



TOWN OF
VICTORIA PARK



Ordinary Council Meeting Agenda – 21 February 2023



WE'RE OPEN
VIC PARK

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 PM** on **Tuesday 21 February 2023** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer
16 February 2023

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1 Declaration of opening

Acknowledgement of Country

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

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

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

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

Ngany youngka baalapiny Noongar birdiya wer moort nidja boodja.

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

2 Announcements from the Presiding Member

2.1 Recording and live streaming of proceedings

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

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

2.2 Public question time and public statement time

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

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

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

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

2.3 No adverse reflection

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

2.4 Town of Victoria Park Meeting Procedures Local Law 2019

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

3 Attendance

Mayor

Ms Karen Vernon

Banksia Ward

Deputy Mayor Claire Anderson

Cr Peter Devereux

Cr Wilfred Hendriks

Cr Luana Lisandro

Jarrah Ward

Cr Jesse Hamer

Cr Bronwyn Ife

Cr Jesvin Karimi

Cr Vicki Potter

Chief Executive Officer

Mr Anthony Vuleta

Chief Operations Officer

Ms Natalie Adams

Chief Financial Officer

Mr Duncan Olde

Chief Community Planner

Ms Natalie Martin Goode

Manager Development Services

Mr Robert Cruickshank

A/Manager Governance and Strategy

Mr Brad Sillience

A/Coordinator Governance and Strategy

Ms Jelette Edwards

Secretary

Ms Natasha Horner

Public liaison

Ms Shelly Woods

3.1 Apologies

3.2 Approved leave of absence

4 Declarations of interest

4.1 Declarations of financial interest

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

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

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

4.2 Declarations of proximity interest

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

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

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

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

4.3 Declarations of interest affecting impartiality

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

5 Public question time

5.1 Response to previous public questions taken on notice at Agenda Briefing Forum held on 7 February 2023

Vince Maxwell

2. At the November 2022 Council meeting I asked what delegated authority the CEO used in an agreement with MIRVAC and was advised it was delegated authority 1.1.9 which does not apply to this situation. Has Council been provided with another delegated authority number that the CEO made this agreement under?

Council has not been provided with any other delegated authority as delegated authority 1.1.9 is sufficient.

4. [Regarding 12.3 - Business Grants - 2022/23 Recommended Recipients] Are businesses applying for a Town business grant required to provide financial statements and demonstrate how they have used the funds?

Businesses are required to provide financial statements in their application to demonstrate the project budget and how the requested funds will be spent.

Per clause 22 of Management Practice 117.1 (Business Grants), *'all applications should be accompanied by quotations detailing the proposed expenditure'*.

Per clause 39 of the Management Practice 117.1, the grant recipient after the project is completed *'must provide financial records of how the funding was spent.'*

5.2 Response to previous public questions taken on notice at Ordinary Council Meeting held on 13 December 2022

Sam Zammit, St James

1. What is the cost of the Town's Christmas decorations as it has been reported it is \$100,00?

The cost of the Town's Christmas decorations this year is approximately \$53,500 against a budget amount of \$100,000.

Vince Maxwell

1. Can you please tell me what was the relevant budget allocation approved by council for carrying out maintenance within Mirvac's development site for each budget year since the Town made the agreement with Mirvac to take over that maintenance?

Budget for entire Peninsula POS area for 2022/23 is \$117,500. 2021/22 year was \$25,000. 2020/21 year was \$12,000

2. Can you please tell me what part of Mirvac's development that the Chief Executive Officer has used delegation 1.1.9 to agree to take over maintenance on is a thoroughfare, bridge, jetty, drain or watercourse belonging to the Crown that is partially within two or more districts?

None.

The Mirvac development area that is not privately owned is land under care, control and management of the Town. The Chief Executive Officer under delegation 1.1.9 has delegated authority to control and manage this land.

3. Can you please tell me what part of the Mirvac development site that the Chief Executive Officer has used delegation 1.1.9 to agree to take over maintenance on is land reserved under the Lands Administration Act 1997?

