



TOWN OF
VICTORIA PARK



Ordinary Council Meeting Agenda – 17 September 2019



WE'RE OPEN
VIC PARK

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 pm** on **Tuesday 17 September 2019** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer

12 September 2019

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1 Declaration of opening

Acknowledgement of Country (by Mayor)

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

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

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

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

2.2 Public question time and public statement time

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

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

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

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

2.3 No adverse reflection

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

2.4 Town of Victoria Park Meeting Procedures Local Law 2019

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

3 Attendance

Mayor	Mr Trevor Vaughan
Banksia Ward	Cr Claire Anderson Cr Julian Jacobs Cr Ronhhda Potter Cr Karen Vernon
Jarrah Ward	Cr Jennifer Ammons Noble Cr Bronwyn Ife Cr Brian Oliver Cr Vicki Potter
Chief Executive Officer	Mr Anthony Vuleta
Chief Operations Officer	Mr Ben Killigrew
Chief Financial Officer	Mr Michael Cole
Chief Community Planner	Ms Natalie Martin Goode
Manager Development Services	Mr Robert Cruickshank
Manager Governance and Strategy	Ms Danielle Uniza
Secretary	Ms Amy Noon

3.1 Apologies

3.2 Approved leave of absence

4 Declarations of interest

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

Declaration of financial interests

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

Declaration of proximity interest

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

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

Declaration of interest affecting impartiality

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

5 Public question time

5.1 Response to public questions taken on notice at Ordinary Council Meeting held on 20 August 2019

Graham Ferstat

1. How many staff with subsidised motor vehicles live within the Town boundaries?

Out of the 31 employees that have private use of a Town vehicle, one lives within the Town boundaries.

Chris Locantro

1. How many residents have got the four to five-page survey on Town performance to complete?

3,000 residents have been emailed the survey and 1,000 residents have been posted the survey in the mail.

5.2 Response to public questions taken on notice at Agenda Briefing Forum held on 3 September 2019

Mike Lanternier

1. Will the plebiscite results be published by the Electoral Commission on their website?

The Western Australian Electoral Commission publishes the results of all the elections they run on their website. The results of the plebiscite will appear alongside the results of the election.

John Gleeson

1. How much rent does the City of Belmont pay for their work yard?

The City of Belmont's levied rates for their work yard is \$53,331.86, for the 2020 financial year.

5.3 Public question time

6 Public statement time

7 Confirmation of minutes and receipt of notes from any agenda briefing Forum

Recommendation

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 20 August 2019.
2. Receives the notes of the Agenda Briefing Forum held on 3 September 2019.

8 Presentations

8.1 Petitions

8.2 Presentations

8.3 Deputations

9 Method of dealing with agenda business

10 Chief Executive Officer reports

10.1 Policy Review Workplan for 2019-2020

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

Recommendation

That Council endorses the following indicative policy review work plan:

- a. Policies to be reviewed and presented to Council by November 2019
 - Policy 102 – Community consultation
 - Policy 103 – Public participation
 - Policy 104 – Customer service delivery
- b. Policies to be reviewed and presented to Council by December 2019
 - Policy 310 – Leasing
 - Policy 116 – Donations – financial assistance
 - Policy 308 – Sponsorship
 - Policy 114 – Community grants
- c. Policies to be reviewed and presented to Council by February 2020
 - Policy 302 – Investment
 - Policy 223 – Private use of Town vehicles
 - Policy 305 – Loan borrowing limitations
 - Policy 223 – Risk Management
- d. Policies to be reviewed and presented to Council by March 2020
 - Policy 003 – Long Service Leave
 - Policy 003 – Legal advice – Engage solicitors for opinions
 - Policy 253 – Water conservation
- e. Policies to be reviewed and presented to Council by April 2020
 - Policy 351 – Parking permits
 - Policy 111 – Commemorative recognition
 - Policy 054 – Access to reserve funds
- f. Policies to be reviewed and presented to Council by May 2020
 - Policy 101 – Working groups and project teams – appointment of
 - Policy 106 – Taxi vouchers for community members of working groups and project teams
- g. Policies to be reviewed and presented to Council by June 2020
 - Policy ENG14 – Asset management – infrastructure
 - Policy 113 – Homelessness
 - Policy GEN7 – Strategic management of land and property assets

Purpose

To present the policy review work plan in line with a Council resolution made at its meeting held on 20 August 2019.

In brief

- At its meeting held on 20 August 2019, Council resolved to review 23 policies in the 2019-2020 financial year. Council further resolved to request that a report be presented on the proposed work plan to complete the policy reviews.
- At a Concept Forum on 27 August 2019, a proposed policy development and review process was presented for discussion with elected members. The intent of was to identify how and when elected members want to be engaged in the policy review process and to ensure that there is a consistent approach taken to each policy review.
- Following this Concept Forum, the Town has held an internal workshop for the purpose of the determining, and preparing, a work plan to complete the policy reviews scheduled for the 2019-2020 financial year.

Background

1. At its meeting held on 20 August 2019, Council received a report relating to the minor review of the Town's Policy Manual. At that meeting, Council resolved to review 23 policies within this financial year and requested that a report be presented back to Council setting out the proposed policy review workplan.
2. Generally, the Town has reviewed about ten Council policies each year, not including Local Planning Policies. With the increase in policies to be reviewed this financial year, the Town has prepared a workplan, in accordance with Council's resolution, that aims to best achieve the policy review schedule. It is to be noted that this workplan has been created taking in the 'best case scenario'. Should there be any deviation from this workplan, elected members will be advised accordingly.
3. To manage the numbers of policy reviews to be conducted this year, the Town has had to look at previous practice to identify process efficiencies, and any other opportunities for improvement. The most notable finding is the inconsistency in elected member engagement in both policy review and development, with some policies having several in-person touch points and with some not having any at all before being presented to Council for adoption. This was highlighted and discussed at the August Concept Forum, where elected members indicated that their preferred point of engagement was in the beginning of the policy review/ development process, rather than after a draft has already been created. Where a policy review has not already commenced/ is in progress, the proposed work plan takes this change in process into account.
4. Following the Concept Forum, an internal workshop was held with relevant officers to determine when each reviewed policy can be presented to Council both for discussion, and adoption, in line with the policy review and development process discussed at the August Concept Forum.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Ensuring an appropriate and manageable timeline will allow the Town to achieve the policy review schedule, whilst still conducting meaningful engagement with elected members and/or the community.

Engagement

Internal engagement	
Stakeholder	Comments
C-Suite and Managers and Service Area Leaders	A workshop was held with the relevant staff to consider the creation of a timeline. The timeline proposed resulted from this workshop.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Financial Council proposes a different timeline for policy reviews that is not appropriately resourced or managed	Moderate	Unlikely	Moderate	Council accepts the timeline proposed.

Financial implications

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

Analysis

5. The process for policy review and development discussed at the August Concept Forum is as follows:
 - **Step 1:** A 'policy response' is required in line with Policy 001 – [Policy Management and Development Policy](#)
 - **Step 2:** The policy is brought to a Concept Forum for discussion with elected members with a view to setting the strategic direction in which the policy is to be amended and/or drafted
 - **Step 3:** The Town will draft the policy as per discussion at the Concept Forum; the draft policy will be placed on the Councillor portal for comment by elected members. It is to be noted that, dependent on the policy, community engagement may be undertaken during this step.
 - **Step 4:** Following the elected member comment period, the policy is re-drafted and presented at an Agenda Briefing Forum, then at an Ordinary Council Meeting. It is to be noted that, dependent on the policy, community engagement and/or local public notice may be undertaken during this step.
6. Based upon the approach presented above, an internal workshop was held with the relevant policy managers to discuss how the policy reviews can be best achieved. The approach taken was to group relevant policies to be presented at Concept Forum, and subsequently to ABF/ OCM. In general, policies will be presented to a Concept Forum two months before they are presented at an OCM.
7. As some policies are already under review, only those policies where the review has yet to commence will be conducted through the new review process outlined in paragraph 5. Further information in relation to the approach for each policy review (whether it is taking on the new approach or a previous approach already undertaken) is provided under the 'comment' heading in the table below.
8. The following timeline is proposed by the Town to work through the policy reviews identified:

Indicative OCM date	Policy No.	Policy Title	Comment
September 2019	023	Provision of Information and Services – Elected Members	The review has already commenced; this was not done using the new process identified in paragraph 5.
November 2019	102	Community consultation	The reviews have already commenced; these will not be reviewed using the new process identified in paragraph 5.
	103	Public participation	
	104	Customer service delivery	
December 2019	310	Leasing	The reviews have already commenced; these will not be reviewed using the new process identified in paragraph 5.
	116	Donations – Financial assistance	
	308	Sponsorship	
	114	Community Grants	
February 2020	302	Investment	This review has already commenced; it will not be

			reviewed using the new process identified in paragraph 5.
	305	Loan Borrowing Limitations*	This will be reviewed in line with the process identified in paragraph 5.
	223	Private use of Town vehicles*	This will be reviewed in line with the process identified in paragraph 5.
	004	Risk management*	This will be reviewed in line with the process identified in paragraph 5.
March 2020	003	Legal advice – Engage solicitors for opinions	This will be reviewed in line with the process identified in paragraph 5.
	ADM2	Long service leave	
	253	Water conservation	
April 2020	351	Parking permits	This will be reviewed in line with the process identified in paragraph 5.
	111	Commemorative recognition	This will be reviewed in line with the process identified in paragraph 5.
	054	Access to reserve funds	This will be reviewed in line with the process identified in paragraph 5.
May 2020	101	Working groups and project teams – Appointment of	This will be reviewed in line with the process identified in paragraph 5.

	106	Taxi vouchers for community members of working groups and project teams	This will be reviewed in line with the process identified in paragraph 5.
June 2020	ENG14	Asset management - Infrastructure	This will be reviewed in line with the process identified in paragraph 5.
	113	Homelessness	This will be reviewed in line with the process identified in paragraph 5.
	GEN7	Strategic management of land and property assets	These will be reviewed in line with the process identified in paragraph 5.

* These policies are to be reviewed by December 2019, and presented to Council by February 2020 in line with a Council Resolution.

9. To ensure there is an appropriate level of elected member engagement in policy review and development, it is proposed that an additional 'Policy Workshop' be held each month. This is anticipated to fall on a Monday evening, outside of the current meeting schedule.
10. It is to be noted that the above list does not include emerging policies that need to be developed, including those that will be required as a result of the *Local Government Legislation Amendment Act 2019*.
11. The above list does not include the review of Local Planning Policies under the *Town Planning Scheme No. 1*.

Relevant documents

Not applicable.

10.2 Submission to the Select Committee into Local Government

Location	Town-wide
Reporting officer	Liam O'Neill
Responsible officers	C-Suite
Voting requirement	Simple majority
Attachments	1. Final Draft WALGA Submission [10.2.1 - 59 pages]

Recommendation

That Council:

1. Endorses the WALGA submission to the Select Committee into Local Government, as at attachment 10.2.1;
2. Requests that the Mayor writes to the Select Committee into Local Government to ask that the Town be invited to appear before the Committee regarding its inquiry into local government.
3. Authorises the Mayor and Chief Executive Officer to represent the Town before the Select Committee into Local Government, should an invitation be received from the Committee.

Purpose

To present Council with the Town's submissions to the Select Committee into Local Government for its consideration.

In brief

- The Legislative Council of Western Australia on 26 June 2019 established a Select Committee into Local Government (the Committee) to make inquiries into the sector based on its terms of reference.
- The Chair of the Select Committee, the Hon. Simon O'Brien MLC, wrote to the Town on 8 July 2019, inviting the Town to make a submission to the Committee's inquiry by 23 August 2019.
- The Western Australian Local Government Association (WALGA) has advised that it will be drafting a submission to the Committee. The WALGA interim submission is attached at 10.2.1.
- Following the Concept Forum held on 28 August 2019 the proposed course forward is to endorse the WALGA submission, to write to the committee with our endorsement and seek to appear before the committee.

Background

1. The Legislative Council of Western Australia established a select committee on 26 June 2019 to hold an inquiry into local government. The terms of reference for the inquiry were:
2. *"The Select Committee is to inquire into how well the system of Local Government is functioning in Western Australia, with particular reference to -*
 - (a) whether the Local Government Act 1995 and related legislation is generally suitable in scope, construction and application;*
 - (b) the scope of activities of Local Governments;*
 - (c) the role of the Department of State administering the Local Government Act 1995 and related legislation;*
 - (d) the role of Elected Members and Chief Executive Officers/employees and whether these are clearly defined, delineated, understood and accepted;*
 - (e) the funding and financial management of Local Governments; and*

(f) any other related matters the Select Committee identifies as worthy of examination and Report.”

3. WALGA has prepared a submission for the Committee which was distributed on 29 July; feedback on this submission is due by 13 August 2019. It is to be noted that WALGA is currently seeking an extension on the deadline from 23 August to 13 September. This will be considered by the Committee at its meeting scheduled for 5 August.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Making a submission to the Committee will demonstrate commitment to visionary leadership within the local government sector by setting out how local governments can deliver for their communities.

Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	The draft submission will be provided to elected members via the Councillor Portal. Once their input is received, such information will be incorporated into the final submission that will be included in the OCM report.
Senior Staff	A workshop was held with key staff in functional areas to prepare content for the Town's submission.
C-Suite	C-Suite reviewed the initial draft submission, considered elected member feedback and gave approval for the final submission, included in Attachment 10.3.1, to be presented to Council for adoption.

Other engagement	
Stakeholder	Comments
WALGA	The WALGA submission is currently in draft form; the submission will be included in the report for the OCM.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative perception towards the Town may	Moderate	Unlikely	Moderate	The Town provides a submission to the Committee.

result if the Town does not present a submission to the Select Committee.				
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Financial implications

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

Analysis

- An internal workshop was held with the Town's Strategic Advisory Unit (SAU) in collaboration with other staff from different levels of the organisation. The intent of this workshop was to respond to the six areas of inquiry identified by the Committee. From this workshop, a draft submission was created.
- On 29 July, the Town received WALGA's draft submission. At the time of writing the report, the Town has been comparing its own submission against the WALGA submission to remove any redundancies, and to ensure that its final submission is presented in a coherent manner.
- After conducting this comparative review, the Town intends to present the second draft of its submission to the elected members for their input and review prior to the OCM.
- Due to timing restrictions, the Town's submission to the Committee and its response to the WALGA submission is not available for the Agenda Briefing Forum. The final submission, however, will be included in the OCM agenda. As such, some elements of this report may change.

Relevant documents

Not applicable.

Further consideration

Resulting from discussion at the Agenda Briefing Forum held in 7 August 2019, the following additional information is provided.

- Due to the short turnaround time between the opening of the submission and the distribution of the Agenda Briefing Forum agenda, feedback from elected members on the draft submission to the Select Committee had not yet been received, as such this was not included as an attachment to the report presented on 6 August 2019.
- From the 6 August 2019 to 12 August 2019, the draft submission was circulated to elected members through the Councillor Portal for their feedback. Two responses were received. The two responses provided were diverse in their feedback with one elected member supporting the submission as-is and one providing detailed feedback in relation to many items in the submission not being supported. Following discussion with C-Suite, direction was provided to keep the submission unchanged and include options in the report for Council's consideration which are detailed below.
- As stated at the Agenda Briefing Forum, the deadline for the submission was extended by the Committee from 23 August to 13 September. However, this still does not allow additional time as the September Ordinary Council Meeting falls after the 13 September deadline. An extension was sought,

in writing, from the Committee on 7 August. No response has been received at the time of writing this report.

11. Understanding that there has been very limited time and feedback from elected members, the following options are provided. The options below options may be used individually, or as a combination. Please note that the list provided is not exhaustive, but merely additional options.

Option 1 – endorse only the WALGA submission:

That Council endorses the WALGA submission to the Select Committee into Local Government, as at attachment 10.3.2.

Option 2 – parts of the draft submission (if this option is chosen each recommendation point may be moved individually):

That Council

1. *Endorses the response to "how well is the Local Government Act 1995 and related legislation working in Western Australia for submission to the Select Committee into Local Government", as at attachment 10.3.2.*
2. *Endorses the response to "how well is the scope of activities of Local Governments working in Western Australia" for submission to the Select Committee into Local Government, as at attachment 10.3.2.*
3. *Endorses the response to "how well is the role of the Department of State administering the Local Government Act 1995 and related legislation working in Western Australia" for submission to the Select Committee into Local Government, as at attachment 10.3.2.*
4. *Endorses the response to "how well is the role of Elected Members and Chief Executive Officers/employees working in Western Australia and whether these are clearly defined, delineated, understood and accepted" for submission to the Select Committee into Local Government, as at attachment 10.3.2.*
5. *Endorses the response to "how well is the funding and financial management of Local Governments working in Western Australia" for submission to the Select Committee into Local Government, as at attachment 10.3.2.*

Option 3 – create another submission

Should Council choose to not endorse either of the submissions, and would like to create another submission, a Special Council Meeting would need to be called for that submission to be considered.

Resulting from the Ordinary Council Meeting held on 27 August 2019, the following additional information is provided.

12. Following a procedural motion to defer this item to the September OCM, this item was presented and discussed at the 27 August 2019 Concept Forum. Following discussion at the Concept Forum, the officer recommendation has been amended to seek the endorsement of the WALGA submission, and to seek authorisation for the Mayor and Chief Executive Officer to request to appear before the Committee.

10.3 Policy 023 - Provision of Information and Services - Elected Members

Location	Town-wide
Reporting officer	Amy Noon
Responsible officer	Danielle Uniza
Voting requirement	Simple majority
Attachments	1. Policy 023 Elected members - Provision of information and services with changes [10.3.1 - 4 pages]

Recommendation

That Council adopts the revised Policy 023 – Provision of Information and Services – Elected Members, as attached.

Purpose

To set the revised process and expectations for the provision of information and services to elected members.

In brief

- Policy 023 Provision of Information and Services – Elected Members has been revised based on a Council resolution from the Ordinary Council Meeting held on 20 August 2019.
- The changes relate to addressing requests to the Chief Executive Officer, only requesting information that is relevant to elected members' functions under the Act, an amended timeframe for responses, the process for rejecting requests for information and the requirement for records of requests to be kept.
- The amended policy will continue to apply to all elected members and officers of the Town.
- The amended policy will continue to preserve the integrity of the decision-making process by committing to consistency and equity in the provision of information and services to its elected members.

Background

1. Council adopted Policy 023 – Provision of Information and Services – Elected Members at the Ordinary Council meeting held on 21 May 2019.
2. At the Ordinary Council Meeting held on 20 August 2019, Council resolved to refer Policy 023 to the elected member concept forum held in August 2019 for discussion, with a report being presented back to the September 2019 Ordinary Council Meeting.
3. Feedback received from elected members at the concept forum related to:
 - (a) views that there was a diminished level of communication between elected members and the Chief Executive Officer
 - (b) requests being made by elected members that were of an administrative nature and the need for requests to be relevant to elected members' functions under the Act

- (c) a perceived inequity in the use of the Town's resources by elected members
 - (d) the need for the content of the policy to better reflect the intention contained within the policy statement.
4. To address this feedback, it was proposed at the concept forum by elected members that the policy be amended to read as follows:

Requests from elected members

5. To ensure consistency and integrity in the way requests from elected members are dealt with, the following principles apply:
- a) Requests for information are limited to information that is relevant to the performance of elected members' functions under the Act.*
 - b) Elected members are to make their requests for information in writing or by email to the Chief Executive Officer, and copied to the Governance email address.*
 - c) The Chief Executive Officer shall determine who is to respond to the request.*
 - d) All requests for information are to be responded to within three working days, unless further time is required, in which case within one working day the request will be acknowledged, and an estimated time of final response provided.*
 - e) Except for requests made in confidence to the Chief Executive Officer, all final responses provided to all requests will be sent to all elected members, and copied to the Governance email address.*
 - f) Elected members shall not request information in accordance with this policy relating to operational matters, or which can be obtained from the Town's website or by direct enquiry to the Town's customer service officers or via the admin@vicpark.wa.gov.au email address.*
 - g) The Chief Executive Officer may reject a request for information if the request is not considered relevant to the performance of elected members' functions under the Act, or is considered to be frivolous or vexatious, or the resources required to respond to the request are considered to impose an unfair and excessive burden on the administration.*
 - h) If an elected member's request for information is rejected in accordance with 5g, the Chief Executive Officer shall provide written reasons for the rejection within two working days.*
5. It was also requested that a register of elected member requests for information be kept and Policy 023 be amended to require this.

Register of elected member requests for information

- 5A. A register of elected member requests for information shall be maintained by the Chief Executive Officer recording the details of all requests for information made by an elected member, including the date of the request, the name of the requesting elected member, a description of the information requested, the date of the response to the request and the name of the officer who responded to the request.
6. There have been issues in the past with training sessions and workshops being cancelled when it is thought that there will be a low attendance rate from elected members. It was suggested that a clause be added into Policy 023 to address this.
10. The Chief Executive Officer shall endeavour to consult all elected members by email or telephone prior to any decision being made to cancel or reschedule the date or time of any committee meeting, concept forum, workshop or other event that elected members have been invited to attend.
7. The only other changes to the policy have been to remove references to the elected member bulletin or Elected Member Hub as all information or requests for feedback from elected members are now published on the Councillor Portal.

Strategic alignment

Civic Leadership

Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	The policy is being amended based on feedback received to allow for elected members to receive information in the way they determine is best for them.
CL07 - People have positive exchanges with the Town that inspires confidence in the information and the timely service provided.	Feedback received suggests that exchanges with the Town could be more positive and elected members could have more confidence in information provided if changes to processes are made. The amended policy addresses these changes.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The proposed changes further clarify the intent of the policy and provides for more oversight from the Town's leadership. They also make specific reference to requests only being made when they are relevant to the performance of elected members' functions under the Act.

Engagement

Internal engagement

Stakeholder	Comments
Elected members	A resolution from the Ordinary Council Meeting held on 20 August 2019 initiated the policy amendments. Elected members then provided feedback at the September Concept Forum.
Chief Executive Officer	The Chief Executive Officer was made aware of the proposed changes and had no objection.

Legal compliance

[Section 2.10 of the Local Government Act 1995](#)

[Section 5.92 of the Local Government Act 1995](#)

[Regulation 10 of the Local Government \(Rules of Conduct\) Regulations 2007](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance If changes requested by elected members are not made, the current policy may not be complied with.	Minor	Possible	Moderate	Amended policy that takes in to account elected member feedback is adopted.

Financial implications

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

Analysis

8. The main changes proposed to the policy are in relation to the process for elected members to request information, limitations around the type of information that can be requested, the timeframe for responses to requests, requirements for confidential requests, the need to keep a register of elected member requests for information and the need to consult elected members before events requiring their attendance are cancelled or rescheduled.
9. The current policy has helped to set direction around how information and services should be requested by elected members however, the wording of the policy meant that requests should be directed to the Governance email inbox. Some elected members have provided feedback that this has caused them to feel as though they have less interaction with the Chief Executive Officer. To resolve this, clause 5(b) has been included to require elected members to address requests to the Chief Executive Officer. It will then be up to the Chief Executive Officer to determine the process for responding to requests administratively. This change is more in line with Regulation 10 of the Local Government (Rules of Conduct) Regulations 2007.
10. Although already covered under the Act, the inclusion of clause 5(a), for elected members to only request information that is relevant to their functions under the *Local Government Act 1995*, will help to serve as a reminder to elected members to consider the nature of their requests before making them. Clause 5(f) states the need for elected members to not request information that can be obtained from the Town's website or customer service officers. This will also help to ensure that elected members and the community make use of information being provided proactively, and that resources and communication channels are used effectively.
11. Provisions for the Chief Executive Officer to reject requests have also been included in clause 5(g). Requests can be rejected if they are not considered relevant to the performance of elected members' functions under the Act, are considered to be frivolous or vexatious, or the resources required to respond to the request are considered to impose an unfair and excessive burden on the administration.
12. The proposed changes to the policy in clause 5(d) extend the timeframe for responding to requests from eight working hours to three working days. This will give Town staff more time to provide the information being requested.
13. As proposed in clause 5(e), responses will continue to be sent to all elected members, ensuring they are all equally informed. In addition to the feedback provided by elected members at the concept forum, the policy has been amended to require elected members to indicate when a request is being made in confidence. This will ensure that any request is handled in the way that is expected and removes any ambiguity.
14. A register containing information about elected member requests has been proposed in clause 5A. A register of this nature has been kept since the introduction of the original policy and it is possible to continue doing so. The register was made available to elected members on the Councillor Portal following the September concept forum. The original requests made and responses are also saved in the Town's records management system.

15. The requirement to consult elected members before cancelling or rescheduling events has been included as clause 11 in the proposed policy. This sets the expectation for organising and managing elected member events. The feedback received at the concept forum suggested that elected members should be consulted about any event that they have been invited to. The wording of this clause has been slightly changed to only require consultation for events "scheduled for the purpose of elected member involvement" to ensure that the policy does not extend to community events such as Twilight Trios or Summer Street Party.
16. If this amended policy is adopted by Council, its contents, people's responsibilities and any changes to existing processes will be communicated appropriately.

Relevant documents

Not applicable.

11 Chief Community Planner reports

11.1 No. 547-553 (Lot: 929) Albany Highway, Victoria Park for proposed Signage

Location	Victoria Park
Reporting officer	Alex Thamm / Laura Sabitzer
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Development plans date received 29 July 2019 [11.1.1 - 4 pages] 2. Applicant's covering letter to revised plan date received 29 July 2019 [11.1.2 - 1 page] 3. Site aerial [11.1.3 - 1 page] 1. Attachment 1 – Development plans date received 29 July 2019 – [11.5.2 - 7 pages] 2. Attachment 2 – Applicant's covering letter for revised plans date received 29 July 2019 [11.5.3 - 1 page] 3. Attachment 3 – Site Aerial [11.5.4 - 1 page]

Landowner	Sugarloaf Landholdings Pty Ltd (trading as 'Makin Mattresses')
Applicant	Urbis
Application date	2 April 2019 (Revised plans received 29 July 2019)
DA/BA or WAPC reference	5.2019.165.1
MRS zoning	Urban
TPS zoning	Commercial
R-Code density	NA
TPS precinct	Precinct P11 - 'Albany Highway'
Use class	Bulky Goods Showroom
Use permissibility	P - Permitted
Lot area	1002m ²
Right-of-way (ROW)	NA
Municipal heritage inventory	Yes, VP11 - United Friendly Society Chemist
Residential character study area/weatherboard precinct	NA

Surrounding development

The site is surrounded by existing motor vehicle sale premises and is located within the commercial zone between the Victoria Park and East Victoria Park District Centre zones (see Attachment 3)

Recommendation

That Council:

1. Set aside its decision of 14 May 2019 pursuant to section 31(1) of the *State Administrative Tribunal Act 2004 (WA)*, and approve the application submitted by Urbis (DA Ref: 5.2019.165.1) for Retrospective Approval for Signage at 547-553 (Lot 929) Albany Highway, Victoria Park, as indicated in Attachment 1, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, subject to the following conditions:
 - (a) The development, once commenced, is to be carried out in accordance with the approved plans, at all times, unless otherwise authorised by the Town.
 - (b) Within 60 days of the date of this approval, the existing wall signage facing Rathay Street shall be removed, and reinstatement works be undertaken to the portion of building façade where the signage has been removed, including painting and finishing this area to match the existing building façade.
 - (c) The signage must not be illuminated, moving, pulsating, flashing, incorporate animation or movement into the design or structure, to the satisfaction of the Town.
 - (d) The signage is to be maintained to the satisfaction of the Town.
 - (e) 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 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

AN2 Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

AN3 Within 30 days of the date of this approval, a Building Approval Certificate is required to be obtained from the Town for the 3D acrylic letters of the signage.

AN4 A building permit is to be obtained prior to installation of the approved modified signage facing Rathay Street.

