 21. [Planning and Development \(Local Planning Schemes\) Regulations 2015 Deemed provisions for local planning schemes Schedule 2 Structure plans Part 4](#) - prescribes processes for the preparation, advertising and approval of PSPs. PSPs can be prepared by Local Government but final approval rests with the WA Planning Commission.
- 22. [Perth and Peel @3.5million and Central Sub-Regional Planning Framework](#) (WAPC, 2018) – sets out the strategic direction for the growth of the Perth Metropolitan Region and optimisation of land around train stations for increases in the density and diversity of housing, business activity, jobs and community activities. The Town is in the Central Sub-Region and the area around Oats Street Station is identified as an Activity Centre.
- 23. [Local Planning Strategy \(2022\) – Part One Local Planning Strategy and Part Two Background and Information Analysis](#) – sets out the strategic direction for dwelling and commercial growth and updates to the local planning framework (through the Local Planning Scheme, Precinct Structure Plans and other planning instruments), identifying specific recommendations for neighbourhoods. Relevant parts relating to the Oats Street Precinct are - Part One Oats Street Neighbourhood 10 page 36, Part Two page 93. Please note that the LPS scope and format is determined by the WA Planning Commission (WAPC) and approved by both the Town and the WAPC. The LPS is reviewed every 5 years.
- 24. [State Planning Policy 7.2 Precinct Design and Precinct Design Guidelines](#) – guides the scope, content and methodology for preparing Precinct Structure Plans.
- 25. [METRONET Station Precinct Design Guidelines](#) – provides guidance to the redevelopment of different typologies of station precincts.
- 26. [METRONET Station Precincts Gateway](#) – provides a high-level assessment and future scenario of how planning and development around METRONET stations can contribute towards meeting the objectives of Perth and Peel @ 3.5 million and other State Government policies.

## Legal and policy compliance

- 27. [Planning and Development Act 2005](#)
- 28. [Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

## 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	Delaying or not progressing the project could result in additional costs associated with longer project timeframes.	Low	Low	TREAT risk by supporting the Preferred Growth Scenario to enable progression to the next stage being drafting of the Precinct Structure Plan and Scheme Amendment.
Environmental	Delaying or not progressing the project could result in delaying potential for update of development controls to address environmental objectives.	Medium	Medium	TREAT risk by supporting the Preferred Growth Scenario to enable progression to the next stage being drafting of the Precinct Structure Plan and Scheme Amendment.
Health and safety	Delaying or not progressing the project could result in delaying future development and street upgrades, and the improved activation this would bring and its contribution to improved community safety.	Low	Low	TREAT risk by supporting the Preferred Growth Scenario to enable progression to the next stage being drafting of the Precinct Structure Plan and Scheme Amendment.
Infrastructure/ ICT systems/ utilities	Not applicable.		Medium	
Legislative compliance	Not applicable.		Low	
Reputation	Delaying or not progressing the project would not align with community, landowner and State Govt expectations for timely updates to the planning	High	Low	TREAT risk by supporting the Preferred Growth Scenario to enable progression to the next stage being drafting of the Precinct Structure Plan and Scheme Amendment.

	framework, especially following the extensive community engagement undertaken to date.			
Service delivery	Delaying or not progressing the project would prevent the Town's administration from meeting its obligations under the Local Planning Strategy and Corporate Business Plan.	Low	Medium	TREAT risk by supporting the Preferred Growth Scenario to enable progression to the next stage being drafting of the Precinct Structure Plan and Scheme Amendment.

## Engagement

Internal engagement	
Place Planning	Place Planning Strategic Planning are leading the project with input from East Victoria Park and Carlisle Place Leaders and other specialists as required. Place Planning supports the Preferred Growth Scenario.
Urban Planning	Urban Planning have been involved in the project from inception. Urban Planning support the Preferred Scenario.
Street Improvement	A representative from Street Improvement has been involved in the project and has recommended changes at certain locations.
Property and Leasing	Do not have any issue with the Preferred Growth Scenario.
Community Development	Do not have any issue with the Preferred Growth Scenario.
Environment	Do not have any issue with the Preferred Growth Scenario.

External engagement	
Stakeholders	Businesses, Residents, Landowners, Department of Planning, Lands and Heritage, METRONET, utility providers, TAFE).
Period of engagement	August-November 2023
Level of engagement	3. Involve
Methods of engagement	Engagement activities undertaken for Stage 1 and 2 include: <ul style="list-style-type: none"> <li>direct contact with landowners by letter, phone, email where possible, one-on-one meetings with interested landowners and a landowners intentions survey.</li> </ul>

	<ul style="list-style-type: none"> <li>• leaflet drops and direct engagement with businesses to promote the project and direct them to project information Your Thoughts (the Town's engagement platform).</li> <li>• promotion of the project through the Town's social media, e-news and a community survey.</li> <li>• one-on-one meetings with key stakeholders (the Department of Planning, Lands and Heritage, METRONET, utilities, TAFE facility manager and Aqualife facility manager).</li> <li>• direct engagement with the Town of Victoria Park Young Leaders.</li> <li>• community information session held at Carlisle TAFE (16 November 2023).</li> </ul>
Advertising	<ul style="list-style-type: none"> <li>• Letters to landowners (800+)</li> <li>• Leaflets to businesses (800+)</li> <li>• Flyers to letterboxes</li> <li>• Emails to Register for Project Updates.</li> <li>• E-News</li> <li>• Town's website</li> <li>• Social media</li> <li>• Posters displayed at Admin Centre and Library</li> </ul>
Submission summary	<p>Summaries of comments received on Stage 2 Scenarios are provided in the Discussion section of this report.</p> <p>More detailed summaries of comments received on Stage 2 Scenarios are provided in Attachment 4 Oats Street Precinct Preferred Growth Scenario Report.</p> <p>A full outline of comments received on Stages 1 and 2 are contained in Attachment 4 Stage 1 and 2 Engagement Report.</p>
Key findings	<p>Details of the key findings of the engagement activities undertaken to-date are provided in the Discussion section of this report.</p>

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The community (residents, landowners, business operators, visitors) are supportive of updates to the local planning framework that facilitate growth, through involvement in the planning process and contribution to planning ideas and draft plans.

Economic	
Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	The plan will provide additional opportunities for business diversity and growth that align to the Town's strategic direction and are complementary to the existing hierarchy of activity (commercial centres) in particular the nearby Albany Highway Secondary (Activity) Centre.

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The plan will make recommendations regarding: <ul style="list-style-type: none"> <li>improving the local environment – canopy coverage, stormwater management/water quality, remediating contaminated soil.</li> <li>built form sustainability.</li> <li>transport and parking strategies to increase active transport trips and reduce private vehicle use.</li> </ul>
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The plan will make recommendations to upgrade streetscapes and drainage sumps with a focus on significantly improving the walking/cycling environment and access to a range of open space areas and places to dwell along the street.
EN4 - Increasing and improving public open spaces,	The plan will make recommendations for upgrading drainage basins to provide publicly accessible space around the basins for community use (subject to further Water Corporation approval processes).
EN6 - Improving how people get around the Town.	The plan will make recommendations for upgrading streetscapes with a focus on significantly improving the walking/cycling environment to improve movement around and through the precinct, especially to and from the train station and bus interchange, St James town centre, Aqualife, regional bike path and open spaces.

Social	
Community Priority	Intended public value outcome or impact
S1 - Helping people feel safe.	The plan will facilitate development that activates the area, improves its image and will make recommendations regarding upgrades to streetscapes which may improve safety and perceptions of safety.
S2 - Collaborating to ensure everyone has a place to call home.	The plan will facilitate residential development, in particular apartments, that will add to the diversity of housing products available in the Town. The plan will make recommendations regarding affordable housing.

## Questions and responses

### Cr Peter Devereux

*1. What is the impact of having those additional number of residents next to the station in terms of the integrated transport strategy (ITS) and active transport, avoiding the car dominated potential connection between Rutland, Oats and Banks streets?*

The Chief Community Planner advised any type of density located close to a train station is going to satisfy the objectives of the ITS. What is proposed satisfies the intent of the transport strategies the higher number of people more satisfies the intent of the ITS, but the number of residents need to be balanced against other objectives of what the Precinct Structure Plan is to achieve.

**Cr Daniel Minson**

*1. Will the dwelling target set by the State Government be achieved by this plan?*

The Chief Community Planner advised that the density targets of the State are achieved under the old planning scheme. The new Town Planning Scheme goes above and beyond the state targets. Structure planning for targeted areas such as Albany Highway or Oats Street we are looking at highest and best use which is beyond state targets.

*2. Under the lower scenario of the Local Planning Strategy we haven't accounted for the Precinct Structure Plan for the Oats Street area do we achieve the targets set by the State Government?*

The Chief Community Planner advised yes.

*3. If there is no need to develop this area with high density residential, is there an opportunity for more balanced development target away from residential development?*

The Chief Community Planner advised there is always an opportunity if Council are intending for staff to take that in a different direction to what's presented for the growth scenario recommendation. This would need to be moved by Council.

*4. An objective of the Local Planning Strategy for Oats Street Station is to address gaps in the provision of public open space. The proposed public open space is for improvements to existing water corporation drainage basins, is there another way this objective can be achieved?*

The Chief Community Planner advised this is Council's opportunity to provide guidance to staff on what they want as the recommendation is based on the current Public Open Space strategy adopted previously. This stated while there is some opportunity to provide additional public open space, that was not the focus of the strategy, it was enhancing existing public open space.

*5. Do we consider closed off water corporation basins as public open space?*

The Chief Community Planner advised generally not but the public open space strategy it identifies opportunities for Town or Water Corporation owned sumps to be converted into different types of open space.

*6. Have any areas within the precinct structure plan been considered for community infrastructure development?*

The Chief Community Planner advised that would be in the next phase of developing the precinct structure plan, this is the growth scenario and gives high level guidance on general uses. Once we get to the specific precinct structure planning, we will delve further into detail. In residential and commercial uses there is always some type of community uses that are permissible.

*7. Just to clarify if we are re-zoning mixed use residential that doesn't preclude something being a hall, park or other type of community asset?*

The Chief Community Planner advised it wouldn't preclude that no. That type of community uses are considered on commercial and residential mixed use zoned land. But the specifics of where they might be will be considered down the track in the precinct structure plan.

### **Cr Peter Melrosa**

*1. In the event the SDAU approves the Banks Street development does that indicate the states preference on heights in this rea and would it impact the heights in this plan?*

The Chief Community Planner advised we already have advice in the report from the state on what heights are appropriate and these have been incorporated into the plan. If the Banks Street proposal is approved, we can take it into account in our detailed planning. But it is one lot in an extremely large area and the approval is not going to disrupt the process.

### **Cr Peter Devereux**

*1. In addition to increasing density, the plans include consideration of mixed use which would provide services to residents and businesses, is that part of the plan?*

The Chief Community Planner advised yes, absolutely it is, there are zones in the preferred scenarios that are termed mixed use and mixed business which is more for 'light industrial' but sometimes even in residential zones you can have some level of commercial uses.

### **Mayor Karen Vernon**

*1. The community submissions on building heights and location indicates 74% said they were too high or preferred scenario two, which is the distributed option. How does the Towns preferred growth scenario as recommended sit with this feedback?*

The Chief Community Planner advised there is an attachment that details all the feedback from the public and other stakeholders. The resulting preferred scenario is trying to address all comments as best we can. It is correct the majority of the community feedback liked a hybrid, but we have also taken on board other comments as they are not limited to height and density. The Town has tried to address all comments in the preferred growth scenario.

*2. The preferred scenario on page 25 of attachment 4, indicates there are three pieces of green space. If we adopt this proposal how do the Towns other plans and strategies ensure future people have green space?*

The Chief Community Planner advised there are another three public open spaces identified on the plan, some are enhancements of existing spaces and two are new. The public open space strategy that Council adopted is the guide to ensuring residents have access to public open space. The amount of open space is generally dictated by 10% public open space which is a State planning requirement. The Towns public open space strategy is about enhancing the existing space.

*3. One of these opportunities is an ungraded drainage basin, is this enough for a large community to have a proper open space?*

The Chief Community Planner advised that it isn't a large open space but what we try to ensure if that within 400 to 800m there is adequate space. Additional commentary can be provided in the report for the Ordinary Council Meeting.

*4. Can we also consider if it is time to review the public open space strategy adopted in 2020?*



The Chief Community Planner advised she is happy to look at this, but pointed out the detailed analysis of public open space does not happen in the growth scenario stage but in the precinct planning stage.

**Cr Peter Devereux**

*1. With the green spaces has consideration been given to items from LAOS regarding available land that could be drawn on to provide pocket parks and public open space.*

The Chief Community Planner took the question on notice.

**Further consideration to be added to the Ordinary Council Meeting agenda**

1. Provide further information on the Public Open Space Strategy and the current allocation of public open space in the growth scenario.
2. Provide comments on the proposal for a review of the existing Public Open Space Strategy.
3. Has the Land Asset Optimisation Strategy (LAOS) been considered for providing additional public open space.

*Council took an informal 10 minute break from 8:30pm to 8:40pm.*

## 12.6 Preparation of Local Planning Policy for the protection of trees on private property progress update

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Strategic Planning and Economic Development
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Summary

The report is to provide a progress update, as required by Council Resolution 22/2024, on the preparation of local planning policies for the protection of trees on private land and the management of a Significant Tree Register.

### Recommendation

That Council receives the report on the progress of preparing local planning policies for the protection of trees on private property and the management of a Significant Tree Register.

### Background

1. At the 20 February 2024 Ordinary Meeting of Council, the Council passed the following notice of motion (Council Resolution 22/2024):  
*That Council requests the Chief Executive Officer to:*
  1. Upon gazettal of Town of Victoria Park Local Planning Scheme 2, immediately initiate a Scheme Amendment to achieve tree protection on private property through the insertion of clauses into Schedule A: Supplemental Provisions to the Deemed Provisions providing requirements for the need to make development applications to remove trees from private property.
  2. immediately commence preparation of a Local Planning Policy for the protection of trees on private property and the management of a Significant Tree Register;
  3. hold a workshop with elected members about points 1 and 2 above;
  4. bring a report back to Council in May 2024 as to progress of points 1 and 2 above.
2. At the February meeting, the Council also passed a resolution to make modifications to draft Local Planning Scheme No.2 to insert clauses into Schedule A: Supplemental Provisions to the Deemed Provisions providing requirements for the need to make development applications to remove trees from private property. This decision has effectively actioned part 1 of the above resolution and is currently awaiting assessment by the Western Australian Planning Commission.
3. On the 27 February 2024 a Concept Forum was held with Elected Members to discuss tree preservation on private land to provide an overview of the planning instruments available and how these instruments can (and cannot) be utilised to regulate trees on private land.

4. On the 4 March 2024, the Western Australian Local Government Association released a new Model Local Planning Policy – Tree Retention, which clarifies whether tree removal (or other tree damaging activity) is works that requires development approval. The Model LPP has been prepared to assist Local Governments with preparing their own policies and aims to provide a consistent approach to preserve trees at all stages of the planning and development process.
5. A further workshop with Elected Members has been scheduled for the 1 May 2024 to discuss considerations and the Administration’s recommendations on the preparation of the requested policies.

## Discussion

6. The Administration has commenced the following activities to support the preparation of the requested local planning policies related to tree preservation on private land:
  - i) Review of WALGA Model LPP and supporting legal advice.
  - ii) Review of Town’s existing LPP39 – Tree Planting and Retention.
  - iii) Review of other local government LPPs related to preservation of trees on private land and significant tree registers.
  - iv) Monitoring of progress and decisions on other local government local planning scheme provisions.
  - v) Liaison with the Department of Planning, Lands and Heritage.
  - vi) Liaison with WALGA.
  - vii) Preparation of preliminary content for draft LPPs for internal stakeholder engagement purposes including Elected Member feedback following the 1 May 2024 workshop.
7. It is anticipated that the draft policies will be finalised for Council consideration at the July 2024 Ordinary Meeting of Council on whether to endorse the policies for the purpose of undertaking public advertising.

## Relevant documents

[WALGA Model Local Planning Policy Tree Retention](#)

## 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	High	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

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

## 12.7 134 Oats Street, Carlisle - Application for Development Approval - Proposed Telecommunications Infrastructure Replacement

<b>Location</b>	Carlisle
<b>Reporting officer</b>	Coordinator Urban Planning
<b>Responsible officer</b>	Chief Community Planner
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Development Plans [12.7.1 - 3 pages]</li> <li>2. Applicant's Planning Report [12.7.2 - 37 pages]</li> <li>3. Applicant's Site Selection Report [12.7.3 - 5 pages]</li> <li>4. Indicative Photomontage [12.7.4 - 3 pages]</li> <li>5. Environmental EME Report [12.7.5 - 3 pages]</li> <li>6. Submission received (redacted) [12.7.6 - 8 pages]</li> <li>7. Applicant's Response to Submission received [12.7.7 - 5 pages]</li> </ol>

<b>Landowner</b>	Belfarm Pty Ltd
<b>Applicant</b>	Indara Infrastructure Pty Ltd
<b>Application date</b>	01/02/2024
<b>DA/BA or WAPC reference</b>	DA 5.2023.466.1
<b>MRS zoning</b>	Urban
<b>TPS zoning</b>	Commercial
<b>R-Code density</b>	Not Applicable
<b>TPS precinct</b>	Precinct Plan P8 - Carlisle
<b>Use class</b>	Telecommunications Infrastructure
<b>Use permissibility</b>	Discretionary "AA" use
<b>Lot area</b>	2,077m <sup>2</sup>
<b>Right-of-way (ROW)</b>	Yes
<b>Municipal heritage inventory</b>	Not Applicable

<b>Residential character study area/weatherboard precinct</b>	Not Applicable
<b>Surrounding development</b>	Mix of commercial buildings with frontage to Oats Street and residential development coded Residential R30, which is predominately single storey in height

## Summary

1. The purpose of this report is for Council to determine a development application for the replacement of Telecommunications Infrastructure at No. 134 Oats Street, Carlisle. The proposal seeks to replace an existing 30m high lattice telecommunications tower with a 29.4m high monopole tower, increase the height of the existing base of the structure and enclosure fencing.
2. Following planning assessment of the application and consideration of the public submission received, Council officers recommend that the application is approved, subject to conditions.

## Recommendation

That Council:

- A. Approves the application for development approval (DA Ref: 5.2023.466.1) for proposed replacement of 'Telecommunications Infrastructure' at No. 134 (Lot 222) Oats Street, Carlisle in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the following conditions:
  1. The development, once commenced, is to be carried out in accordance with the approved plans date stamped approved at all times, unless otherwise authorised by the Town.
  2. Within thirty (30) days of the development subject of this approval commencing operation, the existing 30m high lattice tower is to be dismantled in its entirety and all redundant materials removed from the site.
  3. Prior to lodging an application for the relevant building permit, a Construction Management Plan must be submitted for approval by the Town, and thereafter implemented to the satisfaction of the Town (refer to related Advice Note).
  4. Prior to lodging an application for the relevant building permit, a Mural Application is to be prepared and submitted to the Town for approval, in response with Town's 'Mural Art Plan: Commissioning and Maintenance' (refer to related Advice Note). Once approved by the Town, the mural is to be maintained thereafter in accordance with the Mural approval granted.
  5. Prior to the development subject of this approval commencing operation, the approved mural to the north-west and south-west elevations of the foundation plinth is to be completed.
  6. Prior to lodging an application for the relevant building permit, complete details of the proposed external colours, finishes and materials of the monopole and enclosure fencing are to be provided to the satisfaction of the Town (refer to related Advice Note). The monopole is to be painted, clad or alternate high quality external finish with colour(s) sympathetic to its surrounds. The proposed enclosure fencing is to be visually permeable. The monopole and

fencing shall be constructed in accordance with the approved details and shall thereafter be maintained to the satisfaction of the Town.