All Crown land.

2. What is the start and finish date of the inspection period that is referred to in the answer provided to my question at Item 5.1?

The start date for Bush Fire inspection is 1 November, and the finish date is 30 April each 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 13 December 2022.
2. Confirms the minutes of the Special Council Meeting held on 7 February 2023.
3. Confirms the minutes from the CEO Recruitment and Performance Review Committee held on 29 November 2022
4. Receives the notes of the Agenda Briefing Forum held on 7 February 2023.
5. Receives the notes of the Mindeera Advisory Group meeting held on 8 December 2022.
6. Receives the notes of the Access and Inclusion Advisory Group meeting held on 7 December 2022.
7. Receives the notes of the Urban Forest Strategy Implementation Working Group meeting held on 21 November 2022.
8. Receives the notes of the Urban Forest Strategy Implementation Working Group meeting held on 10 October 2022.
9. Receives the notes of the Urban Forest Strategy Implementation Working Group meeting held on 22 August 2022.

8 Presentation of minutes from external bodies

Recommendation

That Council:

1. Receives the minutes of the Metro Inner-South Joint Development Assessment Panel meeting held on 16 December 2022.
2. Receives the minutes of the Tamala Park Regional Council meeting held on 20 October 2022.

9 Presentations

9.1 Petitions

Recommendation

That Council receive the petition from Clinton Bielawski requesting Council to provide equitable parking arrangements for residents of Willis Street and adjacent streets, by providing parking permits to households impacted by timed restrictions in resident streets based on individual need, regardless of R-code compliance. This change will require urgent reviews of the following Strategy, Plan, Policy, Local Law, and Fees:

1. Integrated Transport Strategy and Parking Management Plan – to more accurately reflect current residential parking needs
2. Policy 351 Parking Permits – to ensure applications are considered on individual need and R-code compliance is not assessed
3. Parking permit application fee – to make permits available free of charge for affected residents to ensure equality for all ratepayers and not penalise households impacted by parking restrictions
4. Vehicle Management Local Law 2021 – to allow parking in excess of 24 hours in a public place for residents who do not have adequate parking provisions available on their property.

9.2 Presentations

9.3 Deputations

Item	Presenter
9.1 - Petitions	Mr Clinton Bielawski and Ms Dannielle Vanpraag
13.2 - Petition - Burswood South Lighting	Ms Jodie Thompson and Mr Roger Meakes

10 Method of dealing with agenda business

11 Chief Executive Officer reports

11.1 Council resolutions status report - December 2022 - January 2023

Location	Town-wide
Reporting officer	Governance Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. Outstanding Council Resolutions Report - January 2023 [11.1.1 - 40 pages] 2. Completed Council Resolutions Report - December 2022 and January 2023 [11.1.2 - 23 pages]

Recommendation

That Council:

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

Purpose

To present Council with the Council resolutions status reports.

In brief

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

Background

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

Strategic alignment

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

Engagement

Internal engagement

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

Legal compliance

Not applicable.

Risk management consideration

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

Financial implications

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

Analysis

3. The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.
4. The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 24 November 2022 to 30 January 2023. A status update has been included by the relevant officer/s.

Relevant documents

Not applicable.

11.2 Quarterly Report October 2022 - December 2022

Location	Town-wide
Reporting officer	Corporate Performance Advisor
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Community Benefits Strategy - Annual Report Jan-Dec 2022 [11.2.1 - 37 pages] 2. Community Benefits Strategy - WCE Lease Obligations and Player Hours Report 2022 [11.2.2 - 15 pages] 3. 2022 2023 - Q 2 - Quarterly Reports - Five-year capital works program including the Annual Strategic [11.2.3 - 6 pages] 4. Final CBP quarterly report Q 2 Oct - Dec 2022 [11.2.4 - 67 pages]

Recommendation

That Council:

1. Receives the quarterly written progress reports, for the period October 2022 - December 2022, relating to the:
 - a) Corporate Business Plan
 - b) Five-year capital works program, including the 2022/2023 Annual Strategic Project Plan
 - c) Community Benefits Strategy
 - d) Climate Emergency Plan.
2. Notes that the following strategies and plans are reported through the Corporate Business Plan:
 - a) Economic Development Strategy 2018-2023
 - b) Urban Forest Strategy
 - c) Reconciliation Action Plan
 - d) Disability Access and Inclusion Plan.