2. Advise the State Administrative Tribunal of this decision.

Purpose

To consider a revised application for signage at No. 547-553 (Lot 929) Albany Highway, Victoria Park. The State Administrative Tribunal has invited the Town to reconsider its decision of 14 May 2019 to refuse a retrospective application for existing signage that was considered to not conform with Clause 30A of the Town's Town Planning Scheme No 1.

In brief

- An application for the retrospective development approval of two (2) existing unauthorised wall signs was submitted to the Town on 2 April 2019. Following assessment of the application, the application was refused under delegated authority on 14 May 2019.
- Following this, the applicant lodged an Application for Reconsideration to the State Administrative Tribunal on 6 June 2019. Mediation was held on 8 July 2019 where the SAT ordered the Town to reconsider its decision in light of the submission of revised plans.
- Revised plans were received by the Town on 29 July 2019 and propose amended signage facing Rathay Street to be relocated and reduced in size, while the signage facing the adjoining 'Motor Vehicle Sales Premises' is proposed to remain unchanged.
- Following Council's reconsideration of the revised signage plans, a directions hearing is scheduled at the State Administrative Tribunal on 29 September 2019.
- The revised application is recommended for approval subject to conditions and advice notes.

Background

1. An application for a change of use to Showroom for the subject site was submitted in May 2017. The Town conditionally approved the application however no signage formed part of the approval.
2. Subsequently the Town was made aware of a number of unauthorised advertising signs that had been erected at the subject site. Notification was sent to the subject premises on the 9 February 2018 stipulating that the landowner is to either remove the unauthorised signage or submit a development application for the Town's consideration in addition to other non-compliance issues.
3. A second development application was submitted to the Town on 31 July 2018 proposing changes to the façade of the heritage listed building, and seeking approval for alternative signage to that installed without approval. The application was determined by Council on 13 November 2018 and included approval for modified signage.
4. The modified wall signage was approved at the following dimensions:
 - Rathay Street wall sign – 2.1m x 4.65m = 9.765 square metres, sign face area
 - Side elevation wall sign – 1.1m x 4.725m = 5.2 square metres, sign face area
5. While approval was granted for a modified signage proposal, the owner did not act on this approval.
6. Instead an application for the retrospective approval of the existing unauthorised signage was submitted to the Town on 2 April 2019. The Town considered the existing unauthorised signage had a detrimental impact to the streetscape, did not appropriately relate to the architectural style, design and size of the heritage building and was not compatible with the overall architectural style and

design of the area. As such, the application was refused under delegated authority on 14 May 2019 for the following reasons:

(1) Having regard to Clause 30A of Town Planning Scheme No. 1, the signage detracts from, and does not positively contribute to the existing streetscape.

(2) The proposal is non-compliant with Schedule 2, Clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 – 'Matters to be Considered by Local Government', with particular reference to the following:

(b) The requirements of orderly and proper planning;

(m) The compatibility of the development with its setting including the relationship to development on adjoining land in the locality including, but not limited to, the likely effect of height, bulk, scale, orientation and appearance of the development;

(n) The amenity of the locality.

7. On 6 July 2019, the applicant appealed the Town's refusal determination to the State Administrative Tribunal. Mediation was held on 8 July 2019 where the Town agreed to reconsider its decision in light of the submission of revised plans.
8. On 5 August 2019, the Town received another two applications for development approval for the subject site, being applications for:
 - proposed fencing and gates to the rear car parking area, and
 - An amendment to the conditions of a previous development approval which required the existing windows facing Albany Highway to be retained.

At this time of writing this report, these applications are under planning assessment.

Application summary

9. This application for development approval relates to two (2) existing unauthorised wall signs located on the existing building at No. 547 – 553 Albany Highway, Victoria Park, which is listed on the Town's Municipal Heritage Inventory.
10. One sign is located on the Rathay Street building elevation and is proposed to be modified (see Attachment 1). The other sign is visible from Albany Highway and is located on the side elevation of the building, adjacent to an existing motor vehicle sales premises. This sign is proposed to remain 'as is' and unchanged (see Attachment 1).
11. The signage includes the business' corporate branding including the logo of the business and business slogan underneath the logo.
12. Both signs are classed as a 'Wall' sign pursuant to 'Local Planning Policy 38 – Signs'. A 'Wall' sign is defined as follows:
"means an advertising sign attached or painted directly onto an external wall of a commercial building."

Applicants submission

13. The applicant's submission (see Attachment 2) states:

"The modified plans incorporate the agreed amendments specifically to the signage located along Rathay Street (southern interface).

No modifications to the northern signage adjacent to the Youngs WA car dealership are proposed. The proposed amendments include:

- *Reduction in slogan text ("Nobody makes a better mattress...Nobody") sizing;*
- *Repositioning of 'Makin Mattresses' text to be within the two larger bandings and slightly more central to the wall to compensate the reduced slogan text size.*

The resulting signage has been designed to be of a consistent scale to the northern signage and provide a consistent approach to signage across the site."

Relevant planning framework

Legislation	<ul style="list-style-type: none"> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • <i>State Administrative Tribunal Act 2004</i> • <i>Town of Victoria Park Town Planning Scheme No.1 (TPS1)</i>
State Government policies, bulletins or guidelines	Not Applicable.
Local planning policies	<ul style="list-style-type: none"> • <i>Local Planning Policy 17 – Street Frontage Design Guidelines for District Centres and Commercial Along Albany Highway (LPP17)</i> • <i>Local Planning Policy 38 – Signs (LPP38)</i>
Other	Not Applicable.

General matters to be considered

Town Planning Scheme No.1 Provisions	<p>The following provisions contained within the Town's TPS1 are relevant to consideration of the application:</p> <p>Clause 30A 'Determination of Application for Advertisements'</p>
TPS precinct plan statements	<p>The following statements of intent contained within the precinct plan are relevant to consideration of the application.</p> <p><i>Signs will be controlled to ensure compatibility with the desired character of the particular area of the precinct, and, encouraged so as to continue the present vitality created by the diversity of sign types and characters.</i></p>
Local planning policy objectives	<p>The following objectives of Local Planning Policy 17 (LPP 17) in relation to signage are relevant in determining the application:</p> <ul style="list-style-type: none"> • Well designed and placed signs can be an excellent introduction to a

	<p>business. Often a proliferation of overlarge signs threatens to engulf streets. This causes a sense of visual chaos and a loss of the local character and identity. Others are like a crowd of people all yelling at once at not one stands out to be remembered. Others cause obstruction on the public footpath.</p> <p>The following objectives of Local Planning Policy 38 (LPP 38) are relevant in determining the application:</p> <ul style="list-style-type: none"> • To ensure that the display of signage does not adversely impact upon the amenity of the streetscape or surrounding area; • To allow the reasonable identification of businesses through signage without causing a negative and visually intrusive impact on the streetscape and public realm;
<p>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</p>	<p>The following are relevant matters to be considered in determining the application:</p> <p><i>(b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;</i></p> <p><i>(g) any local planning policy for the Scheme area</i></p> <p><i>(k) the built heritage conservation of any place that is of cultural significance</i></p> <p><i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i></p> <p><i>(n) the amenity of the locality including the following —</i></p> <ul style="list-style-type: none"> <i>(i) environmental impacts of the development;</i> <i>(ii) the character of the locality;</i> <i>(iii) social impacts of the development;</i>

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 and the Town's Local Planning Policy 38. 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.

Non-residential development		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Maximum Size of Wall Sign		X

15. LPP38 Table 1 sets out the following requirements to assist in determining if the size of a proposed wall sign is exempt from requiring development approval under Part Two of the policy.

Element	Requirement	Proposed	Variation
Maximum Size of Wall Sign	It is an aggregate area of 0.4m ² per 1m of street frontage of the subject tenancy (up to a maximum aggregate area of 10m ²).	Sign 1 - Revised Wall Sign (Rathay Street) 7.905m ² for the business name and 5.14m ² for the slogan. In aggregate the sign is calculated to be 13.04m ² in area.	Sign 1 - 3.04m ²
		Sign 2 - Wall Sign (side elevation, visible from Albany Highway) 7.905m ² for the business name and 5.14m ² for the slogan. In aggregate the sign is calculated to be 13.04m ² in area.	Sign 2 – 3.04m ²
			Supported

16. As outlined in the Table above, both Sign 1 & 2 are not exempt signs, as per Table 1 of LPP 38. Where signs are not exempt from development approval, they are assessed against Part Three of LPP 38.
17. Specifically, the relevant sections of Part Three of LPP38 which are considered in the assessment of this signage application includes:
- the matters listed in deemed clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and

- Clause 30A of Town Planning Scheme No. 1

18. The assessment of the two (2) wall signs is outlined in the Analysis section of this report, below. The revised signage is supported.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The revised signage proposal more appropriately respects the character of the building listed on the Town's Municipal Heritage Inventory.

Engagement

19. The Town's 'Local Planning Policy 37 – Community Consultation on Planning Proposals' does not require public consultation relating to signage. In addition, the signage does not require community consultation pursuant to Part Four of the Town's 'Local Planning Policy 38 – Signs'. As such, no consultation was undertaken as part of the application.

Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town either from persons who oppose or support the development	Moderate	Likely	Moderate	Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

Financial implications

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

Analysis

20. This application for development relates to two (2) wall signs located on the building at No. 547 – 553 Albany Highway, Victoria Park, which is listed on the Town's Municipal Heritage Inventory.
21. The two (2) wall signs are described as follows:
 - Sign 1 - located on the Rathay Street building elevation and is proposed to be modified (see Attachment 1).
 - Sign 2 - is visible from Albany Highway and located on the side elevation of the building, adjacent to an existing motor vehicle sales premises and is proposed to remain 'as is' (see Attachment 1).
22. Due to the size of both Sign 1 & 2, Council is required to exercise its discretion when considering the signage against the matters listed in deemed clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Clause 30A of Town Planning Scheme No. 1 (TPS1).
23. It is noted that this section of Albany Highway is currently dominated by motor vehicle sales premises, and apart from footpaths and lighting, has minimal pedestrian amenity and associated infrastructure.
24. In relation to Sign 1, in its existing location the sign interrupts the continuous horizontal banding feature at the top of the art deco building, as well as projecting above the top of the wall of the building. The Town has previously engaged a Heritage Consultant to review other applications at the subject site, who identified that the three key elements of the façade of this building were a) the decorative art deco parapet, b) the art deco signage and c) the windows.
25. The revised plans for Sign 1 seek to relocate the logo and reduce the overall size of the signage. The proposed modifications would result in the logo no longer interrupting the continuous horizontal banding feature at the top of the art deco building, which is supported. Furthermore, the reduced size of the sign is now at a point in which it more appropriately relates and sits within the building's street elevation, without detracting from its heritage features.
26. In relation to Sign 2, it does not impact or interrupt the 'art deco' heritage features of the existing building. Its location on the side elevation, adjacent to an existing car sales yard and to what otherwise would be a blank wall, is not considered to detrimentally detract from the existing streetscape of this section of Albany Highway or the amenity of the adjacent property.
27. Both signs do not unreasonably distract motorists or impede sightlines for the safety of pedestrians.
28. As discussed above, the signs as depicted in the plans (see Attachment 1) are supported and the revised application is recommended for approval subject to conditions and advice notes.

Relevant documents

[Local Planning Policy 38 - Signs](#)

Further consideration

In response to questions raised at the Agenda Briefing Forum on 3 September 2019, the following information is provided:

29. In addition to the erection of the two signs the subject of this current application, which were not approved, the following additional works were undertaken to the building:

- Repainting of the building façade – approved;
- Internal renovation works – approved;
- Removal of existing windows facing Albany Highway – not approved;
- Installation of a sign over the 'United Friendlies Societies' wording on the parapet – not approved – has now been removed.
- Installation of window signage – not approved – has now been removed.

30. If the application is approved and the applicant does not comply with the conditions of the approval, it is expected that prosecution action would be commenced for non-compliance with conditions of the approval. While normally the Town would work with and negotiate with applicants to have issues resolved (as evidenced by our handling of this site to date), and we only use prosecution as a last resort, given the length of time that has passed, it is considered that in this instance prosecution would be pursued if the matter remains unresolved.

31. Consultation has not been undertaken with the community on the existing or proposed signage.

11.2 Request for Amendment to Town Planning Scheme No. 1 to Permit an Additional Use (Motor Vehicle and Marine Sales Premises) at 7, 9, 11 & 15 (Lots 2, 3, 31 & 32) Teddington Road, Burswood

Location	Nos. 7, 9, 11 and 15 (Lots 2, 3, 31 and 32) Teddington Road, Burswood
Reporting officer	Josh Arnott
Responsible officer	Robert Cruickshank
Voting requirement	Simple Majority
Attachments	<ol style="list-style-type: none"> Attachment 1 - Draft Scheme Amendment - 7, 9, 11 and 15 Teddington Road, Burswood [11.2.1 - 18 pages] Attachment 2 - Indicative Development Plans - 7, 9, 11 and 15 Teddington Road, Burswood [11.2.2 - 6 pages]

Landowner	Peters Investment Pty Ltd
Applicant	Allerding and Associates
Application date	9 July 2019
DA/BA or WAPC reference	10.2019.82.1
MRS zoning	'Primary Regional Roads' and 'Urban'
TPS zoning	'Office/Residential'
R-Code density	R160
TPS precinct	Precinct 3 – Causeway Precinct
Use class	'Motor Vehicle and Marine Sales Premises'
Use permissibility	'X' (prohibited)
Lot area	3168m ²
Right-of-way (ROW)	N/A
Municipal heritage inventory	N/A
Residential character study area/weatherboard precinct	N/A
Surrounding development	Consists of similar scale commercial development, with the predominant land use being 'Motor Vehicle and Marine Sales Premises'.

Recommendation

That Council:

1. Resolves pursuant to Section 75 of the *Planning and Development Act 2005* to initiate an Amendment (Amendment No. 83) to the Town of Victoria Park Town Planning Scheme No. 1 as follows:

(a) Insert the following into Schedule C: Additional Uses of the Scheme Text:

	REF NO.	LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
A56	56	Nos. 7, 9, 11 & 15 (Lots 2, 3, 31 & 32) Teddington Road, Burswood	Motor Vehicle and Marine Sales Premises	<ol style="list-style-type: none"> 1. The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish upon the expiry of ten (10) years from the date that an application for development approval for the use is first granted by the Council, except where a further application(s) for development approval has been granted for the continued operation of the use whereby the Additional Use shall extinguish upon the expiry of that approval(s); and 2. Development to be undertaken generally in accordance with the plans dated 4 June 2019, or an alternative plan approved by the Town that results in an improvement to the visual appearance of the site.

(b) Modify Town Planning Scheme No. 1 Precinct Plan P3 'Causeway Precinct' by applying to the properties known as Nos. 7, 9, 11 & 15 (Lots 2, 3, 31 & 32) Teddington Road, Burswood the notation 'A56' as the Reference Number for that property listed in Schedule C – Additional Uses, of the Town Planning Scheme No. 1 Scheme Text.

2. Considers Amendment No. 83 to the Town of Victoria Park Town Planning Scheme No. 1 to constitute a 'standard amendment' in accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for the following reasons:
 - (i) Pursuant to Regulation 34(c) of the Regulations, the amendment is consistent with a region planning scheme that applies to the scheme area;
 - (ii) Pursuant to Regulation 34(e) of the Regulations, it is considered that the amendment would have minimal impact on the land in the scheme area that is not the subject of the amendment; and
 - (iii) Pursuant to Regulation 34(f) of the Regulations, it is considered that the amendment does not result in any significant environmental, social, economic or governance impact on the land in the scheme area.
3. Authorises the Chief Executive Officer and Mayor to execute the Town Planning Scheme No. 1 Amendment No. 83 documents.
4. Forwards Amendment No. 83 to the Environmental Protection Authority for assessment in

accordance with Section 81 of the *Planning and Development Act 2005*, and the Western Australian Planning Commission for information.

5. Advertisements Amendment No. 83 for public comments for a period of 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, with the following advice being included in all advertising notices and consultation letters circulated:

This proposed Amendment is available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to either proceed, modify or abandon the proposal.

Purpose

A formal request has been submitted for Council to amend Town Planning Scheme No. 1 (TPS1) to introduce an Additional Use of 'Motor Vehicle and Marine Sales Premises' at Nos. 7, 9, 11 and 15 (Lots 2, 3, 31 and 32) Teddington Road, Burswood (subject sites). The land uses of 'Motor Vehicle and Marine Sales Premises' are currently an 'X' (prohibited) land use in a 'Office/Residential' zone under TPS 1.

Council is required to assess the merits of amending TPS1 as requested by the applicant, and if supported, formally resolve to initiate a Scheme Amendment.

In brief

- The proposal seeks to amend Schedule C of TPS1 by including the land use of 'Motor Vehicle and Marine Sales Premises' as Additional Uses at the subject sites.
- The intent is for the subject sites to eventually be re-developed in a similar style as the existing building located at 14 Twickenham Road, Burswood, being the existing Honda car sales showroom (refer to indicative development plans at Attachment 2).
- Three of the four subject lots have been used for motor vehicle sales purposes for a number of years, although it appears that there may not be an approval for this. The subject lot at the corner of Teddington Road and Twickenham Street was last used as a showroom.
- As the proposed land uses are not consistent with the strategic direction envisaged for the Causeway Precinct, and in accordance with Local Planning Policy 37 'Community Consultation on Planning Proposals', preliminary consultation on the proposal was undertaken with no submissions being received.
- It is considered that the Scheme Amendment will formalise the land uses currently operating on-site and will be consistent with the land uses within the immediate locality and will provide opportunity for an improvement in the streetscape at this important location.
- It is recommended that the Scheme Amendment be initiated subject to conditions, including that the Additional Use be for a temporary 10 year period.

Background

1. In September 2002, Town Planning Scheme No. 1 was amended to make the land uses of 'Motor Vehicle and Marine Sales Premises, Open Air Sales and Display' an 'X' (prohibited) use in a number of zones including the Office/Residential zone.

2. The reason for this scheme amendment was due to Council considering that the land use of 'Motor Vehicle and Marine Sales Premises, Open Air Sales and Display' did not appropriately align with the desired long-term use and development of land on land zoned Office/Residential.
3. In December 2012, Town Planning Scheme No. 1 was amended to include Additional Use No. 3 into Schedule 2 – Additional Uses. Additional Use No. 3 related to the use of 'Motor Vehicles and Marine Sales Premises' being included as an additional use at No. 10-12 (Lot 100) Asquith Street, Burswood for a time limit of 10 years from the date of development approval.
4. Similarly, in November 2017, Town Planning Scheme No. 1 was amended to include Additional Use No. 55 into Schedule 2 – Additional Uses. Additional Use No. 55 related to the use of 'Motor Vehicles and Marine Sales Premises' being included as an additional use at No. 18 (Lot 101) Twickenham Road, Burswood for a time limit of 10 years from the date of development approval.
5. On 9 July 2019 the Town received a proposal from a planning consultant acting on behalf of the operators for a 'standard' Amendment to Town Planning Scheme No. 1 to permit the Additional Use of 'Motor Vehicle and Marine Sales Premises' at Nos. 7, 9, 11, and 15 (Lots 2, 3, 31 and 32) Teddington Road, Burswood.
6. In accordance with Local Planning Policy 37 – Community Consultation on Planning Proposals (LPP37), preliminary consultation on the proposal occurred for a period of 21 days, from 23 July 2019 to 13 August 2019. No submissions were received.

Summary

7. A formal request has been received for Council to amend TPS 1 to allow the Additional Uses of 'Motor Vehicle and Marine Sales Premises' at Nos. 7, 9, 11, and 15 (Lots 2, 3, 31 and 32) Teddington Road, Burswood, in the following manner and inclusive of those conditions included in the right-hand column below :

	Ref No.	Land Particulars	Permitted Uses	Development Standards/ Conditions
A56	3	Nos. 7, 9, 11 and 15 (Lots 2, 3, 31 and 32) Teddington Road Burswood	Motor Vehicle and Marine Sales Premises	<ol style="list-style-type: none"> 1. The Additional Use of Motor Vehicle and Marine Sales Premises shall extinguish upon the expiry of ten (10) years from the date that an application for Development Approval for the use is first granted by the Council, except where a further application(s) for Development Approval has been granted for the continued operation of the use whereby the Additional use shall extinguish upon the expiry of that approval(s); and 2. Development to be undertaken generally in accordance with the plans dated 4 June 2019.

8. As detailed above, if the proposed Amendment to TPS 1 is adopted and gazetted, it is the intended to redevelop the subject sites to be generally consistent with the built form at 14 Twickenham Road, Burswood. Concept plans have been submitted by the applicant to demonstrate the potential form of development that would occur if the Scheme Amendment is gazetted.

Applicants submission

9. A request has been received for Council to amend TPS1 to include 'Motor Vehicle and Marine Sales Premises' as an Additional Use for the site under Schedule C – Additional Uses. The land is zoned

'Office/Residential' and is located within the Causeway Precinct where the use of 'Motor Vehicle Sales Premises' is currently an 'X' (prohibited) use.

10. The applicant has provided written rationale (see Attachment 1) justifying the proposed Amendment, arguing that the use of the site for 'Motor Vehicle and Marine Sales Premises' will ensure the continued amenity and economic viability of the site for a period of time (10 years) appropriate to either the life span of similar uses elsewhere in the locality or until such time as the redevelopment of the site for high density mixed use development is achievable in accordance with the objectives in Town Planning Scheme No. 1 for the Causeway Precinct. A summary of the applicant's rationale to permit the additional use of 'Motor Vehicle and Marine Sales Premises' is provided below:
- *'The 'Motor Vehicle and Marine Sales Premises' use on the subject site will allow the continued use of the land for purposes consistent with existing land use in the immediate surrounds. The proposal ensures the amenity and economic viability of the Causeway Precinct abutting Shepperton Road is maintained.'*
 - *'This application seeks to allow for the operation of motor vehicle sales given that the future desired office/residential vision of the area is unachievable in the medium term as a result of market considerations and practical implications.'*
 - *'The Motor Vehicle Sales operation will provide employment opportunities as well as a favourable contribution to the local economy consistent with the Statement of Intent for the Causeway Precinct. Further, introduction of the Additional Use will reflect the intended purpose (Statement of Intent) of the Causeway Precinct through the provision of employment on the City's doorstep, thereby enabling people to live and work locally, with many services and facilities within easy walk.'*
 - *'In the absence of prospective residential development, maintaining an active use with an attractive street frontage is preferable to creating a vacant property in the absence of a viable alternative. This would lead the Causeway Precinct towards urban blight which would be an undesirable and adverse planning outcome which should be avoided.'*
 - *'The introduction of the additional use on the site for a time limited period would not impede a change of use to office/commercial/residential when market conditions are suitable to accommodate such uses.'*
 - *'The ongoing 'Motor Vehicle and Marine Sales Premises' use is entirely appropriate for this site as it would not introduce any additional associated land use or development, nor prejudice any other site form developing because the nature of the use does not give rise to any undue or adverse impacts.'*
 - *'It is now proposed to demolish the building on Lot 31 and upgrade the existing building and landscaping to harmonise with the built form and site layout presentation of 14 Twickenham Road, including signage, landscaping, building materials and colours. The proposed works will result in an overall improvement to the visual amenity of the locality as a result of the removal of a disjunctive incongruent built form element from the streetscape. It is also proposed to reconfigure the site access through the removal of two existing crossovers to Shepperton Road and one existing crossover to Teddington Road.'*
 - *'The proposed Scheme Amendment will confer an additional 'Motor Vehicle and Marine Sales Premises' use over the site for a period of 10 years to rationalise its operations as motor vehicle sales showroom.'*

Relevant planning framework

Legislation	<i>Planning and Development Act 2005</i> Planning and Development (Local Planning Schemes) Regulations 2015 Town of Victoria Park Town Planning Scheme No. 1
State Government policies, bulletins or guidelines	N/A
Local planning policies	Local Planning Policy 22 – Development Standards for Causeway Precinct Local Planning Policy 37 – Community Consultation on Planning Proposals
Other	N/A

General matters to be considered

Planning and Development Act 2005	<ul style="list-style-type: none"> • Part 5 'Local Planning Schemes'; • Clause 75 'Amending Schemes'; • Division 3 'Relevant considerations in preparation or amendment of local planning scheme'; and • Division 4 'Advertisement and approval'. <p>Regulation 35(2) contained within Part 5 – Division 1 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> requires a resolution of a local government to prepare or adopt an amendment to a local planning scheme to do the following:</p> <p style="padding-left: 40px;">“(2) A resolution must –</p> <p style="padding-left: 80px;">(a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and</p> <p style="padding-left: 80px;">(b) include an explanation of the reason for the local government forming that opinion.”</p> <p>Should Council resolve to initiate an amendment to the Scheme, it must be undertaken in accordance with the provisions set out in Part 5 'Local Planning Schemes' of the <i>Planning and Development Act 2005</i>. The amendment process includes a public consultation period of 42 days, advertisement in a newspaper circulating within the district, a sign on-site and letters to surrounding owners and occupiers. The Council would then consider any submissions received and determine whether to adopt the proposed amendment or recommend to the WAPC that the proposed amendment be modified or abandoned.</p> <p>The Hon. Minister for Planning is ultimately responsible for determining the Scheme Amendment.</p>
Town Planning Scheme	In assessing and determining whether to initiate this Scheme Amendment

No. 1	<p>request, Council is to have regard to the following general provisions of the Scheme:</p> <ul style="list-style-type: none"> • Clause 17 'Additional Uses' of Scheme Text; • Clause 32 'Amendment of Other Scheme Documents' of Scheme Text; • Schedule C: Additional Uses of Scheme Text; • Statement of Intent contained in Precinct Plan P3 'Causeway Precinct'.
TPS precinct plan statements	<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"> • <i>Providing significant employment and housing, the Precinct offers opportunities for people to live and work locally, with many services and facilities within easy walk.</i> • <i>The centre will be of sufficient scale to become a sought after business destination in its own right. It will operate as part of the Perth inner metropolitan employment hub expanding the range of economic activity in the Town, particularly in professional and skilled employment areas.</i> • <i>High quality apartments, many with river and city views, will overlook upgraded public open spaces that will be safer and more pleasant for all users. Building height, siting and design will be controlled to ensure it is a 'good neighbour' to adjacent residential development, accommodates view sharing from the ridge and presents an attractive address to the Town. A limited number of tall buildings up to 18 storeys are proposed to take advantage of the assets of this location whilst signifying arrival at a major mixed use centre.</i> • <i>Some 1,00 to 1,400m² of retail floor space will cater for local needs of the increased population, consistent with the State policy for local retail facilities. The Victoria Park shopping area will directly benefit from added demand, further boosting local employment and activity.</i>
Local planning policy objectives	<p>Local Planning Policy 22 – Development Standards for Causeway Precinct Area 7 Commercial Core Desired Future Character:</p> <ul style="list-style-type: none"> • <i>A vibrant commercial centre will develop here, having sufficient overall floor space to become a significant business destination of choice with high quality contemporary offices and support services. There is potential for extension of the commercial core to the souther side of Shepperton Road in the longer term.</i> • <i>With a plot ratio of 3, the focus is on achieving a commercial and employment centre. Development may be entirely commercial or may include residential once commercial floor space equivalent to a plot ratio of 2 is provided.</i> • <i>Development up to 6 storeys is envisaged, with the built form establishing a coherent urban centre. Design responses are sought that maintain a continuity of frontage to the street and provide natural daylight and ventilation and a sense of outlook for occupants.</i> • <i>This pattern of development also applies to land on the corner of Shepperton and Teddington Roads abutting the Croquet Club, enabling a similar scale of development on each corner at this key entry to the Precinct.</i>

Legal compliance

Part 5 'Local Planning Schemes' of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015, Regulations 50 and 51.