7. All stormwater must be contained and disposed of on-site at all times via the existing stormwater disposal system, to the satisfaction of the Town.
8. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.

#### Advice Notes

AN1 Any amendments, or modifications to this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

AN2 In relation to the Construction Management Plan, it is to address the following matters:

- (i) How materials and equipment will be delivered and removed from the site;
- (ii) How materials and equipment will be stored on the site;
- (iii) Parking arrangements for contractors;
- (iv) Construction waste disposal strategy and location of waste disposal bins;
- (v) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
- (vi) Other matters likely to impact on the surrounding properties.

AN3 In relation to the proposed mural, it is recommended that the proponent as part of the Mural application, consults with the adjacent businesses to support the installation, identify local artists and explore opportunities for activations to support this.

AN4 In relation to the external colours, materials and finishes of the monopole and enclosure fencing, the Town advises that suitable enclosure fencing could include Garrison fencing, chain mesh fence with PVC coating or aluminum / metal slats or tubing.

AN5 A building permit is required to be obtained from the Town prior to commencement of any work in relation to this development approval.

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

AN7 Existing trees located within the verge are a Town asset and as such must be retained except where otherwise approved for removal by the Town.

AN8 Prior to the occupation of the development, any alterations, relocation or damage of existing infrastructure within the road reserve must be completed and reinstated to the specification and satisfaction of the Town of Victoria Park.

AN9 A Work Zone Permit application is to be submitted to and approval issued the Town, prior to any works or temporary storage on a public thoroughfare (including roads, parking bays, footpaths or verges). To download an application form and for further information, please refer to the Town's website or contact the Town's Street Improvement business unit on (08) 9311 8111. It is noted that a Work Zone permit may not be permitted along some sections of Oats Street.

B. Requests the CEO to advise the submitter on the application of Council's decision.

## Background

1. An Application for Development Approval was accepted by the Town on 1 February 2024, which seeks approval to upgrade existing telecommunications infrastructure at No. 134 Oats Street, Carlisle. The proposed upgrades include:
  - removal of the existing 30m high lattice tower;
  - installation of a 29.4m high monopole tower (selected external finish: pale grey);
  - installation and configuration of telecommunications equipment previously on lattice tower onto the new steel monopole including cabling, feeders, mounts, hybrids and other associated equipment;
  - increase in height of the existing concrete base (foundation plinth) to a total height of 1.7m above ground level which is proposed to include a mural artwork commission;
  - relocation of existing enclosure fencing.
2. In October 1972, the City of Perth approved a 100 foot (or 30.48m) high radio aerial tower, constructed of metal lattice, at the subject site. The proposed monopole is similarly located to the existing lattice tower, which is to be decommissioned.
3. The Town has records ranging from 1998 to 2021 on behalf of telecommunication providers notifying the Town of the installation of telecommunications equipment (classed as low-impact facilities pursuant to the Telecommunications (Low- Impact Facilities) Determination 1997) on the lattice tower to service the Optus and Vodafone networks.
4. The Western Australian Planning Commission published State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2) in September 2015. The policy provides guidance pertaining to the siting, location and design of telecommunications infrastructure.

## Applicant's submission

5. The applicant has provided a planning report, site selection report, EME report, indicative photomontage and response to the one public submission received, to support this development application. These documents can be viewed in the report attachments.
6. The applicant's planning report (see Attachment 2) includes the following information:
  - *"The proposal involves the swapout of an existing lattice tower for a new monopole, which will be owned by the Indara Group and host Optus and Vodafone telecommunications equipment.*
  - *"The purpose of the project is to enhance the structural capacity of the facility to support current and future upgrades of telecommunications equipment at the site, which will allow ongoing improvements to mobile telecommunication services, including coverage and network capacity, in the Carlisle area"*
  - *"The upgrade is proposed to...improve the visual amenity associated with the facility. It has been designed to minimise impact on surrounding land uses as far as practicable, generally accords with planning requirements for the site, and has as small as possible a visual impact".*



7. An indicative photomontage (see Attachment 4) has been supplied by the applicant, noting that the headframe and other equipment is expected to be reduced in size from that depicted:

*Figure 1: existing metal lattice tower (to be decommissioned)*



*Figure 2: proposed monopole tower*

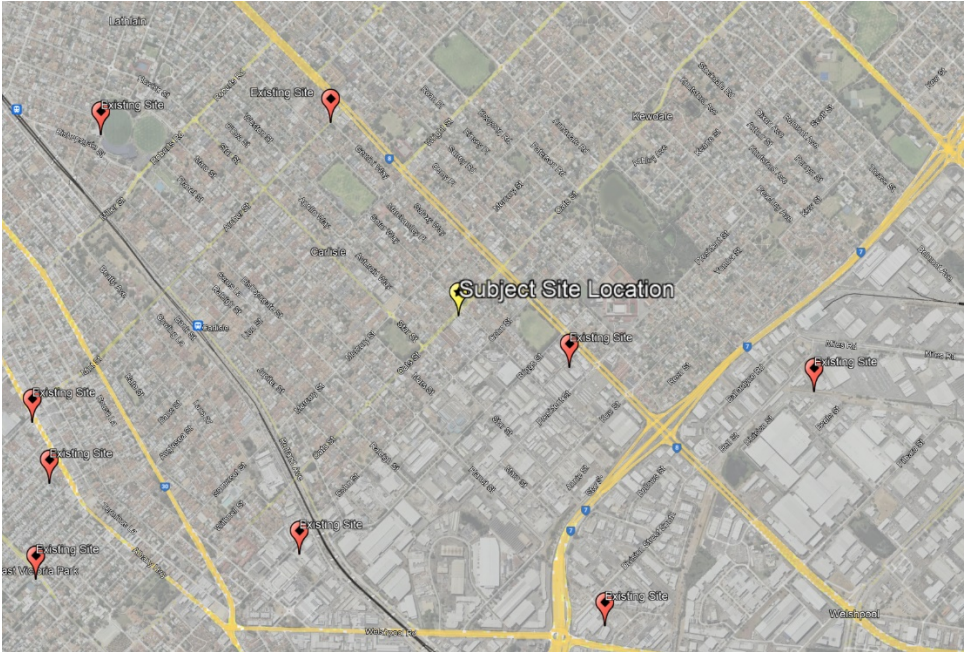


8. In terms of consideration of alternative sites in the local area to replace the existing telecommunication infrastructure, the applicant in their email dated 16 April 2024 advises that:

*"...if the facility was removed altogether, the nearest mobile base stations could not adequately cover the lost coverage provided by this facility. The subject facility provides vital mobile*

connectivity to the Carlisle residential area. With reference to the RFNSA database, the map below shows the nearest mobile base stations. Even upgrading all of these facilities in the area, to replace this facility, would not provide the capacity required for the area, and especially would result in significant connectivity issues and demands into the future.

Macro sites, such as the subject site, require tall heights to protrude above the surrounding landscape (trees, houses etc.). This means monopoles and multi-storey rooftops are generally the required structures to co-locate onto. In this area, there are no identified opportunities that can satisfy the needs for a telecommunications facility in this area. Opportunities for new greenfields in the area are also limited, given the predominantly residential land use across Carlisle with limited vacant land available”.



9. The applicant contends that if the existing tower was owned by a mobile carrier (rather than Indara) its replacement could be done under Schedule 3 of the Telecommunications Act 1997 as a maintenance activity avoiding the need for development approval. However, as Indara does not hold a carrier licence this exemption is not applicable.

**Relevant planning framework**

<b>Legislation</b>	<ul style="list-style-type: none"> <li>• <i>Planning and Development (Local Planning Scheme) Regulations 2015 (LPS Regulations)</i></li> <li>• <i>Telecommunications Act 1997</i></li> <li>• <i>Telecommunication (Low-Impact Facilities) Determination 2018</i></li> <li>• Metropolitan Region Scheme</li> <li>• Town of Victoria Park Town Planning Scheme No.1 (TPS1)</li> <li>• Town of Victoria Park Fencing Local Law 2021</li> </ul>
<b>State Government policies, bulletins or guidelines</b>	<ul style="list-style-type: none"> <li>• State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2)</li> <li>• WAPC's Guidelines for the Location, Siting and Design of Telecommunications Infrastructure</li> </ul>
<b>Local planning policies</b>	<ul style="list-style-type: none"> <li>• Local Planning Policy 3 – Non-Residential Uses in or Adjacent or Residential Areas</li> <li>• Local Planning Policy 23 – Parking</li> <li>• Local Planning Policy 27 – Building Height Controls</li> </ul>

	<ul style="list-style-type: none"> <li>Local Planning Policy 37 – Community Consultation on Planning Proposals</li> </ul>
<b>Other</b>	<ul style="list-style-type: none"> <li>Draft Town of Victoria Park Local Planning Scheme No. 2 (LPS2)</li> </ul>

## General matters to be considered

<b>TPS precinct plan statements</b>	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <ul style="list-style-type: none"> <li>A range of low intensity commercial uses will be permitted within these areas. Development such as small scale showrooms, offices and local shops are appropriate.</li> <li>New development shall be of a scale and style to enhance and complement existing buildings within the precinct.</li> <li>New buildings shall be setback in a manner generally consistent with the building setback on adjoining land and in the immediate locality.</li> <li>Priority will be given to minimising the impact of any development on adjacent residential uses or land through appropriate site design and layout.</li> </ul>
<b>Local planning policy objectives</b>	<p>The following objectives of Local Planning Policy 3 are also relevant to the application:</p> <ul style="list-style-type: none"> <li>To ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties;</li> <li>To provide for non-residential uses which serve the needs of the community;</li> <li>To minimise the impacts of non-residential development through appropriate and sufficient management of car parking and traffic generation, noise, visual amenity and any other form of emissions or activities that may be incompatible with surrounding residential uses.</li> </ul> <p>The following objective of Local Planning Policy 23 - Parking is relevant in determining the application.</p> <ul style="list-style-type: none"> <li>To ensure that adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand.</li> </ul>
<b>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</b>	<p>The following are relevant matters to be considered in determining the application.</p> <ol style="list-style-type: none"> <li>The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</li> <li>The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;</li> <li>Any State planning policy</li> <li>Any local planning policy for the Scheme area;</li> </ol>

	<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>r) The suitability of the land for the development taking into account the possible risk to human health or safety;</p> <p>v) The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</p> <p>y) Any submissions received on the application</p>
<b>Urban forest strategy</b>	Not applicable

### 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, and other relevant documents, as applicable.

Non-residential development		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use		X
Building height		X
Car parking		X

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

Element	Permissibility	Recommendation
Land use	AA (Discretionary) use	Supported

10. The Town of Victoria Park Town Planning Scheme No. 1 (TPS1) defines telecommunications infrastructure as follows:

*“means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment apparatus, tower, antenna, tunnel, duct, hole, put or other structure related to the network”.*

11. State Planning Policy 5.2 - Telecommunications Infrastructure (SPP5.2) provides policy measures for Local Governments to use when assessing telecommunication infrastructure. The policy advises that the benefit of improved telecommunication services should be balanced with the visual impact on the surrounding area.

12. Having regard to LPP3 'Non-Residential Uses in or Adjacent to Residential Areas', the objectives of the Policy are relevant however the policy provisions are primarily applicable to developments involving buildings. While the proposal would not satisfy Policy objective (a) being "to ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties", when also considering the policy measures in the higher order State Planning Policy (SPP5.2), the proposal is considered to be acceptable.
13. Under draft Local Planning Scheme No. 2 (LPS2), the subject site is proposed to be zoned Mixed Use, with the land use 'Telecommunications Infrastructure' listed as an 'A' use which is discretionary use which requires public advertising prior to an application being determined.

Element	Requirement	Proposed	Variation
<b>Building height</b>	Maximum 10m; 2 storeys	29.4m; N/A	+19.4m; N/A
			Supported

14. As per the Urban Design Study referenced in Local Planning Policy 25 – Building Height Controls, "Development Outside Key Areas" it states that height controls outside the key areas should be limited to a height equivalent to residential development comprising of two storeys with provision for a loft. This height control will apply to all forms of development regardless of the zoning or land use proposed.
15. The Residential Design Codes: Volume 1 indicates a maximum total building height of 10m.
16. The proposed monopole tower is 29.4m high, which well exceeds the maximum building height by 19.4m. However, the proposed monopole tower is to replace an existing 30m high lattice tower, which is located in a similar location at the site.
17. The Local Planning Policy contains no policy objectives, to guide consideration / design principles where a proposal exceeds the maximum building height. However, the proposal is more slender and has lesser impact on the streetscape and surrounding properties than the existing metal lattice tower (see **Attachment 4**). Due to the orientation of the lot and the location in the north-west corner, the shadow of the monopole will largely be over the subject site rather than neighbouring properties.

Element	Requirement	Proposed	Variation
<b>Car parking</b>	Not stated under LPP23	6 bays	N/A
			Supported

18. No permanent parking bays are allocated for the telecommunications infrastructure. The applicant advises that the site is unmanned, and routine maintenance occurs on an infrequent basis, approx. 2 – 4 times a year.
19. The subject site has previous planning approval for six (6) car bays on-site. Additionally, there is no changes to the existing approved car bays as a result of this proposal.

20. No minimum parking standard is listed for the land use under Local Planning Policy 23 – Parking. Council Officers consider that due to the infrequent staff/contractor access required to the site, use of the existing car parking on-site is acceptable.

## Engagement

Internal engagement	
Stakeholder	Comments
Building	A Building Permit is required. Standard conditions and advice notes recommended.
Parks	Standard condition and advice notes recommended in relation to protecting the existing street trees in the adjacent verge.
Place Planning and Arts Officer	The proposed mural to the foundation base is considered appropriate for this site which is a local hub for creatives. It is recommended that consultation occurs with the adjacent businesses to support, identify local artists and opportunities for activations to support this.

External engagement	
Stakeholders	Owners and occupiers within a 100m radius
Period of engagement	29/02/2024 to 21/03/2024 (21 days)
Level of engagement	2. Consult
Methods of engagement	Online survey and written submission
Advertising	On-site notification sign, notice in local newspaper and letters to owners and occupiers within 100m radius of subject site (173 letters sent)
Submission summary	One submission received, objecting to the proposal.
Key findings	<p>A redacted copy of the submission received is provided at <b>Attachment 6</b></p> <p>Key concerns raised in the submission include:</p> <ul style="list-style-type: none"> <li>• Previous site history and consultation process</li> <li>• Inappropriate location of tower</li> <li>• Lack of justification for replacement infrastructure</li> <li>• Aesthetics of tower</li> <li>• No significant community benefits</li> <li>• Contrary to Town’s strategic vision</li> </ul>

## Planning Assessment

### Visual amenity and location

21. The proposed telecommunications infrastructure is located to the Oats Street frontage, adjacent to the existing footpath. It is in the same area as the existing 30m high metal lattice tower (to be replaced) which is currently visible in the streetscape. The development site adjoins other commercial properties and is located opposite single storey residential dwellings.

22. In terms of visual impact, SPP5.2 states that:

*“Telecommunications infrastructure should be sited and designed to minimise visual impact and whenever possible:*

*a) be located where it will not be prominently visible from significant viewing locations such as scenic routes, lookouts and recreation sites;*

*b) be located to avoid detracting from a significant view of a heritage item or place, a landmark, a streetscape, vista or a panorama, whether viewed from public or private land;*

*c) not be located on sites where environmental, cultural heritage, social and visual landscape values maybe compromised and*

*d) display design features, including scale, materials, external colours and finishes that are sympathetic to the surrounding landscape”*

23. There are no significant viewing locations in the immediate locality. Additionally, neither the subject site or adjoining sites have identified environmental, cultural heritage or visual landscape values. It is acknowledged that there are local social values in regard to the Carlisle Collective (which is also located on the subject site) however these values will not be compromised by the replacement telecommunications infrastructure.
24. In response, the applicant contends that the monopole will be visible from several perspectives in the locality, however this is the same as existing views of the lattice tower and monopoles being slimline are less visually obtrusive. The applicant also states that existing mature street trees act as natural screening of the monopole from many surrounding viewpoints.
25. The applicant proposes the monopole be finished in a shade of unpainted neutral grey. The applicant has submitted a photomontage showing how the infrastructure will look from surrounding areas (see **Attachment 4**). This colour is considered by the applicant to best blend into its environment in all weathers, however they can also consider finishing the monopole in an alternate colour such as pale green.
26. Council Officers do not support the proposed external finish of unpainted neutral grey, as it is not considered high-quality, noting the monopole’s location at the street frontage. Preference is for the monopole to be painted or clad in colour/s sympathetic to its surrounds. As such a condition requiring details of the external finish to be submitted and approved by the Town is recommended.
27. The proposed monopole will be visible from the surrounding area, including nearby residential properties. However, its design is more compact and less visually obtrusive compared to the existing telecommunications tower which is being replaced. When balancing the needs of the community for an improved phone network against the visual impact of the proposed structure when compared to the existing structure, the proposal is considered acceptable.

### **Foundation plinth, fencing and art mural**

28. The existing concrete foundation plinth to the telecommunications tower is proposed to increase by 1m to a total height of 1.7m high. The applicant indicates that this is to support the footing of the proposed monopole. To offset a blank, concrete wall the applicant is proposing to commission a mural stating :
- “this façade is an opportunity for a community benefit, providing a space for local artists to showcase their work and improve the streetscape qualities. This would reduce the visual impact associated with the structure foundations proposed, whilst also aligning with the cultural and artistic values of the adjacent Carlisle Collective on the subject property.*

The applicant’s planning report (see **Attachment 2**) at Figures 12 & 13 includes indicative mural designs, however the Town’s Place Planning team and Arts Officer recommend that consultation with adjacent businesses occurs regarding the mural and that local artists are identified for the mural artwork. The proposed art mural treatment is supported, noting there are minimal opportunities for other design alternatives such as landscaping, with a nil setback to the foundation plinth and the footprint of existing development on-site.

29. The existing fencing around the telecommunications tower is metal chain mesh with barbed wire on top. The barbed wire (as constructed) is contrary to the Town's Fencing Local Law 2021. The development plans indicate that the existing fencing is to be relocated onto the new foundation plinth.
30. It is recommended that the fencing around the telecommunications infrastructure is upgraded given its location directly adjacent to the street frontage and opposite residential properties. The upgraded fencing is to be visually permeable, and examples of suitable fencing include Garrison fencing, chain mesh fence with PVC coating or aluminum / metal slats or tubing. With the increased height of the concrete foundation plinth, Council officers consider the use of barbed wire redundant.

## Financial implications

<b>Current budget impact</b>	No impact.
<b>Future budget impact</b>	Not applicable.

## Risk management considerations

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Not applicable.			
Environmental	Not applicable.			
Health and safety	Health impacts from electromagnetic energy (EME) exposure.	Low	Low	TRANSFER The Australian Radiation Protection and Nuclear Safety Agency provides standards for the limits of exposure which must be complied with by all installations. A report has been prepared as part of the application (see Attachment 5) that sets out that the highest EME exposure level with the proposal is 4.05% of the standard exposure limit, which is low.
Infrastructure/ ICT systems/ utilities	Not applicable.			
Legislative compliance	The proponent has a right of review to the State Administrative Tribunal against Council's decision, including any conditions.	Medium	Low	ACCEPT Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.