Purpose

To present quarterly progress updates to Council on the actions, projects and outcomes listed within the plans and strategies included in the recommendation.

In brief

- At the Ordinary Council Meeting on 16 July 2019, Council resolved that quarterly written progress reports be presented to Council on the Corporate Business Plan, Annual Strategic Project Summary, five-year capital works program, Economic Development Strategy and Urban Forest Strategy. A resolution in July 2021 requested that a progress report on the Climate Emergency Plan also be included.

- The progress reports were requested to enable Council to confidently oversee the Town's performance, allocation of finances and allocation of resources, as well as improve transparency and accountability to the Council and community.
- All progress reports for this quarter are attached to this report to be received by Council.

Background

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

That Council requests that the Chief Executive Officer:

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

That Council:

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

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL2 Communication and engagement with community	The community is regularly informed of progress on projects, plans and strategies undertaken by the Town.
CL3 Accountability and good governance	Council is given the information they have requested in the way they determined is best for them.

Engagement

Internal engagement

Stakeholder	Comments
Operations	Operations coordinate the progress reports for the 2022/2023 Annual Strategic Project Summary, Climate Emergency Plan and Five-Year Capital Works Program.
Governance and Strategy	Governance and Strategy coordinate the progress reports for the Corporate Business Plan.
Community Development	Community Development coordinate the progress reports for the Community Benefits Strategy.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Negative public perception towards the Town if progress expectations are not being met.	Minor	Possible	Moderate	Low	Risk to be treated by providing commentary and reasoning within progress reports where expectations are not being met. Avoid risk by frequently reporting to Council, allowing Council and

		community to be informed of progress in a timely manner and potentially mitigate further progress delays.
Service delivery	Not applicable.	Medium

Financial implications

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

Analysis

5. Written progress reports will enable the Council to oversee the Town's performance and allocation of the Town's finances and resources. They will also help inform the community about the Town's progress concerning the plans and strategies.
6. These reports on the actions, projects and outcomes, for the plans and strategies listed in the Council resolution, have been attached to this report. Further commentary for each report has also been included below.
7. The new Corporate Business Plan 2022-2027 was adopted by council at the Ordinary Council Meeting held 19 July 2022.
8. The format of attachment 11.2.1 CBP Quarterly progress report (October 2022 – December 2022) is different from the format previously provided to council because the Town is transitioning to a new corporate strategy system. As the system needs to go through the implementation process for this reporting period, the Administration used a word document. The new corporate strategy system should be implemented for the next reporting period resulting in a more presentable and advanced quarterly report update.

Corporate Business Plan

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

Community priorities	Total actions	No. of actions completed	No. of actions in progress
S1 - Helping people feel safe	7	2	5
S2 - Collaborating to ensure everyone has a place to call home	6	2	4

S3 - Facilitating an inclusive community that celebrates diversity	21	3	18
S4 - Improving access to arts, history, culture and education	15	1	14
EC1 - Facilitating a strong local economy	13	1	12
EC2 - Connecting businesses and people to our local activity centres through place planning and activation	8	0	8
EN1 – Protecting and enhancing the natural environment	24	4	20
EN2 - Facilitating the reduction of waste	3	0	3
EN3 - Increasing and improving public open spaces	9	0	9
EN4 - Providing facilities that are well-built and well-maintained	13	0	13
EN5 - Enhancing and enabling liveability through planning, urban design and development	19	0	19
EN6 - Improving how people get around the Town	19	3	16
CL1 - Effectively managing resources and performance	50	13	37
CL2 - Communication and engagement with community	10	1	9
CL3 - Accountability and good governance	12	3	9

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

Completed actions
Deliver mental health first aid training
Review the Safer Neighbourhoods Plan