Planning and Development Act 2005

https://www.austlii.edu.au/cgi-bin/viewdb/au/legis/wa/consol_act/pada2005236/

Planning and Development (Local Planning Schemes) Regulations 2015

https://www8.austlii.edu.au/cgi-bin/viewdb/au/legis/wa/consol_reg/padpsr2015527/

11. In accordance with clause 17 of TPS1, the Council can initiate an Amendment to the Scheme to permit a prohibited use on a site by listing it within Schedule C – Additional Uses. In initiating such an Amendment, clause 17 requires the Council to have regard to the orderly and proper planning of the locality, the conservation of its amenities and the statement of intent set out in the relevant Precinct Plan. The Council is also required to consider whether the proposed Amendment is likely to have any adverse effect on the occupiers and users of the development, the properties or inhabitants of the locality, or the future development of the locality. These and other matters are considered in turn below.

Strategic alignment

Environment

Strategic outcome	Intended public value outcome or impact
EN01 – Land use planning that puts people first in urban design, allows for different housing options for people with different housing needs and enhances the Town's character.	The proposal legitimises a land use that already operates from 3 of the 4 sites and allow for the redevelopment of the subject sites to create a better, more unified streetscape along Shepperton Road and Teddington Road.
EC01 – A desirable place for commerce and tourism that support equity, diverse local employment and entrepreneurship.	The formalisation of the 'Motor Vehicle and Marine Sales Premises' land use on the site will allow the site to be redeveloped in the future and lead to the creation of more jobs within the locality.

External engagement

Stakeholders	Owner and occupiers of surrounding properties.
Period of engagement	23 June 2019 – 13 August 2019
Level of engagement	2. Consult
Methods of engagement	Letters provided to owners and occupiers of surrounding properties outlining the proposal and uploading of relevant documents and information on Your Thoughts.

Advertising	Letters provided to owners and occupiers of surrounding properties outlining the proposal and uploading of relevant documents and information on Your Thoughts.
Submission summary	No submissions were received.
Key findings	Nil

Risk management considerations

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

Financial implications

Current budget impact	Nil
Future budget impact	Nil

Analysis

- The proposed Scheme Amendment to include 'Motor Vehicle and Marine Sales Premises' as an Additional Use on the subject sites under Schedule C of the TPS1 would be legitimising the land use that has been operating on-site for some time, in the case of at least 3 of the lots. The surrounding locality is also characterised by car yards, including all properties adjacent to Shepperton Road from the Causeway bus interchange to Teddington Road.

13. The applicant proposes the Additional Use for a temporary time approval of 10 years to allow the site to be developed in the longer term in line with the intent of both the Causeway Precinct Plan and LPP22.
14. It is considered that allowing the Additional Use of 'Motor Vehicle and Marine Sales Premises' at the subject sites, in a manner consistent with the concept plan submitted by the applicant, will not have a detrimental impact on the surrounding properties or the Teddington Road and Shepperton Road streetscape.

Development Potential of 7, 9, 11 and 15 Teddington Road, Burswood

15. Significant development potential exists under the planning provisions for the site that provide the opportunity for a significant mixed use development to occur of up to six storeys in height, comprised primarily of offices and some residential uses, as part of the 'Commercial Core' area envisaged for the Causeway Precinct within LPP22 - Development Standards for Causeway Precinct.
16. In view of the significant redevelopment potential of the site, the use of 'Motor Vehicle and Marine Sales Premises' should not be introduced and entrenched on the site for the longer term, and therefore the 10 year time limit proposed by the applicant is supported.
17. This is a key aspect with respect to the approval and operation of the 'Motor Vehicle and Marine Sales Premises' use currently operating at 10-12 Asquith Street and 18 Twickenham Road, which are both being carried out as a transitional use (operating under a ten year approval) until such time as the site is redeveloped for residential and/or commercial purposes in accordance with Council's Town Planning Scheme No. 1.

Compatibility of Proposed Use with its Surroundings

18. The proposed additional use of 'Motor Vehicle and Marine Sales Premises' at Nos. 7, 9, 11 and 15 Teddington Road is generally consistent with the existing land uses being carried out on-site and immediately adjoining the site, as well as those throughout the surrounding locality. Accordingly, it is considered that the proposed Additional Use would not harm or adversely impact the amenity of owners, occupants or users of surrounding properties or the locality generally, given these uses are likely to continue operating for the short to medium term.

Intended Redevelopment of Causeway Precinct

19. Precinct Plan P3 envisages the Causeway Precinct to be redeveloped as a sustainable mixed-use urban environment with its own distinctive identity on the city doorstep. The subject site is located within Area 7 'Commercial Core' identified in Local Planning Policy 22 – Development Standards for Causeway Precinct, which is intended to become a significant business destination and vibrant commercial centre. The site is intended to be redeveloped for commercial (principally office) use with some residential uses of up to 6 storeys in height.
20. Several significant proposals for the redevelopment of sites have been approved by the Council within the precinct, including the high-density multi-storey residential developments at 43 Burswood Road, 133 Burswood Road, 153-157 Burswood Road and 2 Hawthorne Place. However, the significant transition in land uses and redevelopment of sites in accordance with the objectives of the Causeway Precinct adopted as part of Amendment No. 44 to the Scheme (gazetted July 2009), is yet to occur. Given the current uncertain economic climate and the fact that uses such as 'Motor Vehicle and Marine Sales Premises' are likely to remain within the locality for the short to medium term, it is considered reasonable for the Council to consider the interim use of the subject sites as an acceptable outcome.
21. The requested Amendment to the Scheme is being supported in this instance due to the applicant's agreement to conditions imposing a time limited approval for the use and due to the specific context of the subject sites, which is located adjacent to sites utilised for the same purpose and which are

likely to be used for this purpose for the foreseeable future given the significant investments in land and buildings that has occurred on these sites.

Recommended Conditions on Proposed Additional Use

22. It should be noted that the recommendation to initiate the proposed Amendment does not represent the endorsement of such proposals within the locality generally, as this would risk deferring the intended transition in land uses and redevelopment of sites that may otherwise occur. Accordingly, and in order to ensure that the envisaged redevelopment of the site in accordance with the objectives of the Causeway Precinct is not compromised, it is recommended that the proposed Additional Use be subject to conditions limiting its operation to ten years from the granting of a development approval to carry out the use (or other further period agreed to by the Council). The permissibility of the use for this period is consistent with the draft scheme amendment documents prepared by the applicant and is considered to be a reasonable timeframe for the Council to gauge the extent to which redevelopment has occurred in the Precinct whilst preventing the entrenchment of the use on the site.
23. In order to ensure that the proposed use results in positive streetscape outcomes and the visible improvement of the site it is also recommended that the proposed Additional Use be subject to a condition requiring any development be undertaken generally in accordance with the plans dated 4 June 2019, or an alternative plan approved by the Town. This condition will encourage the investment and refurbishment of the existing buildings as per the applicant's submission.
24. The above proposed conditions are consistent with those applied to the Additional Use at 10-12 Asquith Street, Burswood (Amendment 58 – gazetted 11 December 2012) and the Additional Use at 18 Twickenham Road, Burswood (Amendment 76 – gazetted 24 November 2017).

Relevant documents

Town of Victoria Park Town Planning Scheme No. 1 - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-2>

Local Planning Policy 3 – Non-Residential Use in or Adjacent to Residential Areas - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 22 – Development Standards for Causeway Precinct - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 37 – Community Consultation on Planning Proposals - <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Further consideration

In response to matters raised at the Elected Members Briefing Session on 3 September 2019, the following information is provided:

25. If the recommendation is adopted, at the end of the 10 year period the use of the site for Motor Vehicle Sales is to cease, unless a further approval is granted for the continued operation of the use beyond this time.

26. There is no date after which the Town will no longer consider an Additional Use of Motor Vehicle Sales Premises for other sites in the Causeway Precinct. Any such future proposals will be considered on their merits having regard to a range of matters most notably the extent of redevelopment that has occurred in the area and whether in this context the use is an acceptable interim use of the land.
27. It is open to Council to support the Additional Use for a period of more or less than 10 years.
28. In relation to aligning the timeframe for the use of the site as Motor Vehicle Sales Premises with that of No. 18 Twickenham Road, it is open to Council to do so. However it is not considered that there is sufficient merit to do so, and there may be implications for the applicant in terms of amortising their initial investment over a shorter timeframe.
29. Even if market conditions were to be favourable to redevelopment of land in the area, it is considered that approval of the Amendment would not prejudice the redevelopment of the locality given the 10 year timeframe for the use.

11.3 No. 58 (Lot 370) Hubert Street, East Victoria Park - Unlisted Use (Home Business - Beauty Therapy)

Location	East Victoria Park
Reporting officer	Laura Sabitzer
Responsible officer	Robert Cruickshank
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none"> 1. Development plans - Home Business location [11.3.1 - 2 pages] 2. Site aerial - Hubert [11.3.2 - 1 page]

Landowner	Huong Chatterton
Applicant	Jay Mangano
Application date	27 May 2019
DA/BA or WAPC reference	5.2019.272.1
MRS zoning	Urban
TPS zoning	Residential
R-Code density	R30
TPS precinct	Precinct 10 - Shepperton
Use class	Single House and Unlisted Use (Home Business – Beauty Therapy)
Use permissibility	P – Permitted and AA - Discretionary
Lot area	506 square metres
Right-of-way (ROW)	ROW 57A
Municipal heritage inventory	N/A
Residential character study area/weatherboard precinct	Residential Character Study Area
Surrounding development	The lots abutting the subject site are Residential containing Single Houses and Grouped Dwelling and is also coded R30. The Hubert Street public car park is located opposite the subject site.

Recommendation

That Council approves, by absolute majority, the application submitted by Jay Mangano (DA Ref: 5.2019.272.1) for a Proposed Unlisted Use (Home Business – Beauty Salon) at No. 58 (Lot 370) Hubert Street, East Victoria Park, as indicated in the documents at Attachment 1, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No.1 and the Metropolitan Region Scheme, subject to the following conditions:

- (a) The development, once commenced, is to be carried out in accordance with the approved plans, at all times, unless otherwise authorised by the Town.
- (b) The Home Business is approved to be operated by Huong Chatterton, at the subject premises, only. The operation of the Home Business by any other person, or its operation at any other premises is not permitted by this approval.
- (c) The Home Business is limited to operate with a maximum of two (2) staff members, at a given time.
- (d) Customers and visitors to the site in relation to the Home Business are to park onsite and are limited to visitations daily during the hours 9:00am-5:00pm. Visitations are to be by appointment only with a minimum 15 minute interval between each appointment per staff member.
- (e) The Home Business shall not involve the retail sale, display or hire of any goods from the premises unless the sale, display or hire is done only by means of the Internet;
- (f) All driveways and car parking bays to be constructed of brick paving, liquid limestone, exposed aggregate or any alternative material approved by the Town.

Advice Notes :

AN1 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

AN2 Any amendments or modifications to the approved drawings forming part of this development approval may require the submission of an application for amendment to development approval and reassessment of the proposal.

AN3 All stormwater runoff to be retained on site. Stormwater drainage to comply with the Town's "Stormwater drainage requirements for residential and commercial developments guidelines", which are available from the Town or the Town's website.

AN4 This approval does not include the approval of any signage. Any signage for the development to be the subject of a separate building permit application, in accordance with Town's Local Planning Policy No. 38 – 'Signs'. Please also note that should any signage not comply with the Town's Local Planning Policy No. 38 – 'Signs' a separate development approval will need to be obtained prior to a building permit being submitted to the Town.

AN5 A building permit is required to be obtained from the Town prior to commencement of any work in relation to the proposed re-roof.

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

AN7 Compliance with the *Health (Hair Dressing Establishment) Regulations 1972* is required.

AN8 Should skin penetration activities be proposed the owner of the establishment must notify the Council. Detailed plans must be submitted for approval to the Town's Environmental Health business unit prior to the commencement of such activities.

AN9 The Town's street tree(s) is to be protected from damage during all phases of development. Pruning of any street tree affected by the development on the subject site is to be undertaken by the Town, at the applicant's cost.

AN10 Unauthorised verge tree pruning or removal is subject to a penalty under the *Activities on Thoroughfares and Public Places Local Law 2000, Division 1 – General, 2.1 General Prohibitions*.

Purpose

The Town has received an application for development approval, relating to No. 58 Hubert Street, East Victoria Park. The application seeks approval to operate a beauty salon as a home business from the residence.

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

In brief

- This application seeks approval for a Home Business (Beauty Salon) which is not listed in TPS1 and is therefore classified as an 'Unlisted Use'.
- Determination of an application for an 'Unlisted Use' is at the Council's discretion having regard to the objectives of the zoning and the appropriateness of the land use.
- Community consultation concluded on 19 August 2019 with no submissions being received.
- The application is recommended for approval, subject to conditions and advice notes.

Background

Not applicable.

Application summary

- The existing development on-site consists of a two-storey single house. Vehicle access to the property is from Hubert Street and three (3) car parking spaces are available on-site, in which two spaces are in tandem.

- This application seeks approval for a Home Business (Beauty Salon) which is not listed in TPS1 and is therefore classified as an 'Unlisted Use'.
- The application also includes information proposing minor additions and a re-roof to the single house. Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015* these works are exempt from development approval, and therefore do not form part of the determination of this application.

Applicants submission

1. The applicant has indicated the following regarding the proposed operation of the home business:
 - The beauty salon will offer services including pedicures, manicures, hair care and face steaming.
 - In addition to the occupant of the premises two part-time employees will be employed, with a maximum of two persons working at any given time.
 - The proposed use occupies the area on the ground floor room marked as 'GAMES' as shown in the development plans and is approximately 25 square metres in area located on the basement level, next to the garage (see Attachment 1).
 - No advertising signage is proposed in connection with the proposed use.
 - The operating hours are proposed to occur within the hours of 9am to 5pm, operating throughout the week.
 - Each appointment is proposed to take approximately 20 minutes in duration.
2. The application also describes proposed minor residential works comprising :
 - The re-roof of the existing dwelling from tile to Colorbond Shale Grey.
 - Widening the existing driveway from single car bay to double driveway width (applicant confirmed no changes to the existing crossover on Council's verge)
 - Removing a section of the existing front fence and the construction of a new 350 x 350mm front fence pier.
3. The abovementioned residential works to a single house are fully compliant with the deemed-to-comply requirement of the Residential Design Codes and the relevant provisions of the Town's Local Planning Policy 25 – Streetscape. As a result, the works are exempt from development approval pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, and therefore do not form part of the determination of this application.

Relevant planning framework

Legislation	<i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Town of Victoria Park Town Planning Scheme No.1 (TPS1)
State Government policies, bulletins or guidelines	State Planning Policy 7.3 - Residential Design Codes Volume 1 (R-Codes)
Local planning policies	Local Planning Policy 2 – Home Occupation

General matters to be considered

TPS precinct plan statements

The following statements of intent contained within the precinct plan are relevant to consideration of the application.

- *The Shepperton Precinct should remain a pleasant, low scale, medium density housing area. Future development should take advantage of the excellent accessibility available to the precinct due to the close proximity to major transportation networks, and to the city.*
- *The retention of structurally sound houses and healthy, mature trees is an important aim for the precinct.*
- *New development is to enhance the existing character of the area and have regard for the remaining quality housing stock.*
- *To ensure its cohesion as a residential locality, the only new non-residential activities to be permitted in the area should be those which predominately function to provide for day-to-day local needs.*
- *The application of residential development standards should ensure a high level of environmental amenity and maintain a pleasant atmosphere characterised by low to medium scale architecture, orientated to the street and set in landscaped surrounds.*

Local planning policy objectives

The following objectives of Local Planning Policy 2 – Home Occupation are relevant in determining the application.

- *To encourage the opportunity for low scale home businesses to conduct business at home;*
- *To ensure that the use of land for any home occupation is small in scale, unobtrusive and compatible with surrounding buildings and uses;*
- *To protect the character of the locality;*
- *To ensure that the home occupation does not have a prejudicial effect on the amenity of the locality by reason of any form of emissions or increased numbers of vehicle movements.*
- *To provide guidelines for the use of residential premises for a home occupation;*

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

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

- (g) Any local planning policy for the Scheme area
- (n) The amenity of the locality including the following -
 - ii. The character of the locality;
 - iii. Social impacts of the development;
- (s) The adequacy of -
 - i. The proposed means of access to and egress from the site; and
 - ii. Arrangements for the loading, unloading, manoeuvring and parking of vehicles;

	<p>(t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety</p> <p>(y) any submissions received on the application;</p>
Urban forest strategy	This application has no impacts in regard to the Town's Urban Forest Strategy.

Compliance assessment

The table below summarises the planning assessment of the proposal against the provisions of the Town of Victoria Park Town Planning Scheme No.1, the Town's local planning policies, 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.

Change of use application (Home business – beauty salon)		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use		✓
Car parking	✓	

Based upon the above table, the following development standard requires the discretion of Council.

Element	Permissibility	Recommendation
Land use	A Home Business is not listed in Town Planning Scheme No.1 and is therefore classified as an 'Unlisted Use'. Approval of an Unlisted Use is at the Council's discretion having regard to the objectives of the zoning and the appropriateness of the land use.	Supported

- In April 2019, TPS1 was amended by way of Scheme Amendment 80 to contemplate a greater range of land uses and to be in line with the relevant model land uses outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Against the recommendation of the Town, the WAPC directed the Town to revise the definition of a 'Home Occupation' under the Scheme. The proposed beauty salon would have fallen under the previous 'Home Occupation' land use definition and the application would have been able to be determined under delegated authority.

6. The updated 'Home Occupation' land use definition now requires that the use, "*does not involve employing a person who is not a member of the occupier's household*" and "*does not occupy and area greater than 20 square metres*". The proposed beauty salon seeks to employ two part-time employees in addition to the occupant of the residence, with a maximum of staff at the premises at a given time and occupies the existing games room which is approximately 25 square metres in area.
7. The proposed beauty salon business would more appropriately be classed as a 'Home Business' model land use under the *Planning and Development (Local Planning Schemes) Regulations 2015*. The Town is currently preparing a Scheme Amendment to rectify this discrepancy.
8. As the 'model' land use class of "Home Business' is currently not included in TPS1, the proposal is assessed as an Unlisted Use, pursuant to clause 16 & 28 of TPS1.

Strategic alignment

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 - A desirable place for commerce and tourism that supports equity, diverse local employment and entrepreneurship.	The proposed Beauty Salon home business allows for local employment and entrepreneurship. Furthermore, it is in keeping with a stated objective of LPP2 which encourages the opportunity for low scale home businesses to conduct business at home.

Engagement

Internal engagement	
Stakeholder	Comments
Parks service area	Standard advice notes recommended due to the presence of an existing street tree in the verge adjacent to the subject site.
Environmental Health service area	Standard advice notes recommended for the proposed Home Business (Beauty Salon) which advises of the requirement to comply with the <i>Health (Hairdressing Establishment) Regulations 1972</i> and the <i>Environmental Protection (Noise) Regulations 1997</i> , and a skin penetration application is to be submitted and approval received prior to the commencement of the Home Business.
Engineering service area	Standard advice notes recommended in relation to stormwater drainage.
Building service area	Standard advice notes recommended in relation to

the requirement for a building permit application is to be submitted and approved by the Town prior to construction commencing.

External engagement

Stakeholders	Owners and occupiers of surrounding properties which fall wholly or partly within a 100m radius of the subject site.
Period of engagement	29 July 2019 – 19 August 2019 (21 days)
Level of engagement	2. Consult
Methods of engagement	Written submissions and Your Thoughts (the Town's online engagement tool)
Advertising	Letters sent to surrounding owners and occupiers, and information regarding the application available to the general public on Your Thoughts.
Submission summary	No submissions received
Key findings	N/A

Risk management considerations

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

Financial implications

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

Analysis

9. This application for development approval seeks Council's discretion in determining the operation of a proposed beauty salon business from an existing residential dwelling in East Victoria Park.
10. As outlined above, the proposal falls outside the recently revised TPS1 definition of 'Home Occupation' and would more appropriately be classed as a 'Home Business' model land use under the *Planning and Development (Local Planning Schemes) Regulations 2015*. This is because the updated 'Home Occupation' land use definition now requires that the use, "*does not involve employing a person who is not a member of the occupier's household*". The proposed beauty salon seeks to employ two part-time employees in addition to the occupant of the residence, albeit with only two staff operating at one time.
11. The model land use definition of 'Home Business' is as follows:

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

(a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and

(c) does not occupy an area greater than 50 m²; and

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

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

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

(g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located";
12. As a 'Home Business' use is not currently listed in TPS1, it is therefore classified as an 'Unlisted Use'. Approval of an Unlisted Use is at Council's discretion having regard to the objectives of the zoning and the appropriateness of the land use, pursuant to clause 16 & 28 of TPS1.
13. Local Planning Policy 2: Home Occupation (LPP2) states that,

"a home occupation activity that does not strictly accord with the Town Planning Scheme No. 1 definition of 'Home Occupation' may be considered for approval by Council as an Unlisted Use in accordance with Clause 28 of Town Planning Scheme No. 1" and

"in assessing such proposals, Council Officers will have regard to the provisions of this local planning policy in determining whether the matters listed in deemed Clause 67 have been addressed, and in forming their recommendation to Council on whether or not to approve the proposed activity".

14. LPP2 requires that home occupation activities are to be small scale and unobtrusive. The proposed business will be appointment based and will likely have one customer per employee, meaning a total of four (4) people in connection to the home business on-site at a given time. Furthermore, the home business is proposed to operate from the dwelling's existing games room, which can readily be accessed directly from the front of the property and is approximately 25 square metres in area.
15. A key consideration is whether the proposal will likely adversely impact the amenity of surrounding properties. The proposed operation of the beauty salon is deemed to be compatible to its residential setting. The existing dwelling will continue to present as a residential dwelling from the street. The hours of operation will be between 9am – 5pm, be appointment based and operate within the Noise Regulations. Corresponding conditions and advice notes are recommended to ensure compliance with these details.
16. In relation to car parking, with the proposed driveway widening works there is sufficient area on-site for the car parking of three vehicles, in which two car parking spaces are in tandem. Opposite the subject site is a public car park (Hubert Streetcar parking) which contains 157 car bays that are available to the general public. This meets LPP2 which indicates the Home Occupation proposals are to demonstrate how customers will park on-site or otherwise be serviced by available parking adjacent to the site. Parking will also be managed by way of the recommended condition that the beauty salon is to be appointment based only and have a minimum 15-minute interval between appointment times to minimise customer overlap and parking demand.
17. Additionally, no objections to the proposal were received during the community consultation.
18. Having regard to the above, it is recommended that the application is approved, subject to conditions and advice notes.

Relevant documents

[Local Planning Policy 2 Home Occupation](#)

Further consideration

In response to matters raised at the Elected Members Briefing Session on 3 September 2019, the following additional information is provided:

19. In determining the application, regard has been given to the merits of this application, with the number of other home based businesses in the area not being a relevant planning consideration.
20. In relation to proposed condition (e) which prevents the sale of any goods from the premises, the applicant has now been advised of this requirement. At the time of writing this report, the applicant has not responded.
21. In relation to the Scheme Amendment referred to at paragraph 7 of the report, it is anticipated at a report will be presented to the November 2019 round of meetings.

11.4 Large Format Digital Sign - Freeway overpass

Location	Burswood
Reporting officer	Sturt McDonald
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Development plans [11.4.1 - 4 pages] 2. Complete application package [11.4.2 - 83 pages] 3. Aerial [11.4.3 - 1 page]

Landowner	Main Roads Western Australia
Applicant	Urbis Pty Ltd
Application date	08/05/2019
DA/BA or WAPC reference	5.2019.229.1
MRS zoning	Primary Regional Road Reserve
TPS zoning	N/A
R-Code density	N/A
TPS precinct	Precinct P1 'Burswood Peninsula Precinct'
Use class	N/A
Use permissibility	N/A
Lot area	N/A
Right-of-way (ROW)	N/A
Municipal heritage inventory	N/A
Residential character study area/weatherboard precinct	N/A
Surrounding development	Graham Farmer Freeway; Railway reserve; Belmont Park Racecourse to the north; Perth Stadium and Stadium Station to the south.

Recommendation

That Council approves the application submitted by Urbis (DA Ref: 5.2019.229.1) for a Large Format Digital Sign at Lot 1004 Victoria Park Drive, Burswood, as indicated in the documents received 08 May 2019, in accordance with the provisions of 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 received 08 May 2019 at all times, unless otherwise authorised by the Town.
- 2 Both the advertisement and its supporting structure are to be properly maintained at all times.
- 3 Luminance levels shall be in accordance with AS 4282-1997 - Control of the obtrusive effects of outdoor lighting.
- 4 The advertisement shall be available at all times for the display of messaging in the case of an emergency event, which poses a threat to life, as detailed in a relevant agreement between the Applicant and Main Roads WA.
- 5 The sign content excluding symbols, graphics or text that could be mistaken for an instruction to drivers or any colours, shapes or lighting that could be mistaken for a traffic sign or traffic control signal, or a format normally used for traffic control or warning, incident or traffic management, or road safety or driver information messages, except where required by a public authority;.
- 6 The advertisements and images displayed on the Large Format Digital Sign being restricted to static displays that contain only single, 'self-contained' messages that have a 'dwell' duration of not less than 30 seconds, with the duration of transition between the full display of one message and the full display of the next message not exceeding 0.1 seconds. Transitional effects such as fly-In, fade-out and scrolling shall not be permitted at any time.
- 7 The duration and transition time of adverts shall be in accordance with the Main Roads (Control of Advertisements) Regulations 1996 and Main Roads WA Guidelines for Roadside Advertising, (as amended from time to time)
- 8 Prior to the commencement of development, a traffic management plan shall be prepared to the satisfaction of the Town.
- 9 Prior to the commencement of the development, a Sign Management Strategy which outlines an appropriate complaints and compliance procedure is to be prepared to the satisfaction of the Town.
- 10 This approval is valid for a period of 2 years from the date of approval. If development is not substantially commenced within this period, a further development approval must be obtained before commencing or continuing the development.

Advice Notes:

AN1 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.

AN2 Development Control Policy 5.4 highlights that an advertisement does not constitute the long-term use intended for land reserved under the region scheme. The applicant has stated in their application's supporting material that they understand this advertisement to be a temporary use on

that land. This is reiterated for clarity.

AN3 The applicant is advised that the Large Format Digital Sign will require a separate '*application to conduct works on a road*' application under Main Roads policies and regulations. The application kit can be found at www.mainroads.wa.gov.au. > [Our Roads](#) > [Conducting Works on Roads](#)

AN4 The applicant should be aware of the following excerpts from relevant legislation.

(a) Main Roads (Control of Advertisements) Regulations 1996,

r.11 - if advertisement is being exhibited on or in the vicinity of a highway or a main road and the advertisement is being exhibited without the Commissioner's approval or the advertisement is, or has become, hazardous to traffic safety or aesthetically objectionable, Main Roads may direct the signage to be removed and,

(b) Road Traffic (Administration) Act 2008

S. 140 - A light means: any fire, lamp, light, illuminated sign, street light, or other mechanical manufactured or constructed illumination, and also the glow from any such light;.....The Commissioner of Main Roads can direct extinguish the light.

AN5 A building permit is to be obtained prior to installation of the structure.

Purpose

To consider an application for a Large Format Digital Sign (hereafter referred to as 'LFDS') at the Victoria Park Drive overpass bridge, Burswood, over the Graham Farmer Freeway.

In brief

- The local planning framework is generally not supportive of large format signage or third-party signage. However, the application is exempt from approval under the Town's local planning scheme, and is to be determined under the Metropolitan Region Scheme. Relevant State policies do not preclude these sign types which are considered on their merits.
- Noting the site context within a regional road reserve, being a transport-oriented corridor, and with no immediately adjoining development, it is considered that the sign is acceptable from an amenity and streetscape perspective. On balance the proposal is recommended for approval subject to conditions.