Reputation	Public criticism regarding decision on application.	Low	Low	ACCEPT  Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.  Provide sound reasons for decision of application and advise submitter of decision in a timely manner.
Service delivery	Not applicable.			

## Strategic alignment

### Economic

Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Reliable telecommunications network coverage is crucial to a strong local economy both at present and in the future.

### Environment

Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	Reliable telecommunications network coverage to residents is an important element in modern homes.

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

Cr Lindsay Miles noted the administration had answered her intended questions on this item via email.

## 13 Chief Operations Officer reports

### 13.1 Rutland Avenue PSP - Response to petition and project development

<b>Location</b>	Lathlain
<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. Proposed One Way - Visualization [<b>13.1.1</b> - 1 page]</li><li>2. Proposed Two Way - Visualization [<b>13.1.2</b> - 1 page]</li><li>3. Rutland Avenue Traffic Data - Map 1 [<b>13.1.3</b> - 1 page]</li><li>4. Rutland Avenue Traffic Data - Map 2 [<b>13.1.4</b> - 1 page]</li><li>5. Rutland Avenue Urban Canopy &amp; Thermal Imagery [<b>13.1.5</b> - 5 pages]</li><li>6. 2 Way Road Design - Station Precinct &amp; Gallipoli to Streatley [<b>13.1.6</b> - 31 pages]</li></ol>

#### Summary

Council is to determine the ultimate format of Rutland Avenue Principle Shared Path and adjacent road format. This should include a comprehensive evaluation of the traffic data obtained during the recent one-way trial and the concurrent community consultation as well as the proposed response to the concerns and feedback expressed by the community and an assessment of the overall long-term benefits of each option

#### Recommendation

That Council:

1. Notes the response to the Petition as provided within this report
2. Approves the one-way option as the preferred construction treatment between Gallipoli Street and Midgeley Street.

#### Background

1. The Rutland Avenue Shared Path project is a key deliverable in the Town's 2024/25 budget and State Government's Long Term Cycling Network
2. The Rutland Avenue Principal Shared Path is identified in a number of Council endorsed guiding documents including:
  - a. Department of Transport – Long Term Cycling Network
  - b. South Perth and Victoria Park Joint Bicycle Plan
  - c. Integrated Transport Strategy (ToVP)
3. Several sections of the identified PSP path have been delivered by the Town over the past 10 years from Welshpool Road through to the Graham Farmer Freeway with a total investment of \$1,864,055 (\$577,055 municipal funding).
  - a. 2017-2018 Oats to Welshpool \$114,500 (100% DoT)
  - b. 2019-2020 Miller to Oats \$685,000 (50% DoT)
  - c. 2019-2020 Goodwood Road \$394,555 (\$160,000 DoT funds)

- d. 2022-2023 Stage 1 Miller to Great Eastern Highway \$670,000 (100% DoT)
4. The remaining section of Rutland Avenue PSP is the Miller Street to Great Eastern Highway length – with this area identified in the Department of Transport WA Bicycling Network (2017) (WABN) noting “For the narrow sections consider changing the road to a bi-direction bike facility and one way for motorised traffic;”
5. Two differing proposals to address the final section of the regional path network have been the subject of Community Consultation:
  - a. Safe Active Street – abandoned due to community concerns, and
  - b. One-way motorised traffic proposal as per the WABN document (current consultation)
  - c. No formal consultation was undertaken for the two-way proposal that was the basis of the Grant Agreement despite the now apparent concerns of that proposal
6. A grant agreement was signed with Department of Transport for \$2.2million based on a project cost estimate developed by the Town of Victoria Park in September 2019 based on two-way motorised traffic as well as a bi-directional bike facility.
7. The remaining section of Rutland Avenue PSP (Miller Street to Great Eastern Highway) has been split into 3 sub-sections
  - a. Miller Street to Bishopsgate Street (Stage 1) – completed late 2023 – Cost \$450,000
  - b. Victoria Park Train Station (stage 2) – construction estimated at \$830,000
  - c. Gallipoli Street to Streatley Avenue Section (Stage 3) – construction estimated at \$4,015,000
  - d. Contractor preliminaries, design & professional fees and project contingencies are estimated at \$3,750,000
8. The project is now at a critical point where the grant agreement of \$2.2million is currently not sufficient to fully deliver on the objectives. Stages 1 and 2 were able to be delivered within the budget, but the outstanding Stage 3 between Gallipoli Street to Streatley Avenue cannot be delivered within the previous budget estimate and current grant agreement.
9. The increase has been through several factors being:
  - a. Reconstruction of a Water Corporation water main required but not previously identified.
  - b. Extensive relocation of Western Power lighting assets, which also has a significant timing risk.
  - c. Escalation through the intervening period once including the service utilities.
  - d. Contractor preliminaries and contingencies due to complexity of service shutdowns and construction methodology
10. The basis on which the grant was agreed would have an equivalent estimate of \$8.8m. There remains some uncertainty around service relocation costs which is reflected in the project cost estimate.
11. To resolve this situation the Town, in partnership with the Department of Transport, has undertaken further investigation and consultation on the previously identified WABN (2017 update) approach to look at a one-way motorised traffic arrangement.
12. The initial construction estimates to facilitate a one-way conversion to the remaining Stage 3 (Gallipoli Street to Streatley Avenue) are a little over \$1,500,000.
13. The one-way motorised traffic arrangement is in excess of the current grant and would require additional funds but provides a number of other benefits including the ability to deliver a green corridor that supports the community into the future through the ability to plant extensive canopy trees.
14. The previous two-way motorised vehicle is based on a very limited 5.5 metre total road width, and even with that will leave no viable verge for any planting’s and almost all existing trees will be removed.
15. There is a high potential that with a road width reduction to 5.5m and traffic speed calming that both north and southbound traffic is diverted to adjacent streets to avoid the narrower constrained environment.
16. Between April and May 2023, the project team conducted a 2-week trial to measure the traffic impacts on the immediate road network to allow a data driven decision by Council.

17. The extent and nature of traffic monitoring was based on the assumption of local redistribution in the existing traffic and didn't intend to undertake an extensive traffic study nor map any potential impacts from project works that may have impacted at a broader level.
18. The aim of the trial was to provide Elected Members with data for a balanced and informed basis for making a decision on such an important project
19. Pre-trial and post-trial consultation was conducted to determine the appetite for exploring the option further.
20. The key considerations are the negative impacts of traffic redistribution, compared to the social and environmental benefits of converting Rutland Avenue to one way and creating a safe shaded corridor through the suburb, linking active travel from end to end within the Town.
21. In line with the Western Australian Bicycling Network Plan 2014-2031 (2017 update) the challenges of such a narrow road corridor were foreseen, with the following commentary and indicative action plan (page 15)
22. The one-way option presents the greatest opportunity to achieve a number of outcomes
  - a. To mitigate project costs and reduce construction timeframes the one-way option presented an opportunity to retain the existing kerb line along the residential side of the road
  - b. Avoid the removal of almost all trees on the residential side of the Rutland Avenue corridor
  - c. Allow the significant planting within the existing road corridor as well as residential verge.
23. Despite the positive outcomes, the potential impact on the local traffic flows is acknowledged. The key consideration is the redistribution of traffic as a result and the expected shift of traffic into the surrounding area, hence the trial to base any further consideration on real data gathered in the local area.

## Discussion

24. The trial saw south-bound carriageway traffic maintained, with north bound traffic prevented from using Rutland Avenue, with the intent to monitor the redistribution of traffic.
25. The control monitoring point was the Rutland Ave and Gallipoli Street traffic volumes. These were consistent prior and during which supports that generally the vehicle access was not a major redistribution of "external running".
26. The expected shift of traffic that did occur during the trial was the redistribution of predominantly local traffic to access properties within Lathlain.
27. An overall reduction in traffic speeds was detected.
28. An increase in traffic volume from the redistribution of traffic on local roads raises valid safety concerns from the local community. Improved pedestrian and cycling facilities within the neighborhood, and with an emphasis on the movement to and from schools by children, could address this.
29. The Lathlain Traffic Management Plan partially delivered a full local area plan, but it is a fair observation that this was to manage traffic and pre-dated the Integrated Transport Strategy, which looks at improving all modes of movement including cycling and pedestrian infrastructure.
30. A community petition received in November 2023 to retain 2-way road traffic highlighted the communities support of the Principal Shared Path (PSP) being delivered as a separate dedicated cycle facility between Gallipoli Street and Midgley Street.
31. The petition does support the bi-directional cycling infrastructure but not by the use of a one-way arrangement as per the trial.
32. The petition highlighted 5 major concerns from the one-way
  - a. Diversion of traffic to surrounding streets affecting safety and amenity Impacts on the safety of accessing local schools
  - b. No extra cost to the Town as the project is fully funded by Department of Transport
  - c. Trial was limited to a select area
  - d. Significant negative impacts of the one-way conversion over the retention of two-way traffic
  - e. Parking is currently not allowed on Rutland as it is a continuation of Bishopsgate Street
33. The response to the Petition is as below:

- a. Safety concerns noted are already present for children and the proposed approach is to address as a focus for existing programs. The LTMP did not deliver pedestrian and cycling features that could address these concerns but instead looked to reduce vehicle speeds and disburse traffic evenly throughout the suburb. Instead, a holistic approach to the area can be seen through the Healthy Street framework where a combination of factors are considered, including tree canopy and shade, traffic volumes and speeds, condition of footpaths and crossings, pedestrian and cycling infrastructure, among many others. The amenity of Rutland Avenue will be severely impacted by the two-way approach due to the removal of almost all street trees and verge plantings to be replaced with the road a path surfaces
  - b. The current funding agreement remains at \$2.2million which was 100% funded when agreed several years ago. The project now has a funding shortfall regardless of the option council chooses. Despite the funding, the intention remains to achieve a better overall outcome than the status quo. The shortfall can be mitigated by moving away from the original design; however, a new agreement will need to be approved by the Department of Transport to complete the project.
  - c. Trial was limited to the area containing the immediate traffic diversion.
    - i. It is unclear as to how this existing issue at Gallipoli shops is impacted by the increase which equates to 1 extra car each minute at peaks. It is proposed that pedestrian and cycling interventions be considered through existing Town programs.
    - ii. Traffic data captured to the south of the Gallipoli Street and Rutland Avenue intersection remained at existing levels throughout the trial, which would likely confirm that the volume of northbound traffic diverted down Gallipoli did not spill onto streets like Goddard Street. Traffic on Goddard Street is a well-known issue that is being addressed separately.
    - iii. Signage and social media posts were present during the trial so that, together with other communication methods, general awareness was deemed sufficient to assess the trial.
    - iv. The proposed future rezoning of parts of Rutland Avenue to R60, as identified within the draft Town Planning Scheme, are in the areas that were historically developed with Zoning at R60. The large blocks of units are to a similar density to any proposed future R60 development and as such will not have a significant impact on the current trial.
  - d. Safety issues related to the intersections noted in the petition will be apparent irrespective of the one-way trial and will be addressed as part of the proposed program response.
  - e. The overall amenity is impacted by a large number of factors and unfortunately both Goddard and Gallipoli Streets are unique in traversing the suburb. Measures to address safer crossings, better shade and other factors are all to be considered.
34. The negative impacts from traffic dispersion should be compared to the social and environmental benefits of converting Rutland Avenue to one way and creating a safe shaded corridor through the suburb and linking active travel to surrounding suburbs. This presents a great opportunity to reduce vehicle traffic through the network and provide enhanced active travel opportunities.
35. Parking is currently permitted along Rutland Avenue; no signage is in place that prevents this from occurring.
36. Two key areas have been further examined to fully address these concerns:
- a. Actual achievable green corridor
  - b. A response on what measures will or can be achieved to provide a safer walking and cycling environment particularly for accessing schools and the local community.
37. *Green Corridor – One Way Arrangement.* Feedback on the one-way concept outlines the desire to plant additional trees to provide a truly green corridor with shading for all users, not just the residential side. A closer examination was undertaken on the one-way arrangement which determined:
- a. Road cross-sections were explored further.
  - b. A preferred planting schedule was prepared based on Water Corporations low –risk tree guidelines. This is a requirement as any planting between the roadway and cycle path to create a green corridor needs to maintain correct clearances and reduce the potential risks to the existing 700mm diameter Optus Stadium mainline.

- c. This combination of lower risk tree selection and alignments, with potential planting at ground level, has been represented in the attached renders, showing the specific tree type that provides the corridor with the best chances of shading/greening and activating the cycle path and pedestrian path along the residential verge.
  - d. Without the need for relocating service under the one-way option, verge trees can be a more substantial medium sized tree such as a 'Corymbia calophylla' while the species chosen for the cycle path will be 'Corymbia eximia 'Nana'', a dwarf species which will still enable a 4-8m tall tree when mature and a canopy spread of 6-8m
  - e. The proposal links closely to Department of Transport's 'Green Transport Route initiative', aiming to blend path infrastructure with local surroundings to create a more pleasant walking and riding experience by increasing natural landscaping, shade, shelter and amenity.
38. *Green Corridor - Two Way Arrangement.* This detailed examination does not provide any further planting opportunities and again the limited remaining corridor space will see:
- a. Removal of most street trees and substantial amounts of residential verges.
  - b. almost no future street tree planting, verge gardens and verge parking.
  - c. To minimize impacts to verges, 2-way road widths have been reduced to absolute minimum of 5.5m.
39. *Safer Walking and Cycling – One Way Arrangement.* Redistributed traffic presents a concern for residents within Lathlain and specifically Gallipoli Street. The proposed approach to address the impacts of the one-way option would be:
- a. The proposed approach, and subject to broader community consultation and budget considerations, would be to provide an enhanced pedestrian and cycling environment.
  - b. Councils' Skinny Streets sub-program, a part of the Integrated Transport Program, subject to Council approving the 2024-25 capital budget, are earmarked for the improvements that will ensure a safer route for all, with emphasis on median and mid-block refuges to enable safer crossings.
  - c. The Main Roads WA Low-Cost Urban Road Safety program is the funding opportunity that will support the Skinny Streets implementation.
40. *Safer Walking and Cycling – Two Way Arrangement.* The matters raised by the resident's petition also impact the current traffic patterns and accessibility. The focus on pedestrian and cycling improvements, as noted above, would equally be valid to address the issues raised, given that the increases of redirected traffic would equate to natural increases of 3-5 years of general traffic volumes. The issues would additionally require addressing:
- a. current traffic speeds on Rutland Avenue are more than 60km/hr and on numerous occasions were in excess of 130km/h immediately adjacent to the Clydesdale Bridge.
  - b. any traffic calming, originally deferred until the PSP was established, may have an add on effect of redistributing both north and southbound traffic onto the surrounding network, like Gallipoli Street, to avoid the calming measures. This was noted in the previous Safe Active Street consultation:
41. The recommended action is to deliver a one-way traffic arrangement on Rutland Avenue between Gallipoli and Midgeley Streets, and in doing so support the long-term benefits that will ultimately support the critical regionally significant linkage through the Town of Victoria Park
42. Notes that in implementing the one-way approach the Town is to:
- a. Address the valid concerns of the residents in regards the traffic redistribution to provide a true integrated transport network in the Lathlain area,
  - b. Develop a specific program of interventions through the existing Integrated Transport sub-programs to deliver better pedestrian and cycling infrastructure with a focus to provide safer corridors for school access
  - c. Undertake the full planting of the one-way solution on the basis that it provides a long-term sustainable corridor for the future of the Town and supplements the Town's Urban Forest Strategy
  - d. Provide a revised cost breakdown for the alternate approach, and secure 100% funding through a varied Grant Agreement with the Department of Transport.

## Relevant documents

Western Australian Bicycling Network Plan 2014-2031 (2017 update)  
 Joint Bike Plan – City of South Perth and Town of Victoria Park 2018

## Legal and policy compliance

Section 3.57 of the *Local Government Act 1995*

## Financial implications

<b>Current budget impact</b>	Nil
<b>Future budget impact</b>	<p>Sufficient funds do not exist within the agreed grant. There is currently formal agreement in place for \$2.2million available in total. It is proposed that funding will be acquired through:</p> <ul style="list-style-type: none"> <li>• One way - Grant Agreement Increase – Minimal increase</li> <li>• Two way – Grant Agreement increase - Major (subject to minister approval)</li> </ul> <p>As the project is 100% funded by Department of Transport there is no perceived budgetary impacts on the Town however a revised delivery amount will need to be discussed and agreed with the department prior to completing the final section between Gallipoli Street and Midgely Street.</p>

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Grant income increase not supported	High	Likely	High	High	TREAT risk by adopting an alternate design approach to facilitate a cheaper construction method while still delivering a well-rounded project
Environmental	Loss of vegetation and wildlife habitat	Moderate	Likely	Medium	Medium	TREAT risk by redesign to accommodate tree retention and expansion
Health and safety	Lack of shade and separation between cars and cyclists/pedestrians	High	Possible	Medium	Medium	TREAT risk by incorporating more planting areas
Infrastructure/ ICT systems/ utilities	Not applicable.					

Legislative compliance	Not applicable.					
Reputation	Rediverting traffic onto surrounding roads	High	Certain	High	High	<i>TREAT risk by</i> Traffic redirection minimized by targeting the lower volume traffic lane on Rutland, further pedestrian, and urban road safety initiatives to be explored to mitigate risk
Service delivery	Project delivery blow out	High	High	High	Medium	<i>TREAT risk by</i> Professionally managed project delivery and explore options to reduce underground service relocations where possible

## Engagement

Internal engagement	
Stakeholder	Comments
Street Operations	Design specifications and overall layout of all options presented
Project Management Office	Project review and feedback on delivery risks
Place Planning	Feedback and design review.
Parks Staff	Provide feedback on vegetation and tree specific information
Procurement	Future tender and delivery process
External engagement	
Stakeholders	<i>Residents and Business owners in the Lathlain Area and via socials</i>
Period of engagement	<i>Pre-trial engagement - 24 April 2023 to 21 May 2023 Post-trial engagement – 9 August 2023 to 30 August 2023</i>
Level of engagement	2. Consult
Methods of engagement	<i>Written submissions, online survey, onsite meetings</i>



Advertising	<i>Letter drops, Town website, onsite signage, social media and emails</i>
Submission summary	<p><i>Pre-trial consultation had a total of 309 responses</i>  <i>82 (26.7%) supported the proposal</i>  <i>210 (68.4%) objected to the proposal</i>  <i>15 (4.9%) were unsure</i></p> <p><i>Post-trial consultation had a total of 265 responses</i>  <i>64 (24.2%) supported the proposal</i>  <i>197 (74.6%) objected to the proposal</i>  <i>3 (1.1%) were unsure</i></p>
Key findings	<p><i>Although most respondents did not support the proposal, there was still community support, and respondents from Rutland Avenue showed a high proportion of support.</i></p> <p><i>Pre-trial consultation, filtered by Rutland residents:</i>  <i>13 supported the proposal</i>  <i>15 objected to the proposal</i>  <i>11 were unsure</i></p> <p><i>Post-trial consultation, filtered by Rutland residents:</i>  <i>18 supported the proposal</i>  <i>8 objected to the proposal</i></p> <p><i>Note that Rutland Avenue residents would be immediately impacted by the road widening under the original, two-way design.</i></p>

<b>Other engagement</b>	
Stakeholder	Comments
Department of Transport	Design and specifications review. Support of one way and greening
MRWA	Design and specifications review.
PTA	Design review
Westcycle	Project Endorsement

## Strategic alignment

<b>Civic Leadership</b>	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The construction project will be delivered using the Towns Project Management Framework for accountability and transparency.