Deliver community awareness raising activity to promote understanding and support community-led action
Review Policy 113 – Homelessness
Deliver introduction to LGBTQIA+ training
Complete a review of the Disability Access and Inclusion Plan
Review the Town’s homelessness policy
Review Policy 115 – Public Art
Complete review of Land Asset Optimisation Strategy
Deliver the Urban Forest @ home sub-program
Evaluate Policy 251 – Rainforest Timbers – Use in Town Construction
Evaluate Policy 252 – Nuclear Free Zone
Deliver the Urban Eco-Systems sub-program
Initiate a review of the Rights-of-Way Strategy
Deliver the Bus Stop Thankyou Gardens sub-program
Advocate for Mid-Tier Transit and Short-Range Bus Transit (CAT) priority project
Complete employment processes internal audit

Complete misuse of assets and resources internal audit
Evaluate Policy 303 – Debt Collection
Evaluate Policy 004 – Risk Management
Review the ICT Security Plan
Review the Disaster Recovery Plan
Update the Business Continuity Plan
Investigate use of automated fraud management technology for more efficient and comprehensive detection and prevention of fraud to complement existing processes and methods
Implement actions from conflicts of interest and gifts internal audit
Conduct a review of Street Improvement's operations
Conduct of review of Street Operations' operations
Conduct a review of Waste Services' operations
Conduct a review of Environment's operations
Review communication and engagement planning templates to align to project needs and outcomes
Set annual advocacy program
Develop procedure for protection for whistleblowing/public interest disclosures
Evaluate Policy 023 – Provision of Information and Services – Elected Members

2022/2023 Annual Strategic Project Summary

11. The status of projects from the annual strategic project summary are as follows.

Total projects	No. of projects on track	No. of projects potentially delayed	No. of projects delayed
15	11	0	4

Five Year Capital Works Program

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

2022 – 2023

Total projects	Works in Progress	Not yet started	Complete
76	40	31	5

2023/2024

Details will be provided once the LTFP planning process is completed for 22/23.

2025/2026

Details will be provided once the LTFP planning process is completed for 22/23.

2026/2027

Details will be provided once the LTFP planning process is completed for 22/23.

Deferred / Not nominated

Details will be provided once the LTFP planning process is completed for 22/23.

Economic Development Strategy 2018 – 2023

13. The Economic Development Strategy 2018- 2023 (EDS) outlines 50 actions required to achieve the seven pathways for sustainable economic growth over the next five years. The EDS was adopted by Council in March 2019.

14. All reporting of the EDS actions are now incorporated into the Corporate Business Plan reporting and not provided as an additional attachment.

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

Outcome	Total actions	No. of actions completed	No. of actions in progress	No. of actions not started
Pathway 1: Leadership	4	2	2	0

Pathway 2: Identity	2	0	2	0
Pathway 3: Local to Global Connections	5	0	3	2
Pathway 4: Smart Town- Digital Innovation	7	0	5	2
Pathway 5: Creating an Enabling Business Environment	8	1	6	1
Pathway 6: High Value Precincts	6	5	1	0
Pathway 7: High Value Sectors	18	1	16	1
Total	50	9	35	6

Urban Forest Strategy

16. The Urban Forest Strategy (UFS) Implementation Action Plan (IAP) outlines 41 actions required to achieve the six strategic outcomes defined in the UFS over a 5-year period. The UFS was adopted by council in September 2018 and the IAP in September 2019.
17. All reporting of the UFS actions are now incorporated into the Corporate Business Plan reporting and not provided as an additional attachment.
18. The summary table below represents the number of actions progressed and completed since the adoption of the IAP.