Background

1. The Victoria Park Drive overpass was constructed in the late 1990s. The land title for the subject site lists the Commissioner of Main Roads as the primary interest holder and the status order/interest as being "Reserve under management order".
2. A pre-lodgement meeting was held between the applicant and Town staff on 7 May 2019. The meeting outlined the proposal, as well as the processes for assessment as per the instrument of delegation (discussed in further detail below).

Application summary

The proposal comprises the following:

3. One (1) static, large format digital sign measuring 12.66m in length (excluding an additional 1m either side of the signage screen), 3.35m in height, totalling a signage area of 42.41sqm.

4. The overall signage structure is 49.11sqm in size.
5. The sign is proposed to be located on the northwest sign of the bridge, being viewable by traffic outbound from the city heading towards Great Eastern Highway and Orrong Road.
6. The sign will be located an appropriate height above the Graham Farmer Freeway road reserve allowing for a clearance of approximately 5.5m.
7. The signage will be backlit and will utilise LED (light emitting diode) technology. The sign will include light sensors on the panel to measure ambient light levels and adjust screen brightness to suit.
8. The sign will display a variety of commercial advertisements, with a minimum dwell time of 30 seconds.
9. The sign will be affixed to a mesh sub-structure which is to be powder coated and coloured Colourbond 'Monument' (a dark grey tone).
10. The photo-montage below depicts the proposed sign:



Applicants submission

The applicant has provided a report in support of the proposed signage (see Attachment 2) inclusive of the following points:

"The proposed location of the digital sign is considered appropriate for the following reasons:

- (a) *A LFDS is considered generally consistent with the amenity of the immediate area, which is primarily for road and rail related functions. Signage, albeit traffic related signage, is common within transport environments.*
- (b) *The LFDS is considered complementary to the surrounding entertainment land uses of the Belmont Racecourse and Optus Stadium precincts with the stadium in particular being heavily illuminated and modern in its design.*
- (c) *The proposed LFDS is well separated from the nearest residential dwelling (approx. 790m south-east) and any other potentially sensitive land uses. The sign will also be facing in a north-west direction and away from any of these residences.*
- (d) *The LFDS is located approximately 700m from the Victoria Park Drive off-ramp and 520m from the Victoria Park Drive on-ramp. As per Section 4.1.4.2 of the MRWA Guidelines, it is considered that this distance is sufficient and will not have any impact of driver interference with traffic signals or related on or off-ramp signage.*
- (e) *The LFDS is architecturally designed and is suited to highly visible locations, such as the subject location.*

- (f) *The proposed sign will be compliant with Road Safety requirements. The structural design of the sign will be certified by a qualified Engineer.*
- (g) *The signage will utilise world leading technology capable of reducing the power consumption of LED panels.*
- (h) *When appropriate, the sign will advertise MRWA related activities and messaging, including traffic safety alerts."*

Relevant planning framework

Legislation	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Town Planning Scheme No.1 (TPS1) Metropolitan Region Scheme (MRS) Text TPS1 Precinct Plan P1 – 'Burswood Peninsula Precinct'
State Government policies, bulletins or guidelines	Development Control Policy (DCP) 1.2 – Development control (General Principles) Development Control Policy 5.4 (DCP) – Advertising for reserved land
Local planning policies	Local Planning Policy 38 - Signs
Other	Instrument of Delegation – DEL 2017/02 'Powers of Local Government and Department of Transport, Metropolitan Region Scheme'

11. It is noted that the majority of Development Applications assessed and determined by the Town are a dual determination, being decision under both the Town's Town Planning Scheme No.1 (TPS1) and the Metropolitan Region Scheme (under delegation from the WAPC). A 'typical' approval technically therefore consists of two determinations under the two different schemes (albeit incorporated into a single approval notice).
12. In this instance, the proposed signage is located wholly on land that is reserved as Primary Regional Road under the Metropolitan Region Scheme (MRS). In accordance with deemed clause 61(1)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, development approval under a local planning scheme is not required for works that are wholly located on a regional reserve. Development approval from the Town under TPS1 is therefore not required, in which case only a determination under the MRS is required.
13. In accordance with the WAPC's Instrument of Delegation DEL 2017/02, as amended on 18 December 2018, the power to determine an application for development on land that is reserved under the MRS is delegated from the WAPC to local governments.
14. Clause 30(1) of the MRS outlines that, in respect of any application for approval to commence development, the responsible authority is to have "*regard to the purpose for which the land is zoned or reserved under the Scheme, the orderly and proper planning of the locality and the preservation of the amenities of the locality*".
15. WAPC Development Control Policy 1.2 – Development Control (General Principles) provides a list of matters to be considered in determining an application. Amongst other matters (amenity, integration to site and surrounds etc), this list of matters gives effect to the Town's Local Planning Policies.

General matters to be considered

WAPC Development Control Policy 1.2 – Development Control (General Principles)	<p>The following are relevant matters to be considered in determining the application.</p> <ul style="list-style-type: none"> • Compatibility with relevant planning policies, strategies and development control criteria • Integration of development into the site and its surroundings • Transport and traffic impacts • Vehicular and non-vehicular access, circulation and car parking • Relevant environmental, economic and social factors • Relevant factors of amenity and sustainability
WAPC Development Control Policy 5.4 – Advertising for Reserved land	<p>The following are relevant matters to be considered in determining the application for advertising on reserved land:</p> <ul style="list-style-type: none"> • Effect on amenity • Safety and efficiency of roads • Protection of reservation
TPS precinct plan statements	<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"> • The Burswood Peninsula Precinct should continue to develop as a major regional recreation and entertainment area and as a premier tourist destination. Any future development of the Belmont Park Racecourse site should facilitate a mix of land uses including the following principal components: <ul style="list-style-type: none"> - Retention and upgrading of current racing facility - High and medium density residential - A significant Activity Centre - Riverfront Parks and Recreation • As key entry points to the city centre Great Eastern Highway. Graham Farmer Freeway and adjoining parkland should contain suitably designed civic treatments and gateway statements.
Local planning policy 38 - Signs	<p>The following objectives of Local Planning Policy 38 - Signs are relevant in determining the application.</p> <ul style="list-style-type: none"> • To ensure that the display of signage does not adversely impact upon the amenity of the streetscape or surrounding area; • To allow the reasonable identification of businesses through signage without causing a negative and visually intrusive impact on the streetscape and public realm; • To avoid a proliferation of signs on individual sites and buildings; • To provide clear guidance on how advertising signs can be appropriately incorporated into existing buildings and/or new development; and • To outline the standards that apply to signage throughout the Town and the matters that the Town will have regard to in determining applications.

Town Planning Scheme No 1 -

Clause 30A - Determination of Application for Advertisement.

Council is to have regard to the following matters:

- The impact of the sign on the quality of the streetscape where it is to be displayed and more generally of the district;
- whether the size of the sign appropriately relates to the architectural style, design and size of a building on which the sign is to be displayed, and in measuring the size of a sign a polygon shall be taken immediately around the text, graphics or image of the sign and not the entire background, except where the finish or colour of the background differs substantially from the background against which the sign is to be displayed.
- whether the colour scheme and materials of the sign are compatible with the architectural style and design of a building on which the sign is to be displayed;
- whether the colour scheme and materials of the sign are compatible with the overall architectural style and design of the area or precinct in which the sign is to be displayed; and
- how many signs are on the land where the sign will be displayed.

Compliance assessment

The tables below summarise 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. It should be noted that while these requirements technically do not apply as TPS 1 does not apply to reserved land, they have been used as a guide to determine the acceptability of the proposal.

Local Planning Policy 38 (LPP38)

Element	Requirement	Proposed	Variation
Panel sign	'Generally not supported under LPP38'	Large Format Digital Sign	Sign type generally not supported
			Supported

- Panel signs' are defined in the Policy as follows:
"means an advertising sign that is attached to a panel and mounted onto an existing vertical structure such as a side fence."
- The Policy states that Panel signs are:
"Generally not supported as they do not provide a positive contribution to the amenity and built form of the locality. Any application for this sign type is to be appropriately justified and will be assessed having regard to the criteria in Part Three of this Policy. "

Part Three of LPP38 outlines criteria that is broadly covered by Clause 30A of TPS1 and Development Control Policy 5.4, both of which are discussed under the 'Analysis' section of this report.

Element	Requirement	Proposed	Variation
Electronic sign	(4) Where illuminated: (a) not cause a nuisance, by way of light spillage to abutting sites; (b) not comprise flashing, intermittent or running lights, or change more than once in every 5 minute period; (c) not interfere with or be likely to be confused with, traffic control signals; and (d) not have a light of such intensity as to cause annoyance to the public; and	(4) (a) In accordance with AS 4282-1997 (b) Static, but changing once every 25 seconds (c) Supported by Main Roads with Traffic Impact Assessment also provided; and (d) not have a light of such intensity as to cause annoyance to the public.	Proposed advertisement changes at least every 30 seconds in lieu of the once in every 5 minute period.
			Supported

18. In terms of the third party component to the sign and an assessment against the Policy, the following comments are made and the matter is discussed further under the 'Analysis' section of this report.

Element	Requirement	Proposed	Variation
Third Party Signage	Will be considered where the sign advertises a sponsor of a sporting of community organisation, is located in the same property, and the sign is of an acceptable visual standard	Signage that predominantly advertises commercial content, with occasional possible use for as a message board for Main Roads	Third-Party signage for commercial content rather than community organizations
			Supported

19. 'Third Party Signage' is defined by the Policy as follows:

"Third party signage means an advertisement on private land which includes:

(a) the name, logo, or symbol of a company or other organisation that does not own or substantially occupy the site or building on which the advertisement is located; or

(b) a product or service not provided on the site on which the advertisement is located; or

(c) a product or service that does not form part of the signage displaying the name, logo or symbol of a company or other organisation that owns or substantially occupy the site or building on which the advertisement is located; and

(d) signs for an activity or event not occurring on the site on which the advertisement is located."

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in	It is considered that the proposed sign will not

urban design, allows for different housing options for people with different housing need and enhances the Town's character.	significantly adversely affect the character of the area.
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Engagement

20. Under the provisions of Local Planning Policy 37 – *Community Consultation on Planning Proposals*,

External engagement	
Stakeholders	Owners and occupiers of surrounding properties within a 200m radius
Period of engagement	Thursday 20 June 2019 – Wednesday 3 July 2019 (14 Days)
Level of engagement	2. Consult
Methods of engagement	Written submissions
Advertising	Written invitations to provide comment were sent to landowners within a 200m radius
Submission summary	No submissions were received
Key findings	No submissions were received

there is no prescribed requirement for the Town to undertake consultation regarding signage on non-residential land, even if the proposal is non-compliant with the provisions contained within Local Planning Policy 38. There is, however, a discretionary provision for the Town to require/undertake a higher level of consultation where the Town consider it to be appropriate. In this instance, it was considered that nearby landowners may have an opinion on the character of the locality (existing and future) and whether or not the sign would be a positive contribution to it, a negative contribution to it or have no impact either way. Consultation undertaken is outlined in the following table.

Other engagement	
Stakeholder	Comments
Main Roads (external)	Support, subject to advice notes being conveyed
Building business unit (internal)	Support, subject to standard conditions and advice
Street operations business unit (internal)	Support, subject to standard conditions and advice

Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational	Moderate	Likely	High	Ensure that Council

The proponent has a right of review to the State Administrative Tribunal against Council's decision, including any conditions.				is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies
Reputational Approval of this sign may be viewed as a softening stance or a precedent of allowing Third-Party signs elsewhere in the Town	Moderate	Likely	High	Clearly document and articulate the importance of location and context in the assessment of this proposal. This may serve as a distinguishing feature when compared against future proposals.

Financial implications

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

Analysis

21. The following tables provide discussion and analysis of Clause 30A of TPS1 (Determination of Signage and Development Control Policy 5.4

WAPC Development Control Policy 5.4 – Advertising for Reserved land		
Planning element	Applicants response	Officer comment

General requirements	<p>Consultation has been undertaken with MRWA as the managing body of the Graham Farmer Freeway and Victoria Park Drive (being PRR zoned land).</p>	<p>Noted. The process undertaken has been in accordance with the applicable statutory requirements.</p>
Effect on amenity	<p>The proposed sign will not detract from the amenity of the locality, given the location within a major arterial road reserve.</p> <p>Whilst the sign will display commercial advertising, it will also advertise MRWA related activity and provide opportunities for community and traffic messaging, some of which can be directly attributed to the operation of the road.</p>	<p>The location and context of the proposed sign is key to the Town's recommendation for approval. A similar sign would not be supported in a more urban environment within proximity to dwellings, businesses and pedestrian environments.</p>
Safety and efficiency of roads	<p>MRWA has assessed this proposal and has confirmed that the proposal does not present a road traffic hazard and conforms to Austroads Guidelines.</p> <p>Additionally, as mentioned within this report, the signage has the ability to facilitate community and emergency messaging, as well as being available to display MRWA content where required to assist in the broader safety and efficiency of the roads.</p>	<p>The applicant has provided a Traffic Impact Assessment and received support from Main Roads, who are responsible for the functioning of the freeway. The Town is comfortable that safety concerns have been adequately addressed.</p>

Protection of reservation	<p>Development Control Policy 5.4 highlights that an advertisement does not constitute the long-term use intended for land reserved under a region scheme. Accordingly, an advertisement will always be considered a temporary use on that land. This is understood by the applicant.</p>	<p>Main Roads has requested the following excerpts from relevant legislation be highlighted to the applicant:</p> <p>“Main Roads (Control of Advertisements) Regulations 1996,</p> <p><i>r.11 - if advertisement is being exhibited on or in the vicinity of a highway or a main road and the advertisement is being exhibited without the Commissioner's approval or the advertisement is, or has become, hazardous to traffic safety or aesthetically objectionable, Main Roads may direct the signage to be removed”</i></p> <p>Between this, Main Roads being the landowner and the applicant's own advice that they do not consider this a permanent land use, the Town is of a view that the reservation is adequately protected, ensuring that its use as a Primary Regional Road will not be impeded into the future.</p>
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TPS1 – Clause 30A considerations	Officer comment
(a) the impact of the sign on the quality of the streetscape where it is to be displayed and more generally of the district;	The proposed sign is not considered to impact the quality of the district or road-reserve in which it is located. No issues.
(b) whether the size of the sign appropriately relates to the architectural style, design and size of a building on which the sign is to be displayed, and in measuring the size of a sign a polygon shall be taken immediately around the text, graphics or image of the sign and not the entire background, except where the finish or colour of the background differs substantially from the background against which the sign is to be displayed.	The sign is considered to be in proportion with the bridge/overpass on which it is proposed to be located. This structure is not considered to have a sensitive architectural style with which the sign could aesthetically clash with. No issues.
(c) whether the colour scheme and materials of the sign are compatible with the architectural style and design of a building on which the sign is to be displayed;	Other than the display panel, on which advertising contents would change, the colour selection of the sign frame and backing board is of dark/neutral tones. This is considered to be compatible with the overpass.
(d) whether the colour scheme and materials of the sign are compatible with the overall architectural style and design of the area or precinct in which the sign is	The overall character of the Peninsula area could currently be described as ‘entertainment precinct’ – being dominated by the stadium but

<p>to be displayed; and</p>	<p>also with surrounding smaller structures such as the stadium train station, the Camfield Tavern and the Belmont racecourse building.</p> <p>While Graham Farmer Freeway is located within the Burwood Peninsula Precinct, it is not considered to represent or 'speak for' the precincts architectural style and design of the area. While substantial residential development is envisioned and planned for near the Belmont Racecourse, the identity of that place is considered to be sufficiently separate from the arterial road that passes through.</p> <p>The colour scheme and materials of the sign is therefore not considered to prejudice the architectural style and design of the current or future Burwood Peninsula area</p>
<p>(e) how many signs are on the land where the sign will be displayed.</p>	<p>This is the only sign proposed to be located on the overpass.</p>

Panel Sign Type:

22. The considerations discussed under Clause 30A above are considered to satisfactorily address why the Panel sign type in this context is appropriate.

Frequency of signage change:

23. The frequency of the sign changing (once per 30 seconds) is considered acceptable in this instance. It is noted that the requirement that it be once per 5 minutes is likely to have been envisioned with a pedestrian/district centre context in mind. The context of Graham Farmer Freeway, in contrast, is a road oriented environment. Travelling at 80km an hour (the speed limit of this area), the distance travelled in 30 seconds is approximately 660m. Given that a clear line of sight would not exist until nearing the pedestrian bridge, most car users are unlikely to experience more than one image transition. Furthermore, the raised earth and landscaping within the overpass ramp is likely to screen the sign from the Belmont Park development area. Decreasing the rate of change proposed for the advertisement to comply with the Policy provisions is therefore not considered to result in any meaningful benefit or improved outcomes in terms of the Policy's objectives.



Third Party Signage:

24. LPP38 and previous policies have a general presumption against the approval of commercial third party signage. The rationale for this can best be understood in the context of the policy objectives, and the following introductory statement of the policy:

"Where advertising signage is by free choice with no planning control, there is a clear tendency towards cluttered, discordant and excessive use of signage with detrimental effects on the streetscape. The reduction in quality of the streetscape has a counterproductive effect on general business activity."

These objectives reflect an understanding that the proliferation of signage in an urban context is a negative outcome.

25. In most locations in the Town of Victoria Park, third party signage would generally either
- (i) add to 'visual clutter' resulting from competing commercial signs, or
 - (j) detract from the amenity of residential or other non-commercial spaces.

In this instance, neither (a) nor (b) are applicable. A single sign isolated from other commercial businesses does not risk adding to a 'proliferation', nor is there any high quality streetscape amenity to be impacted.

Precinct plan

26. The proposal is considered to be consistent with the Statement of intent contained within Precinct Plan P1 -Burswood Peninsula Precinct.

Recommended conditions

27. The recommended conditions of Development Approval are largely based on draft conditions that the applicant has provided within their application package.

Relevant documents

Not applicable.

11.5 Draft Public Open Space Strategy

Location	Town-wide
Reporting officer	Jess Gannaway
Responsible officer	David Doy
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. To VP POS Strategy [11.5.1 - 40 pages]2. To VP POS Strategy Appendix A [11.5.2 - 22 pages]3. To VP POS Strategy Appendix B [11.5.3 - 35 pages]4. To VP POS Strategy Appendix C [11.5.4 - 74 pages]5. To VP POS Strategy Appendix D [11.5.5 - 12 pages]6. To VP POS Strategy Appendix E [11.5.6 - 7 pages]

Recommendation

That Council approves the draft Public Open Space Strategy and Appendices contained in Attachment 1 for the purpose of public advertising.

Purpose

To present the draft Public Open Space Strategy and Appendices contained in Attachment 1 for Council endorsement to proceed to public advertising.

In brief

- At its June 2018 Ordinary Council Meeting (OCM) the Council endorsed a project plan for the preparation of a Public Open Space Strategy to properly plan for and guide the ongoing management of all Public Open Space within the Town.
- A draft Public Open Space Strategy and supporting Appendices (POSS) has been prepared and endorsement is sought from Council to present the POSS to the community for feedback.
- The public comment period will be open for 28 days.

Background

1. A quality public open space (POS) network contributes to the health and wellbeing of communities by:
 - providing locations to undertake sport and recreation pursuits, host community events and enjoy the natural environment;
 - connecting people by bicycle or foot to key destinations;
 - providing opportunities to preserve landscape and environmental features and cultural assets; and
 - contributing to environmental and ecological outcomes.

2. Diverse, competing demands on POS is a challenge for Local Governments, especially in inner city locations. The Town has recently experienced the challenge of balancing varying POS aspirations in the community and the POSS is intended to provide strategic guidance for future decision making.
3. The Town has a responsibility, emphasised in the State Government planning framework, to have a sound basis for guiding POS decision-making through the implementation of a POSS.
4. The Town does not currently have an overarching strategy to provide direction for the future of its POS. The preparation of the POSS has created an opportunity for the Town and its community to address this strategic gap and set a vision for the future.
5. Council endorsed a POSS project plan at the 12 June 2018 OCM.
6. The draft POSS has now been prepared and endorsement is sought from Council for it to proceed to public advertising. This will allow the community opportunity to provide feedback on the draft POSS.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	The POSS has been prepared based upon the feedback and guidance received during a robust community engagement program. This ensures that the community has had multiple ways in which to participate in the project and have genuinely influenced the outcomes.
CL03 - Well thought out and managed projects that are delivered successfully.	The project has been delivered in accordance with the project plan.

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A clean, safe and accessible place to visit.	Maintenance and best practice provision of POS is key to ensuring that the Town public open spaces are clean, safe and accessible. A key focus of the POSS it to ensure that POS is accessible to the entire community.
EN05 - Appropriate and sustainable facilities for everyone that are well built, well maintained and well managed.	The POSS provides guidance and strategies for achieving well managed and maintained facilities associated with POS for future generations.
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	The POSS provides guidance and strategies for achieving well managed and maintained green spaces for future generations.
EN07 - Increased vegetation and tree canopy.	The POSS provides significant opportunities to revegetate and increase the tree canopy.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	POS provides opportunities for people to engage in

	the environment and promotes physical health and social wellbeing. The POSS provide strategic guidance to decision making with the intent for this to continue into the future.
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Engagement

Internal engagement	
Healthy Community	<ul style="list-style-type: none"> Part of project team preparing project plan Reviewed the Draft POSS
Street Improvement	<ul style="list-style-type: none"> Provided key subject matter expertise as needed Reviewed the Draft POSS
Assets	(including Property Management, Strategic Assets) <ul style="list-style-type: none"> Provided key subject matter expertise as needed
Community Development	(including Events; Club, Events and Bookings; Safer Neighborhoods; Seniors; Access and Inclusion; Diversity; Families; Youth and Homelessness) <ul style="list-style-type: none"> Part of project team preparing project plan Provided key subject matter expertise as needed Reviewed the Draft POSS
Parks and Reserves	(including Parks Projects; Technical Parks Officer; Infrastructure and Operations) <ul style="list-style-type: none"> Part of project team preparing project plan Provided key subject matter expertise as needed
Place Planning	(including Urban Design, Economic Development, Strategic Town Planning, and Transport) <ul style="list-style-type: none"> Strategic Town Planning – Project lead Part of project team preparing project plan Provided key subject matter expertise as needed Reviewed the Draft POSS
Project Management	<ul style="list-style-type: none"> Part of project team preparing project plan Provided key subject matter expertise as needed Reviewed the Draft POSS

External engagement	
Stakeholders	<ul style="list-style-type: none"> Community members (residents and businesses) POS user groups (I.e. sporting clubs, schools) Interest groups (I.e. Friends of Kensington Bushland, Harold Rossiter Action Group) Major landholders (I.e. Burswood Park Board, Optus Stadium) State Government departments and industry bodies

Period of engagement	<ul style="list-style-type: none"> • Your Thoughts launch - July to December 2018 • One on one interviews - Various/early 2019 • Garden Festival pop up – Thursday 11th April – Sunday 14th April 2019 • Your Thoughts online survey – Monday 8th April - Monday 6th May 2019 • Workshop – Wednesday 12th June and Wednesday 10th July 2019
Level of engagement	3. Involve
Methods of engagement	<p>Your Thoughts launch and 'ask the people'</p> <ul style="list-style-type: none"> • Establish Your Thoughts page with FAQ's, timeline, register for interested community members, who's listening • Small survey asking people how they wish to be consulted in order to draft the engagement and communications plan <p>One on one interviews</p> <ul style="list-style-type: none"> • Detailed interviews and discussions with key stakeholders <p>Garden Festival pop up</p> <ul style="list-style-type: none"> • Hand out seed stick pack to identify Town residents • 3-minute engagement activity focusing on a rated response to key questions • Open feedback 'What would encourage you to use your local park more?' <p>Your Thoughts online survey</p> <ul style="list-style-type: none"> • Detailed survey providing feedback on a broad range of issues relating to public open space <p>Workshop Series (Community Reference Group)</p> <ul style="list-style-type: none"> • Workshop One – Opportunities and directions • Workshop two – Agreed direction
Advertising	<p>Your Thoughts Launch –</p> <ul style="list-style-type: none"> • Social media posts (Facebook, Twitter, LinkedIn) • Email banner for outgoing Town emails • Postcards for local businesses • Posters in administration and library building • Newspaper advert <p>One on one interviews –</p> <ul style="list-style-type: none"> • Direct letter to participant <p>Garden Festival pop up –</p> <ul style="list-style-type: none"> • Social media posts (Facebook, Twitter, LinkedIn) • Booth name and number contained within the event map and brochure <p>Your Thoughts online survey –</p> <ul style="list-style-type: none"> • POSS advertising video created • Yourthoughts e news • Digital ads utilising video (facebook, google, twitter) • Multiple social media posts utilising video (Facebook, Twitter, LinkedIn) • E Newsletter Healthy Community, • E Newsletter Library • E Newsletter Park Pulse • E Vibe and Business e Newsletter • Posters in 25 parks • Posters in Library and Admin building

	<ul style="list-style-type: none"> Southern Gazette Ad <p>Workshop –</p> <ul style="list-style-type: none"> Direct invitation to persons who expressed interest in a workshop during the Yourthoughts Launch.
Submission summary	<p>Your Thoughts Launch –</p> <ul style="list-style-type: none"> 135 responses <p>One on one interviews –</p> <ul style="list-style-type: none"> 40 invitations were sent. 6 invitations were accepted including a state government department, industry group, local major land holders, and local schools. <p>Garden Festival pop up –</p> <ul style="list-style-type: none"> Conducted 3-minute engagement targeting residents 115 responses to the scaled/rated questionnaire Open ended question generated reasonable response, but the number of participants was not counted. <p>Your Thoughts online survey –</p> <ul style="list-style-type: none"> 47 participants <p>Workshop –</p> <ul style="list-style-type: none"> 24 participants
Key findings	<p>Your Thoughts Launch</p> <ul style="list-style-type: none"> The majority of respondents preferred to be consulted through smaller workshops. <p>One on one interviews</p> <ul style="list-style-type: none"> The future direction of each respondent was determined and checked against the intentions of the POS to ensure they aligned or were enabling for appropriate visions. <p>Garden Festival pop up & Your Thoughts online survey</p> <ul style="list-style-type: none"> Most residents felt that had good access to POS and they were satisfied with the POS in the Town. Residents who responded to the survey valued POS for leisure and recreation the most. Environmental value was also highly valued by the community reference group. People wanted to see POS that has more trees, is better for walking dogs and has improved safety. <p>Workshop –</p> <ul style="list-style-type: none"> Participants set the vision and objectives of the POSS. Participants fact checked the data. Participants refined and gave feedback about the 'Big Moves' proposed by the strategy.

Engagement following Council determination

Stakeholders	Community members
Period of Engagement	28 days

Level of Engagement	Consult
Methods of Engagement	<ul style="list-style-type: none"> • Google ads featuring the POSS video • Your Thoughts page with document and submission form • Social media posts (Facebook, Twitter, LinkedIn) • Inclusion in Vibe newsletter • Press release to local media • Direct email to workshop participants and those who have registered an interest in the project

Legal compliance

Nil.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Community does not feel that their feedback has been incorporated into the document, minimising trust in the Town to represent their interests.	Minor	Possible	Moderate	<ul style="list-style-type: none"> • Robust community consultation about the project. • Community engagement workshops. • Community Survey • Post determination communication
Reputational The document promotes strategies that are not relevant or that contradicts other strategies prepared by the Town.	Minor	Unlikely	Low	<ul style="list-style-type: none"> • Thorough literature review prior to writing the Strategy. • Thorough review of the draft strategy, including all staff review. • Ensuring an appropriate representation of staff are aware and participate in the project.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to fund the advertising of the POSS.
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Analysis

7. The POSS provides direction to the Town on the equitable provision, access, type and quality of POS to ensure the many benefits are available to the entire community, now and into the future.
8. The POSS consist of the following documents which are contained in **Attachment 1**;
Public Open Space Strategy (including an explanation of the POSS and Implementation Actions);
and
Appendices (including):
 - Appendix A: Background Information and Project Approach
 - Appendix B: Detailed Explanation of Strategies
 - Appendix C: POS recommendations
 - Appendix D: Survey Information and Responses
 - Appendix E: Workshop Details
9. The core principles that underpin the POSS are:
 - Equity;
 - Diversity of Functions;
 - Public Health and Well Being;
 - Sustainability;
 - Quality and Environment;
 - Financial Responsibility;
 - Flexibility; and
 - Efficient Use of Resources.