	Council will be able to make an informed decision and deliver a project based on key deliverables and community priorities, rather than simply meeting the needs of vehicles.
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**Environment**

Community Priority	Intended public value outcome or impact
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EN1 - Protecting and enhancing the natural environment.	<p>One-way streets lead to smoother traffic flow, fewer emissions released into the air, leading to improved air quality. Cleaner air supports healthier ecosystems, benefiting both flora and fauna.</p> <p>It will encourage people to choose eco-friendly modes of transportation like biking or walking, reducing reliance on fossil fuels and minimizing pollution.</p> <p>Trees, shrubs, and green verges can be planted, creating a more aesthetically pleasing environment, providing habitats for wildlife. Shaded paths and verges help to mitigate urban heat island effects and absorb carbon dioxide.</p> <p>Reduced noise pollution can benefit local wildlife by creating a quieter and less disruptive habitat.</p> <p>Reduced stormwater runoff will allow for more surface absorption and filtering of pollutants.</p>
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**Social**

Community Priority	Intended public value outcome or impact
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S1 - Helping people feel safe.	<p>Conversion to one way allows for fewer conflict points, reducing the risk for all road users, enhances the visibility at intersections, reduces the crossing distance of pedestrians, provides a simple form of traffic calming and can encourage a space for social interaction which will in turn create a safer road corridor.</p>
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**Questions and responses**

**Cr Peter Devereux**

*1. In the interested of providing concrete reassurance to Rutland resident concerned that will be Can the town provide the concrete discrete budget package for 2024 – 2025 budget?*

The Strategic Projects Manager advised that the response was provide by place planning and actions for 2024/25 under the Skinny Street Sub-Program include:

Applying for LCURSP funding for Lathlain, including Gallipoli Street.

Allocating \$200,000 for Skinny Street interventions to strategic streets.

Implementing designed interventions around Raphael Park using LCURSP funding.

If more assurance is needed, Council could allocate a \$200,000 budget for Skinny Streets treatments to Lathlain, targeting key intersections and 'mid-block' treatments.

*2. Follow up on point 28, what would be potential budget contribution be towards implementing point 28.*

The Strategic Projects Manager took the question on notice.

*3. Follow up on point 33e. Any concrete actions that could be proposed as part of the budget package.*

The Strategic Projects Manager advised this matter must go through community consultation before action.

*4. Referred to the place plan on Lathlain, action 4.03, 4.04, is there any consideration that these items might require more budget, or other activities that following year could be included as part of actions.*

The Mayor Karen Vernon advised that we did do the Gallipoli local centre activation project, and that addressed upgrade to the local retail centre and extended further to the front of the drainage on the corner. That work was done and delivered.

The Strategic Projects Manager took the question on notice.

*5. Relating to the Gallipoli Street local activity centre, are the Town plans to plant large trees around that area in the next year?*

The Strategic Projects Manager advised that there is no timeframe identified for in the section of tree planting.

*6. Relating to Question no. 5, whether planting the large tree in the Gallipoli Street local activity centre is part of Urban Forest Strategy next year?*

The Strategic Projects Manager took the question on notice.

### **Cr Claire Anderson**

*1. At point 17: the report mentioned 'didn't intend to undertake an extensive traffic study nor map any potential impacts from projects works that may have impacted at a broader level'*

*Can you please explain why potential impacts to surrounding streets to understand the broader impact was not included in the trial?*

The Strategic Projects Manager advised that the broader road network has numerous issues related to strict right turn access from the area of Orrong Road to Great Eastern Highway.

The approach of the project was looking at the specific data related to the proposed change to Rutland and potential impact on that community which is a basis of the concerns raised in the petitions.

In addition, one way closure only restricts north bound traffic which has direct access to left turn on Great Eastern Highway.

*2. At point 20: "Key considerations about the negative impacts of traffic redistribution, compared to the social and environmental benefits of converting Rutland Ave".*

*Can you provide additional information to assist on strategies and budget impacts to reduce the identified negative impacts?*

The Strategic Projects Manager took the question on notice.

## **Cr Minson**

*1. Is pre and post survey results have been included in the OCM report*

The Strategic Projects Manager advised that the full report can be provided.

*2. The initial advice around planting corridor for the PSP regarding root impact, is the advice changed?*

The Strategic Projects Manager advised that we were research on suitable planting from Water Corporation document regarding trees in tight location and close proximity to the main water. There are a small variety of trees that can be planted within 500 millimeters of that lane.

*3. The cost estimation of stage 3 in one-way options the mentioned in the report, does that include landscaping and service relocations?*

The Strategic Projects Manager advised that for the mentioned cost is for 900 meters that we are proposing to change to one-way, and no major service relocations, and landscaping. The discussion of cost saving to the project has been discussed with the department of Transport, and whether the fund can be redistributed to an actual green plan for corridor.

*4. The curve between PSP and the road, is it possible to change to unmountable curve with the PSP grated separated from the road?*

Strategic Projects Manager advised that those 900 meters have been designed with a curved built-out. The proposal for the one-way option is to build that up and have them separately grated.

*5. Will the two-way option be separated grated; will it be additional cost?*

The Strategic Projects Manager advised yes that there will be additional cost.

*6. There seem to be residential verges beyond property boundaries, if it were to be two-way options, how do we deal with this issue.*

The Strategic Projects Manager advised that in the current two-way design, there are no land-tenant issues, we have condensed everything into the existing corridor. However, the verge garden would be lost.

*7. Have we done the consultation with the landowners in question no.5 regards?*

The Strategic Projects Manager advised that we marked up the route during a one-way trial, and went for door knock, they are aware.

*8. From the community discussion around regarding traffic increased in Goddard Street. Were the increased number was shifted from the Rutland Ave PSP trial.*

The Strategic Projects Manager advised that according to the route analysis, Gallipoli Street is still preferred and quicker route through the network. The increased vehicles were directly adjusted onto Gallipoli Street.

9. *Did that assume the pre-trial number and during trial number are the same? What about the data of vehicles that turning to Goddard Street before coming to traffic?*

The Strategic Projects Manager took the question on notice.

10. *What are the estimated asset value and value of the supply to the community of Rutland Avenue? What is the Town losing in terms of the assets and service provided?*

The Strategic Projects Manager took the question on notice.

### **Cr Sky Croeser**

1. *If we completed PSP (one-way version), then no traffic coming, how would project increased car traffic along Gallipoli, particularly school route compared to similar school routes in the Town of Vic Park area?*

The Strategic Projects Manager advised that traffic data that has been collected during the trial identified that the north bound lane that we have closed shifted around 400 to 500 vehicles, evenly distributed onto Gallipoli Street.

2. *Follow up on Cr Minson's question, is that correct that we have the way to quantify the value of the stretch of road?*

The Chief Executive Officer advised that from the asset management perspective, yes, the road has value.

The Chief Operations Officer advised that there is no objective assets value that the Town can provide, but in terms of subjective, intrinsic value, it is up to the community benefit of the different options. In further consideration, we are able to provide an understanding in terms of object assessing value. The Chief Operations Officer took the question on notice.

### **Cr Lindsay Miles**

1. *From the deputations, if we put down the footpath in Gallipoli, we must take down all the trees, is it possible that we can put down the footpath without removing the trees?*

The Strategic Projects Manager took the question on notice.

### **Cr Peter Melrosa**

1. *Regarding point 33b, why are we not seeking additional funding to ensure that either option can be 100% funded?*

The Strategic Projects Manager advised that Department of transport made clear that in 10 years program doesn't allow for any increases to Rutland Avenue, therefore it need to be request for Minister to request the additional funding.

2. *Would that be insufficient grounds to complete this vital link?*

The Strategic Projects Manager advised that it would be critical to look at the project itself, not just two-way, or one-way options, but as a general benefit.

*3. Why is there no detail plan for the one-way option given?*

The Strategic Projects Manager advised that the detail for one-way at the moment is conceptual, it needs to be endorsed by the Council and Department of Transport.

*4. In two-ways options, how much verge-based in meter square is created in both options? What is the comparable difference between both options in relation to the impact on the existing trees? Can information be provided information of the trees, for example, the types, the conditions and update on the report.*

The Strategic Projects Manager took the question on notice.

*5. Request explanation on the render that seem to be inconsistent?*

The Strategic Projects Manager advised that the render is conceptual to give the idea and understanding that the cycle path if the road were to remain two-ways, there would not be any trees and shading.

*6. The data about the traffic volume if we were to seek the safety for Gallipoli Street, due to the number going above threshold?*

The Strategic Projects Manager advised that Gallipoli Street is not suitable for safety active street.

*7. Any data of more entire Gallipoli Street?*

The Strategic Projects Manager advised that the traffic volume between Egham Street is around 1,400 vehicles, Enfield Street is around 1,600 vehicles from the information of 2019.

*8. Is there any example that the number might have gone over?*

The Strategic Projects Manager took the question on notice.

**Mayor Karen Vernon**

*1. Point 13.1.1, regarding one way visualization, why is there a change in verge treatment that is now possible to include the tree, also on the residential side, any reasons that it can be accommodated at the moment?*

The Strategic Projects Manager advised that they have been researching the Water Corporation document and found that small tree varieties from 4-8 meters are suitable for that section.

*2. Regarding the original project of PSP, was it originally that the project to not have a raised PSP the way it is, and will go down to the road level?*

The Strategic Projects Manager advised that is correct.

*3. Referring to paragraph 4 of the officer's report, does that mean PSP along the railway line, the pedestrian way going to be on the eastern side?*

The Strategic Projects Manager advised that concrete path on the residential side is to accommodate the DDA compliance.

*4. There is no option to not have the pedestrian on the residential side of Rutland Avenue?*

The Strategic Projects Manager advised that there was a requirement on the original, otherwise, the requirement would not be met.

*5. In paragraph 9. 9A, the Town or the Water Corporation didn't identify the water main requirement?*

The Strategic Projects Manager advised that the original agreement was based on concept submitted at the time with in-house costing that was provided.

*6. Any discussion with Water Corporation regarding reconstruction of the water main at their cost?*

The Strategic Projects Manager advised yes.

*7. What is the outcome?*

The Strategic Projects Manager advised that it does not fit within 5-10 years program, and it will be supplied by contractor.

*8. Have we discussed with Western Power regarding streetlights on residential relocation?*

The Strategic Projects Manager advised that yes, we have, unfortunately the design did not cover the undergrounding power; therefore, they are remaining light poles, and need to be shifted further away from the road edges, and inadequate area are required the light pole to go in.

*9. When did we realize that it will need to be a request for additional funds? Before or after the one-way trial?*

The Strategic Projects Manager took the question on notice.

*10. Has the town done any advocacy towards the Minister of Transport about increasing the budget to the projects due to many challenges?*

The Strategic Projects Manager advised it should be from the department of transport directly to the Minister.

*11. What was the outcome from the department of Transport?*

The Strategic Projects Manager advised that not at this stage.

*12. Has the town understood advocacy needed to be done to the Minister prior to the event due to insufficient current budget for other options?*

The Strategic Projects Manager advised that is correct.

*13. Regarding any safety concerns from one-way options due to increased traffic, how can we to ameliorate? How would the process work for seeking funding to deliver safety upgrades to the affected street?*

The Strategic Projects Manager advised that the most suitable funding would be through main road and

The low-cost urban road safety. At the moment, it is year 3 of Victoria Park Train Station which identified the concerns of Goddard Street that is suitable for the treatment. Therefore, surrounding streets like Rutland Avenue could be potentially redirected to.

*14. Is this year, year 2 for the program?*

The Strategic Projects Manager advised that it is correct, however, we have asked if this could be put forward to link with the delivery of the Rutland project.

*15. Any sponsor at this stage?*

The Strategic Projects Manager advised that in principal support.

*16. What is included in the program of safety upgrade?*

The Strategic Projects Manager advised that there is raised pedestrian crossing, main road has documentation on the website as a part of low-costs knowledge.

*17. Is there any funding cap?*

The Strategic Projects Manager advised that there is indicative dollar value, but no cap on funding. Ans it is the discussion to be had with main roads.

*18. If the Council were to consider advocacy to be done regarding funding for the Town of Victoria Park, what timeframe do you recommend?*

The Strategic Projects Manager took the question on notice.

*19. Regarding the original proposing two-way option included a raised PSP, any insight of costing?*

The Strategic Projects Manager took the question on notice.

*20. Would nature strip in two-way design work as a drainage function?*

The Strategic Projects Manager advised that the intention of the design.

*21. Do we have enough space to have a nature strip in a two-ways option?*

The Strategic Projects Manager advised that with the current two-way design, we have the 20 millimeters directly outside the property in Rutland Avenue. There is space between Egham Road and Enfield Street where reconstructing to provide adequate access to property instead of modifying internal driveways.

### **Further consideration to be added to the Ordinary Council Meeting agenda**

1. Provide information on the budget contribution required to implement the recommendation at point 28.
2. Provide further details of any budget required to implement necessary changes relating to the place plan for Lathlain, action 4.03 and 4.04.
3. Confirm if the large tree in the Gallipoli Street local activity centre will be planted next year.



4. Provide additional information to assist on strategies and budget impacts to reduce the identified negative impacts.
5. Provide data on the vehicles turning into Goddard Street before the trial area.
6. Provide an estimate of the asset value and value of the supply to the community of Rutland Avenue? What is the Town losing in terms of an asset and service provided.
7. Provide the understanding in terms of object assessing value.
8. Confirm whether a footpath down Gallipoli Street will require the removal of any trees.
9. Provide information with regards to the two-way option on verge-based in meter square is created in both options. The comparable difference between both options in relation to the impact on the existing trees and the three types and the conditions (include table showing tree types and condition).
10. Provide information on whether during the trial the traffic volume on Egham Street and Enfield Street exceeded the traffic volume data from 2019.
11. Provide information on the request for additional funding was this known before or after the trial.
12. Advice on the timeframe to conduct advocacy for funding.
13. Provide information on the cost of a raised PSP.

## 13.2 Lathlain Precinct Redevelopment Project Zone 1 Approval of Business Plan

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Strategic Projects Manager
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. LPRP Zone 1 - Business Plan Rev 5 [<b>13.2.1</b> - 20 pages]</li><li>2. Schedule of Submissions - LPRP Zone 1 Business Plan [<b>13.2.2</b> - 6 pages]</li><li>3. Business Plan Attachment 1 - PFC Key Terms [<b>13.2.3</b> - 6 pages]</li><li>4. Business Plan Attachment 2 - Key Terms - WCE Partial Surrender of Lease and Construction Licence [<b>13.2.4</b> - 10 pages]</li><li>5. Business Plan Attachment 3 - Site Plan - WCE Partial Surrender of Lease and Construction Licence [<b>13.2.5</b> - 1 page]</li><li>6. Business Plan Attachment 4 - Lathlain Zone 1 Funding Analysis [<b>13.2.6</b> - 23 pages]</li><li>7. Business Plan Attachment 5 - Development Application plans [<b>13.2.7</b> - 19 pages]</li></ol>

### Summary

The Lathlain Precinct Redevelopment Project – Zone 1 is a major construction and development project that is to be undertaken by the Town. The value of the development is above the threshold amount for a major land transaction for a local government authority therefore Section 3.59 of the Local Government Act applies.

A business plan has been published and public comment collated to help inform elected member decision making regarding the Lathlain Precinct Redevelopment Project Zone 1. Approval of the Business Plan is now sought.

### Recommendation

That Council:

1. Notes the public submissions received following the public comment period as contained
2. Endorses the business plan at attachment 1 in line with Section 3.59 of the *Local Government Act 1995*, for the development of the Lathlain Precinct Redevelopment Project Zone 1.
3. Approves the CEO to continue seeking additional funding contributions to the project through grants and advocacy to reduce the required funding commitment of the Town.

### Background

1. The Lathlain Precinct Redevelopment Project (LPRP) is a large-scale revitalisation project that has transformed the suburb of Lathlain.
2. Of the 7 LPRP zones, only the area known as Zone 1 remains for redevelopment. This area includes the current grandstand and football facility owned by the Town and leased to the Perth Football Club (PFC).
3. The Lathlain Park Grandstand is a large building asset owned by the Town of Victoria Park. It is approaching the end of its useful life and poses a significant renewal challenge for the organisation.

4. In March 2020, Council endorsed the Zone 1 project mandate due to the existing facilities' dilapidated nature and to assist in the advocacy to secure additional funds required to complete the development.
5. In November 2020, Council resolved to list Zone 1 for consideration in the Long-Term Financial Plan, nominating an indicative amount of \$5 million.
6. Funding contributions have been secured from the Federal Government (\$4m excl. GST), State Government (\$4m excl. GST), West Coast Eagles ground lease contribution (\$1m excl. GST) and Western Australian Football Commission (\$200,000 excl. GST). Funding agreements between the Town and the Federal and State governments have been executed.
7. In August 2021, council endorsed the Vision and Aspirations and the development of four high level concept designs ranging from low intervention to high intervention. The concept options phase and then the design development phase were completed in collaboration with the project's stakeholders and the Lathlain Park Advisory Group and was guided by regular elected member decision making.
8. A Development Application was lodged with the Town in October 2023 with public comment closing on December 8, 2023. At a Special Council Meeting on December 18, 2023 Council endorsed the recommendation for approval of the Development Application. The Development Application was then submitted to the Western Australian Planning Commission (WAPC) on 21 December for final determination at the Statutory Planning Committee meeting on 30 January 2024. The approval of the Development Application by the WAPC was received by the Town in February 2024.
9. During 2023, the Town and the PFC undertook an advocacy campaign to seek additional external funding to address the shortfall in capital to deliver the Development. The Town is awaiting the outcome of additional funding requests. The business plan has been prepared on the basis that this joint campaign manages to secure additional external funding of approximately \$6 million for the purposes of the Development.
10. During 2023 the Town was in negotiation with the PFC over future lease terms following completion of the Development. At the Ordinary Council Meeting in May 2023 draft heads of terms were endorsed that define the parameters for a future lease with the PFC within the Community and Football facility.
11. At the December 2023 OCM, draft key terms were endorsed for the partial surrender of an approximately 217m<sup>2</sup> area of the West Coast Eagles (WCE) lease that the proposed development encroaches upon.
12. At the February 2024 OCM Council endorsed the publishing of the Lathlain Precinct Redevelopment Project Zone 1 Business Plan for public comment.
13. The Town gave Statewide public notice of this Business Plan by publishing on the Town's website and social media platforms on 21 February 2024, through notice in the West Australian Newspaper on 23 February 2024 and by posting the notice on the notice boards at the Town's Administration Office and Town library.

## Discussion

14. Following 6 weeks of community consultation 962 visits to the webpage occurred and 337 visitors downloaded the document. 16 community members provided a response to the survey. One email was also sent directly to the Town's CEO and has been included in the submissions. The engagement results are summarised in attachment 2 Schedule of Submissions LPRP Zone 1 Business Plan.
15. Nine of the online responses and the email to the CEO mention a single topic. They highlight the difficulty the Lathlain Primary School P&C (and by extension other local community groups) have in finding suitable facilities for large fundraising events such as quiz nights and disco's with commercial kitchens that can be used by the groups to fundraise (eg sale of food and beverages to event attendees).
16. All ten of the above-mentioned respondents request a change to the Business Plan to require the PFC managed function space to be available for hire to community groups at a low rate and for this hire to include allowing the groups to operate the commercial kitchen and bar as a fundraising initiative. This would require inclusion in the final lease terms with the PFC.