Outcome	No. of actions completed	No. of actions in progress	No. of actions not started
Strategic Outcome 1 Plant and protect sufficient trees by 2020 to achieve the 20% tree canopy target as supported by Council.	5	6	4
Strategic Outcome 2 Maximize community involvement and collaboration in its implementation.	1	8	0
Strategic Outcome 3 Increase tree diversity, whilst favoring	1	1	1

local endemic and West Australian species that also support wildlife.			
Strategic Outcome 4 Maintain high standard of vegetation health.	3	2	1
Strategic Outcome 5 Improve soil and water quality.	1	1	1
Strategic Outcome 6 Improve urban ecosystems.	0	2	3

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

Reconciliation Action Plan

20. The Town's Reflect Reconciliation Action Plan (RAP) was adopted by Council in November 2018.

21. The document outlines strategies and actions to support opportunities to strengthen the community, build strong relationships and foster greater awareness and understanding of Aboriginal culture and history.

22. The status of actions from the Reconciliation Action Plan is as follows.

Category	No. of actions completed	No. of actions in progress/ongoing	No. of actions not started
Relationships	14	3	1
Respect	31	4	1
Opportunities	13	4	3
Tracking and Progress	2	2	0

23. A summary of the progress for the RAP is included as part of the CBP quarter report, rather than a separate schedule.

Disability Access and Inclusion Plan

24. The Town's Disability Access and Inclusion Plan was adopted by Council in September 2017 and is a legislative requirement for all local governments. The previous Disability Access and Inclusion Plan 2017-2022 was reviewed, and a new Access and Inclusion Plan 2022-2027 was adopted by Council in December 2022.

25. The status of actions from the previous Disability Access and Inclusion Plan 2017-2022 are as follows.

Category	No. of actions	No. of actions in	No. of actions not
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	completed	progress	started
Services and Events	6	0	0
Building and Facilities	3	1	0
Information	5	1	0
Quality Customer Service	5	0	0
Complaints	2	0	0
Public Consultation	3	0	0
Employment	5	0	0

26. A summary of the progress for the DAIP is included as part of the CBP quarter report, rather than a separate schedule.

27. The next Quarterly update will reflect progress made within the new 2022-2027 Access and Inclusion Plan.

Community Benefits Strategy

28. The Community Benefits Strategy (CBS) was launched on 2 December 2019.

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

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

Program	No. of actions completed /ongoing	No. of actions progressing	No. of actions not started
Youth engagement program	3	0	0
Healthy relationship awareness	7	1	1

Supporting local community organisations	4	3	0
Recreational groups and sports club development	4	1	1

31. These annual highlights of the 2022 Community Benefits Strategy are:

- The Waalitj Foundation has continued to build a strong partnership with Lathlain Primary School. Waalitj Foundation hosted eight (8) board meetings, eight (8) P&C meetings, two (2) professional development days, athletics carnival (MRP), support for the school Christmas Carols event and attended the NAIDOC assembly.
- The Waalitj Club activities engaged 624 participants across sessions held.
- WCE has continued to build on their relationships with key organisations including Connect Vic Park (Walking Footy program), Healthy Strides Foundation (therapy sessions), WADSA – (All Abilities recreation program), Healthy Relationships (Stopping Family Violence), PCYC Kensington (Leadership Program for disengaged youth), WA Police (youth, who had recently been released from Banksia Hill Detention Centre). AFL blind football sessions and grand final match.
- Key events included International Day of People with Disability, Ken Wyatt Cup, 16 Days in WA campaign, Lathlain Playgroup Christmas Party and the Kent Street Senior High School & Ursula Frayne Catholic College - memorial match.
- WCE provided Vic Park Raiders Junior Football Club access to use the Community Oval (with lights) at the Mineral Resources Park (MRP) Precinct on Friday nights throughout June to August for 7 of their 10 rounds of their season.

32. A summary of the progress for each of the actions from the CBS is attached in a separate schedule. The attached report is the Annual Summary Report for 2022. Please note that the attached CBS reporting cycle follows the calendar year (not financial year) as per the Lease Agreement. The Annual Summary Report for the CBS is from 1 January 2022 – 31 December 2022.