The core principles are further detailed on page 8 of the POSS which is contained in **Attachment 1**.
10. POS planning is complex and takes into consideration of a number of factors. To develop the strategy in a clear and concise way, a number of project phases were developed. Each phase represents a different process used to decipher the large volume of information needed to complete a thorough and comprehensive assessment. The POSS document itself is an interwoven representation of the conclusions drawn from each phase. The three different phases used to prepare the POSS include:
 - Phase One: Considerations** – a qualitative and quantitative data review which includes community consultation and key stakeholder input.
 - Phase Two: Approaches** – presents a set of guiding principles for the ongoing development of POS in the Town. These principles are based on the outcomes of Phase One and best practice approaches.
 - Phase Three: Implementation** – translates the approaches of phase into tangible and implementable recommendations at a neighbourhood level and for each POS.
11. A vision and associated objectives of the POSS were developed in collaboration with a Community Reference Group (CRG). The vision for POS in the Town is:

"Our Town is shaped by connection to river, the natural assets of bushland, wildlife and green spaces, a strong sense of heritage and a social, active, diverse and engaged community. "

12. The objectives that explain how the vision will be achieved are:

- Equitable access to POS;
- A connected POS network;
- A green Town on the banks of the Swan;
- Reflecting our heritage;
- A diverse and empowered community; and
- A vibrant Town.

The objectives are further detailed on page 11 of the POSS which is contained in **Attachment 1**.

13. To implement the vision and objectives of the POSS the below three key approaches are applied to each of the Town's Neighbourhoods and each POS within the Town.

Supply: Approaches to address gaps in the provision of POS including:

- Gaps in the provisions of POS within a 400 metre walk;
- Forecast future gaps in POS for the Town's growing population.

Access: Approaches to ensure POS is highly accessible by the community including:

- Safe pedestrian street crossings across major transport barriers;
- Improving under and overpasses;
- Town squares at Train Stations;
- Park Streets

Quality: Approaches to the Town's POS to ensure high quality and well managed POS:

- Public Open Space for Sporting Use;
- Public Open Space for Environment Use;
- Tree Coverage;
- Reduction of Turf;
- Heritage;
- Play;
- Active Transport;
- Wayfinding;
- Dog Walking;
- Community Ownership;
- Events;
- Safety;
- Supporting Local Economy;
- Management

A detailed explanation of these approaches is contained in Appendix B of the POSS in **Attachment 1**.

14. The above approaches to POS manifest in a range of explicit actions for:
- Each of the Town's Places from page 21 to 35 of the POSS in **Attachment 1**; and
 - Each individual POS in Appendix C of the POSS in **Attachment 1**.
15. It is recommended that the draft POSS and Appendices be endorsed for public advertising to the community. The public advertising period will commence after the Council elections and will be open for 28 days. The draft POSS will be reviewed based on the feedback received and a final version presented to Council for consideration to adopt.

Relevant documents

Attachment 1: Draft Public Open Space Strategy (which includes):

- Town of Victoria Park Public Open Space Strategy
- Appendix A: Background Information and Project Approach
- Appendix B: Detailed Explanation of Strategies
- Appendix C: POS Recommendations
- Appendix D: Survey Information and Responses
- Appendix E: Workshop Details

Further consideration

16. At the Agenda Briefing Forum on 3 September 2019 several questions were asked by Elected Members. Please find below responses to these questions (summarised).
17. The preparation of draft Place Plans will be ready in time to inform the 2020/21 budget process in approximately April 2020. A review of approximately 60 plans and strategies was completed by the Place Planning team early this year and internal cross-functional workshops are currently being undertaken to prioritise actions into the 9 neighbourhoods. Elected Members are likely to be provided an update on this matter at the November 2019 Concept Forum.
18. A structure plan was adopted for Belmont Park several years ago that did not indicate any requirement for active sporting facilities. As the POSS recommends that Belmont Park include active sporting facilities, this would facilitate a conversation with the developers regarding this but cannot legislatively require it.
19. Percent for Park Schemes do exist in Western Australia. For example the City of Cockburn has a Public Open Space Cash-in-Lieu Expenditure Plan that details the specific amount of money to be spend on specific parks. The Town will continue to collect cash-in-lieu for public open space as a part of the subdivision process however any Percent for Park scheme is likely to implemented at development application stage. The draft POSS is not at a level to recommend specific expenditure on either the purchase of land for additional public open space or the upgrade of existing open space. This would be a separate body of work.
20. A summary of the POSS includes:
- a. The strategic approach to POS in the Town with a focus on:
 - i. Supply – do we have enough and where are the gaps

- ii. Access – what are the barriers to the community accessing and using open space and how can we overcome them
 - iii. Quality - what are the specific qualities of each parcel of open space and can the qualities be enhanced
- b. The Appendices to the POSS provide more detail relating to:
 - i. Detailed assessment at a Neighbourhood level, with recommendations categorised into the Town's nine (9) places;
 - ii. Specific recommendations relating to all 63 open space parcels in the Town.

11.6 413 (Lot 763) Berwick Street, St James - Application for Residential Building (Lodging House)

Location	St James
Reporting officer	Josh Arnott
Responsible officer	Robert Cruickshank
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 - Aerial Photograph [11.6.1 - 1 page] 2. Attachment 2 - Applicants Cover Letter [11.6.2 - 4 pages] 3. Attachment 3 - Development Plans [11.6.3 - 2 pages] 4. Attachment 4 - Management Plan [11.6.4 - 3 pages] 5. Attachment 5 - Schedule of Public Submissions [11.6.5 - 2 pages] 6. Attachment 6 - Applicant Response to Public Submissions [11.6.6 - 6 pages] 7. Attachment 7 - House Rules [11.6.7 - 6 pages] 8. Attachment 8 - Letter from Kurt Riley to Submitters (26-7-19) [11.6.8 - 2 pages] 9. Attachment 9 - Conditions of Approval [11.6.9 - 2 pages]

Landowner	Ingrid Riley
Applicant	Kurt Riley
Application date	29 April 2019
DA/BA or WAPC reference	5.2019.201.1
MRS zoning	Urban
TPS zoning	Residential
R-Code density	R20
TPS precinct	Precinct 12 - East Victoria Park
Use class	Residential Building (Lodging House)
Use permissibility	AA - Discretionary
Lot area	695m ²
Right-of-way (ROW)	N/A
Municipal heritage inventory	N/A

Residential character study area/weatherboard precinct	Outside Specified Areas
Surrounding development	Single residential dwellings and grouped dwellings on similar sized lots to the north, west, south and east. The surrounding land on the western side and eastern sides of Berwick Street is coded R20 and R30 respectively.

Recommendation

That Council:

1. Refuses the application for retrospective development approval submitted by Kurt Riley (DA Ref: 5.2019.201.1) for Change of Use from 'Single House' to 'Residential Building (Lodging House)' at No. 413 (Lot 763) Berwick Street, St James as indicated on the plans dated received 29 April 2019, in accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, for the following reasons:
 - a. The development proposes a car parking shortfall of five car parking bays which is considered to likely adversely impact upon the amenity of the surrounding area and is contrary to objective a) of Local Planning Policy 23 – Parking Policy.
 - b. The proposed scale and intensity of the proposed use is considered to be incompatible with the surrounding low scale residential development contrary to objectives a) and d) of Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas and objectives a), d) and e) of Local Planning Policy 31 – Serviced Apartments and Residential Buildings including Short Term Accommodation.
 - c. The proposed change of use is considered to be inconsistent with matters a), g), m), n), s), t), u), x) y) and za) of deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Advice to Applicant

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

2. Advise those persons who lodged a submission on the application of Council's decision.
3. Direct the landowner to cease the 'Lodging House' land use within 90 days of Council's decision.

Purpose

The application seeks to retrospectively change the use of an existing dwelling, currently approved as a 'Single House', to a 'Residential Building (Lodging House)'. The proposed land use is an 'AA' (discretionary) land use in a Residential zone under the Town's Town Planning Scheme No. 1 (TPS 1).

As the application is for a non-residential land use which in this instance is not supported, staff do not have the delegation to determine the application, and accordingly, the matter is referred to Council for determination.

In brief

- The application seeks to change the use of an existing dwelling currently approved as a 'Single House' to a 'Residential Building (Lodging House)'.
- The intent is for the dwelling to be used for permanent accommodation catering for as many as 11 people. Nine bedrooms are to be used with two bedrooms able to occupy two people each and the rest being able to occupy one person each.
- The proposed use of 'Residential Building (Lodging House)' is an 'AA' (discretionary) use.
- Community consultation concluded 9 July 2019. Four submissions objecting to the proposal were received.
- It is considered that the amenity impacts associated with the use will likely impact the neighbouring properties and given the scale of the proposal would not be able to be appropriately managed.
- The proposal is recommended for refusal subject to reasons and advice notes.

Background

1. On 2 March 2005 the Town issued a development approval (05/0093) for a second storey addition to the single dwelling on the site. It is noted that the plans submitted to Council only showed one proposed bedroom and a storeroom within the second storey addition, whereas there are now 4 bedrooms on this floor.
2. On 3 April 2007, in response to a complaint from a member of the public, the Town issued a letter of warning to the owner of the property regarding the unauthorised use of the property as a 'Residential Building', on the basis that the 8 bedrooms were being used for short-term accommodation. The Town received a response from Mr Riley on 22 May 2007 advising that the number of tenants would be reduced to six people in order to comply with Council's planning requirements, and no further action was taken at this time.
3. On 5 April 2012 the Town issued a letter of warning to the owner of the property regarding the unauthorised conversion of the single dwelling into two residential buildings in a multiple dwelling form (ie. the ground floor and upper floor were modified to facilitate separate occupation on each floor, by more than six persons). The Town received a response from Mr. Riley on 17 April 2012 regarding the issues, resulting in a further letter being issued by the Town on 20 April 2012 identifying that the use of the dwelling needs to be returned to that of a single dwelling.
4. On 6 June 2012 the Town issued a letter to the owner of the property noting that the number of residents had been reduced to six, with a minimum stay of six months. The letter did request compliance with regard to an external doorway and staircase to the upper floor of the dwelling.
5. On 4 April 2019, in response to a complaint from a member of the public, the Town issued another letter to the owner of the property regarding the illegal use of the dwelling as residential buildings in a multiple dwelling form, including there being more than six occupants and the occupation being for a period of less than six months.
6. On 29 April 2019, the Town received an application for development approval from Mr Riley proposing to change the use of the dwelling to 'Residential Building' (Lodging House).

7. Noting the history of the subject property being used for short-term accommodation purposes without Council approval, and the landowner's knowledge of the relevant planning requirements, prosecution action has commenced against the property owner in relation to the unauthorised use for short-term accommodation of another property that they own in the Town.
8. The existing two storey building on the subject site is approved as a 'Single House' and has vehicle parking for four cars. Two cars can be located within the double car port and there is space for two cars to be located in the outbuilding at the rear of the property.

Application summary

9. The development application proposes a change of use of from 'Single House' to a 'Residential Building (Lodging House)'.
10. On the development application form, the applicant describes the proposal as being *"lodging house for 8 people."* In correspondence dated 26 April 2019 the applicant refers to *"the possibility of 9 unrelated people living together."* In the Management Plan dated 6 June 2019 (see Attachment 4) the applicant then states there will be a *"maximum of 11 persons including manager, 1 bedroom for manager, 8 bedrooms for other residents, 2 of which may occupy up to 2 people ..."*
11. In the Management Plan, the applicant states the following:
"The object is to occupy the home with short term tenants and long term in the hope short term guests become long term tenants, also many tenants may only occupy for a period of 3 months, more or less for job, training or university programs.
The property is managed by an onsite manager permanently residing at the property ..."
12. The development plans (see Attachment 3) indicate the following:
 - Use of the existing outbuilding at the rear of the site as a storeroom with opportunity for the parking of two vehicles.
 - A maximum of 11 available on-site car bays.
 - Ground floor – 5 bedrooms; 1 shared bathroom; 1 private bathroom; laundry; kitchen; dining; lounge.
 - Upper floor – 4 bedrooms; 1 shared bathroom; kitchen; dining; lounge.
 - Stairs linking the ground floor to the upper floor.
 - External steps adjacent to the stairs allowing for separate access to the upper floor.
13. In the applicant's response to public submissions (see Attachment 6) the applicant states *"in short my application will not really change anything as to how it has been over the last 12 years or so, being occupied by 5 to 9 tenants in total."*

Applicants submission

14. A copy of the Management Plan was provided to the Town as part of additional information (see Attachment 4) on 7 June 2019. The Management Plan provides information in relation to the following:
 - Objectives of the Management Plan
 - Management strategies

- Manager details
- Check in/check out times
- Mitigation and complaints procedure
- Use and maintenance
- Safety
- Hygiene and comfort
- Security
- Car parking

15. Relevant statements within the Management Plan include:

- *"The Managers main purpose is to control Noise, friction and unruly behaviour between tenants or Guests. It is also the managers' responsibility to either clean or encourage cleaning by other "Long Term" tenants to maintain a high level of hygiene and general cleanliness.*
- *I myself, the Owner, "Kurt Riley" will also be actively participating in the day to day running of the premises, I live in 10 Mint St. East Victoria Park, about 5 minutes away and usually accessible by mobile phone.*
- *Parties or Social Gatherings / functions will not be allowed unless agreed by onsite manager or myself. Noise will always be limited to within acceptable levels to other tenants/guests within and surrounding Neighbours, this historically is and will be quieter than normal households as not all guests or tenants are aggregable to Noise, le loud music, even if contained within the house itself. Loud music or Noise is definitely not be permitted in external recreation areas. The Managers and my phone number will be visibly displayed on the property. Adjoining property owners are free to contact myself or Hayden should any problems arise. Our contact details will be made available to neighbours as well as displayed on the front fence.*
- *Parking is available on the premises for a total of 11 Cars, 6 Cars can easily move in and out of the premises, after 6 cars, stacker parking applies with additional parking available in the backyard and Garage/Shed. Usually around 50% of occupants do not have cars, the property is located within 100m of a bus stop leading to and from the city via Albany Hwy. A Free Curtin University Bus now passes by the houses frequently thus making it desirable for University students."*

Relevant planning framework

Legislation	Town Planning Scheme No. 1 Planning and Development (Local Planning Schemes) Regulations 2015
State Government policies, bulletins or guidelines	State Planning Policy 7.3 - Residential Design Codes Volume 1
Local planning policies	Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas (LPP3) Local Planning Policy 23 – Parking Policy (LPP23) Local Planning Policy 31 – Serviced Apartments and Residential Buildings

	including Short Term Accommodation (LPP31)
Other	N/A

General matters to be considered

TPS precinct plan statements	<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"> <i>The East Victoria Park Precinct will be enhanced and consolidated as a residential neighbourhood in which a range of housing types of low scale is predominant.</i> <i>A large part of the precinct is to remain low to medium density, with some higher density housing permitted close to Albany Highway to take advantage of the array of amenities offered.</i> <i>Specialised forms of accommodation and a limited number of non-residential uses, to serve the needs of the local population, may be permitted in these areas.</i>
Local planning policy objectives	<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"> To ensure non-residential uses are compatible with the residential character, scale and amenity of surrounding residential properties. To minimise 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.
	<p>The following objectives of Local Planning Policy 23 'Parking Policy' are relevant in determining the application.</p> <ul style="list-style-type: none"> To ensure the adequate provision of parking for various services, facilities and residential developments and to efficiently manage parking supply and demand.
	<p>The following objectives of Local Planning Policy 31 –'Serviced Apartments and Residential Buildings including Short Term Accommodation' are relevant in determining the application.</p> <ul style="list-style-type: none"> To facilitate the development of appropriately located and high quality accommodation other than permanent residential dwellings within the Town of Victoria Park; To protect the residential amenity of permanent and long term residents and minimise the perceived negative impacts that may be caused by the transient nature of alternative forms of accommodation; To ensure various forms of accommodation, particularly where they are to be located within existing residential areas, are of a compatible scale and design with surrounding development;
Deemed clause 67 of	The following are relevant matters to be considered in determining the

application.

- a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;
- g) Any local planning policy for the Scheme area;
- m) The compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;
- n) The amenity of the locality including the following -
 - ii. The character of the locality;
 - iii. Social impacts of the development;
- s) The adequacy of -
 - i. The proposed means of access to and egress from the site; and
 - ii. Arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety.
- u) The availability and adequacy for the development of the following -
 - v. Access by older people and people with disability;
- x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;
- y) Any submissions received on the application;
- z) Any other planning considerations the local government considers appropriate.

Compliance assessment

16. 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.

Change of use application		
Planning element	Permissibility/deemed-to-comply	Requires the discretion of the Council
Land use	'Residential Building' (Lodging House) - 'AA' use	Yes
Car parking	Require minimum of 9 car bays. 4	Yes

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

Element	Requirement	Proposed	Variation
Car Parking	9 car bays (1 for every bedroom)	4 car bays. While the development plans indicate up to 11 available on-site car bays, 7 of these bays are not functional in terms of their size, location or manoeuvrability (note: as Berwick Street is a District Distributor, in accordance with clause 5.3.5 of the Residential Design Codes (R-Codes) vehicles are required to exit the site in a forward gear, requiring adequate manoeuvring area on-site).	5 car bays
			Not supported

18. While it is accepted that some tenants may not own a car and some tenants may rely upon the nearby available public transport, given that the tenants may be either long-term or short-term tenants, and that the owner has limited ability to restrict tenants and/or their visitors to park at the site, it is considered that the provision of only four compliant on-site car bays is not adequate for potentially up to 11 occupants. The parking variation may result in on-street parking, creating traffic issues on an already highly trafficable corner and resulting in amenity impacts on adjoining properties.

Element	Permissibility	Recommendation
Land use	AA	Not supported

19. A 'Residential Building (Lodging House)' land use is a discretionary (AA) use within the 'Residential' zone.
20. Under the TPS1, a 'Residential Building' is defined as follows:
"A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for purpose of human habitation:
 ○ *Temporarily by two or more persons; or*
 ○ *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school."*
21. Under LPP31, a 'Lodging House' is identified as a type of 'Residential Building' with the Lodging House being defined as follows:
"has the same meaning as defined in the Health Act 1911, namely any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include—
 (a) *premises licensed under a publican's general license, limited hotel license, or*
 (b) *wayside-house license, granted under the Licensing Act 1912; (c) residential accommodation for students in a non-*

government school within the meaning of the School Education Act 1999; or (d) any building comprising residential flats.”

22. Examples of Lodging Houses include youth hostels, guesthouses, boarding houses, backpackers and workers accommodation and any other form of Residential Building proposed or capable of providing accommodation for 7 or more guests/occupants, whether on a short-term commercial basis or on a long term basis. Applications seeking approval for a building determined by the Council as capable of providing accommodation for 7 or more persons who do not comprise a single family, shall be assessed as a Lodging House under the provisions of this Policy.
23. The Statement of Intent of Precinct Plan P12 – East Victoria Park identifies that a large part of the precinct is to remain low to medium density housing, while specialised forms of accommodation may be supported in areas close to Albany Highway. The site, while 500m from Albany Highway, is not considered to be in close proximity to Albany Highway in the sense contemplated by the Scheme, and does not align with this objective of the Precinct Plan.
24. With respect to the provisions of LPP31, the following policy provisions are relevant:
 - “(a) *Residential Buildings and Serviced Apartments should be appropriately located to ensure they are in convenient, easily accessible locations for their guests, and to minimise potential adverse impacts on the amenity of surrounding residential properties, particularly within low density, suburban environments.*
 - (b) *Applications for a Lodging House will generally not be supported on ‘Residential’ zoned land with a designated density coding of ‘R60’ or lower under the Scheme.”*
25. A revised version of LPP31 was adopted by Council in April 2019. Intentionally, the revisions included modifying the locational criteria by clarifying the objective of the policy to reduce potential adverse amenity impacts, particularly within low density, suburban environments. Accordingly, it was considered that Lodging Houses, given their greater intensity of use (being for 7 or more occupants), should not be located in the lower density locations of the Town, hence the introduction of the policy provision that they be located in areas coded greater than R60.
26. It is considered that the scale and intensity of the land use, accommodating up to 11 persons at a time, and comprising occupants of a transient nature or permanent, is much greater than that reasonable or expected for a low density R20 residential location, and is inconsistent with orderly and proper planning.
27. In particular it is considered the scale and intensity of the land use would adversely impact the amenity of the area and is incompatible with surrounding development, contrary to relevant considerations and objectives under the planning framework.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN01 - Land use planning that puts people first in urban design, allows for different housing options for people with different housing need and enhances the Town's character.	The proposed land use will be allowing for a different housing option (lodging house) within the Town. However, the scale and intensity as well as the location of the development is not considered to be appropriate.

Engagement

Internal engagement	
Stakeholder	Comments

Engineering	The Town's Engineering Department had no comments on the original application. The Engineering Department raised issues with the parking plan when it was provided to the Town on 7 June 2019, noting that car parking bays 1, 4, 5, 6, 7, 8 and 11 do not comply with AS/NZ 2890.1:2004 or allow for appropriate maneuverability on-site to exit onto Berwick Street in a forward gear.
Environmental Health	No comments
Building	No comments
Parks	No comments

External engagement	
Stakeholders	Owners and occupiers of adjoining properties.
Period of engagement	25 June 2019 – 9 July 2019
Level of engagement	2. Consult
Methods of engagement	Letters provided to owners and occupiers of adjoining properties outlining the proposed change of use, sign erected on-site outlining the proposed change of use and uploading of relevant documents and information on Your Thoughts.
Advertising	Letters provided to owners and occupiers of adjoining properties outlining the proposed change of use, sign erected on-site outlining the proposed change of use and uploading of relevant documents and information on Your Thoughts.
Submission summary	Four objections were received. See Attachment 4 for Schedule of Submissions and Attachment 5 for the Applicant's Response to Submissions
Key findings	<ul style="list-style-type: none"> • Car parking not complying with the requirements of LPP23. • The proposed use not being suitable for the area. • Concerns with potential noise and anti-social behaviour associated with proposed use.

Risk management considerations

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception	Low	Likely	Moderate	Refusal of the proposed use or approval of a

towards the Town may result if the proposed use goes ahead.				scaled back version of the proposal for a time-limited basis.
The applicant / owner has a right of review to the State Administrative Tribunal (SAT) in relation to any conditions of approval, or if the application was refused by the Council.	Moderate	Possible	Moderate	Ensure that Council is provided with information to make a sound recommendation based upon relevant planning considerations including the Scheme and applicable Local Planning Policies.

Financial implications

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

Analysis

28. Town Planning Scheme No. 1 requires the exercise of discretion when considering the appropriateness of the proposed 'Residential Building (Lodging House)' use on a 'Residential' zoned lot, taking into consideration the amenity impact on the surrounding properties.
29. The proposal is consistent with Local Planning Policy 31 (LPP31) with respect to most provisions regarding the locational criteria. However, it is noted that the site does not conform with clause 1.3 of the LPP31 having specific regard to Lodging Houses. Clause 1.3 of LPP31 states the following:

"Applications for a Lodging House will generally not be supported on 'Residential' zoned land with a designated density coding of 'R60' or lower under the scheme."

30. The subject site is zoned 'Residential' with a density coding of 'R20', which given the scale and intensity of the proposed land use, is not considered to be an appropriate location.
31. The application proposes the leasing of nine bedrooms for preferably 6-month periods or longer as part of the intended use, with a manager on-site residing in one of the bedrooms and the potential for ten additional occupants.

32. In accordance with LPP23, the car parking ratio is determined at one car bay per bedroom being used as part of the intended use. Accordingly, as there are nine bedrooms associated with the use, a minimum of nine car bays are required on-site.
33. While the applicant contends that a maximum of 11 cars can be accommodated on the site, as described above, only four of these bays are functional and compliant, in which case there is a car parking shortfall of five car bays for the proposed use.
34. In terms of the appropriateness of the use and potential amenity impacts, the applicant in their correspondence dated received 7 June 2019, includes a Management Plan. The management plan outlined management strategies and mitigation and complaints procedure to lessen any amenity impacts on neighbouring properties. Furthermore and in accordance with LPP31, a manager will reside on-site. Contact details for both the on-site manager and the owner's representative have been provided within the management plan.
35. Notwithstanding the applicant's intended measures to manage the property and any resulting amenity impacts, the scale and intensity of the land use is not considered appropriate for the low-density residential area that it is located within. In particular the car parking variation coupled with the number of potential occupants within the dwelling is considered to be inconsistent with the provisions of LPP3, LPP23, LPP31 and the statement of intent of Precinct Plan P12.
36. It is acknowledged that the dwelling could otherwise be occupied by up to six unrelated people on a permanent basis (ie. for periods of six months or more), and that this would constitute a 'dwelling' and be permitted. However, in this case of the current application the proposed occupation is by up to 11 unrelated people, on either or both a permanent or short-term basis, and therefore the amenity and social impacts are relatively different.

Relevant documents

Town of Victoria Park Town Planning Scheme No. 1 <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-2>

Town of Victoria Park Precinct Plan 12 – East Victoria Park <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-4>

Local Planning Policy 3 – Non-Residential Uses in or Adjacent to Residential Areas
<https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 23 – Parking Policy <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

Local Planning Policy 31 – Serviced Apartments and Residential Buildings including Short Term Accommodation <https://www.victoriapark.wa.gov.au/Build-and-develop/Planning/Policy-regulation-and-legislation#section-6>

State Planning Policy 7.3 - Residential Design Codes Volume 1 <https://www.dplh.wa.gov.au/rcodes>

Further consideration

Resulting from questions asked at the Agenda Briefing Forum held on 6 August 2019, the following additional information has been provided for clarity.

37. Compliant universal access will need to be provided to the building, specifically at least one bedroom, a living room, kitchen, a laundry, a toilet and a bathroom. While all such facilities are available on the ground floor of the building, there may be a need for the building to be modified to comply with the universal access standards including such matters as door and passage widths, turning areas for wheelchairs, access thresholds etc.
38. The applicant seeks approval for the garage to both be used for storage as well as 2 car parking bays. This is not realistic and accordingly the use of the garage for the parking of vehicles has been discounted.
39. As noted above, complaints were received in 2007, 2012 and 2019 regarding the use of the premises. In relation to the nature of these complaints, records are inconclusive regarding the nature of the 2007 complaint. The 2012 complaint related to the premises being used as a lodging house without approval, whereas the 2019 complaint was in regards to noise resulting from a party held at the premises. There is no record on the Town's files of any associated Police reports.
40. At the Ordinary Council Meeting held on 20 August 2019, the Council resolved to defer consideration of the application in order for an alternative motion for approval to be drafted. An alternative motion for approval is now contained at Attachment 9.

In response to matters raised at the Ordinary Council Meeting on 20 August 2019, the following additional comments are made:

41. The need for alternative accommodation types to meet the differing needs of members of the community is accepted, however this needs to be in appropriate locations. It is considered that the siting of a Lodging House accommodating up to 11 people (or 9 people as amended) is not appropriate within a low density residential area and is instead more appropriately located elsewhere in the Town.
42. In correspondence to Elected Members dated 12 August 2019 the applicant advises that he now proposes there to be a maximum of 9 tenants, inclusive of the on-site manager. Verbal discussions with the applicant have indicated that the bedroom nominated on the plans as 'Bed 5' will be converted to a storeroom, in which case there will be a total of 8 bedrooms.
43. An alternative motion for approval is included in Attachment 9.