17. Including such a requirement in the future lease arrangement is likely to receive strong objection from the PFC. The objection would be on management grounds given the operational challenges and risk it would involve and on commercial grounds given the need to operate the function space as a commercial entity to generate enough additional income to cover the additional expenses the club will incur due to the new facility and new lease arrangement.
18. One other comment relates to a change to the content of the Business Plan and is generally supportive of the project overall however objects to the rent received from the PFC being held specifically to cover estimated ongoing maintenance and renewal costs of the Town.
19. The Key Terms of a future rent to the PFC have been endorsed by council separately to the business plan. This rent was specifically calculated to only cover the Town's estimated costs for ongoing maintenance liabilities, therefore not to gain profit from the lease arrangement with the PFC. The holding of funds for this purpose in a "sinking fund" type arrangement is considered good practice for large scale facilities and allows the annual municipal budget to be spent on other Town needs rather than on this facility. It should be noted that the lease terms require the PFC to pay rates to the Town which will be included in the municipal rates base and not be held for maintenance of the facility.
20. Other community comment received either clearly supports the project, objects to it or comments on the design of the project.
21. The Business Plan contains several assumptions. Work is progressing on each of the assumptions and to date none have been considered unachievable by Town officers.
22. Assumption a) *"That an Agreement for Lease can be successfully negotiated with the PFC that is aligned with the lease parameters endorsed by council at the May 2023 OCM."* is progressing with surveying of proposed future lease boundaries underway.
23. The achievability of Assumption b) *"That the Town and the PFC's joint advocacy efforts in 2023 can successfully achieve approximately \$6 million of additional external funding."* will not be definitively known until May 9 when the WA state budget is published.
24. Town officers have been advised that the West Coast Eagles (WCE) agree in principle to Assumption c) *"That the West Coast Eagles board will approve the Partial Surrender of Lease and Construction License as per the key terms approved by council at the December 2023 OCM."* Surveying work is currently underway to create the required plans. The WCE have provided key conditions for the construction license that have been included in released construction tender documents.
25. Negotiations are ongoing regarding assumption d) *That the replacement of the existing telecommunications leases with a new lease on a single pole top location can be achieved and will be of a similar value to the existing leases resulting in a minimal financial effect to the Town."* and are of a constructive nature.
26. To ensure assumption e) *"That the construction contract will be of a similar cost to the latest quantity surveyor estimate received."* is met, a tender has been released to the construction market seeking to engage a contractor on a two-stage contract. Stage one will be for an Early Contractor Involvement (ECI) stage where the Town, a builder and the Town's consultants work together to define a final lump sum construction contract. This process enables true market costs to be confirmed and contractually bound before committing to stage 2 the construction stage. This will provide a greater deal of accuracy and reduced risk to the project.
27. Assumption f) *"That the remaining funding shortfall following confirmation of assumption e) above is sourced, but no decision has been made by the Town as to whether it will or will not contribute to any funding shortfall."* remains an unconfirmed assumption and the inclusion of recommendation 2 of this report requests approval for activities to continue to source the shortfall.
28. Assumption g) *"That a satisfactory development approval can be obtained from the WAPC."* has been confirmed with the WAPC granting development approval to the project.
29. Assumption h) *"That the Town receives a tender for goods and services comprising the construction works that the Town wishes to accept."* is currently progressing with the release of a two-stage construction tender. The results of the tender will be presented to council as a confidential item on this meeting's agenda for a decision regarding tender award.

30. The two-stage construction contract includes provisions that ensure proceeding to stage 2 of the contract is at the discretion of council. Clause 3B.1 (d) of the contract states:

*3B. Notice to Proceed*

*3B.1 Principal's Determination*

*(d) Without limiting the Principal's rights under subclause (b) the Principal may consider the following, in determining whether to issue a Notice to Proceed:*

- (i) whether there is sufficient funding for the Project, to the satisfaction of the Principal, and on terms acceptable to the Principal;*
- (ii) the updated Contract Sum, having regard to the Final Cost Plan submitted by the Contractor;*
- (iii) feasibility and achievability of the Baseline Program;*
- (iv) the outcome of the financial due diligence assessment;*
- (v) approval from the Council via Council Resolution;*

31. If the Business Plan and the award of a construction contract is approved by council, and all other condition precedents are met through Stage 1 of the contract, approval by Council to proceed to stage 2 of the construction contract would be sought in September 2024. Funding to meet the final contract value would be required by this stage.

32. Approval of this business plan (along with the two-stage contract RFT award) allows for the project's progression into the ECI stage with Town Officers, Consultants and a nominated head builder working together to resolve detailed design and trade package tendering. This will result in a stage 2 lump sum contract figure for council review before proceeding with construction. This lump sum can be compared to funding to determine viability.

## Relevant documents

Not applicable

## Legal and policy compliance

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

[Section 3.59 of the Local Government Act 1995](#)

Legal review of the Lathlain Precinct Redevelopment Project – Zone 1 Business Plan has been conducted by the Town's Lawyers to ensure legal compliance.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	The future financial impact of the development is outlined in detail within the Business Plan.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	If elements of the business plan change significantly and a new business plan is required, the contingent	High	Low	TREAT risk by ensuring actions progressing the project are aligned with the content of the business plan.

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
	delays could risk achieving external funding milestone and having the funding withdrawn.			
Environmental	Not Applicable		Medium	
Health and safety	Not Applicable		Low	
Infrastructure/ ICT systems/ utilities	Not Applicable		Medium	
Legislative compliance	Ensure compliance with Section 3.58 & 3.59 of the Local Government Act 1995.		Low	TREAT risk by not deviating significantly from the content of the Business Plan as advertised.
Reputation	Publishing a business plan that is based on assumptions could raise community expectations, that if not met cause reputational damage.		Low	TREAT risk by Making clear to the community the assumptions of the business plan and discussing them in the council report and the business plan itself. The Public comment webpage highlighted the assumption and the need to seek public comment prior to their complete resolution.
Service delivery	Delay in this business plan process will jeopardise the ability to achieve complete replacement of the facility is along with the improvement and expansion of the services provided by the site.		Medium	TREAT risk by including assumptions within the business plan that must be met to avoid significant variation to the content of the business plan.

## Engagement

Internal engagement	
Stakeholder	Comments
Property Development and Leasing	The Property Development Team have collaborated on the creation of the business plan and several elements of its content e.g. PFC lease formulation, West Coast Eagles partial lease surrender
Strategic Assets	The Coordinator Strategic Assets collaborated on the creation of the Business Plan and elements of its content e.g. PFC Lease Formulation, Asset management consideration and current grandstand condition reviews.

Place Planning	Place Planning have been frequently updated with progress of the project as a key deliverable of the Social Infrastructure Program.
Finance	The Finance team and Chief Financial Officer have been involved in various portion of the content of the Business Plan.

External engagement	
Stakeholders	Town of Victoria Park Community Members
Period of engagement	Wednesday 21 February to Wednesday April 3
Level of engagement	2. Consult
Methods of engagement	Online survey via Your Thoughts platform.
Advertising	Statewide public notice by publishing on the Town's website and social media platforms on 21 February 2024, through notice in the West Australian Newspaper on 23 February 2024 and by posting the notice on the notice boards at the Town's Administration Office and Town library.
Submission summary	Total Survey webpage visits: 962 Number of people that downloaded the documents: 337 Total Responses: 17 Objections: 1 Support: 3 Change requests: 12 No position stated or neither support nor object: 1
Key findings	Of the requests for change: <ul style="list-style-type: none"> <li>• 10 responses were concerned with a single issue and requested a change to the Business plan and PFC lease to require low-cost community use of the PFC managed function space and commercial kitchen.</li> <li>• 1 objected to retaining rent from the PFC lease to be held to reduce Town liabilities for ongoing cost of the facility.</li> <li>• 1 requested a design change regarding parking provision.</li> </ul> Refer to the submission schedule at attachment 13.3.2.

## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The project delivers a development that completes a precinct level revitalization. The project will further enhance the use and experience of Lathlain Park, its facilities and its surrounding environment. This development will be of social, economic and amenity value to the local community

EN5 - Providing facilities that are well-built and well-maintained.	The project involves replacing a poor-condition Town-owned facility with a contemporary, high-quality facility that enables improvement and expansion of the services delivered from the site.
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There were no questions asked or presentations made in relation to this item.



### 13.3 Award of Request for Tender TVP/24/04 - Lathlain Precinct Redevelopment Project – Zone 1

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Strategic Projects Manager
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - TVP 24 04 RFT Evaluation Report DRAFT (1) [13.3.1 - 17 pages]

#### Summary

Approval is sought for the award of a two-stage construction contract that involves an initial Early Contractor Involvement (ECI) stage followed by a design and construct lump sum stage for the construction of the Lathlain Park Redevelopment Precinct Zone 1 Football and Community Facility.

#### Recommendation

1. That Council awards Stage 1 and Stage 2 of the contract associated with Request for Tender TVP 24 04 Two Stage Design and Construction Contract – Lathlain Precinct Redevelopment Project Zone 1, to Tenderer B as outlined in Attachment 1, with the terms and conditions outlined in the contract, as their offer has been evaluated as the most advantageous to the Town.
2. That council note Stage 1 will commence immediately following contract execution for a lump sum fee and that Stage 2 will not commence unless the conditions precedent of the contract are met, and council approve issuing a Notice to Proceed to Stage 2 at the September 2024 OCM.

#### Background

1. The Lathlain Park Redevelopment Project Zone 1 is a major strategic project for the Town that includes replacement of the current Perth Football Club Grandstand which is deemed to be at the end of its useful life.
2. The project involves the delivery of a football and community facility that includes high quality changerooms and football operations area, a spectator grandstand of approximately 800 seats, a function center, a multipurpose community centre, administration spaces for the Perth Football Club, and facilities for media and broadcasting capabilities.
3. The project received Development Approval in February 2024 from the WAPC after receiving support of the officer recommendation for approval, in a special council meeting in December 2023.
4. In February 2024, Council approved publishing a business plan for the redevelopment. This public comment period closed on April 3, 2024, and the results of the public comment submissions are included in a report that seeks council’s approval of the business plan.
5. At a Concept Forum in February 2024 Officers presented a procurement strategy to guide the process for establishing a construction contract for the project. It was advised that the proposed strategy would best suit the current challenging context of the mid-tier building contractor market.

6. The procurement strategy proposed an public RFT process for a two-stage contract. Stage one is an Early Contractor Involvement (ECI) stage with Town officers, consultants and the contractor selected through this tender process, to finalise detailed design documents, seek cost savings through value management redesign and conduct trade package tendering to confirm a final lump sum contract value for stage 2.
7. Stage 2 is the construction phase and requires several Condition Precedents to be met, as an outcome of stage 1, and a discretionary decision of council before a Notice to Proceed to stage 2 is issued. Clause 3B.1 (d) of the contract states:
  - 3B. Notice to Proceed
  - 3B.1 Principal's Determination
    - (d) Without limiting the Principal's rights under subclause (b) the Principal may consider the following, in determining whether to issue a Notice to Proceed:
      - (i) whether there is sufficient funding for the Project, to the satisfaction of the Principal, and on terms acceptable to the Principal;
      - (ii) the updated Contract Sum, having regard to the Final Cost Plan submitted by the Contractor;
      - (iii) feasibility and achievability of the Baseline Program;
      - (iv) the outcome of the financial due diligence assessment;
      - (v) approval from the Council via Council Resolution;
8. TVP/24/04 Lathlain Precinct Redevelopment Project - Zone 1 was published through Tenderlink on March 15, 2024 and was advertised in the West Australian on Saturday March 16, Town social media on March 18, website from March 15, and physical notice board in the Town Library and Administration building on March 15.
9. The Tender Period closed after a four-week period on April 11.
10. Suppliers were requested to provide responses to qualitative criteria proving company suitability to deliver the project and quantitative pricing information. Estimated trade package prices were provided to tenderers as these packages will be developed during stage 1 of the contract. Using the trade package estimates and Principals Project Requirement (PPR) documentation as a base, tenderers had to provide firm prices for:
  - a. Stage 1 ECI lump sum
  - b. Stage 2 Preliminaries lump sum
  - c. Stage 2 Contingency percentage
  - d. Stage 2 Margin percentage
11. (a)-(d) above are confirmed as part of this contract award and the trade package final prices only will be adjusted during the stage 1. The above were applied to the trade package estimate provided to competitively assess the tenderers. This process is outline in the tender evaluation report.
12. An evaluation of the tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the submission made by Tenderer B and enters a contract to deliver the Lathlain Precinct Redevelopment Project Zone 1 project.

## Discussion

13. The assessment of the submissions was formally undertaken by a panel that included:
  - Strategic Projects Manager
  - Strategic Projects Manager
  - Coordinator Public Realm Planning

14. The Town received 3 submissions. Of these submissions, all were compliant.
15. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings as shown below, with the first ranking scoring the highest.

Company	Tenderer A	Tenderer B	Tenderer C
Rank	2	1	3

16. The detail of the exact cost of Stage 1 of the contract is contained within the evaluation report and is in the order of \$150,000.

### Compliance criteria

17. The financial ability and stability of the contractor to undertake the works is of paramount importance. As part of Request For Tender process, each tenderer may be required to provide additional information to Corporate Scorecard (Equifax) (or similar) to conduct a detailed financial assessment of all tenderers.

### Evaluation process

<p><b>Relevant experience</b></p> <p>Details of the tenderer’s experience in carrying out work as described in the Request For Tender (RFT) document. The experience is to address the last five years and identify the year, project name, value, procurement method / contract type, and a description of the works.</p>	<p>Weighting</p> <p>25%</p>
<p><b>Organisation Capacity – Key Personnel &amp; Capacity to undertake each Stage</b></p> <p>Details of the specific staff personnel to be assigned to this project through both Stage 1 and Stage 2, including commitment and availability to the project at each of the various stages. Specifically, tenderers are requested to identify the following key personnel for both phases separately.</p>	<p>Weighting</p> <p>15%</p>
<p><b>Methodology</b></p> <p>Tenderers must provide details of demonstrated project understanding, construction methodology and procurement approach.</p>	<p>Weighting</p> <p>20%</p>
<p><b>Sustainability</b></p> <p>Sustainability in term of Economic, Social, Environmental and Local Business Support is important to the Town of Victoria Park. Tenderer shall provide an overview of their sustainable business practices that will be associated with this project.</p>	<p>Weighting</p> <p>10%</p>
<p><b>Schedule of Prices</b></p> <p>The schedule of prices is split into two stages:</p> <p>1) Stage 1 Fee (i.e. no construction activities)</p>	<p>Weighting</p> <p>30%</p>

<p>Stage 1 is to be priced as a lump sum (Stage 1 Fee). The Tenderer is requested to separate pricing.</p> <p>2) Stage 2 Works</p> <p>For the Design and Construct phase, the Tenderer is to provide at this stage of the tendering process the following, and these will be assessed in accordance with the weighted assessment criteria:</p> <ul style="list-style-type: none"> <li>a) Preliminaries</li> <li>b) Contingency</li> <li>c) Margin; and</li> <li>d) Commercial Rates &amp; Prices to be captured within the Building Contract.</li> </ul>	
<p><b>Innovative &amp; Value Add Opportunities</b></p> <p>The Contractor is to identify its approach that will add value, promote opportunities and fresh ideas that benefits the project outcomes and objectives.</p>	<p>Not Weighted</p>

## Legal and policy compliance

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

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

[Policy 301 – Purchasing](#)

The two-stage contract was drafted specifically to suit the project, be legislatively compliant and adhere to the requirements of each of the funding agreements associated with the external funding of the project.

## Financial implications

<p><b>Current budget impact</b></p>	<p>As the value of the contract exceeds \$250,000, the acceptance of the offer/tender and subsequent award of any such contract is to be determined by Council.</p> <p>Sufficient funds exist within the annual budget to address this recommendation. This is due to this decision committing the Town to Stage 1 only. One of the conditions of Stage 2 proceeding is sufficient funding certainty being obtained for stage 2.</p>
<p><b>Future budget impact</b></p>	<p>If this contract proceeds to stage 2 it will involve a major land transaction and the replacement of a large building asset for the Town. The complex ongoing financial impact of the project is outlined in the Lathlain Precinct Redevelopment Project Zone 1 Business Plan attached at 13.2.1 of this agenda.</p>

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Not awarding the contract will have an impact on the project timelines. This would produce a high chance of failing to meet the milestones of the \$4 million federal grant.	High	Low	TREAT risk by awarding the tender.
	Entering a construction contract of this scale is a financial risk particularly if the head contractor enters administration during the contract period.	Medium		TREAT risk by conducting a detailed financial analysis of the tenderer prior to awarding a contract and ensuring a comprehensive building contract is created to suit the specifics of the project. Both have been completed as part of the RFT process.
Environmental	Poor construction practices can have a negative impact on the environment.	Medium	Medium	Treat risk by including environmental credentials of the tenders in the qualitative selection criteria.
Health and safety	Construction activities have a high level of safety risk for those involved in the activity, particularly on large scale building projects.	Medium	Low	Treat risk by ensuring a quality builder is selected with a strong OHS track record, procedures and systems.
Infrastructure/ ICT systems/ utilities	NA		Medium	
Legislative compliance	LGA compliance for tenders in excess of \$250,000	Low	Low	Treat by following requirements of Local Government Regulations and Town procurement policies.
Reputation	NA		Low	
Service delivery	NA		Medium	

## Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advice and guided the process. The procurement team also managed the engagement of a probity advisor that oversaw the process and financial assessments of the tenderers.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The two-stage construction contract that includes an Early Contractor Engagement stage significantly reduces risk associated with large construction projects. It allows contractors, officers and consultants to work in partnership to target a set budget and resolve potential future issues proactively.
CL3 - Accountability and good governance.	The following of Local Government RFT regulations and policies ensures accountability and good governance.

Environment	
Community Priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	The project involves replacing a poor-condition Town-owned facility with a contemporary, high-quality facility that enables improvement and expansion of the services delivered from the site.

## Further consideration

Attachment 1 TVP 24 04 RFT Evaluation Report is currently in draft form. This is due to the financial assessment on one of the tenderers has not been received at time of publishing. It is also due to the ongoing nature of contract departures negotiation with one tenderer and the requested receipt of departures from another. These will be updated in the OCM report and a final probity report (which includes a review of the final evaluation report) will also be included as a second attachment.

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

Cr Daniel Minson advised he would send his questions via email.

## 13.4 Review of Strategic Waste Management Plan

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Assets and Environment
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Town of Victoria Park Draft SWMP 2024-2029 with appendices [13.4.1 - 50 pages]

### Summary

To seek Council endorsement of the advertising of the draft Strategic Waste Management Plan (SWMP) 2024-2029 for public comments. This will be the new plan to supersede the initial SWMP created for 2018-2023.

Waste management is one of the most significant and necessary municipal essential services provided by the Town of Victoria Park ('the Town').

- The Town has implemented significant changes, working in conjunction with stakeholders including the Mindarie Regional Council (MRC) based on the Town's SWMP 2018 – 2023 and will continue with this new strategy.
- The Town is aware of the current local and global waste and recycling conditions.
- This plan will ensure that The Town's current and future efforts are aligned with industry best practice and optimised to achieve the best outcomes for the community.

### Recommendation

That Council endorses the draft Strategic Waste Management Plan (SWMP) 2024-2029 for purpose of advertising for public consultation.