In response to matters raised at the Agenda Briefing forum on 3 September 2019, the following information is provided :

44. Staff will have the opportunity to inspect the premises on an annual basis as part of the annual registration of a lodging house. Staff are not likely to have the capacity to inspect the premises on a more regular basis, although occasional inspections may occur when necessary.
45. If Council were to restrict the number of occupants to less than 9 occupants, this would further incrementally reduce the intensity of the land use to a more acceptable level.

46. If development approval were to be granted, there may still be a need for the building to be modified to comply with disability access standards.

12 Chief Operations Officer reports

12.1 Quotation VP134642 - contract for the supply of waste collection and removal services for 660L and 1100L bins

Location	Town-wide
Reporting officer	Jonathan Horne
Responsible officer	Gregor Wilson
Voting requirement	Simple majority
Attachments	1. Quotation evaluation for VP 134642 660 L and 1100 L waste collection service [12.1.1 - 2 pages]

Recommendation

That Council accepts the submission from Cleanaway (ABN 79000164938) for Quotation VP134642, issued through the Western Australia Local Government Association (WALGA) Preferred Supplier Arrangement for the collection and disposal of waste for 660L and 1100L bins in multi-unit development residences (as a variation to the contract CTVP/16/11 with Cleanaway).

Purpose

Council approval is required under the Local Government (Functions and General) Regulations 1996 and the Town's internal delegation limits to appoint a Preferred Supplier for the collection and disposal of waste for 660L and 1100L bins in multi-unit development residences.

In brief

Quotation request VP134642 was sent to suitable suppliers under the WALGA Preferred Supplier Arrangement in May 2019, closing 17 May 2019. All four suppliers notified responded to the quotation request.

- Suppliers were requested to provide unit rates for the collection and disposal of waste for 660L and 1100L bins in multi-unit development residences
- An evaluation of the quotation submissions has been made against the prescribed criteria, and it is recommended that Council accepts the submission made by Cleanaway for the waste services
- To allow for ease of administration it is proposed to incorporate the rates for the 660L and 1100L bins into the existing contract CTVP/16/11 with Cleanaway as a variation to that contract

Background

1. Currently the Town has a contract with Cleanaway for waste collection and disposal of 140L, 240L and 360L mobile garbage bins. The Town does not have any contract arrangement covering 660L or 1100L bin services.
2. The smaller bin sizes up to 360L bins are generally not suitable for very large multi-unit development residences due to the number of residences and space available for bin storage and verge pick up area; and the larger 660L and 1100L bins are more appropriate for waste disposal at these locations. At this

stage waste collection and disposal for such properties are being serviced with the larger bin sizes through private arrangements.

3. With a large number of developments of very large multi-unit residences due to be progressed and completed from 2020/21 and following years, the Town is seeking to proactively prepare to offer the larger bin sizes for waste collection and disposal. Rates for these services were therefore sought from external companies.
4. To concentrate effort on those companies already suitably qualified in the delivery of large-scale waste delivery programs, quotation VP134642 was sent out under the WALGA Preferred Supplier Arrangement. This closed on 17 May 2019. Unit prices have subsequently been confirmed with the companies that provided valid quotation submissions because the timing of the final current approval has fallen outside of the WALGA time frame for the expected decision date.
5. The Limits on Delegations to CEO requires all tenders exceeding \$200,000 to be by Council determination. The value of the total contract over three years with further extension options is expected to exceed \$200,000 therefore it is required that this item be brought before Council for determination.

Compliance criteria

6. The quotation included a number of compliance criteria which suppliers had to meet to be considered for evaluation under the quotation. These included confirmation of compliance with the conditions of quotation; completion of the respondent's offer; completion of the pricing schedules as required; and suitable insurance coverage and evidence of currency.

Evaluation process

7. Evaluation of the quotations was undertaken by a panel of three staff members, who reviewed the quotation submission against criteria weightings to maximise value for money and included; relevant experience (20%), capability and staffing resources (20%), and demonstrated understanding of the scope of works (20%). The weighting for the unit pricing has been evaluated at 40% of the overall scoring criteria.

Strategic alignment

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

Engagement

Internal engagement

Stakeholder	Comments
Procurement	Provided advice to assist in the procurement process.
Planning	Planning staff have been working with Infrastructure Operations to develop a table to assist developers to calculate bin numbers and determine the type of bins for new developments

Infrastructure Operations staff have also been having ongoing discussions with developers to encourage the reduction of wheelie bins pushed onto the road verge.

Legal compliance

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

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Service level inadequate for large developments due to limited verge space for wheelie bins	Moderate	Possible	Moderate	Award quotation works to a demonstrated large-scale operator recognised as one of the leading waste collection, disposal and treatment companies.

Financial implications

Current budget impact	FIN4 Purchase of Goods and Services Sufficient funds exist within the current annual budget to address this recommendation.
Future budget impact	It is not anticipated that very large-scale developments will require these services until the 2020/21 and following years. As developments are progressed, future

allowances will need to be factored into waste budgets; and these will be determined in consultation with the Planning service area. However, at this stage the extent of the budget allowances has not been determined, the timing and completion of such developments relying heavily on future overall development activity.

Relevant documents

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

Analysis

8. The assessment of the submissions was formally undertaken by a panel that included:
 - Street Operations Engineer
 - Team Leader Waste Services
 - Project Officer - Waste
9. The Town received four submissions. Of these submissions, one was not compliant as it did not provide pricing details for disposal of the waste facility to the Mindarie Regional Council (MRC) facilities (general waste is required to be delivered to this location under the current arrangements with the MRC).
10. The attachment details the results of the evaluation panel's assessment of the quotations, based on the qualitative and quantitative weightings as noted in the quotation. Weighting for the pricing component has been based on the average unit pricing for both 660L and 1100L bins as it is not specifically known which bin sizes will be appropriate for very large multi-unit residences in the future.
11. To allow for ease of administration and tie the additional service unit rates into the existing dealings with the current general waste contractor, it is proposed that these rates be incorporated into the existing contract for Cleanaway (CTVP/16/11). Variation to the contract for the supply of goods and services is allowed for within the *Local Government (Functions and General) Regulations 1996* under Part 4 (section 21A).
12. In addition to the requirement to introduce budgets for waste disposal on very large scale multi-unit developments into the future, it may also be necessary to create separate unit rates under the Council Fees and Charges Schedule for 660L and 1100L bin size waste services to cater for extra services or to allow for private arrangements between Council and residential developments. These unit rates to be included into the Council Fees and Charges Schedule will be approved through the normal budget approval or statutory process.

12.2 Acceptance of grant funding - Main Roads Western Australia grant funding 2019 / 2020

Location	Town-wide
Reporting officer	Frank Squadrito
Responsible officer	John Wong
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council accepts the Black Spot grant funding totalling \$617,532, Metropolitan Regional Road Group (MRRG) Rehabilitation Program grant funding totalling \$228,467 and Direct Grant totalling \$90,423 for the 2019/20 financial year as approved and offered by Main Roads Western Australia.

Purpose

To seek acceptance of various Main Roads Western Australia grants under the 2019/20 Local Government Roads Program which was approved by the Minister for Transport on 9 July 2019.

In brief

- The Town submitted two separate funding applications to Main Roads Western Australia in April 2018 and July 2018.
- Grants have subsequently been offered in July 2019 for the construction of a range of projects in the 2019/20 financial year totalling \$617,532 under the Black Spot Road Safety program and \$228,467 under the Metropolitan Regional Road Group (MRRG) Rehabilitation program.
- A direct grant totalling \$90,423 has also been offered towards the road maintenance or renewal cost for the 2019/20 financial year to be spent at the Town's discretion.
- The 2019/20 Annual Budget includes these grants and associated works.

Background

1. Each year, the Town is invited by Main Roads Western Australia (MRWA) to submit eligible road projects for grant funding under programs which fall under the State Roads to Local Government Agreement.
2. The Town's submissions for the two grant programs (MRRG and Blackspot) were relatively labour intensive and were made separately as there are different requirements to be fulfilled under each program. Projects for the MRRG Rehabilitation Program were submitted on 27 April 2018 and Black Spot projects submitted on 13 July 2018.

3. Where projects are deemed to be complex, MRWA require the design and construction of these projects to be staged over two years with 80% of funding being made available in the first year and 20% in the second year. It is noted that this could sometimes result in the perception of under expenditure during year one of the project that requires a carry forward amount for year two.
4. The following approved projects for the Black Spot program were not eligible for Federal funding and fall under the State program.
 1. Hayman Road and Kent Street Roundabout, Bentley
 - 1.1. This intersection has a high proportion of right-angle vehicle crashes and rear-end vehicle crashes on the approaching road sections (approach legs) to the roundabout and so it is proposed to realign the approaches to reduce vehicle speeds entering the roundabout.
 - 1.2. The project has an estimated cost of \$630,000. The State Government contribution is \$420,000 with a local government contribution of \$210,000.
 - 1.3. This project is in Year 2 of its works program, 80% of funding was made available in Year 1 with the final 20% now available to claim for \$84,000.
 - 1.4. This project is nearing completion with only very minor works outstanding and has been delivered earlier than anticipated.
 2. Intersection of Shepperton Road and Miller Street, Victoria Park
 - 2.1. This signalised intersection has a high proportion of right-turn and through vehicle crashes on the Miller Street approaches and rear end vehicle crashes on the Shepperton Road approaches. There are long waiting issues for right turning vehicles on Miller Street and so signal timing/phasing improvements will also be implemented subject to Main Roads WA's approval. There is also anecdotal evidence to suggest that the lack of a right turn signal at this intersection causes traffic to "rat run" through suburban roads such as Sunbury Road and Teague Street.
 - 2.2. The project has an estimated cost of \$1,123,500. The State Government contribution is \$749,000 with a local government contribution of \$374,500.
 - 2.3. The project is in Year 2 of its works program. 80% of funding was made available in Year 1 with the final 20% now available to claim which is \$149,800. As the design, approval, procurement and construction processes have been extensive, the funding/revenue was carried forward from last year to be expended once construction commences.
 - 2.4. This is a high-risk project for the Town in terms of not being able to achieve its delivery timeframe. Discussions with Main Roads WA staff indicate that the scope may need to be increased to include a three-lane approach on the western leg of Miller Street to improve capacity. Originally no works were planned on this leg of Miller Street.
 3. Intersection of Hordern Street and Geddes Street, Victoria Park
 - 3.1. This 4-way intersection has a high proportion of right-angle crashes, so it is proposed to convert the intersection into a roundabout.
 - 3.2. The project has an estimated cost of \$193,581 over a two-year period. The State Government contribution is \$129,054 with a local government contribution of \$64,527.
 - 3.3. With the project staged over two years, \$21,667 is currently available to claim in Year 1 to cover design costs.
 4. Intersection of Hordern Street and McMillan Street, Victoria Park
 - 4.1. This 4-way intersection has a high proportion of right-angle crashes, so it is proposed to convert the intersection into a roundabout.

- 4.2. The project has an estimated cost of \$239,322 over a two-year period. The State Government contribution is \$159,548 with a local government contribution of \$79,774.
- 4.3. With the project staged over two years, \$36,960 is currently available to claim in Year 1 to cover design costs.

5. Intersection of Archer Street and Orrong Road, Carlisle

- 5.1. This signalised intersection has a high proportion of mid-block crashes on the Archer Street approach to Orrong Road. An additional approach lane on Archer Street is proposed to improve the intersection efficiency and reduce queuing.
- 5.2. The project has an estimated cost of \$683,450 over a two-year period. The State Government contribution is \$455,633 with a local government contribution of \$227,817.
- 5.3. With the project staged over two years, \$325,105 is currently available to claim in Year 1 to cover design and service relocation costs.

5. The following projects have been approved for the Metropolitan Regional Road Group (MRRG) Rehabilitation program:

Road	Section	Estimated Cost	Grant Funding
Briggs Street	Downing St to Raleigh St	\$117,600	\$78,400
Planet Street	Briggs St to President Street	\$120,400	\$80,267
Planet Street	President Street to Kew Street	\$104,700	\$69,800

6. Direct grants are allocated for routine maintenance on Local Government roads and are calculated on an annual basis using the Asset Preservation Model formula provided by the Western Australia Local Government Grants Commission.
7. To qualify for Direct Grant allocations, Local Governments must demonstrate that the previous year's allocation has been expended on roads in their district and that its road asset data has been updated annually. For the current financial year, the allocation is \$90,423.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN02 - A safe, interconnected and well maintained transport network that makes it easy for everyone to get around.	Projects completed under the Direct Grant and MRRG program have been assessed as priorities to be rehabilitated and will improve the service life of the Town's assets while assisting to reduce the rate of increase of the road renewal funding gap.
EN03 - A place with sustainable, safe and convenient transport options for everyone.	Each of the submitted projects for the Black Spot program has been assessed during the application process to provide a positive cost-benefit ratio. The resulting road safety improvements should achieve the objective of reducing road trauma.

Engagement

Internal engagement	
Stakeholder	Comments
Infrastructure Operations	Agreed with the proposed priority of works.
Asset Planning	Agreed with the implementation of the proposed projects.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance Town is unable to complete projects and acquit funding	Moderate	Possible	Moderate	MRWA approvals have been progressed already and works scheduling started for MRRG projects. Designs and approvals for Black Spot projects are in progress.
Financial Construction cost exceeds estimates	Moderate	Likely	High	MRWA are able to increase the funding allocation of variations if they are justified and unforeseen. Town may have to increase its contribution which would require budget amendments.
Compliance Failure to attain engineering approvals from MRWA for Black Spot projects	Moderate	Likely	High	Preliminary meetings have been held with MRWA to make them aware of upcoming projects and highlight potential issues related to external agencies. Projects may need to be withdrawn at a later date if approval is not granted. As mentioned there is a significant

concern with Miller Street/Shepperton Road intersection. Main Roads WA are suggesting a scope change which could result in the Town needing to re-apply for funding, thus delaying the project.

Financial implications

Current budget impact

The expected revenue has been allowed for within the 2019/20 annual budget. If the grants are not accepted there will be a shortfall of \$936,422 in the current budget.

Future budget impact

Where projects are required to be staged over two years, the appropriate allowance for revenue and expenditure will need to be made within the annual budget of the following financial year in order to complete the project. Some carry forward of funds for future stages is therefore expected but as these are externally funded this is of minimal impact to municipal funded capital works.

Analysis

8. All projects associated with the grant funding are included in the Town's 2019/20 adopted budget, which was endorsed by Council at its Special Council Meeting on 25 June 2019.

Further consideration

Referring to the Blackspot funded project proposed for the intersection of Shepperton Road and Miller Street as mentioned within the background section of the report, the project design is yet to be finalised but is likely to incorporate some land assembly, relocation of services and civil works to accommodate a right turn signal (arrow) onto Shepperton Road from the eastern leg of Miller Street. The length of time taken by MRWA to review the Town's original design proposal and to then consider the change in design scope took approximately 12 months. MRWA's in-principle approval for a revised traffic signal phasing with road widening modifications was obtained in September 2019. The detailed design and the associated service relocation design works are now in progress. It is now not possible to have the proposed construction works completed this financial year however the Town has been keeping Blackspot funding administrators updated on the progress of this design job and will only progress with construction works if agreed funding criteria can be changed to reflect this (with project completion next financial year). As the Blackspot funding committee is becoming more familiar with the length of time required for these projects, the funding criteria for all new Blackspot funded projects involving signal modifications commencing this financial year have been changed to allow Local Governments three years instead of two years to undertake the required traffic modelling, design and construction works. If this project proceeds, the unspent portion of the budget will be carried forward.

12.3 Review of Container Deposit Scheme

Location	Town-wide
Reporting officer	Jonathan Horne
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council endorses the Chief Executive Officer to pursue the following actions in relation to the Container Deposit Scheme (CDS):

- Organise a Concept Forum to allow WALGA and/or the recently appointed Container Deposit Scheme Coordinator to provide updates on the opportunities for Local Governments and their communities
- Liaise with nearby councils and engage with/ support community and charitable organizations which are interested in and committed to running appropriate CDS infrastructure and operations; to assist in providing a more comprehensive network for CDS within the Town
- Consider the WAPC's Position Statement 'Container Deposit Scheme Infrastructure' dated May 2019, and develop a draft local planning policy outlining how the Town will assess proposals for this infrastructure.
- Review the operations of the CDS network within the Town after a settling in period of two years after its commencement, with a view to assessing any need for the Town to be directly involved with the CDS.

Purpose

To review options for involvement with the State Government's proposed Container Deposit Scheme (CDS) and recommend Council actions to assist in the introduction and running of the CDS.

In brief

The recommended actions are made to allow Council to prepare for the introduction of the CDS and provide support for the administration of this State Government scheme. They will:

- Assist with ensuring that the Town can meet the thrust of the CDS by having sufficient refund point/s within its boundaries
- Ensure that there is appropriate planning policy to support the CDS
- Provide the opportunity for Council review of the CDS, with a view to more direct involvement if required; noting the current stance is best suited to providing a supporting role for organizations wanting to be involved in the scheme

Separate issues have also been reviewed, as follows:

- The necessity for any additional local laws to provide legal backing for enforcement against scavenging for CDS containers held in kerbside recyclable bins. The current local law (Health Local Law 2003) is considered to be adequate, although the option to adopt West Australian Local Government Association (WALGA) model waste local laws on this and other waste issues remains open
- The potential for future revenue and/or cost issues associated with the kerbside recyclable bins. The effect of these issues will need to be determined in future review of proposed legislation and dealings with the current waste contractor

Background

1. Council resolved to pass a Notice of Motion at its meeting of 16 July 2019 that:
 - Requests that the Chief Executive Officer investigates options for the Town to become part of the WA Container Deposit Scheme Collection Network, including but not limited to:
 - a. identifying the potential benefits and risks for the community
 - b. outlining opportunities for the Town to support and/or work in partnership with local community organizations and local social enterprises interested in becoming part of the WA Container Deposit Scheme Collection Network
 - c. identifying potential key stakeholders in the community organization and social enterprise sector of our community
 - Requests that the Chief Executive Officer presents a report back to Council by September 2019 covering the matters in point 1 above and highlighting recommended options on how the Town might proceed
2. The CDS (now also referred to as a “Containers for Change” scheme) allows for refunds on eligible containers delivered to refund points (covering most beverage containers between 150ml and 3L in volume, including plastics, glass and metal containers). To achieve the orderly administration of the CDS, a Scheme Coordinator is tasked with the establishment of a collection network through contracts with refund point operators, transporters and processors on a not for profit basis; as well as ensuring that containers on which refunds have been claimed or paid are recycled or reused and not disposed of to landfill. The operations of the CDS are to be supported by State Government regulations (currently being drafted).
3. Essentially, the CDS aims to reduce litter, increase recycling, protect the environment and provide opportunities for social enterprise participation.
4. The State Government has announced the appointment of the Scheme Coordinator (WA Return Recycle Renew Ltd) and the start date of the scheme (2 June 2020); and has allowed for the registration of interest of different organizations to be involved with its various collection, transporting and other logistical and processing functions. However, a significant part of the introduction of the CDS requires the Scheme Coordinator to invite organizations to participate in the procurement of the collection network (and then to be formally appointed). These are expected to take a substantial period to achieve.

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN04 - A clean place where everyone knows the value of waste, water and energy.	To liaise, engage and support organisations and local government bodies to provide a comprehensive CDS network for the Town, providing opportunities for community and social bodies for funding and employment.

Engagement

Internal engagement	
Stakeholder	Comments
Technical Services	Provided advice on various aspects of the CDS
Stakeholder	
Planning Services	Planners are aware of the Position Statement provided by WAPC and are in the process of assessing the possible planning related requirements to be imposed on applications related to CDS infrastructure.
Community Development	Staff are aware of potential community groups which may be interested to participate in the CDS but are also concerned about potential unfair advantages being afforded to certain community groups if the Town is to approach individual groups one at a time.
External engagement	
Stakeholder	Comments
WALGA	Provided advice on CDS arrangements and timelines for local government and other interested organisations
Cleanaway	They will likely to be awarded contracts for the operation of refund points, aggregation points and logistic transportation. Cleanaway is in discussion with various organisations including charities and shopping centres
Canning, South Perth, Perth and Belmont	Initial discussions held, possible options for Perth to be explored and further meetings with Canning planned.

councils	
Mindarie Regional Council and member councils	Liaison with MRC officers, who provided details of intended operations for MRC and implementation advice based on the refund points they have visited in NSW and Queensland. Separate discussions held with member councils on intended involvement with CDS.
Various not for profit organisations including St Vincent de Paul Society, The Salvation Army, Good Samaritan Industries, Anglicare WA, etc.	Currently in discussion. No firm position from any of these entities had been forthcoming. It is noted that some of them are already in early discussions with contractors such as Cleanaway. The Good Samaritan is actively looking at providing some form of collection service at their stores. Comments received by staff indicated that there is a strong likelihood that there will be multiple locations within the Town where container cages would be deployed.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town may result from any apparent lack of involvement with the CDS.	Moderate	Possible	Moderate	Liaise with, consider and support organisations committed to bidding and operations under the CDS. Subsequent review of CDS operations within the Town.
Lack of guidance on how the Town will assess proposals for CDS	Minor	Likely	Moderate	Develop, review and approval of CDS planning policy
Negative public reaction to any CDS related activities funded by the Town which could have been undertaken by major industry service providers such as	Major	Likely	High	When proposals have been received from social enterprise entities or community groups, the proposed business models shall be carefully analysed to ensure that the Town's exposure to financial exposure risks is limited and manageable if any.

Regional Councils, Cleanaway and Tomra as they more equipped to operate in this realm.	More details of the responsibilities of the entities participating in the various aspects of the CDS will become clearer later this year.
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Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address these recommendations.
Future budget impact	The future budget may be affected by the introduction of the CDS; with potential extra costs for Council support of scheme operations by other organisations, or extra administration costs involved with its own waste management activities. These may be offset by extra funding arising from arrangements with revenue sharing for containers held within recyclable waste being collected through the current contract with Cleanaway. However, the contractual position with regards to extra revenue/costs for recyclables is unclear and it is too early to provide any reliable indication of the effect against the future budgets.

Analysis

5. In addition to potentially helping the Town achieve better waste and recycling outcomes, the CDS may allow for an opportunity to work co-operatively with neighbouring councils to provide more comprehensive refund collection point coverage for residents. As well as registering the Town's interest in support of the CDS for other organisations willing to operate refund collection points within the Town area (as an expression of interest – and as required and administered through the Department of Water and Environmental Regulation (DWER) website), officers have initially canvassed the Canning, South Perth, Perth and Belmont councils on their intentions for establishment of refund collection points. Having existing established recycling centres within their council areas and potentially offering mobile refund collection points, the Town sees that there may be some benefit in joining with these councils as opposed to separately budgeting for dedicated refund collection points itself. Follow up discussions are scheduled to take place on this aspect.
6. As noted above, the Town has registered its interest in supporting other organisations which are interested in operating refund collection points (currently there are around 25 organisations listed as expressing an interest in operating collection points within the DWER website, including major charities such as Good Samaritans, St Vincent de Paul, Salvation Army, as well as operators of shopping centres such as Hawaiian; and a leading international operator of reverse vending machines, Tomra). The possibility of these organizations providing refund collection points with the Town area would provide opportunities for employment through external funding etc., at the same time as promoting the recycling message and activities.
7. It is noted that at the time of submitting any application for the refund collection point operation, community and other groups would need to seek out Town support. This support may come through

the allocation of Council controlled areas for physical operational activities to be managed by such external groups. Examples may include publicly dedicated land (such as parks etc.) – where the collection points (either operated on a flexible part time basis or as a more permanent collection point) would need to be located on hard stand areas such as carparks (to avoid turf damage); or council owned land such as leisure centre facilities (where the potential for impacting on the operation of that facility patronage or giving rise to external traffic management or noise concerns etc. would need to be considered).

8. Support will also come in the form of planning approval or exemptions for the intended CDS activities attached to the existing facilities (either privately owned or intended to be run on Council controlled land). The CDS is a new consideration for local government planning as it is only now being introduced, and Council needs to ensure that it has the appropriate planning policy in place to deal with the scheme. The Western Australian Planning Commission (WAPC) released its position statement on the CDS infrastructure in May 2019. This position statement needs to be reviewed through by the Urban Planning Service Area, and the model local planning policy attached to the WAPC statement should be considered for adoption by Council (with any alterations as deemed fit). This planning policy should ideally be in place by the time that organisations seek planning approvals for CDS operations through the procurement process to be run by the CDS Scheme Coordinator; and would need to consider issues such as traffic management, noise, nearby residential amenity, patronage impact etc.
9. The direct involvement of the Town in CDS operations has also been considered. If the Town was to consider operating refund collection points itself, it would need to separately budget for the collection point infrastructure (once the location has been established) and the ongoing resources required for any operations. Both of these would involve significant costs/resources to operate (including both collection, sorting by categories, and logistics for transport etc.), maintain and account for the collection refund point; all of which have not been currently budgeted for. The CDS also requires reporting and weekly claim administration etc. to be entitled to any handling fees under the scheme (while this aspect may be reduced through the leasing of bespoke refund point operations through e.g. Tomra, this can significantly impact any net handling fee revenue margin from the operations). There would also be a need for a higher level of involvement with education of which items are acceptable for the CDS if the Town operated its own facilities (e.g. not all plastic bottles are accepted under the scheme). Note that the capital cost alone of a Tomra type of reverse vending system has been estimated to be in the hundreds of thousands of dollars.
10. In addition, the Town would be required to bid during the upcoming procurement process to be run by the CDS Scheme Coordinator, and as part of that would be expected to enter into long term contractual arrangements for the CDS operations. As a further point, and one that may be especially relevant, direct involvement by the Town may also result in effectively limiting the opportunities of other community or charitable groups to participate in the CDS.
11. Bearing in mind these factors, it is considered that the direct involvement of the Town in the CDS is not warranted at this stage. However, it is considered worthwhile for the Town to review the CDS after the scheme has commenced, and settled in, say after two years, with a view to determining whether there is any need for the Town to become involved in a more direct manner at that time.
12. In addition to providing support to CDS participant operations through potential Council facility access and/or planning approval processes, the Town needs to consider the ongoing administration of the CDS in relation to its own waste management processes for recyclables. One major point

involves those activities involved with illegal collection of items from recyclable bins. There is potential for scavenging of CDS items from existing recycling bins; and the possible sight of scavenging and resulting littering from recyclable bins may result in many complaints/ problems with collection by Cleanaway.