### Background

1. Waste management is one of the most significant municipal services provided by the Town. The annual cost of the Town's waste services is approximately \$7 million, and this represents approximately 14% of the total Town's rates revenue.
2. The Town engages in environmentally sustainable waste management practices including the reuse, recycling and recovery of materials and resources. This is a highlight of the Town's practices that align with the State's waste strategy.
3. The Town responded to the challenge of the State's commitment to minimise the creation of waste and to efficiently reuse, recycle and recover resources from discarded materials, and dispose of waste responsibly by adopting the Strategic Waste Management Plan 2018-2023. The plan was developed in response to an initiative of the Western Australian Waste Management Board in 2007 and in accordance with the provisions of Division 3, Section 40-44 of the *Waste Avoidance and Resource Recovery Act 2007*. Some of the identified actions which have been successfully implemented by the Town were achieved by collaboration with stakeholders, including the MRC, since the development of this strategy.

4. Some of the major achievements since the commencement of the SWMP 2018 – 2023 include:
  - a. MRC decommissioning of the Neerabup Resource Recovery Facility, which paved the way for the adoption of Waste to Energy (WtE) process to further improve the diversion of waste from landfill.
  - b. Adoption of the three bin garden organics system which helped to divert organic waste from landfill.
  - c. Continued active involvement with the MRC in developing contracts for large scale waste diversion options including WtE and food organics and garden organics (FOGO) processing; and
  - d. Delivery of waste and recycling education programs and workshops and at events within the Town.
 Whilst the Town has implemented significant changes since the adoption of the SWMP 2018-2023, the momentum must continue for the next five years with a new SWMP. This will ensure that the Town's current and future efforts are optimised to achieve the best outcomes for the community since many changes have taken place in the industry and are anticipated in the future.
5. With the roll out of the Town's Garden Organics (GO) bins and the awarding the waste to energy contract soon. The Waste Authority's target of 70% waste diversion rate by 2025 within the Perth Metropolitan area is an achievable outcome even without the introduction of the Food Organics and Garden Organics (FOGO) system.
6. The aim of SWMP 2024- 2029 is to provide a strategic direction for waste management of the Town that aligns with the Town's strategic goals and the State's waste hierarchy of reducing the amount of waste created and sent to landfill.
7. The objectives of the SWMP 2024-2029
  - to further develop best practices for waste management whilst striving to achieve the targets set in the State Waste Strategy 2030; and
  - set priorities for the next five years with the resources available to reduce waste sent to landfill and assist the community to participate in waste minimisation activities.
8. As part of the development of the new SWMP 2024 - 2029, the following issues have been considered:
  - a. Actions achieved during the last SWMP 2018-2023;
  - b. Determine the future options for the Town and the MRC;
  - c. Identify priority issues for the Town in the context of the waste management environment;
  - d. Define what the Town must achieve;
  - e. Define who is accountable and how the achievements can be made;
  - f. Define the MRC priorities and strategies and how they influence the Town's strategy;
  - g. Relationship between the Town and MRC; and
  - h. Define how formal reviews and monitoring of progress of implementation will be undertaken.

## Discussion

9. The SWMP contains priority activities:
  - a. A list of priority activities over the first four years and the last year to carry over activities not complete from previous years and develop new SWMP;
  - b. Include relevant activities from the previous SWMP; and
  - c. Include actions related to the Environmental Plan 2023-2028.
10. The review of the previous SWMP identified the degree of success in achieving the previously proposed activities. Feedback was also sought by the Town through community consultation undertaken in late 2023. Based on an understanding of the requirements within the Town, the priority activities as identified are provided in the appendix of the SWMP.
11. There are strategic issues within the waste management industry that could significantly impact the Town's progression towards improved waste diversion from landfill. Some of these are directly within the control of the Town while others are highly dependent on other government agencies, MRC, or other Local Government organisations. These include:
  - a. Financial responsibility with the development of a 15-year waste services plan alongside other financial plans.
  - b. Annual Waste Plans that focus on accurate data collection and consistent reporting.



- c. Tracking of historical waste data and current trends.
- d. The Town's Climate Emergency Plan and the State's Climate Bill.
- e. The future of MRC operations, namely the financial implication associated with the involvement in the MRC versus operating as an individual Local Government.
- f. The Perth Metropolitan landfill levy is charged on all waste generated or landfilled in the Metropolitan area. The levy has been \$70 per tonne since 2018 but will increase to \$85/tonne next financial year. This represents an increase of \$157,000 for the Town in 2024/2025 which will remain until the waste is processed at the waste to energy (WTE) plant. For future planning, MRC member Councils could expect an ongoing annual landfill levy increase in the range of \$5/ to \$10/t. This should give a reasonable upper and lower range cost estimates which long term financial modelling for the Town and MRC can be based on.
- g. Waste to Energy (WtE) is a treatment option that the West Australian waste industry has been considering for many years. WtE has the potential to dramatically improve the Town's landfill diversion rate, albeit at the lower end of the waste hierarchy pyramid. At this stage, MRC has evaluated the WtE tender submissions and is in the process of finalising the required contractual agreements subject to MRC Council endorsement.
- h. Services delivery with the major project of FOGO3 bin system being rolled out in 2025 for the Town to reach a higher order achievement based on the waste hierarchy and attain the State's waste targets in a timely manner. While progressing the initial phases of the project and monitoring education program effectiveness and contamination rates, the Town successfully implemented its garden organics (GO) bin system in 2022. The amount of GO waste received has been under 2,000 tons per year, which is less than initially expected.
- i. Switching of kerbside collections of GO bins to FOGO bins and the new contract(s) required for general, FOGO and recyclable waste in 2026.
- j. Bulk Bin Verge Collection - Currently, the Town offers two rounds of bulk waste verge collection services per year with the residents placing bulk waste on the verge which is then collected by contractors. Reusable items have been salvaged by members of the public. The pros and cons of a bulk bin waste collection system has been considered by the Town and to date, the current verge collection system is still the most cost effective and environmentally responsible option. It is noted that bulk bins have not been adopted in higher density suburbs surrounding the Perth CBD. Alternative actions taken included working in partnership with charity organisations to increase the capturing of reusable items such as clothing before they are disposed of by residents.
- k. Other household waste such as e-waste will be determined in accordance with an anticipated state landfill ban in 2024. Verge collections vs drop offs for this type of waste is being investigated.
- l. Public place disposal services will be investigated along with increased coverage and recycling options.
- m. Contingency planning will be further investigated in case of changes to landfills such as fires, shutdowns, or collections unavailable.
- n. Community drop-off, recycling and reuse shop is being investigated for minor recycling, education, community involvement as no current service is provided by the Town.
- o. Container Deposit or Container for Change Scheme - The State Government has implemented the Container for Change Scheme (CDS) successfully. This scheme is primarily aimed to reduce littering and targeted the beverage containers that are commonly found in the litter waste stream. This scheme reduced recyclable items collected in the yellow lid recycling wheelie bins of the Town.
- p. Recyclable Material Market - The cost of recycling is dependent on the revenue that recyclers receive for the recycled materials. This market has proven to be highly volatile over time. This volatility in the recycling market has a direct impact on the cost of recycling and hence the cost that the Town pays its recycling contractors. The current contracted rates secured by the Town since 2016 are amongst the lowest in the state if not the lowest. In future recycling tenders, it is recommended that the Town continues to include options within the pricing structure whereby the tenderers provide an all-in price for the delivery of the recycling service and takes all risk of

commodity price fluctuation. The Town will consider requesting tenderers to provide an alternative price for consideration by the Town whereby there is a variable recycling cost based on the fluctuation in recycling commodity costs.

- q. Hazardous Household Waste Management will continue, and it is envisioned to have more than one annual service.
  - r. Illegal littering and dumping are ongoing and there are discussions between local governments on the different ways to deter and deal with this issue.
  - s. Sustainable Purchasing: The Town is responsible for leading by example in sustainable waste management practices. This includes using the Town's substantial purchasing power to encourage the consumption of sustainable products. Ideally, this revolves around the purchasing of products that generate the least waste (waste avoidance), those items that are made of recyclable materials or materials that are easily recyclable (optimising recycling) and materials that are locally manufactured from recyclable materials (supporting local recycling efforts). Recent examples include the use of recycled road construction materials for laneway construction projects and preserving of used office furniture for future use. The Town has a purchasing policy which includes Sustainable Procurement and Corporate Social Responsibility. This portion of the policy encourages the purchase of products that can be refurbished, reused, recycled and/or reclaimed. Policy 301 Purchasing Policy includes sustainable and ethical procurement requirements.
  - t. Community Involvement - The vast majority of waste recycling or resource recovery activities cost more than a typical landfill disposal solution, even after the impact of the landfill levy. As the Town progresses with more waste diversion from landfill and strives to achieve an improved waste management and recycling outcome in line with the waste hierarchy pyramid, the cost of recycling will increase dramatically. To reduce the impact of this dramatic cost increase, the Town would be better positioned if it continues to encourage community participation in specific waste and recycling focused areas. This community involvement can vary from word-of-mouth education to direct involvement in managing and operating small-scale waste management activities such as the current programs including home composting workshops and Garage Sale Trail.
  - u. Waste is one area surveyed in the Town's Annual Satisfaction Survey.
12. The waste industry will continue to evolve. This Plan is recommended to be subject to minor reviews by Town staff annually.
13. Towards the end of the Plan validity period, the Town will develop a subsequent SWMP for the next five-year period. This current Plan would form the baseline against which the successes over the past five years can be gauged and be the basis for the development of the future plan.
14. Going forward, there is an opportunity to achieve measurable shorter-term improvements in the various waste streams currently managed by the Town. Several of the new possibilities came about due to the new services introduced in the industry. Within the SWMP, there are also goals and practices identified which are potentially more cost effective and environmentally sustainable and may be implemented in a more gradual manner over the medium to longer term future.
15. The SWMP 2024-2029 will ensure that the Town's current and future efforts are optimised to achieve the best outcomes for the community, particularly considering the changes that have taken place in the industry during recent years.

## Relevant documents

[Waste Calendar 2023/2024](#)

[Council Policy 257 Waste removal - residential properties](#)

[Council Policy 258 Waste removal - commercial properties](#)

[Council Policy 259 Recycling collection - residential and commercial properties](#)

[Council Policy 260 Single use plastic and polystyrene](#)

[Council Policy 261 Sustainable events](#)

[Waste Avoidance and Resource Recovery Strategy 2030 | Waste Authority WA](#)

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## Legal and policy compliance

Not applicable.

## Financial implications

<b>Current budget impact</b>	<p>Sufficient funds exist within the annual budget to address this recommendation.</p> <p>The extent of cost to the Town will be a function of the level of involvement with implementing actions identified in the SWMP.</p> <p>For instance, there should be a net cost saving due to lower waste tonnage being sent to MRC because of increased waste education related programs being delivered such as the home composting workshops.</p> <p>The challenge for the Town is to maximise its diversion rate within a limited budget.</p> <p>To fully scope and implement the high priority initiatives identified in the SWMP 2024 – 2029, which will include detailed business case analysis of cost-effective actions and strategies over the life of the Plan, it is recommended that the support of consultants be secured.</p>
<b>Future budget impact</b>	<p>A budget of approximately \$800,000 is estimated as the cost for the roll out of the Town's FOGO system which is planned to commence implementation in mid-2025.</p> <p>An operating budget of about \$60,000 is required for the next waste audit planned for 2024/2025 financial year.</p> <p>External funding is available sometimes for the Town and local community groups. The Town will monitor the availability of funding sources and the outcomes sought by the funding agencies. If there is available external funding aligned to the SWMP activities, the Town will pursue it.</p> <p>The Town is aware that in general, funding is seen as "seed funding", whereby the fund provider hopes to encourage the establishment of an activity and in time, the activity operator, be it the Town and/or the community, takes over the cost of operating the activity, or in the rare circumstance, the activity becomes self-funding or profitable.</p> <p>The Waste Authority is a primary source of funding and sets out an annual business plan which provides insight into the funding direction.</p> <p>The Town's current bin collection and recycling processing contract commenced in 2016 based on a set of very competitive rates which would likely to be increased significantly when the contract is renewed in 2026.</p> <p>The Town will continue to collaborate with its contractors to ensure relevant revenue generating opportunities are implemented. For example, the current revenue sharing arrangement with Cleanaway generates approximately \$70,000 per year.</p>

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			Low	
Environmental	Inability to achieve the required 70% waste recovery by 2025	Medium	Medium	Adopt this SWMP as it supports the awarding of contract for WTE services through MRC and implementation of FOGO rollout.
Health and safety			Low	
Infrastructure/ ICT systems/ utilities			Medium	
Legislative compliance			Low	
Reputation			Low	
Service delivery	Lack of funds to deliver waste education programs resulting in delayed reduction in waste generation	Medium	Medium	TREAT risk by approving the proposed annual operating budget for waste management

## Engagement

Internal engagement	
Stakeholder	Comments
Street Operations	Beware of narrow verges when considering any initiatives involving the use of the verge or skip bins
Environmental Management	Continue to deliver waste education programs
Finance	Noted the potential financial impact due to significant increase in bin collection rates after the current contract has expired (in 2026)
Environmental Health	Planning approval conditions for commercial properties to include bin storage compound

<b>Internal engagement</b>	
Stakeholders	<b>Elected Members</b>
Period of engagement	25 March 2024
Level of engagement	1. Inform 2. Consult
Methods of engagement	Face to face and via Teams – Concept forum
Advertising	Not applicable
Submission summary	Not applicable
Key findings	<p>Discussion</p> <ul style="list-style-type: none"> <li>• Create a more streamlined SWMP for the community</li> <li>• Ongoing and future sustainable procurement within the Town of Victoria Park</li> <li>• Verge bulk waste pick-ups investigated in the future to analyse best interest to community when a review is conducted</li> <li>• Waste to Energy (WtE) commencement</li> <li>• Waste Education for community groups, ongoing workshops, and bin information communication</li> <li>• Data collection future waste audits compared to audit conducted five years ago and Investigation into timing for verge bulk waste disposal for university students</li> <li>• Containers for change continued support</li> <li>• FOGO commencement</li> <li>• Possibility of increase in household hazardous waste options</li> <li>• Involvement of community for re-using projects in conjunction with other local governments and charities</li> <li>• Recycling hub options to be revised with other providers</li> </ul>

<b>External engagement</b>	
Stakeholders	<b>MRC officers and MRC member council officers</b>
Period of engagement	2018 to 2013
Level of engagement	1. Inform 2. Consult
Methods of engagement	Face to face
Advertising	Ongoing meetings and discussions

External engagement	
Submission summary	Not applicable
Key findings	Illegal dumping continues to be a problem. There is still a lack of indoor FOGO processing capability within the metropolitan area. Major challenges in attracting and retaining waste management staff. contract costs rise significantly every year.

External engagement	
Stakeholders	<b>Participants at the Waste Management community workshop</b>
Period of engagement	28 October 2023
Level of engagement	1. Inform 2. Consult
Methods of engagement	Face to face
Advertising	Not Applicable
Submission summary	Not Applicable
Key findings	<p>Among a variety of waste and recycling management issues, participants were invited to share their future visions for the Town and ideas about what the Town should do in terms of waste management and the circular economy. The participants appreciated the opportunity and a number of suggestions were made and issues discussed. Participants supportive of the Town's waste manage related programs such as the Home Composting program. Requests were received to assist other Councils such as the Cities of Kalamunda and Joondalup to set yup similar programs.</p> <p>The participants were appreciative of being heard and the explanations provided for some of the more complex waste and recycling issues such as Waste to Energy process, lack of FOGO processing facilities in the metropolitan area and increasing cost of waste and recycling processes. They expressed their appreciation for the Town's proactive approaches.</p>

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The Strategic Waste Management Plan (SWMP) shows how and what resources will be used to help reduce waste in the Town.

Environment	
Community Priority	Intended public value outcome or impact

EN1 - Protecting and enhancing the natural environment.	The SWMP demonstrates activities that will help reduce waste and thus its effect on the natural environment.
EN2 - Facilitating the reduction of waste.	The SWMP shows waste reduction activities will be implemented for 2024-2029.

### **Further consideration**

Not applicable

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

## 13.5 31 Rushton Street - Outcome of advertising for EOI

<b>Location</b>	Burswood
<b>Reporting officer</b>	Manager Property Development and Leasing
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	Nil

### Summary

Further to Council resolution 260/2023 dated 12 December 2023, provide details of the outcome of the advertising for Expressions of Interest (EOI) process.

#### Recommendation

That Council

1. Notes the report back provided further to point 3 of Council resolution 260/2023 dated 12 December 2023
2. Requests a report with a Business Case to evaluate the feasibility of long-term retention of the property at 31 Rushton Street, Burswood through development with a long-term lease or sale.

### Background

1. Council resolved as follows by resolution 260/2023 dated 12 December 2023: -  
*"That Council:*
  1. *notes the Business Case for the future of 31 Rushton St, Burswood recommends disposal of this property by sale (Business Case recommendation);*
  2. *defers further consideration of the Business Case recommendation until the Ordinary Council meeting after the completion of the review of the planning framework for the Burswood South Mixed-Use Precinct as recommended in the Town's Local Planning Strategy (2022).*
  3. *requests the Chief Executive Officer to call for public expressions of interest in the first quarter of 2024 for not for profit or community organisations who wish to occupy the property under a lease or licence not exceeding 3 years duration, for community purposes, subject to there being no costs to the Town in modifying or upgrading the existing buildings on the property, and report back to Council as to the outcome of the expression of interest process."*
2. The property was advertised to invite for Expressions of Interest (EOI) from 14 February 2024 until close of business 25 March 2024.
3. The EOI was advertised on the Town's website, in the West Australian Newspaper, on social media platforms, on the Towns notice boards and details provided in the Towns Newsletter.
4. The EOI advertisement and EOI property prospectus were sent to 13 parties (including the Museum of Perth) which had expressed interest in leasing or licensing premises for social, community and recreational purposes within the Town.
5. The EOI advertisement attracted one enquiry prior to the EOI end date. The EOI property prospectus was sent to this party, which did not submit a proposal.



6. Following the EOI end date, the Town was contacted by Pictures in Motion Museum of Film and Television, who were searching for premises. The Town enquired whether this organisation would be interested in licensing the property on the basis of the Property Prospectus. Feedback was received that the property does not meet space requirements and is not suitable.
7. Subsequent to the EOI end date, the Vic Park Soccer Club approached the Town regarding interest in this property and was provided with a copy of the EOI property prospectus. The Vic Park Soccer Club responded that they would not be taking up the opportunity.

## Discussion

8. The promotion of the property by the Town through a combination of direct approach and publicly advertised EOI to not-for-profit or community organisations yielded limited interest and no formal EOI submission.
9. Whilst each organisation will have its own reason(s) for not submitting an EOI, the market response indicates challenges in finding suitable lessees or licensees for the property in its current condition.
10. One organisation has specifically responded that the property does not meet space requirements. The buildings on the property are of limited size and amenity. The buildings are also sensitive in a number of respects being in poor-moderate condition, contain asbestos and are subject to a Town heritage listing.
11. Point 2 of Council resolution 260/2023 dated 12 December 2023 deferred further consideration of the Business Case recommendation for the property until the Ordinary Council meeting after the completion of the review of the planning framework for the Burswood South Mixed-Use Precinct as recommended in the Town's Local Planning Strategy (2022).
12. Under the Planning Program future updates to the planning framework for the Burswood South Mixed-Use Precinct are scheduled to be undertaken across 2025-2027 at the earliest. As the property is located on the periphery of the precinct and adjacent to low rise medium density residential it is possible that a future precinct planning exercise will continue to have strong considerations for how the site transitions and interfaces with these surrounds. These considerations may limit the likelihood and extent to which any changes are contemplated from the property's current 4 storey building height and R80/1.0 density/plot ratio development controls.
13. Due to the absence of market interest in its availability for community use, alongside the factors mentioned, the Council has the opportunity to further consider the property's future.
14. One alternative could involve offering the property for lease or license for a longer interim duration than the three-year term recently offered in the Expression of Interest (EOI).
15. Having regard to the terms of Council resolution 260/2023 dated 12 December 2023, the projected timelines for future updates to the planning framework for the Burswood South Mixed-Use Precinct do not provide much scope for a longer interim use. Such an interim use arrangement is unlikely to provide enough time for a community organization to recover a substantial investment in addressing the property's shortcomings in the condition and amenities of the buildings and will not alter the limited size of the current heritage buildings.
16. In addition, encumbering the property with any interim use by way of lease or licence to a community organisation presents the significant risk (assessed Overall risk level score - 'High') that the interim use becomes permanent, with loss of the Town's ability to achieve significant revenue from the property by way of sale or long lease.
17. A further attempt to offer the property for lease or licence on an interim basis is therefore not recommended.

18. Subsequent to Council resolution 260/2023 dated 12 December 2023, the Town has commenced an expressions of interest process to seek a lease for community purposes of another premises at 4 Temple Street. Whilst this is an aged building, it is in much better condition with superior amenity and is in a prime location close to the facilities in the vicinity of Albany Highway.
19. Another option would be to further consider a business case for the future of the property. Such a business case need not be limited to sale. A long lease (for example for a 50 year duration) may offer the Council long term income generation from rent and rates, combined with the opportunity to secure appropriate development and other outcomes (for example, environmental, design, heritage acknowledgement or social) through lease covenants enforceable by the Town. Officers could investigate the feasibility of incorporating appropriate rental uplift mechanisms for further value capture from the property, in the event that increased development of the property is realised as a result of an updated planning framework.
20. Further consideration of a Business Case for the property is therefore recommended, including assessment of the feasibility of the Town retaining the site with a long-term lease arrangement by engaging with third parties such as developers.

## 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	The loss of the Town's ability to achieve significant revenue from this Property should the buildings remain, and the financial returns offered by the property not realised by way of sale or long lease.	High	Low	Treat risk by not encumbering the Property with any lease, licence or other third party right and progress arrangements via business case to secure the relocation of the 2 most significant structures and demolition of remaining structures and significant revenue from sale or long lease.
Environmental	Loss of mature vegetation due to development works. Loss of habitat provided by existing vegetation.	Medium	Medium	Treat risk by appropriate design of any buildings, protecting mature trees or provide offset planting within any new development.

Health and safety	Not applicable		Low	
Infrastructure/ ICT systems/ utilities	Not applicable		Medium	
Legislative compliance	Any disposal of Property by way of lease or sale must comply with Section 3.58 and where applicable 3.59 of the Local Government Act.	Low	Low	Treat risk by ensuring sale or lease complies with the Act.
Reputation	Leaving the property underutilised could lead to a perception within the community that the Town is not effectively managing or maximising the potential of valuable assets.	Medium	Low	Treat risk by developing a vision and strategy for the property's utilisation.
Service delivery	Not applicable		Medium	

## Engagement

Internal engagement	
Place Planning	<p>Under the Planning Program future updates to the planning framework for the Burswood South Mixed-Use Precinct is scheduled to be undertaken across 2025-2027 at the earliest.</p> <p>As the site is located on the periphery of the precinct and adjacent to low rise medium density residential it is possible that a future precinct planning exercise will continue to have strong considerations for how the site transitions and interfaces with these surrounds. These considerations may limit the likelihood and extent to which any changes are contemplated from the sites current 4 storey building height and R80/1.0 density/plot ratio development controls.</p>
Strategic Projects	<p>To preserve the heritage value of the building and its surroundings, relocating it is imperative. By moving it to a site within the Town featuring similar built forms, its historical significance can be retained while allowing for future development. This relocation ensures the retention of the building's heritage value and offers an opportunity for any subsequent development to honor its past as the former Croquet club.</p> <p>Investigation into the development of the land and long-term retention along with relocation of the building will allow the site to be developed to a greater potential without the encumbrance of the former club buildings.</p>

Assets	Heritage buildings need regular maintenance and repairs. To retain building functionality, the resource required for such maintenance and repair needs is usually significantly higher than that for normal buildings. It is likely that because of the significant investment needed the property is less attractive to the community on a shorter-term lease. We support the recommendation to further investigate the potential development of the site and present the business case to the council.
Development Services	<p>The Town's Local Heritage Survey and Heritage List identify the property as having 'considerable' significance due to its historic and social value as a long serving community club in the area. The Heritage Impact Assessment (HIA) prepared for the site also determined that the building has some aesthetic value. Relocation of the building to another site will still retain these values. It is noted that the HIA comments that "relocation of these buildings to a site for community use is recommended to provide an ongoing connection with their heritage values and past use." Accepting the advice of the HIA, any intent to relocate the existing building will require development approval to be obtained. Such an application would be advertised for public comments, and concurrently with this, the Town would advertise an intent to modify the Local Heritage Survey and remove the property from the Town's Heritage List. The development application will require Council determination.</p> <p>In relation to any future redevelopment of the site, the provisions of the Town Planning Scheme, the R-Codes and relevant Planning Policies will guide the built form outcomes.</p>
Community	It is likely that due to the short length of tenure, and degree / cost of remediations required to make the space fit for purpose, the Lease was less attractive to community organisations. A business case to inform future decision making regarding the site would enable further considerations and implications to be explored, including viability, pros, and cons of use by community organisations.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Effective communication and engagement with the community creates a more inclusive, informed, and participatory decision-making process, enhancing public trust and promoting collaborative efforts towards positive outcomes for the local area.
CL3 - Accountability and good governance.	Engaging the community via public expressions of interest and reporting outcomes back to the Council. This process fostered community involvement, responsiveness to stakeholders' feedback, and adherence to established guidelines, ensuring accountable and effective governance practices in property development and decision-making.

Economic	
Community Priority	Intended public value outcome or impact

<p>EC2 - Connecting businesses and people to our local activity centres through place planning and activation.</p>	<p>The process of advertising the property for expressions of interest (EOI) and engaging with various <u>organisations</u> demonstrates a commitment to involving the community in decision-making about local spaces. This engagement can foster a sense of ownership and investment in the area's development.</p> <p>To explore opportunities for mixed-use developments with third parties to develop the under-utilised site for the long term while retaining the site.</p>
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## Questions and responses

### Cr Daniel Minson

*1. Has the Town considered developing the site for community purposes, can it be included as the options in the report as the business case?*

The Chief Operations Officer advised that there is a report in August 2023 and December 2023 that includes information of the site's uses and various recommendations.

*2. Is there an opportunity to include the baseline community infrastructure option in the business case for comparison with other options such as long-term lease or sale?*

The Chief Operations Officer advised that we could provide a summary of the previous reports.

### **Further consideration to be added to the Ordinary Council Meeting agenda**

1. Provide a summary of previous reports regarding community purpose and options.

## 13.6 McCallum Park - Feasibility of Scoot and Skate Facility

<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>	1. Scoot and Skate Feasibility - detailed review 26042024 [ <b>13.6.1</b> - 13 pages] 2. Taylor- Mc Callum Masterplan Report [ <b>13.6.2</b> - 34 pages]

### Summary

Council is to conduct a comprehensive review of the existing design of McCallum Park, along with its funding sources and agreements thus far. This review will assess the feasibility of integrating a junior scooter and skate facility into the current design or incorporating it into subsequent phases of the forthcoming revised Taylor McCallum Masterplan.

### Recommendation

That Council:

1. Notes that it is feasible to incorporate a junior scooter track in an area between the basketball courts and skate plaza that caters for junior scoot/skate
2. Notes that it is not currently funded and accepts that this is not a proposed funding priority
3. Recommends that Council agree that this scope can be undertaken in the proposed location as independent works at any time subject to provision of additional budget, without compromising any of the adjacent Active Area works that are currently funded

### Background

1. The McCallum Active Area upgrade's endorsed concept design situated a junior scoot and skate track to the northern side of the existing riverbank tree line.
2. The current project construction area is contained within the tree line's southern side; therefore, the Junior track has not been included in the project scope nor approved grant funding.
3. At the April 2024 OCM, Council asked that the Scoot and Skate be submitted as a feasibility study and how this can be incorporated into the current design (Resolution 59/2024).
4. The proposed scope is not currently funded through the McCallum Active Area, and was excluded from the grants obtained to fund the Active Area

### Discussion

5. Generally, there is a component to other contemporary skate and scooter sites whereby the junior elements are addressed through several design elements, some of which are already incorporated into the McCallum Active Area design as it stands. These include:
  - a. Low and gentle lines through the pump track.
  - b. An expansive skate plaza with areas of less complex obstacles and clear distances to avoid collisions.
  - c. A path network of concrete paths that is suitable for skate and scoot activity.
6. Given the current design is well advanced and that the target age group of the skate and scoot is the junior age group, it is intended to look to a separate area not shared with more advanced riders which

- would be served with gentle track bumps and features. This separate area should be easily visible for parents, provide shade, as well as combining with other flat areas for general scooting.
7. The site layout has extensive fig trees which pose a slipping hazard and maintenance issues with any dropped fruit. The team reviewed possible sites but have excluded any areas beneath the canopy.
  8. The area closer to the river, as originally shown in the Concept Design, impacts a drainage swale, but more importantly is subject to a further design to carefully layout the next stage of the McCallum Park Masterplan. Ideally this is preserved to allow a fully integrated natureplay and the potential for the Mindeera Spring daylighting. This area is planned to proceed with concept designs in the 2024/25 financial year.
  9. The proposed option, which looks entirely achievable, is in the north-eastern area near the basketball courts, which is preserved due to a Water Corporation access point (note attachment)
  10. The proposed option recommends a track that will:
    - a. be specific to junior users,
    - b. does not impact other key features to be submitted in the DBCA approval,
    - c. does not impact the ability to enhance with additional features in future "all ages" stages,
    - d. has great visibility from the proposed shaded tables for parents, and
    - e. links with the basketball courts which can provide additional areas for practice if they are not being fully utilised (as the fencing will be only behind each hoop).
  11. A meeting was held with the current designers, Emerge and Associates, and various options analysed. Full costs including design for an area that has a degree of interest for users in the form of gentle undulations and features, plus interconnecting pathways, is up to \$50,000.
  12. This costing can be further refined if the option presented is endorsed by Council noting that the scope is not currently within the project costings and will require a municipal capital budget.
  13. The scope can be delivered in parallel or separately at any time as it is a discrete area that does not preclude the construction of the currently funded Active Area.

## Relevant documents

Not applicable.

## Legal and policy compliance

Not applicable.

## Financial implications

<b>Current budget impact</b>	Insufficient funds exist within the budget to address the construction of this facility.
<b>Future budget impact</b>	The construction costs for the recommendation would require an additional capital budget amount of \$50,000 as this scope is not currently within any current McCallum Active Area Scope, nor is it funded through the external Grants received for the project.

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Insufficient funds do not allow the additional scope to proceed	Medium	Low	TREAT risk by Including the scope as a separable portion within any documentation.
Environmental	The location is not supported by DBCA within the Swan and Canning River Park	Low	Medium	TREAT risk by including with the current applications
Health and safety	N/A		Low	
Infrastructure/ ICT systems/ utilities	N/A		Medium	
Legislative compliance	N/A		Low	
Reputation	Delivery of the scoot and skate was outlined in the Concept Design and could possibly be an area not delivered as per the previous engagement	Low	Low	TREAT risk by developing a discrete scope that can be delivered at any time if finances preclude it in the current timeframes
Service delivery	A very minor increase in future maintenance would occur	Low	Medium	TREAT risk by ensuring consistent maintenance activities can continue to be provided without a major change

## Engagement

Internal engagement	
Place Planning	Place Planning have been involved in design workshops and are supportive of the proposed approach.
Finance	The proposal has not been included within the current budget process for 2024-25 nor is there provision for this item in the current capital budget for the project
Parks	This track would be an additional long term maintenance item for the area.
Strategic Asset Advisory Group	The proposed additional scope is not currently funded and not a recommended priority in our current constrained budgetary environment



## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces	Ensuring that access is provided for all ages and abilities in the new facilities
EN5 - Providing facilities that are well-built and well-maintained.	Ensuring a design process looks at the integration between the current designs to ensure that it is not an ad-hoc addition to the Active Area

## Further consideration

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

## 14 Chief Financial Officer reports

### 14.1 Financial Statement March 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 - March 2024 [14.1.1 - 24 pages]

### Summary

To present the statement of financial activity reporting on the revenue and expenditure for the period ending 31 March 2024.

#### Recommendation

That Council receives the financial statements for March 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 March 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 – March 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> .

<p><b>Questions and responses</b></p> <p><b>Cr Daniel Minson</b></p> <p>1. Regarding capital expenditure actual and forecasting, road renewal program is committed to deliver by the end of financial year, can you provide the background information of underspending?</p> <p>The Chief Operations Officer took the question on notice.</p> <p><b>Further consideration to be added to the Ordinary Council Meeting agenda</b></p> <p>1. Provide background information on underspending regarding road renewal program.</p>
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## 14.2 Schedule of Accounts - March 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 - March 2024 [ <b>14.2.1</b> - 10 pages] 2. Credit Card Transactions March 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 31 March 2024.

### Recommendation

That Council:

1. Receives the accounts for March 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 March 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(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or 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.

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$8,183,494.81
Payroll		\$1,413,501.14
Bank Fees		\$9,280.77
Corporate MasterCard		\$12,876.18
Total		<b>\$9,619,152.90</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.

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



## 15 Committee reports

### 15.1 Final Audit Report: Workplace Health and Safety

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Corporate Performance Advisor
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - Workplace Health and Safety Internal Audit Report [15.1.1 - 20 pages]

### Summary

The Workplace Health and Safety Audit was completed in March 2024.

#### Committee Recommendation

That the Audit and Risk Committee recommends that Council notes the final Workplace Health and Safety Audit Report.

### Background

1. The Workplace Health and Safety audit was completed in March 2024 as part of the 2023-2026 Audit Program
2. The objective of the review was classified as an assurance audit with a focus on controls and compliance through a combination of documentation reviews, interviews, process assessment, and sampling to assess controls.

### Discussion

3. The findings are summarised below and documented in detail within Attachment 1 of this report.
4. 1 low risk area was identified with 3 business Improvement suggestions
5. Finding: Audit noted that the Town has the OSH Hazard Identification and Management, and Hazardous Substance Management documents which details responsibilities and accountabilities of risk and hazard management process in accordance with WA OSH Regulations 1984. The Town has not reviewed and updated these since 2013 – 2014, whereas the period of review is three years.
6. Recommendation: Audit recommends that the Town reviews the Hazard Identification and Management, and Hazardous Substance Management documents to ensure WHS processes are current and align with approved policies and procedures.
7. Business Improvements:
  - a) Audit suggests that the Town considers conducting regular review of the Depot PPE Procedure as required every five years.
  - b) Audit suggests that the Town reviews the Safety Management Plan on a regular basis to ensure currency.

- c) Audit suggests that all site supervisors/managers should establish monthly Safety KPIs and report them to the WHS team. These KPIs should be monitored by the Coordinator Safety and Emergency Management on monthly basis to ensure compliance with safety regulations.

### 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	Not adopting an internal audit program means we cannot test our controls and mitigate loss through administrative errors, and processes.	High	Low	TREAT risk by adopting an internal program with a focus area on high-risk processes and activities.
Environmental	Not applicable.		Medium	
Health and safety	Not refining management practices and processes to address audit findings could result in harm or injury to people with potential loss and /or medical care.	Low	Low	TREAT risk by ensuring commitment to management actions to address findings.
Infrastructure/ ICT systems/ utilities	Not applicable.		Medium	

Legislative compliance	Breach of legislation and compliance requirements may or may result in legal action and financial penalties.	High	Low	TREAT risk by ensuring commitment to management actions to address findings.
Reputation	Not refining management practices and processes to address audit findings could result in reputational risk to Council and the Town.	High	Low	TREAT risk by adopting an internal program with a focus area on high risk processes and activities.
Service delivery	Not applicable.		Medium	

## Engagement

Internal engagement	
Stakeholder	Comments
People and Culture	Provided the information requested and comments on the audit report
C-Suite	The report was presented to C-Suite for noting

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Internal audits promote integrity and identify areas for improvement
CL3 - Accountability and good governance.	Internal audits allow for an assessment of whether legislation, policies and practices are being followed to ensure intended outcomes are achieved.

## Further consideration

There were no questions asked or presentations made in relation to this item.
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## 15.2 Final Audit Report: Financial Sustainability

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Corporate Performance Advisor
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - Financial Sustainability Audit report [15.2.1 - 25 pages]

### Summary

The Financial Sustainability audit was concluded in March 2024.

#### Committee Recommendation

That the Audit and Risk Committee recommends that Council notes the final Financial Sustainability Internal audit report.

### Background

1. The Financial Sustainability audit was concluded in March 2024 as part of the 2023-2026 Audit Program.
2. The objective of the review was classified as an assurance audit with a focus on the Town's ability to maintain a sustainable long-term financial position. This included the ability of the Town to generate sufficient revenues to recover capital, maintenance, and operating costs over the lifetime of their assets through reliable and relevant financial forecasts. Reliance was made on a combination of enquiry, process observation, and analysis to assess internal controls, risk management and governance processes.

### Discussion

3. There was no finding noted
4. There were 2 business improvement suggestions
  - a) Audit suggests that the Town considers conducting regular reviews against the Management Practice 303.1 – Debt Collection to ensure up to date and compliance the Council Policy 303 – Debt Collection.
  - b) Audit suggests that the Town considers conducting regular reviews against the Management Practice 302.1 – Investment Practice to ensure up to date and compliance the Council Policy 302 – Investment

### 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	Not adopting an internal audit program means we can't test our financial controls and mitigate financial loss through administrative errors, fraud and corruption.	High	Low	TREAT risk by adopting an internal program with a focus area on high-risk financial processes and activities.
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

Finance	Provided the information requested and comments on the audit report
C-Suite	The report was presented to C-Suite for noting

### Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Internal audits promote integrity and identify areas for improvement.
CL3 - Accountability and good governance.	Internal audits allow for an assessment of whether legislation, policies and practices are being followed to ensure intended outcomes are achieved.

### Further consideration

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

### 15.3 Audit Update Report March 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Corporate Performance Advisor
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - Quarter 3 : Audit Update Report [ <b>15.3.1</b> - 7 pages] 2. CONFIDENTIAL - Audit Function Dashboard [ <b>15.3.2</b> - 1 page]

### Summary

The Audit and Risk Committee recommends that Council receives the Audit Update Report for March 2024 as contained in Attachment 1.

**Committee Recommendation**

That the Audit and Risk Committee recommends that Council receives the Audit Update Report for March 2024 as contained in attachment 1.

### Background

1. The 2021-2022 Internal Audit Program was adopted by Council on 16 August 2022.
2. The 2023-2026 Internal Audit Program was adopted by Council on 19 June 2023 and the following audits for 23/24 have been completed.
  - a. The Environmental Sustainability Audit
  - b. The Workplace Health and Safety Audit
  - c. Financial Sustainability Audit

### Discussion

3. The Environmental Sustainability Audit was presented to the Audit and Risk Committee in January and no findings were noted.
4. The Workplace Health and Safety Audit - 1 finding was noted with the following business Improvements:
  - a. The Town considers conducting regular review of the Depot PPE Procedure as required every five years.
  - b. The Town reviews the Safety Management Plan on a regular basis to ensure currency.
  - c. All site supervisors/managers should establish monthly safety KPIs and report them to the WHS team. These KPIs should be monitored by the Coordinator Safety and Emergency Management on monthly basis to ensure compliance with safety regulations.
5. The Financial sustainability Audit - no findings were noted. The audit suggests the following business improvements:

- a. The Town considers conducting regular reviews against the Management Practice 303.1 – Debt Collection to ensure up to date and compliance to the Council Policy 303 – Debt Collection.
  - b. The Town considers conducting regular reviews against the Management Practice 302.1 – Investment Practice to ensure up to date and compliance to the Council Policy 302 – Investment.
6. These audit actions will be added into Cascade and monitored on a quarterly basis.