13. To assist in the administration of the CDS with regards to the current recyclable waste collection, the Town therefore needs to consider what local law may be required to address the current legal uncertainty created from rubbish bins placed on the verge. It is noted that there are some draft West Australian Local Government Association (WALGA) local laws on waste which attempts to make such scavenging illegal; and provide the Town with an opportunity to better control such activities. However, it is also noted that the current WALGA draft encompasses other potential infringements for inappropriate use of the bins for type of refuse - which may be seen to be excessive in the context of waste management. For example, recycling materials being deposited into general bins is prohibited under the draft local law, clause 2.3 (2), with a modified penalty under schedule 2, item 6; general waste (or organic waste, where relevant) being deposited into recycling bins is prohibited under the WALGA draft local law, clause 2.4 (a), with a modified penalty under schedule 2, item 7: and similarly for anything other than specified organic waste being deposited into an organic waste receptacle under clause 2.5 (a), with a modified penalty under schedule 2, item 9.
14. The Town's current Health Local Law 2003 provides some statutory backing to make scavenging illegal under Division 2 (on the disposal of refuse), with offenses and penalties noted under Part 10 of the local law. While these areas of the Health Local Law 2003 have not yet been legally tested, it is considered that these should provide sufficient coverage for scavenging activities if the need arises. That being the case, it does not become necessary for Council to adopt a separate local law on waste; although it would still be open at a future time for Council to pass a specific local law, possibly using the draft WALGA as the basis for adoption, with any alterations as deemed appropriate at the time.
15. As a separate issue, the question of potential revenue arising from the CDS has been considered. The Town has established through recyclable audits that there is potentially around \$1.34 per property contained within the recyclables bin (based on 559 households and around \$750 worth of CDS items) – this equates to possibly over \$500,000 in revenue to be recouped by Cleanaway through the CDS – although it is also noted that this would be subject to some reduction as people make decisions on where to place these CDS items, effectively reducing the expected number. Preliminary review of other State cash for containers schemes indicate that around 40% of the yellow recyclable bin weight has been lost as a result of the introduction of those schemes. This equates to approximately 50% of the containers that would be eligible for CDS (such containers representing around 80% of the bin weight) – consequently indicating that the net revenue available for CDS is more realistically stated at perhaps \$250,000 on the basis of the audit work.
16. Therefore the CDS may provide the current recyclables waste contractor with an opportunity for increased revenue from containers collected and processed through the recyclable bins. It is noted that proposed State Government regulations to be enacted will require the Material Recovery Facility (MRF) operator (Cleanaway) and the local government to enter into an agreement on the sharing of this revenue. (It is also noted that the proposed regulations will address the situation where agreement cannot be reached between the MRF operator and the local government.) However, the extent to which this extra revenue generation is to be shared through existing contractual arrangements is unclear. For example: revenue increases may be seen to be treated differently to cost increases (which are specifically allowed for within the current recyclables contract); the question of

what precedence the State legislation has over existing contractual arrangements may arise; the extent to which extra costs are incurred by the MRF operator (through higher levels of contamination on the remaining waste after the exclusion of CDS materials etc.) will arise; and other issues may be relevant to this matter.

17. It follows that the intent of proposed State regulations in requiring MRF operators and local governments to share in CDS revenue generated from eligible containers in recyclable kerb side bins does not necessarily translate into direct effects on local government revenue or costs. This will depend on the contractual relationship between the affected parties. Council officers will need to review the State Government regulations when enacted, in conjunction with any contractor proposal for any changes to the existing contractual arrangements. Any resultant future changes to budget will be reported through the existing budget review or annual budget processes.

Relevant documents

Not applicable.

Further consideration

18. At the Agenda Briefing Forum on 3 September 2019 several questions were asked by Elected Members. The following is a summary response:
 - In regards to the question of financial feasibility of the CDS and timing of the associated submissions:
 - The current (extended) date for submissions for refund collection points is 21 October 2019. Given that there is no council decision on the pursuit of this issue, the timeframe for submission would be tight, although potentially achievable. There are some financial/budgetary and operational constraints with the entry into a refund point collection (paragraph 9 of the report notes that the cost of reverse vending machines can run into significant capital costs; or alternative leasing expenses cutting into handling fees; as well as ongoing administration/operational issues, such as weekly reporting and logistics for collection/transport etc.).
 - Comment has been made through the scheme coordinator that it is unlikely for local government to act as operating refund point collections (unless there is substantial investment or resources backing waste collection etc. activities) and that this is generally filled by organizations that specialise in this type of activity, with the technology and resources to meet the requirements of these CDS programs in terms of sorting, collection and reporting for the separate classes of containers.
 - The likely lack of involvement in this aspect is essentially because Local Government does not view these sorts of operations as core business activities, while noting that it is worthwhile to foster such schemes as part of its overall waste strategy.
 - In regards to the two year time frame for review:
 - As with any new wide scale system or change, there will be a period of "settling in" as difficulties are resolved. There is no particular science behind a two-year timeframe, this was considered to be a reasonable time for the operations to be running at what may be considered to be "normal", at which time it may be reviewed.

- Major organizations with experience in CDS programs are expected to be involved with refund collection points, such as Cleanaway, The Good Samaritan Industries, Tomra or Envirobank (NT operator) or RVM systems or other entities. Shopping centres are also likely to offer smaller refund point or donation point operations, and the large companies running the centres (e.g. Hawaiian) are likely to be involved.
- Other transport companies and waste processors will be involved with the logistics and processing providers (interest closed on 2 September 2019). It is also expected that the City of Perth may become directly involved with some aspects of the CDS through its highly resourced waste division.
- Outside of the general public involvement with refund points, there is also expected to be a number of donation points where the community and general public can provide collection areas for donation of containers as a means of fundraising. These community or charity groups may operate in partnership with the refund point operators to streamline their collection. The extent of the number/variety of such points is likely to be variable, including the large charities, and smaller groups such as schools. There is no application or tendering process required for the operation of these facilities, and further details are yet to be provided by the scheme coordinator on these operations closer to the scheme commencement in June 2020.
- Outside of the planning considerations for refund point operations, the Town is also likely to have some planning considerations for these donation points, which may be potentially operating within land controlled by the Town (also refer to paragraph 7 of the report).
- Until such time as the applications for refund points have been submitted and reviewed by the scheme coordinator, the Town cannot definitively know which operators are to be involved in refund point collections/operations.
- In regards to the recommendation for presentations of the CDS at Concept Forums and the identification of potential community stakeholders:
 - As noted in the report (external engagement) various charities have been in discussion with the Town, although no firm position has been forthcoming.
 - The announcement of the CDS program has been publicised through the scheme coordinator, and further details of donation points is yet to be forthcoming.
 - Part of the concept forum may result in further engagement with community groups to inform and advise on potential sites/ any planning considerations.
- In regards to liaising with nearby Councils and other stakeholders:
 - Members of the MRC have met and discussed the likely involvement of those councils within this group. The City of Perth has shown interest in applying for a refund collection point(s) as it is better resourced in terms of waste staffing and resources and anticipates that it has spare land capacity in its car parks. There are currently no plans to put a neutral call out directly for local groups interested in setting up a collection point beyond what the state Government has already done.
- In terms of what a CDC planning policy may look like:
 - The Western Australian Planning Commission has published a position paper that allows local government to determine whether planning approval is required for the range of CDC infrastructure types and if so, what policy provisions may apply. Such a planning policy could include requirements relating to siting, parking, traffic, land use compatibility,

openings hours, odour, noise, lighting and accessibility. Timeframes associated with the preparation of such a policy range from relatively quickly if the Town were of a mind to adopt the model policy contained in the position paper but without community consultation, to a longer timeframe if the Town chose a different policy model to that outlined in the position paper and were required to consult with the community on it.

- In regards to the need for refunds to stay local:

- In terms of planning for refund points, the issue of the need to keep funds local is unlikely to arise as the guidelines for refund points are strict and require large scale infrastructure that is better suited to existing operators. The possibility of tying donation points into local community funding is more likely to be relevant and give rise to having a social impact. However, the adoption of planning policy may be considered as noted above.

- In regards to the potential of allowing members of the public to scavenge as a form of income source:

- This has been considered and based on the experience of the eastern states, a number of Councils struggled with territorial issues involving individuals having “ownership” of certain streets and the associated privacy, OSH and Health related concerns.

- In regards to the consideration of other cash for container trials:

- A few MRC employees toured some of the existing CDS type operations in the eastern states and subsequently presented their observations to an audience including the Town’s staff in August 2019. WARRRL in conjunction with WALGA also presented to LG staff and Elected Members in August the experience of the various CDS stakeholders in the eastern states.

12.4 Urban Forest Strategy Implementation plan

Location	Town-wide
Reporting officer	Nicole Annson
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Recommended Year 1 Actions Budget Allocation - UFS Transition to Imple. [12.4.1 - 7 pages] 2. DRAFT IMPLEMENTATION ACTION PLAN - Urban Forest Strategy [12.4.2 - 11 pages] 3. Stakeholder engagement public submission attachment template Rga K Ja 4 Lo 0 qi O 8 hjxy Lf Qw (1) [12.4.3 - 3 pages]

Recommendation

That Council:

1. Endorses the Urban Forest Strategy (UFS) Implementation Action Plan.
2. Endorses the establishment of an ongoing UFS Implementation Working Group to guide the implementation and review of the plan.
3. Lists for consideration in the Long-Term Financial Plan an allocation of \$1.0m per annum for the next four financial years (FY 20/21 to 23-24), with Council to consider funding in each year as part of the Annual Budget or by way of the budget review process.

Purpose

The Urban Forest Strategy (UFS) Implementation Action Plan has been developed according the UFS which was endorsed by Council on 11 September 2018. The process included the establishment of a Transition to Implementation Working Group (TIWG) involving the community members who were co-authors of the UFS. The Implementation Action Plan outlines actions that the Town and community should undertake to achieve the Strategic Outcomes within UFS. It is recommended that council endorses the UFS Implementation Action Plan to inform the community and to transition from project to operational phase.

In brief

- In 2018, the Town and in partnership with its community, developed and adopted its first Urban Forest Strategy. The aim of the strategy is to achieve a 20% tree canopy coverage, contribute to the health and well- being of our community and a sustainable liveable town.
- At its Ordinary Council meeting on 11 September 2018, Council endorsed the Urban Forest Strategy and approved the development of an Implementation Plan.
- The Urban Forest Strategy (UFS) UFS draft Implementation Action Plan has been developed by the Transition to Implementation Working Group (TIWG) with the purpose of setting out the actions the Town and community are to undertake to achieve the UFS' Strategic Outcomes.
- The draft plan sets out actions and tasks that the Town and the community will undertake over the next five years and will inform the Town's annual budget process, operational tasks and include reporting measures.

Background

1. In late 2018, Council identified the UFS as a high-priority project.
2. The Town's Urban Forest Strategy was developed as a result of a community-initiated, community driven process which identified the need to expand and better manage the tree canopy within the Town - with ramifications for both public and private land. The Strategy seeks to increase tree canopy coverage within the Town from 10% to 20% based on 2016 data.
3. At its Ordinary Council meeting on 11 September 2018, Council endorsed the Urban Forest Strategy and approved the development of an Implementation Plan.
4. The UFS initiatives were prioritized as one of four Council Advocacy Priorities for 2019.
5. Staying true to the Town's vision of an empowered and engaged community The Urban Forest Strategy (UFS) draft Implementation Action Plan was developed with the Transition to Implementation Working Group (TIWG). This group included members of the community and Town's staff who worked together to set out the actions the Town and community are to undertake to achieve the UFS' Strategic Outcomes.
6. In accordance with the UFS there are six key strategic outcomes of the UFS draft Implementation Action Plan; plant and protect sufficient trees by 2020 to ultimately achieve a 20% tree canopy target, maximise community involvement and collaboration, increasing tree diversity whilst favouring local endemic and West Australian species (where appropriate) that also support wildlife, maintain high standard of tree health, improve soil and water quality, improve the urban ecosystem.
7. Benefits of an urban forest extend to environmental, economic, community and health outcomes. These benefits are also called ecosystem services. Trees, being the largest structures within an urban forest, are said to provide the greatest ecosystem services.
8. The success of the UFS Implementation Action Plan will not only depend on the Town's ability to resource and finance the deliverables of the plan but also the success of partnerships with, and action by the community. The costs associated with planting and maintaining trees associated with the UFS are forecast to increase significantly over the next 10 years, therefore increasing the capital and operating costs to the Town. To achieve the outcome of 20% tree canopy coverage the Town will need to adequately financially plan for resourcing, deliverables and mobilizing community support.
9. The projection of 20% canopy coverage by the year 2020 was a result of the Special Meeting of Electors held on the 13 July 2016 (Motion 5). This target has remained relevant in both the Urban Forest Strategy and the UFS IAP. This target has been identified as unachievable and new targets may wish to be considered in the future.
10. As more trees are established there is more likelihood of conflicts to occur with public and private infrastructure. Although this risk will be mitigated by well thought out tree species selection, it is likely to impact on the Town's future budgets and insurance costs and risk.
11. The recently created additional position of a Senior Place Leader (Urban Forest) will facilitate the delivery of the endorsed UFS Implementation Action plan. The creation of this role was foreshadowed within the endorsed UFS.
12. The UFS Implementation Action Plan proposes to establish a volunteer urban foresters' network that can be mobilised for a mass planting and stewardship programme. This method can significantly reduce costs, potentially create effective synergies that combine resources and ideas, and improve productivity.
13. The following actions have been progressed as part of the Town's commitment to the UFS in-lieu of an approved UFS Implementation Action Plan. Established by the TIWG, the initiatives were termed "UFS Quick Wins":

Initiative	Number of Trees	Main aims
Berwick Street Median Planting – St James	5	To create a bold welcome statement into town using large local tree species of high ecological value, shade expansive hardscape and slow traffic.
Somerset Street – East Vic Park	15	To shade the pedestrian environment and enhance walking experience, provide visual amenity, tie in with existing mature coral trees on the street.
Vic Park Community Centre – East Vic Park	Shrub planting	Improve experience of visiting the VPCC and trial dry planting techniques for potential wider application in public realm spaces.
Verges adjacent State Government properties	333	Provide additional urban forest canopy
Verges identified as having 0-5% tree canopy cover	75	Provide additional urban forest canopy.
Carlisle Reserve community planting day	40 x trees & 510 shrubs & groundcovers	Community involvement – 54 people helped 5 staff with planting.
91 Planet Street, Carlisle sump	11 x Hakea laurina trees & 31 shrubs & groundcovers	Community partnership with Town.
Kensington Bushland tubestock planting	80 trees, 4766 shrubs & groundcovers.	Involve community in planting days.
Fraser Park planting	31	Reduce turf and water consumption by mulching a large area under trees on the embankment. Irrigation modifications have been completed to water trees independently of the contractors, making a significant saving in ongoing watering costs.
Administration Gardens	11	Remove topiary shrub pillars.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL09 - Appropriate devolution of decision-making and service provision to an empowered community.	Staying true to the Town's vision of an empowered and engaged community The Urban Forest Strategy (UFS) draft Implementation Action Plan was developed by the Transition to Implementation Working Group (TIWG). This group included members of the community and Town's staff who

	worked together to set out the actions the Town and community are to undertake to achieve the UFS' Strategic Outcomes.
CL03 - Well thought out and managed projects that are delivered successfully.	The project has been delivered through the Town's draft Project Management Framework.
CL02 - A community that is authentically engaged and informed in a timely manner.	Community engagement stages were established throughout the development of the strategy and public comment period for the implementation plan.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The costs associated with planting and maintaining the UFS on public and private land are forecast to increase over the next 10 years, therefore increasing the financial liability to the Town. The Town will need to adequately financially plan for resourcing the implementation plan and its deliverables.

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Trees within the urban environment improve mental health and promote physical activity.
EN07 - Increased vegetation and tree canopy.	The UFS acknowledges the importance of increasing tree canopy and vegetation around the Town. The strategy aims to achieve the establishment of an ultimate 20% tree canopy coverage, contribute to the health and well-being of our community and a sustainable liveable city.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	The benefits of trees and increasing canopy include providing a sense of place, reconnecting children with nature and increasing both physiological and psychological health outcomes.
S02- An informed and knowledgeable community	The UFS recommends targeted public awareness and education campaigns that clearly promote the benefits of urban forest and encourages community members to participate in delivery of the initiatives.

Engagement

Internal engagement	
Stakeholder	Comments
Project Management	Oversight and delivery of the project in accordance with project management practices

Environment	Subject matter expertise and oversight of the development of the Urban Forest Strategy
Engagement	Design and delivery and assessment of engagement initiatives.
Communications	Design and delivery of communications plan initiatives.
Parks and Reserves team	Subject matter expertise and project lead for development of implementation plan.
Place planning	Subject matter expertise and future service delivery of implementation plan activities.
Elected Members & C- Suite	The Elected Members and C- Suite have been regularly involved and kept informed via presentations and information on the Elected Members hub.
Community Development	Active participation in the UFS Transition to Implementation Advisory Group.
Street Improvement and Operations	Active participation in the UFS Transition to Implementation Advisory Group.

External engagement	
Stakeholders	<ol style="list-style-type: none"> 1. The Town of Victoria Park Community and previous contributors to the Your Thoughts forums. 2. The members of the UFS Transition to Implementation Working Group (TIWG).
Period of engagement	<p>UFS Implementation Action plan - The time period for the public comment period was the 6 – 20 of August 2019.</p> <p>The UFS adopted an asset-based community development approach and was a collaborative process. Extensive community consultation included 5 community workshops, 100 hours of face to face meetings, 4050 letters, 1500 emails to include consultation with all sectors of the community as well as making contact with other nations to learn from their experience.</p>
Level of engagement	<p>Drafting the plan – Collaborate</p> <p>Public Comment period – Consult</p>
Methods of engagement	<p>Drafting the plan – internal engagement with the working group and Town staff.</p> <p>Public Comment period –The community was encouraged to participate in the public comment period through the various channels below:</p> <ul style="list-style-type: none"> • Online, (Your Thoughts) using the submission • By email • By letter

Advertising	<p>The external public comment period was promoted online via the Town's Your Thoughts page, via social media, an advertisement in the Southern Gazette and a personal email to community members that have previously participated in consultations.</p> <p>Copies of the implementation plan were additionally available at the library.</p> <p>Internally staff participated via Your Thoughts.</p>
Submission summary	<p>The public comment period produced 276 views of the online information and 10 community members made submissions.</p> <p>Of the submissions 9 were supportive on the whole and 1 in opposition to many of the plans outcomes.</p> <p>Of the concerns raised many related to regulation of removal of trees on private land, three were supportive of regulation and one opposed to regulation.</p> <p>Preference for selections of tree species was voiced in several submissions.</p>
Key findings	<p>The feedback on the whole was supportive of the document.</p>

Other engagement

Stakeholder	Comments
Letter from Mayor Trevor Vaughan seeking support for green spaces	<p>At the ordinary council meeting held on June 18 the motion 120/2019 was carried:</p> <p>That council</p> <ol style="list-style-type: none"> 1. Puts forward a motion at the next Western Australian Local Government Association (WALGA) South-East Metropolitan Zone Meeting, through its appointed delegates, to request that WALGA: 'Supports and develops an advocacy approach for the introduction of a Local Government Greener Perth grant program, funded by the State Government.' 2. Requests that the Mayor writes to metropolitan local governments seeking their support for the introduction of a Local Government Greener Perth grant program, funded by the State Government. <p>As such, Mayor Trevor Vaughan engaged with 29 fellow local governments advocating for support for a local government Greener Perth grant program to be funded by the State Government. This initiative indirectly applies to the UFS implementation Action Plan.</p> <p>Letters of support received from the following councils:</p> <ol style="list-style-type: none"> 1. City of Stirling 2. City of Vincent 3. City of Armadale 4. Town of Bassendean 5. City of Joondalup 6. City of Nedlands 7. City of Fremantle

The City of Melville provided suggestion it may be more effective for local government and WALGA to provide targeted and aligned feedback to the State Government on an Issues Paper relating to climate change. This feedback could articulate the need for the State Government funding program to include support for climate change adaption and mitigation projects/programs and may include greening initiatives.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Service Interruption / Environmental Inadequate long-term financial planning and resourcing (in terms of finances, human resources internal/community, capacity, skills and/or knowledge)	Major	Likely	High	<p>The success of the UFS will depend largely on the establishment and allocation of sufficient resources within both the Town and broader community.</p> <p>Further, to support successful community participation, funding should be carefully targeted towards viable community projects and adequate Town staffing to assist volunteers.</p> <p>Each year the Town will need to allocate an appropriate level of funding according to the staged Implementation Plan and to ensure an appropriate level of human resource is dedicated to the initiatives via its workforce plan.</p>
Service Interruption / Financial / Environment With the time taken to commence the implementation of the UFS, there is a risk that the community, in particular, the contributors to the	Major	Likely	High	<p>Routine check-ins with the UFS contributors and the broader community to ensure that their efforts are recognised and that they are valued.</p>

UFS, may become disengaged and lose ownership.				
Service Interruption / Financial / Environment Community sentiment: Whilst there are many passionate Town residents who are supportive of the UFS, there may be a lack of knowledge about land management policies, poor coordination between community groups, and limited buy-in from the community.	Major	Likely	High	To mitigate these challenges, a coordinated public communication campaign by the Town would be necessary. The Town is unable to achieve the outcomes of the UFS IAP without the community. Adequate resourcing needs to be allocated to drive and facilitate community buy-in and action.
Reputational The UFS IAP does not achieve strategic intent as well as not being an implementable document	Moderate	Unlikely	Moderate	Ensure in drafting the actions are clear, easy-to-understand and not misinterpreted. Follow the SMART formula - Specific, Measured, Attainable, Reasonable and Timely.

Financial implications

Current budget impact	<p>One million dollars (\$1m) has been allocated by the Town to the UFS IAP in the 2019-2020 financial year. This will allow for several deliverables within the implementation plan to be achieved. This document appears as an attachment.</p> <p>A new Full Time Equivalent (FTE) position - Senior Place Leader (Urban Forest) will facilitate delivery of the endorsed UFS Implementation Action plan. This cost will be in the vicinity of the salary range of \$92,166–\$98,145 per annum not including overheads. The identification of this position was outlined in the endorsed UFS and adopted in the UFS IAP, with resourcing borne from the UFS fund described above.</p>
Future budget impact	<p>The UFS Transition to Implementation Advisory Group have provided a recommended allocation of funding and actions to be taken for the next five financial years, however not all of these are possible within the existing funding and will require further funding in future years in order to be achieved. Future funding should be outlined within the Town's Long-Term Financial Plan.</p>

The costs associated with the dedicated FTE, planting and maintaining the UFS on public and private land are forecast to increase significantly into the future therefore increasing the financial liability to the Town. To achieve the outcome of 20% tree canopy coverage the Town will need to adequately financially plan for the outcomes of the endorsed strategy included capital and operating expenses. These will be outlined in future budgets of the Town but may be partially offset by community contributions to the planting and maintenance of the Town's trees.

Analysis

14. The UFS Implementation Plan was the product of the Town's administration and community members partnering to plan for the actions and tasks that the Town and the community will undertake over the next five years to achieve the UFS targets and benefits.
15. Financial analysis indicates that the Town will need to plan financially for both the UFS implementation plan initiatives as well as establishing an appropriate maintenance budget with progressive spend (in accordance with the tree asset increases). Funding will need to adequately reflect whole of life costs for establishment and ongoing maintenance of trees as well as their impact on public and private infrastructure.
16. Analysis indicates that Strategic Outcome No. 1 '20% by 2020' is not achievable at this point in time although the establishment of plantings whereby the ultimate canopy of trees planted ultimately reflects a 20% canopy coverage may be more achievable. Although the Town has a significant amount of control in the public realm, to achieve this will also rely of the willingness of the broader community and landowners also retaining and expanding tree canopy in the private realm. The appointment of a new position - Senior Place Leader (Urban Forest) will facilitate delivery of the endorsed UFS Implementation Action plan.
17. Risk assessments indicate that adequate resourcing needs to be allocated to drive community buy- in and action to reduce the Town's financial liability. It is suggested that a coordinated public communication campaign by the Town would be necessary. Failing successful support from the community the estimated cost for the Town to plant and maintain the 256,000 more trees required for a three-year period is \$384 million.
18. Financial liability may be further reduced through establishment of a volunteer urban foresters' network and extension of advocacy approach to source potential external funding and support from relevant stakeholders.
19. Community consultation was supportive on the whole. Concerns were expressed regarding the regulation of trees on private land and the level of plans required to implement actions. Taking this feedback on board the administration has undertaken the extensive list of quick wins. The administration will continue to action quick wins where possible and partner this with effective planning for the next five to ten years to ensure the best outcomes for the community.

Relevant documents

Town of Victoria Park Urban Forest Strategy

Recommended Year 1 actions and budget allocations

Community Consultation feedback – Your Thoughts

Further consideration

1. Further information has been requested in relation to 'general overheads.' General overheads include accruals for annual leave and long service leave and payment of superannuation. This is estimated at 23%, or between \$21,198 and \$22,573.
2. Feedback summary has been amended to clarify feedback received in relation to removal of trees on private land.
3. Further information has been included regarding the number of local governments the Mayor contacted to support the advocacy approach for the introduction of a Local Government Greener Perth grant program has been included.
4. Information has been provided regarding the reasoning behind maintaining the 20% canopy cover target.

12.5 Annual Strategic Project Summary for 2019/2020

Location	Town-wide
Reporting officer	Donna Colum
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	1. Strategic Projects Summary - Council Report September 2019 [12.5.1 - 1 page]

Recommendation

That Council endorse the Annual Strategic Project Summary for 2019/2020 as presented.

Purpose

To seek Council's endorsement of the Annual Strategic Project Summary for 2019-2020 outlining the Town's strategic projects currently being undertaken within the Town.

In brief

To provide a more coordinated, transparent approach to reporting to Council and the community on the status of Strategic Projects within the Town.

Background

- In July 2019, Council resolved that the Chief Executive Officer:
[2] 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.
- The Annual Strategic Project Summary will allow regular reporting against long term strategic objectives from the Town's key strategies and plans and will assist Council to exercise its responsibility for overseeing the performance of the Town's functions.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 – Everyone receives appropriate information in the most efficient and effective way for them	The community are regularly and consistently informed about the Town's progress against its key plans and strategies.
CL02 - A community that is authentically engaged and informed in a timely manner.	The regular reporting of key activities and progress against key plans and strategies will enable Council to account for what it promised to do within time and on budget, or if not, explain why, and thereby build trust within the

	community.
CL03 - Well thought out and managed projects that are delivered successfully.	Regular reporting provides transparency over project management and builds confidence in the Town's ability to successfully develop, manage and deliver projects.
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	Transparency over the Town's performance of its functions and the effectiveness of its progress in meeting strategic objectives and outcomes will improve management of financial resources.
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	Enable Elected Members to make sound and accountable decisions in the best interests of the community.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The Council will be appropriately informed and able to fulfil its legislative responsibilities appropriately, diligently and equitably.

Engagement

Internal engagement	
Stakeholder	Comments
Service Area Leaders	Utilisation of Cammsproject to update progress of strategic projects within their respective areas.

Legal compliance

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town in relation to transparency	Moderate	Likely	Medium	Framework developed to provide quarterly reporting

Financial implications

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

Analysis

3. The Project Management Office (PMO) is currently undertaking a proof of concept for a software program called CammsProject to improve the Town's approach to the delivery of its projects by introducing a more rigorous Project Management Framework. This approach will enable the PMO to monitor and report on all of the significant projects being undertaken within the Town.
4. The system is currently being modified to develop a multi-criteria assessment tool, the Project Complexity Matrix which will be used to determine a ranking for each project and a project hierarchy (with "strategic" projects being those with the highest complexity score) that aligns to the Town's Strategic outcomes. This matrix has informed the projects within this report, however as the system is in proof of concept phase and is not wholly operable across the organisation, this report and the attachment were compiled manually. It is anticipated the system and matrix will be in operation later this calendar year with an aim to ensure more automated reporting with respect to strategic projects which may alter the list of strategic projects reported on within the attachment.

The Annual Strategic Project Summary for 2019-2020 is appended for Elected Members and the community to assess a range of strategic projects presently being undertaken within the Town, including information on the project performance and budget expenditure.

Relevant documents

Not applicable.

13 Chief Financial Officer reports

13.1 Schedule of Accounts for July 2019

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Graham Pattrick
Voting requirement	Simple majority
Attachments	1. Payment Summary - July 2019 Updated [13.1.1 - 10 pages]

Recommendation

That Council:

1. Confirms the accounts for 31 July 2019, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.

Purpose

To present the payments made from the municipal fund and the trust fund for the month ended 31 July 2019.

In brief

- Council is required to confirm payments made from the municipal fund and the trust fund each month, under Section 13 of the Local Government (Financial Management) Regulation 1996.
- The information required for Council to confirm the payments made is included in the attachment.