## Relevant documents

Not applicable.

## Legal and policy compliance

[Part 7 of the Local Government Act 1995](#)

[Local Government \(Audit\) Regulations 1996](#)

## 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 adopting an internal audit program means we can't test our financial controls and mitigate financial loss through administrative errors, fraud, and corruption.	High	Low	TREAT risk by adopting an internal program with a focus area on high-risk financial processes and activities.
Environmental	Not Applicable		Medium	
Health and safety	A poorly designed Internal Audit Program will make the Town vulnerable to Health and Safety compliance, which may lead to potential time loss and/or medical care.	Low	Low	TREAT risk by ensuring commitment to management actions to address findings.
Infrastructure/ ICT systems/ utilities	Not applicable		Medium	



Legislative compliance	Not adopting an internal audit program means we cannot test our legislative compliance and mitigate financial loss through administrative errors, fraud, and corruption.	High	Low	TREAT risk by ensuring commitment to management actions to address findings.
Reputation	A poorly designed Internal Audit Program will make the Town vulnerable to non-compliance, fraud and corruption risks which adversely impact on the Town's reputation.	Moderate	Low	TREAT risk by ensuring commitment to management actions to address findings.
Service delivery	Not applicable		Medium	

## Engagement

Internal engagement	
Stakeholder	Comments
Business units Managers	providing responses and supporting documentation to the internal auditors.
C-suite	Noting the final internal audit outcomes

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Internal audits promote integrity and identify areas for improvement
CL3 - Accountability and good governance.	As internal audit is a key pillar of organisational governance, a robust internal audit program, with oversight from the Audit Committee, will enable the Town to have a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, internal controls, and governance processes. The business improvements that result from an effective internal audit program will add value to the way The Town runs its business

## Further consideration

There were no questions asked or presentations made in relation to this item.
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## 15.4 Quarter 3 Progress Report 1 January 2024 - 31 March 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Corporate Performance Advisor
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Quarter 3 report [<b>15.4.1</b> - 17 pages]</li> <li>2. 2023-2024 Annual Strategic Projects &amp; Capital Work Program - Operations - Q 3 attachment [<b>15.4.2</b> - 6 pages]</li> <li>3. Community Benefits Strategy Quarter 1 Report Jan - Mar 2024 [<b>15.4.3</b> - 4 pages]</li> </ol>

### Summary

The Audit and Risk Committee recommends that Council accepts the quarterly progress reports for the period 1 January 2024 – 31 March 2024.

#### Committee Recommendation

That the Audit and Risk Committee recommends that Council accepts the quarterly progress reports for the period 1 January 2024 - 31 March 2024, relating to the:

- (a) Corporate Business Plan
- (b) Five-year capital works program, including the 2022/2023 Annual Strategic Project Plan
- (c) Economic Development Strategy 2018-2023
- (d) Urban Forest Strategy
- (e) Reconciliation Action Plan
- (f) Disability Access and Inclusion Plan
- (g) Community Benefits Strategy
- (h) Climate Emergency Plan.

### Background

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

*“That Council requests that the Chief Executive Officer:*

1. *Develops an Annual Strategic Project Summary for 2019/2020, containing a summary of the projects that are aligned to strategic outcomes in the Strategic Community Plan 2017-2027.*
2. *Presents the 2019/2020 Annual Strategic Project Summary for adoption at the September Ordinary Council Meeting.*
3. *Presents to Council, commencing from the October Ordinary Council Meeting, quarterly written progress reports on the actions, projects and outcomes within the Town’s following plans and strategies:*

- (a) *Corporate Business Plan*

(b) 2019/2020 Annual Strategic Project Summary

(c) 5 Year Capital Works Program

(d) Economic Development Strategy 2018 – 2023

(e) Urban Forest Strategy

(f) Reconciliation Action Plan

(g) Disability Access and Inclusion Plan

(h) Community Benefits Strategy

4. At the Ordinary Council Meeting on 20 July 2021, Council resolved: That Council:

(a) Receives the community consultation results for the draft Climate Emergency Plan.

(b) Endorses the Climate Emergency Plan 2021 – 2031.

(c) Instructs the Chief Executive Officer to include the Climate Emergency Plan in the Quarterly progress reports to council, commencing in the next quarter for 2021.

5. The quarterly written progress reports were requested to enable Council to assess performance against strategies and plans, identify risks and significant variations in project performance and budgeting, receive information needed to be able to make informed decisions and to take action to address any issues that arise. They were also requested to give Council and the community a higher level of transparency and accountability relating to strategic actions, plans and projects.

## Discussion

1. Written progress reports will enable the Council to oversee the Town's performance and allocation of the Town's finances and resources. They will also help to inform the community about the Town's progress in relation to the plans and strategies.
2. The Corporate Business Plan 23/24 has been endorsed by Council in December 2023, and these reports on the actions, projects, and outcomes, for the plans and strategies listed in the Council resolution, have been attached to this report. Further commentary for each report has also been included below.

## Corporate Business Plan

3. The status of actions from the CBP are as follows:

Strategic outcome	Total actions	No. of actions completed	No. of actions behind	No. of actions on track
Social	24	3	3	18
Environment	22	3	3	16
Economic	6	1	3	2
Civic Leadership	25	2	12	11

4. Actions not completed within the reporting quarter are as per attachment 7.2.1.

## 2022/2023 Annual Strategic Project Summary

5. The status of projects from the Annual Strategic Project summary is as follows:

Total Projects	No of projects on track	No of projects complete	No. of projects delayed
17	11	3	3

## Five Year capital works program

6. The status of actions from the Five-Year Capital Works Program are as follows.

Total project	Works in progress	Not yet started	Complete	Deleted projects
92	56	5	24	7

## Economic Development Strategy 2018-2023

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

Outcome	Total actions	No of actions completed	No of actions in progress	No of actions not started
Pathway 1: Leadership	4	2	2	0
Pathway 2: Identity	2	0	2	0
Pathway 3: Local to Global Connections	5	1	2	2
Pathway 4: Smart Town – digital innovation	7	0	5	2
Pathway 5: Creating an enabling business environment	8	1	6	1
Pathway 6: High Value Precincts	6	5	1	0
Pathway 7: High Value Sectors	18	1	14	3
<b>Total</b>	<b>50</b>	<b>10</b>	<b>32</b>	<b>8</b>

## Urban Forest Strategy:

9. The Urban Forest Strategy (UFS) Implementation Action Plan (IAP) outlines 41 actions required to achieve the six strategic outcomes defined in the UFS over a five-year period. The UFS was adopted by council in September 2018 and the IAP in September 2019.<sup>1</sup>
10. The summary table below represents the number of actions progressed and completed since the adoption of the IAP.

Outcome	No of actions completed	No of actions in progress	No of actions ongoing	No of actions not started
<b>Strategic Outcome 1</b> Plant and protect sufficient trees by 2020 to achieve the 20% tree canopy target as supported by Council.	0	4	8	3
<b>Strategic Outcome 2</b> Maximize community involvement and collaboration in its implementation.	0	1	7	1
<b>Strategic Outcome 3</b> Increase tree diversity, whilst favoring local endemic and West Australian species that also support wildlife	1	0	2	0
<b>Strategic Outcome 4</b> Maintain high standard of vegetation health.	0	1	5	0
<b>Strategic Outcome 5</b> Improve soil and water quality	0	1	2	0
<b>Strategic Outcome 6</b> Improve urban ecosystems	0	1	2	2

## Reconciliation Action Plan:

11. The Town's new Innovate Reconciliation Action Plan (RAP) was adopted by Council in December 2023.

12. The document outlines strategies and actions to support opportunities to strengthen the community, build strong relationships and foster greater awareness and understanding of Aboriginal culture and history.
13. The status of actions from the Innovate Reconciliation Action Plan are as follows.

Category	No. of actions completed	No. of actions in progress/ongoing	No of actions not started
Relationships	0	9	7
Respect	1	13	8
Opportunities	0	2	8
Governance	1	8	6
Tracking and Progress	2	32	29

14. This quarter, the key progress highlights of the Innovate Reconciliation Action Plan included:
- Launch event held for the Innovate Reconciliation Action Plan on 22 March 2024
  - As part of the RAP launch a video of community voices was produced to showcase what reconciliation means to them and why having a RAP is important.
  - Connections made with community groups to plan for National Reconciliation Week and NAIDOC Week.
  - Meetings held with service areas to discuss implementation of actions within the RAP.

## Disability Access and Inclusion Plan

15. The Town's Access and Inclusion Plan was adopted by Council in December 2022 and is a legislative requirement for all local governments.
16. The status of actions from the Access and Inclusion Plan are as follows:

Category	No. of actions completed/ongoing	No of actions in progress	No of actions not started
Goal 1: Customer Experience - Services and Events	4	2	0
Goal 1: Customer Experience -Information	4	2	1

Category	No. of actions completed/ongoing	No of actions in progress	No of actions not started
Goal 1: Customer Experience - Quality Customer Service	2	1	2
Goal 2: Physical Access – Building and Facilities	2	3	3
Goal 3: Active Citizenship -Complaints	0	1	3
Goal 3: Active Citizenship – Public Consultation	2	0	3
Goal 4: Employment	5	0	0
Goal 5: Governance and Impact	4	1	0
<b>Total</b>	<b>23</b>	<b>10</b>	<b>12</b>

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

- (a) Continuing to engage with relevant stakeholders to advance AIP deliverables.
- (b) The Access and Inclusion Advisory Group continues to support and advise project management and internal stakeholders on inclusive design and planning elements, the last meeting was held 27 March 2024.
- (c) Potential to collaborate with DCA (Diversity Council of Australia) for internal staff training.
- (d) Continued discussions with relevant Town officers to explore adding a sensory room in the admin building.
- (e) Collaboration with internal stakeholders and all staff members to produce a Harmony Week Game Book and Orange T-Shirts for Harmony Week. We are also engaging with community groups to support inclusive events for Harmony Week.
- (f) We are also connecting more with community organisations to build a contact list for the Town.

## Climate Emergency Plan

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

19. The Climate Emergency Plan aims to:

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

20. The status of actions from the CEP are as follows:

Category	No of actions completed	No of actions in progress/ongoing	No of actions not started
1 Embed a low carbon culture	4	5	2
2 Reduce emissions of facilities and assets	3	9	0
3 Reduce waste emissions	1	4	0
4 Switch to low carbon and renewables	2	2	1
5 Respond to immediate climate change impacts	1	7	0
6 Support and educate our community	3	8	1
7 Support and educate our businesses	4	4	4
8 Offset residual emissions	1	2	0

21. This quarter, the key progress highlights of the 2023/24 actions under the Climate Emergency Plan included:

- (a) Both carbon impact reporting and Climate Emergency Plan review is now complete. Respective reports are in development, anticipated to be delivered to Town in April.
- (b) Water Efficiency workshop held in March.
- (c) Water and energy audit undertaken for Leisurelife in March.
- (d) Expression of Interest/Memorandum of Understanding (MoU) completed to explore further options for the Power Purchase Agreement. With the current Power Purchase Agreement halfway through, the MoU is for WALGA to initiate exploration into the market - on behalf of all participating local governments - for future options beyond 2025. It does not beholden the Town to any future options out forth.
- (e) Initiating education and behaviour change program for the Town's staff focused on energy savings and efficiency with workshop to be held April.

## Community Benefits Strategy

22. The Community Benefits Strategy (CBS) was launched on 2 December 2019, operating on a calendar year basis, rather than financial year.

23. The Town of Victoria Park, West Coast Eagles (WCE), Waalitj Foundation (WF), and the Perth Football Club partnered in the design process of CBS to collectively bring their own strengths to the partnership. The design process resulted in the creation of four programs, each program has a main delivery partner to ensure its success. Four programs as follows:

- (a) Program 1: Youth Engagement, delivered by Waalitj Foundation to focus on engaging young people in constructive local activities and support parents with older children and adolescence.



- (b) Program 2: Healthy Relationship Awareness, delivered by West Coast Eagles and focuses on domestic violence awareness and prevention.
- (c) Program 3: Supporting Local Community Organisations, delivered by West Coast Eagles the program function is to support four not-for-profit groups or community groups over the first five years of CBS.
- (d) Program 4: Recreational Groups and Sports Club Development, delivered by West Coast Eagles who aid with strategic planning, governance, structures, constitutions, long term planning and other club related management issues.

24. The status of actions from the CBS are as follows:

Program	No of actions completed/ongoing	No of actions in progress	No of actions not started
Youth Engagement Program	3	3	0
Healthy Relationships Awareness	5	3	1
Supporting local community organisations	6	1	0
Recreational groups and sports club development	2	4	0

25. This quarter, the key progress highlights of the Community Benefits Strategy included:

- (a) Progression of discussions regarding evaluation of the current CBS, and development of CBS 2.0. A project scope has been circulated for comment, with further discussions and internal workshopping in the first instance to occur.
- (b) Waalitj Foundation has developed strong and meaningful relationships with local community, organisations and primary schools including engagement with the following:
  - I) East Vic Park Primary School
  - II) Millen Primary School
  - III) Lathlain Primary School
  - IV) Ursula Frayne College
  - V) Department of Communities
- (c) Waalitj Foundation continued facilitating Waalitj Club focusing on healthy lifestyles and physical activity sessions, STEM activities, and healthy lifestyles workshop.
- (d) West Coast Eagles continues to support the Healthy Relationships Group, including supporting an event run by the Aboriginal Family Legal Services; Leisurelife Holiday Program consisting of running a football clinic with a WCE past player.
- (e) Further information is available regarding quarter 1 activities in the CBS Attachment.

## Relevant documents

Not applicable.

## Legal and policy compliance

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

### 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.			
Environmental	Not applicable.			
Health and safety	Not applicable.			
Infrastructure/ ICT systems/ utilities	Not applicable.			
Legislative compliance	Not applicable			
Reputation	Negative public perception towards the Town if progress expectations are not being met.	Minor		Treat risk by providing commentary and reasoning within progress reports where expectations are not being met.
Service delivery	Not applicable			

### Engagement

Internal engagement	
Stakeholder	Comments
Operations	Operations coordinate the progress reports for the 2019/2020 Annual Strategic Project Summary and Five-Year Capital Works Program.
Governance and Strategy	Governance and Strategy coordinates the progress against the Corporate Business Plan.

## Internal engagement

Place Planning	Place Planning coordinates the progress reports for the Economic Development Strategy 2018 – 2023 and Urban Forest Strategy.
Community Development	Community Development coordinates the progress reports for the Reconciliation Action Plan, Community Benefits Strategy and Disability Access and Inclusion Plan.
Environment	Environment coordinates the progress reports for the Climate Emergency Plan.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Council is provided with the information that they have requested in the way they determined is best for them.
CL3 - Accountability and good governance.	Council is provided with the information that they have requested in the way they determined is best for them.

## Further consideration

There were no questions asked or presentations made in relation to this item.
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## 15.5 Debt Write-off Debtors

<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. Debtor write off Register [ <b>15.5.1</b> - 1 page]

### Summary

Under delegation 1.1.21 Defer, Grant Discounts, Waive or Write of Debts, administration is only able to write off non-rates debts valued below \$5,000. Currently the Town has an outstanding debt of \$9,764.50 which is no longer considered collectable and is being requested to be written off.

#### Committee Recommendation

That the Audit and Risk Committee recommends Council approves the write-off of identified unrecoverable debtor's debts valued at \$9,764.50.

### Background

1. Event Perth owes the Town the total of \$9,764.50 debt. We have taken all necessary measures to recover the debt. Events Perth had gone into liquidation and the Town is unlikely to recoup the outstanding debt.
2. The Town's debt collection policy states that should a debtor fail to pay within the initial 14-day period the following debt collection process is followed;
  - (a) Debt outstanding - 30 days: A statement is forwarded to the debtor with a reminder and alerting them to their unpaid invoice.
  - (b) Debt outstanding - 60 days: A friendly reminder by way of email and phone calls.
  - (c) Debt outstanding - 90 days: An urgent action letter is sent (and emailed if appropriate) requesting immediate payment as well as a phone call. Assistance is also requested from the relevant service area to communicate with the debtor.
  - (d) Debt outstanding - 90 + Days: A final notice is forwarded outlining payment within 7 days or debt collection action will occur.
  - (e) Non-payment within 7 days – case is forwarded to the Town's debt collection agency.
    - i) Ongoing communication occurs between the Town and the debt collection agency relating to the collection.
    - ii) Continued failure to pay or respond to debt collection results in legal action (dependant on circumstances and cost benefit to the Town).

### Discussion

3. The Table below shows the details of sundry debtor deemed uncollectable.

Debtors Number	Description	Debt Collectors Reason for Write off	Write off amount
4715.04	Event - The Marquee	In Liquidation	\$9,764.50
<b>TOTAL</b>			<b>\$9,764.50</b>

4. Aged debts will be reviewed regularly and accounted for in accordance with the relevant Australian Accounting Standard, AASB 9 Financial Instruments, that deals with provisions for doubtful debts. Where the recovery of debt is unlikely, a provision for doubtful debts shall be made in accordance with Australian Accounting Standards. The provision for doubtful debt was made and is reflective in annual financial report 2022-23.
5. It is common practice for Local Government Authorities (LGAs) to write-off debtor debt and to report large provisions of doubtful debt within their financial statements. If the debt is more than \$5,000- it should be presented to the council for the write off. Debts shall be written off only when all reasonable attempts at recovery have been exhausted. In accordance with section 6.12(c) of the Local Government Act 1995 all debts which require Council approval to be written off will be reported to Council.

The Town have exhausted all avenues to recoup these costs, it is recommended to be written off.

## Relevant documents

Policy 308 Financial hardship

Practice 303. 1 Debt collection

## Legal and policy compliance

[Section 6.12\(1\)\(b\) and \(c\) of the Local Government Act 1995](#)

## 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	The council does not approve the write off the debt	Medium	Medium	Make it clear to Council that should they choose not to write of the debt: <ol style="list-style-type: none"> <li>a) This doubtful debt provision would remain on the Town's financial statements and continuing to have outstanding debt over 90 days with no view to collect (or unviability to collect) serves no purpose.</li> </ol>

				b) With the requirement to continue to include provision of doubtful
Reputation	Negative public perception towards the Town may result in the write off the debt	Medium	Medium	The Town is only writing off those debts that are unrecoverable, or unviable to recover. It is common practice for Local Government Authorities (LGAs) to write-off debtor debt and to report large provisions of doubtful debt within their financial statements.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	To make available timely and relevant information about the bad debts available to the Council and public.
CL3 - Accountability and good governance.	Ensure the Town meets its legislative responsibility in accordance with the Local Government Act 1995

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

**16 Motion of which previous notice has been given**

Nil.

**17 Public participation time**

*Public participation time opened and closed at 9:41pm.*

**18 Questions from members without notice on general matters**

Nil.

**19 Confidential matters**

Nil.

**20 Closure**

There being no further business, Mayor Karen Vernon closed the meeting at 9:42pm.

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

Signed: .....

Dated this: .....

Day of: .....

2024