Background

1. Council has delegated the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with the Local Government (Financial Management) Regulations 1996.
2. Under Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment is to be noted on a list compiled for each month showing:
 - a) the payee's name
 - b) the amount of the payment
 - c) the date of the payment
 - d) sufficient information to identify the transaction
3. That payment list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list and recorded in the minutes of the meeting at which it is presented.
4. The payment list and the associated report was previously presented to the Finance and Audit Committee.

Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608597 – 608613	49,614
Creditors – EFT Payments		5,630,496
Payroll		1,028,090
Bank Fees		3,984
Corporate MasterCard		5,161
		6,717,345
Trust Account		
Automatic Cheques Drawn	3687 – 3690	28,201
		28,201

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	The presentation of payment listing to Council is a requirement of Regulation 13 of Local Government (Finance Management) Regulation 1996.

Legal compliance

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

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

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance Council not accepting Schedule of Accounts	Moderate	Unlikely	Moderate	Provide reasoning and detailed explanations to Council to enable informed decision making.
Financial impact	Major	Unlikely	Moderate	Daily and monthly

Misstatement or significant error in Schedule of Accounts				reconciliations. Internal and external audits.
Financial impact Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation
Future budget impact	Not applicable

Analysis

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

Relevant documents

[Procurement Policy](#)

Further consideration

At the Agenda Briefing Forum held on 3 September 2019, information was requested for the following suppliers.

Green Skills - This is made up of 2 invoices which relate to the supply and delivery of the Carlisle and Victoria Park Planter box Scheme's, provided along Archer Street and Albany Highway as per QTVP/19/06. A total of 92 planter boxes were supplied and installed. This project is now complete.

The standard description for this creditor is "Agency and Contract Staff" as our usual use of this supplier is for skilled horticultural agency and contract staff.

As this description does not accurately reflect this transaction it has been amended to "Landscaping Materials and Services" for this payment and an updated payment listing is attached.

A Beautiful City – This is for payment of our pedestrian counter service along Albany Highway.

AIM – This relates to two payments. One being for payment to date of the 2019 Leadership Development Program for Town Managers and Service Area Leaders and registration to a Risk Management training course for a staff member.

EMRC – This relates to payment for participation in the 2019/2020 Water Quality and Conservation program facilitated by Eastern Metropolitan Regional Council.

Interstream – This relates to equipment, installation, supervision, and training for the council chamber live streaming system. A monthly fee for the media archival, streaming and posting will occur on an ongoing basis from this supplier.

13.2 Financial statements for the month ending 31 July 2019

Location	Town-wide
Reporting officer	Ann Thampoe
Responsible officer	Graham Pattrick
Voting requirement	Simple majority
Attachments	1. Financial Statements for the month ending July 2019 [13.2.1 - 35 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 31 July 2019, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 31 July 2019.

In brief

- The financial activity statement report is presented for the month ending 31 July 2019.
- The report complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor for the 2018-2019 financial year. The figures stated as opening balances for the 2019-2020 financial year should therefore not be taken as the Town's final financial position

Background

1. Regulation 34 of the Local Government (Financial Management) Regulation 1996 states that each month, officers are required to prepare monthly financial reports covering prescribed information, and present these to Council for acceptance.
2. As part of the monthly financial reports, material variances are reported. Thresholds are set by Council and are as follows:
 - a) Revenue
Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.
 - b) Expense
Operating expense, capital expense and non-operating expense – material variances are identified

where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and in these instances, an explanatory comment has been provided.

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

a) Period variation

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

b) Primary reason(s)

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

c) End-of-year budget impact

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

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainability and transparently for the benefit of the community.	To make available timely and relevant information on the financial position and performance of the Town so that Council and public could make informed decision for the future.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Ensure Town meets its legislative responsibility in accordance with Regulation 34 of the Local Government (Financial Management) Regulation 1996.

Engagement

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

Legal compliance

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

Risk management consideration

Risk and Consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and Actions
Financial impact	Major	Unlikely	Moderate	Daily and

Misstatement or significant error in financial statements				monthly reconciliations. Internal and external audits.
Compliance Misstatement or significant error in financial statements	Moderate	Unlikely	Moderate	Internal review of monthly financial activity statement. External audits of monthly financial statements.
Financial impact Fraud and illegal acts	Catastrophic	Rare	Moderate	Stringent internal controls. Internal audits. Segregation of duties.

Financial implications

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

Analysis

- The Financial Activity Statement Report – 31 July complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that the Financial Activity Statement Report – 31 July be accepted.

Relevant documents

Not applicable.

14 Committee Reports

14.1 CEO Review of Systems and Procedures on Internal Controls

Location	Town-wide
Reporting officer	Danielle Uniza
Responsible officer	Natalie Martin Goode
Voting requirement	Simple majority
Attachments	{attachment-list-do-not-remove}

Recommendation from the Audit Committee:

That Council:

1. Receives the results of the Chief Executive Officer's Review of systems and procedures relating to internal controls, in accordance with regulation 17 of the *Local Government (Audit) Regulations 1996*.
2. Endorses the eight recommended further actions identified as part of the review.
3. Requests that the Chief Executive Officer provides a further report to the Audit Committee on the progress of recommended further actions by March 2020.
4. Requests that the Chief Executive Officer investigate the establishment of a regular internal audit program and report back to the Audit Committee by March 2020.

Purpose

To present findings and recommend further actions from the Chief Executive Officer (CEO)'s review of systems and procedures relating to internal controls, in accordance with regulation 17 of the Local Government (Audit) Regulations 1996 (the Regulations).

In brief

- Regulation 17 of the Regulations require the CEO to conduct a review of systems and procedures relating to legislative compliance, risk management and internal controls on a triennial basis.
- To ensure that a thorough review is conducted, each area is being reviewed and reported on individually. All three areas are to be reviewed in 2019. This report is a review on internal controls.
- In conducting a review of systems and processes relating to internal controls, the Town has used the Local Government Operational Guidelines No. 9 – Audit in Local Government (the Guidelines) to establish eight key areas of review.
- Of the eight areas reviewed, one area has been deemed to have 'inappropriate' systems and processes, five areas are deemed to have some systems and processes in place that are 'needing improvement', and two areas have been deemed to be 'appropriate'. Eight further actions have been identified as a result of this review.

Background

1. In 2013, regulation 17 of the Regulations were amended to include a requirement for the CEO to review the appropriateness and effectiveness of a local government's systems and procedures in relation to risk management, internal controls and legislative compliance on a biennial basis. In 2018, regulation 17 was amended to change the frequency of the review requirement from biennial to triennial.
2. In accordance with regulation 16 of the Regulations, a local government's audit committee is responsible for reviewing the CEO's report, before providing a copy of the report and the results of its review to Council.
3. The first and only review conducted by the Town was a full review of all three areas – legislative compliance, risk management and internal control. The result of this review was presented to the Finance and Audit Committee at its meeting held in November 2016, before being presented to Council at its meeting held on 13 December 2016. This initial review found the Town's systems and processes relating to both risk management and legislative compliance to be 'appropriate and effective', and its systems and processes relating to internal controls to be 'in its infancy'. No further actions were recommended as part of that review.
4. As the last review was conducted in 2016, the CEO is required to conduct a review of all three systems in 2019. While the initial review assessed the appropriateness and effectiveness of all three systems in one report, the approach to this review has been to assess, and report on, each system individually within the calendar year. The reason for this staggered approach is to ensure that the CEO has an opportunity to review each area thoroughly. The most recent review conducted under this approach was on legislative compliance and was presented to Council at its March Ordinary Council Meeting.
5. While there is no mandatory or minimum requirement for conducting the reviews under regulation 17, the Town has used the Guidelines as a basis for reviewing the 'appropriateness and effectiveness' of the Town's internal control framework.
6. Internal control is a key component of a sound governance framework, alongside leadership, long-term planning, compliance, resource allocation, accountability and transparency. As stipulated in the Guidelines, an effective internal control environment is built on the following key areas: *integrity and ethics; policies and delegated authority; levels of responsibility and authorities; audit practices; information system access and security; management operating style and human resource management and practices*. While the overall strategy to maintain sound internal controls should be based on a risk analysis of the internal operations of a local government, an effective control framework should include the following aspects:
 - a) Effective and appropriate delegation of authority
 - b) Documented policies and procedures
 - c) Trained and qualified employees
 - d) Effective system controls (as outlined in the guidelines)
 - e) Effective policy and process review
 - f) Regular internal audits
 - g) Documentation of risk identification and assessment
 - h) Regular liaison with auditor and legal advisors
7. The eight aspects identified above have been used in conducting the CEO's review of the appropriateness of procedures and systems relating to internal controls.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL08 - Visionary civic leadership with sound and accountable governance that reflects objective decision-making.	The Town has a responsibility to its community to ensure that its current internal controls systems are appropriate and in line with industry best practice to promote principles of good governance.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	By conducting a thorough review of the appropriateness of the Town's system and processes relating to internal controls, review areas that need further action are presented transparently.

Engagement

Internal engagement	
Stakeholder	Comments
Corporate Services	Provided response to Review Area 4
Human Resources	Provided response to Review Area 3

Legal compliance

[Regulation 16 of the Local Government \(Audit\) Regulations 1996](#)

[Regulation 17 of the Local Government \(Audit\) Regulations 1996](#)

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Compliance The Town's current systems relating to internal controls not meeting requirements	Moderate	Low	Moderate	Proactively improving internal controls processes and completing the proposed further actions as a result of this review.
Reputational The Town will face reputational damage if a lack of appropriate internal controls results in a breach of the <i>Local Government Act 1995</i> , and other	Major	Likely	High	Completing the proposed further actions as a result of this review. Ensure that internal controls, as outlined in the Guidelines, meets best practice standards.

Financial implications

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

Analysis

8. The review has been based on current systems and procedures. It is to be noted that while several areas of improvement are already underway, the review has not considered those as they are not currently in place. An officer comment has been provided relating to each of the eight review areas. Where it has been deemed that there is appropriate procedures and systems relating to an area of review, it is assessed with '*appropriate*', where there is some form of procedure/ system relating to an area of review, it is assessed with a '*needing improvement*', and where there is little to no evidence of procedures and systems relating to an area of review, it has been assessed with an '*inappropriate*'. The eight areas of review have been assessed as follows:

Review Area 1: Effective and appropriate delegation of authority

Officer Comment	The delegated authority register has recently undergone a full review which was presented to Council for adoption at its meeting held on 21 May 2019. The delegated authority register has been updated using the WALGA model. Following its adoption, the Chief Executive Officer has since provided notice to relevant officers regarding the conditions of their sub-delegations.
Assessment	Appropriate
Recommended further action	None
Supplementary Documents	Register of Delegations

Review Area 2: Documented policies and procedures

Officer Comment	The Town's policies are currently available on the Town's website. However, as procedures and/or management practices are kept by each responsible service area, the format and record-keeping of procedures/management practices are often inconsistent.
Assessment	Needing improvement
Recommended further action	(1) Ensure consistency in the drafting and keeping of procedures and/ management practices using the Town's Record Management System
Supplementary Documents	None

Review Area 3: Trained and qualified employees

Officer Comment	<p>The Town's Recruitment and Selection procedures require all successful candidates to provide proof of their qualifications prior to commencing with the Town. A certified copy is retained on the new employees personnel file as evidence.</p> <p>All position descriptions for Town positions further identify the skills and abilities required for the role. These skills and abilities form the basis of the selection process and the evaluation of the candidates who have applied. Once employed, the Town provides ongoing training and development to staff through its workforce plan initiatives.</p> <p>That being said, a recent audit conducted by the Office of the Auditor General (May 2019 – <i>Focus Audit – Verifying Employee Identity and Credentials</i>) identified areas of the onboarding process that</p>
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	should be improved.
Assessment	Needing Improvement
Recommended further action	(2) In response to the audit, the People and Culture Unit are developing a new procedure for the onboarding of new staff.
Supplementary Documents	HR Procedure on Recruitment and Selection (Attachment 7.1.1) Recruitment Checklist (Attachment 7.1.2)

Review Area 4: Effective system controls (as outlined in the Guidelines)

Officer Comment	<p>The Town has numerous policies, processes, procedures and systems in place to ensure there is an effective system of controls. These include but are not limited to the following:</p> <ul style="list-style-type: none"> • separation of roles and functions, processing and authorisation – there is effective separation of roles in Finance between authorisation and processing of payments and these are reviewed as part of the annual independent audit and supported by Finance policies listed below • control of approval of documents, letters and financial records – as per the Register of Delegations • comparison of internal data with other or external sources of information – external sources verify end-of-year balances of investments and bank accounts • limit of direct physical access to assets and records – the current controls that limit access to IT and Information are included in the (draft) Information Systems Security Policy to be considered by the Audit Committee; • control of computer applications and information system standards – as per IT Hardware and Software Plan
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	<ul style="list-style-type: none"> • limit access to make changes in data files and systems – as per IT Hardware and Software Plan • regular maintenance and review of financial control accounts and trial balances • comparison and analysis of financial results with budgeted amounts – financial results are reviewed each month by the Senior Management Team as well as being presented to Council • the arithmetical accuracy and content of records – reviewed through reconciliations undertaken and independently verified as part of monthly and end of financial year reports • report, review and approval of financial payments and reconciliations – approvers and signatories as per Finance Policies listed below • comparison of the result of physical cash and inventory counts with accounting records – periodic stock counts and checks of petty cash are undertaken. <p>These controls are predominantly checked by the external auditor (the Office of the Auditor General). The controls are all the subject of ongoing internal review.</p>
Assessment	Appropriate
Recommended further action	(3) While the assessment is considered appropriate, some areas for improvement identified by Auditors as part of the 2018/19 interim audit will be actioned.
Supplementary Documents	<p>Relevant policies below as presented in the Policy Manual:</p> <ul style="list-style-type: none"> • FIN1 Investment • FIN2 Band accounts, signatories and payments • FIN3 Debt collection • FIN4 Procurement

- FIN5 Budget expenditure and authorisation
- FIN6 Disposal of disused equipment, machinery and other materials
- FIN7 Donations, - Financial assistance
- FIN8 Sponsorship by private companies on Council property, including events
- FIN9 Business dealings with Elected Members and employees
- FIN10 Taxi vouchers for community members of Council committees, working groups and project teams
- FIN11 Loan borrowings limitation

ICT Strategies and Policies:

- Information Systems Security Policy (TBD)
- [ICT Strategic Plan](#)
- ICT Hardware and Software Plan (TBD)

Review Area 5: Effective policy and process review

Officer Comment

At the time of writing the report, a full review of the Policy Manual has been presented to Council for its consideration. The review of the Policy Manual has been conducted in line with [Council Policy 001 – Policy Management and Development](#). Should Council resolve to adopt the reviewed Policy Manual, the next step will be to migrate all policies into the appropriate policy template and to ensure that all policies are easily accessible on the Town's website.

It is to be noted, however, that several policies still need to undergo a full review. There are approximately 13 policies currently under review, two that have been identified as needing a further review, and a few other policies that need to be developed due to the recent assent of the *Local Government Legislation Amendment Act 2019*. In total, there are about 20 policies under review and/or development.

	The review process for management practices and procedures are done on an ad hoc basis.
Assessment	Needing improvement
Recommended further action	<p>(4) Ensure that all 'policy statements' and 'procedures' are appropriately captured, in line with Council Policy 001 – Policy Management and Development before the next CEO's review on systems and processes relating to internal controls, which will be due in 2022</p> <p>(5) Establish a review process for procedures and/or management practices</p>
Supplementary Documents	<p>Policy Manual (current)</p> <p>Item 10.1 Review of the Town policy Manual (under consideration)</p> <p>Council Policy 001 – Policy Management and Development</p>

Review Area 6: Regular internal audits

Officer Comment	<p>As outlined under the response to Review Area 7 and Review Area 8 of the CEO's review of systems and process on legislative compliance presented to Council at its March Ordinary Council Meeting, there is currently no internal auditor and/or internal audit program within the Town. The lack of an internal audit function was further brought to the attention of the Finance and Audit Committee in June 2019. At the time, it was proposed that functions relating to 'internal audit' be included as part of its terms of reference; however, discussion held at the Committee workshop resulted in the inclusion of only the 'external audit' component.</p>
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Assessment	Inappropriate
Recommended further action	(6) Establish and implement a regular internal audit program
Supplementary Documents	April OCM – Item 14.1.1 CEO Review of Systems and Procedures on Legislative Compliance May OCM – Item 10.3 Review of the Finance and Audit Committee

Review Area 7: Documentation of risk identification and assessment

Officer Comment	<p>The Town currently has two risk registers; a register of operational risks was developed in 2016, and a register of strategic risks was developed in 2018. The 'Risk Management Framework' and operational risk register have not been reviewed since 2017; whilst the strategic risk register was last updated in 2019.</p> <p>In line with a decision made at the Annual Electors' Meeting held in 2018, the Town's Risk Management Framework is currently undergoing a review and is due to be presented to Council by November 2019.</p>
Assessment	Needing improvement
Recommended further action	(7) Risk Management Framework and registers to be reviewed
Supplementary Documents	Risk Management Framework (Attachment 7.1.3)

Review Area 8: Regular liaison with auditor and legal advisors

Officer Comment	<p>The Office of the Auditor General has recently conducted an Interim Audit for the 2018-2019 Financial Year. At the time of writing the report, the interim audit report was considered by the Audit Committee and is now being presented to Council.</p> <p>The Town engages with, and procures, legal advisors in line with Council Policy ADM5 – Legal Advice – Engage Solicitors for Opinions whenever legal advice is considered necessary and/or appropriate. That being said, both the policy, and current practice, need to be reviewed to ensure it is operating effectively.</p>
Assessment	Needing improvement
Recommended further action	(8) Conduct review of Council Policy ADM5 – Legal Advice – Engage Solicitors for Opinions
Supplementary Documents	Item 14.1 Interim Audit Report 2018-2019 Financial Year Council Policy ADM5 – Legal Advice – Engage Solicitors for Opinions

9. It is to be noted that the approach to this review is similar to that which was undertaken with the previous Regulation 17 review on legislative compliance. That review was presented to both the Audit Committee (formerly the Finance and Audit Committee) and Council. The findings of that review were formally endorsed and accepted by Council at its meeting held on 19 March 2019.

Relevant documents

[A Guide to Local Government Auditing Reforms \(DLGSC\)](#)

[Local Government Operational Guidelines No. 9 – Audit in Local Government \(DLGSC\)](#)

Further consideration

The following questions arose during the consideration of the report at the meeting of the Audit Committee on 19 August 2019.

Should the March 2019 recommendation be March 2020?

Yes.

The risk standard has been updated in 2018, will the Town be updating its risk management framework?

Yes, the CEO's review of risk management will be coming to the October meeting of the Committee and the Town has engaged a consultant to assist in the conduct of the review. Part of this review will be a reviewed risk management policy and a revised risk management framework. The consultant will be invited to attend the next meeting of the Committee when the item is presented.

I see the recommendation is that an internal audit program be implemented. I wondered if you could provide some extra commentary on the logistics of how you see this being done and what the program might look like in the context of the concerns that were raised in June during the terms of reference discussions?

The Manager of Governance and Strategy outlined the historical background of an internal audit role in the Town. It was highlighted that an internal auditor would fit well with a risk management role and the result of the risk management review. Currently however, Governance only has 2.5 FTE allocated. The Town is investigating an opportunity to share resources with the Shire of Morawa in order to free up additional employee hours.

The Chief Financial Officer explained alternative internal audit models that outsource internal audit to private providers or operating secondments with other local governments internal auditors.

In relation to further action 2 - Onboarding staff should it be for the People and Culture unit to implement this recommendation?

Yes.

In relation to further action 3 - What will actually be undertaken?

The actions the Town will be undertaking in relation to the interim audit report are set out in item 14.1 on the 20 August 2019 Council agenda.

How long is probation period, I was led to believe it was three months in most jobs?

The Town's Enterprise Agreement prescribes a 6 months probationary period.

15 Applications for leave of absence

16 Motion of which previous notice has been given

16.1 Cr Brian Oliver - Investigate renaming of ROW52 Laneway

In accordance with clause 4.3 of the Town of Victoria Park Standing Orders Local Law 2011, Cr Brian Oliver has submitted the following notice of motion.

Motion

That Council:

1. Requests the Chief Executive Officer to investigate whether ROW 52 can be re-named.
2. Requests the Chief Executive Officer to investigate an appropriate name for the laneway and present a report to Council for consideration by December 2019, if ROW 52 is able to be re-named as per the point above.

Reason

As the laneway is going to be turned in to a dedicated public open space, I believe it is appropriate for council to investigate a name for the laneway, instead of it being referred to by its ROW number or, as it is colloquially referred to, the IGA laneway.

This Notice of Motion also aligns with Council's August item agenda 11.1, where Council is investigating the re-naming of existing public open spaces.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL02 - A community that is authentically engaged and informed in a timely manner.	Opportunity for community engagement to inform the new name, if it can be re-named, as well as informing them about the project and works being carried out.

Social	
Strategic outcome	Intended public value outcome or impact
S03 - An empowered community with a sense of pride, safety and belonging.	Opportunity for community engagement to inform the new name, and to investigate options for a name that supports the new purpose of the laneway.
S04 - A place where all people have an awareness and appreciate of arts, culture, education and heritage.	If the laneway can be re-named, opportunity to celebrate Town's heritage or culture.

Officer response to notice of motion

Location	East Victoria Park
Reporting officer	Jack Bidwell
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	Nil

Officer comment

To facilitate the upgrade project, ROW52 will be closed as a Right-of-Way and remain in freehold land ownership of the Town. A new Title will be issued to the Town as a freehold lot with an easement in place restricting vehicle access. The lot would no longer be classified as a Right-of-Way and is not considered Public Open Space and therefore may not be required to follow a formal and often lengthy naming process through via the Geographic Names Committee (Landgate) as other gazetted roads or Rights of Way.

The Town will be able to investigate options for naming the upgraded space; however, legal advice will be sought to inform the process required to facilitate the naming process and the formalisation of the name.

At the 20 August 2019 Ordinary Council Meeting it was resolved that in relation to the naming of Parks and Reserves:

1. *Notes the preliminary list of prominent women, with the inclusion of Elizabeth Baillie, who have been identified as having made a significant contribution to the Town for the purposes of renaming/naming parks and or reserves in their honour.*
2. *Notes the preliminary list of parks and or reserves suitable for renaming.*
3. *Accepts that the Aboriginal Engagement Advisory Group will undertake a well-planned and considered engagement process with the broader Indigenous community elders to provide a list of prominent Aboriginal people, places and names of endemic flora and fauna to have parks and or reserves named or renamed after them.*
4. *Advertises the preliminary list of prominent women to the community for further suggestions of names for naming/renaming parks and or reserves.*
5. *Requests that Chief Executive Officer present a report to Council following the community consultation.*

While the naming of ROW 52 could been included in the advertising of the above, the above process is not likely to be complete by December 2019. However, a report can be presented back to Council in December advising of potential names and whether the ROW can be renamed.

Legal compliance

Legal advice will be sought.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public reaction to renaming of ROW52 or new name chosen	Minor	Likely	Moderate	Community consultation regarding appropriate name to be undertaken

Financial implications

Current budget impact	Unlikely to have a significant budget impact.
Future budget impact	Unlikely to have a significant budget impact.

Relevant documents

Not applicable.

16.2 Cr Ronnhda Potter - Investigate the use of Glyphosates within the Town of Victoria Park

In accordance with clause 4.3 of the *Town of Victoria Park Standing Orders Local Law 2011*, Cr Ronnhda Potter has submitted the following notice of motion.

Motion

1. That Council requests that the Chief Executive Officer investigates potential alternatives to using glyphosate-based chemicals for weed control within the Town, including information relating to cost and environmental impact.
2. That a report on this be presented back to Council at the November meeting.

Reason

There have been many reports lately in the media around the effects of glyphosate-based chemicals on the people using them and the environment.

There has also been consistent feedback from some members of our community regarding concerns about the use of Glyphosates being used for weed control.

With the following Councils banning glyphosate use:

- Cook Shire Council – Queensland
- Fairfield City Council and Georges River Council in NSW,
- Moyne Shire and Warrnambool City Council in Victoria.

It is important to investigate and explore environmentally friendly weed control alternatives.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	The cost comparisons of weed control techniques are shared with the community.

Environment	
Strategic outcome	Intended public value outcome or impact
EN06 - Appropriate, inviting and sustainable green spaces for everyone that are well maintained and well managed.	Managing weeds within our public open spaces in a safe, sustainable and environmentally friendly way.
EN07 - Increased vegetation and tree canopy.	Protecting our flora and fauna from any potentially harmful impacts of chemicals.

Social	
Strategic outcome	Intended public value outcome or impact
S01 - A healthy community.	Ensuring our staff and community are protected from any potential risks from current techniques used for weed control.
S02 - An informed and knowledgeable community.	Informing our community on the impacts of the weed control chemicals and techniques the town currently use and of other alternatives.

Officer response to notice of motion

Location	Town-wide
Reporting officer	Gregor Wilson
Responsible officer	Ben Killigrew
Voting requirement	Simple majority
Attachments	Nil

Officer comment

1. Officers are able to investigate the use of weed control methods other than glyphosate and will be able to provide this information via report for the November OCM. Projections on costs associated with limiting or stopping the use of glyphosate is much more difficult but officers will attempt to provide some information in this regard.
2. The Town currently uses multiple, often complementary methods of weed control including manual removal, mechanical control (mowing/trimming), steam treatment, and chemical control.
3. The Town actively monitors advice from the Australian Pesticide and Veterinary Medicines Association regarding the safety of the chemicals used by the Town's staff and contractors and ensures that approved application methods, licensed contractors and appropriate PPE are used when applying them within the Town.
4. Selective herbicides other than glyphosate are also used in the Town's reserves to remove broadleaf and other weeds from turf surfaces where active recreation is a priority (e.g. sporting fields).
5. Glyphosate is predominantly used for spraying weeds along the Town's footpaths, median strips and kerb lines, and spot spraying weeds in garden beds. There is likely to be an impact on the lifespan and whole of life costs of the Town's infrastructure (including kerbs, medians and footpaths) as well as an impact on the level of service and amenity/aesthetic in these areas in the event that herbicide use is limited or disallowed.
6. Glyphosate has also been used for spraying out weedy areas prior to mulching and planting. The George Street Reserve revegetation works are an example where glyphosate was used for preparation of the site. Spraying achieves a higher strike rate in revegetated areas than manual weeding and in this case has resulted in a successful mass planting of native revegetation and is now an area with minimal weed re-growth.

7. In residential areas, people have the option of subscribing to the Town's "do not spray" register. There are areas within the Town where residents have raised documented chemical sensitivities with the Town and these areas are steam treated for weeds.
8. It is likely that without the use of glyphosate for the control of weeds, that there will be an increase in the operating/maintenance costs, reduction in service levels and increase in asset deterioration and related whole-of-life costs for the Town.

Legal compliance

Not applicable.

Risk management consideration

Risk and consequence	Consequence rating	Likelihood rating	Overall risk analysis	Mitigation and actions
Reputational Negative public perception towards the Town due to drop in standards of weed control.	Moderate	Likely	Medium	Ensure variety of weed control options are available for use, and appropriate increase in funding to cover cost implications of those options.
Financial Cost blow out on weed control budgets	Moderate	Likely	Medium	Ensure sufficient funds for alternative weed control in selected areas

Financial implications

Current budget impact	Sufficient funds and resources exist within the annual budget to address this recommendation.
Future budget impact	Not applicable at this stage, however future budget impacts are outlined in the commentary within the officer's comments

Relevant documents

<https://apvma.gov.au/node/54181>

- 17 Questions from members without notice**
- 18 New business of an urgent nature introduced by decision of the meeting**
- 19 Public question time**
- 20 Public statement time**
- 21 Meeting closed to the public**
 - 21.1 Matters for which the meeting may be closed**
 - 21.1.1 CEO Key Performance Indicators**
 - 21.2 Public reading of resolutions which may be made public**
- 22 Closure**