33. A summary of the progress for each of the actions from the CBS is attached in a separate schedule.

Climate Emergency Plan

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

35. The Climate Emergency Plan aims to:

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

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

Category	No. of actions completed	No. of actions in progress/ongoing	No. of actions not started
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1 Embed a low carbon culture	3	2	2
2 Reduce emissions of facilities and assets	3	7	
3 Reduce waste emissions	No 2021 actions		
4 Switch to low carbon and renewables		3	
5 Respond to immediate climate change impacts		7	2
6 Support and educate our community		11	1
7 Support and educate our businesses		10	
8 Offset residual emissions	1		

37. This quarter, the key progress highlights of the Climate Emergency Plan included:

- The Town is continuously working with Western Power and Contractors on projects that either upgrade old lights or install new lighting to more efficient LED technology.
- Western Power NRUPP project through St James and East Victoria Park is in progress. Both this and the completed SUPP6 project involved undergrounding power supply and upgrading the street lighting to LED and AS/NZS standards.
- Archer Street Town Centre project has been completed, including lighting upgrades.
- Lighting upgrade for a portion of the Administration building has occurred.
- Integrated Transport Program includes:

Skinny Streets Sub-Program:

- Low Cost Urban Safety Treatment Program - Phase 2 – design process to encourage slower speeds and a safer walking and cycling environment
- Bone and Upton Street Intersection and Planting – street modifications to encourage a better walking and cycling environment.

Pedestrian Infrastructure Sub-Program:

- Albany Highway Microspace (Imp Café) – design modifications and request for additional budget underway

Streetscape Improvement Plan Sub-Program:

- Burswood Station East public realm upgrades – detailed design commencing – creates a better pedestrian and cycling environment in a transit oriented developed.

Transport Advocacy and Partnership Sub-Program:

- METRONET Level Crossing Removal Program – Armadale Line: Ongoing design advocacy & LG Approvals
- Heirisson Island Pedestrian Footbridge – Design advocacy & LG Approvals

Streetscape Improvement Plan Sub-Program:

- Rutland Rd PSP – Detailed Design being confirmed
- Bike Parking – Planning underway for new bike parking.

- Water and energy utility management system established.
- Green Services providing residents and business free advice for reducing energy use and installing solar and battery storage technology.
- ClimateClever low-carbon schools program established, commencing in 2023.
- Water audit has been undertaken for Aqualife.
- The feasibility of transitioning the Aqualife gas boiler to an alternative energy source is being investigated.
- Reusable nappy rebate and workshop program established.
- Investigate the opportunity of recognising the Town's urban forest as an official offset/carbon credit. Note: Unfortunately, it doesn't seem that the Town can meet the 'newness' criteria, as we have started planting, have funding etc. The requirement for formal recognition seems to be that the project has not commenced.
- Investigated the viability of a community battery for storage of renewable power. The Town is liaising with WALGA on this.
- Initiated investigation into collaboration with relevant state government stakeholders to implement consistent communication and support for the community during climate related events such as heatwaves, floods, or severe storms. Note: WALGA now have an advocacy team, who are looking at how they launch and collect the annual climate data they have been doing for the past 2 years in a more meaningful and targeted way. This will then inform how they design and map the climate strategy for next year and assign resourcing to priority areas. Once this is determined, WALGA will engage with champion Local Governments to strengthen this.

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

Relevant documents

[Corporate Business Plan](#)

[Economic Development Strategy 2018 – 2023](#)

[Urban Forest Strategy](#)

[Reconciliation Action Plan](#)

[Disability Access and Inclusion Plan](#)

[Climate Emergency Plan](#)

11.3 Millers Crossing Advocacy Update

Location	Carlisle
Reporting officer	Place Leader
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	1. Amendment 56 Location Plan [11.3.1 - 1 page]

Recommendation

That Council:

1. Note the progress regarding the actions taken to advocate to the Minister for Planning and the Member for Victoria Park for Miller's Crossing to be reserved as "Parks and Recreation".
2. Supports Scheme Amendment No. 56 to the Town of Victoria Parks Town Planning Scheme No. 1 (TPS1), as modified by the Minister for Planning's decision dated 2 August 2021, pursuant to Section 75 of the *Planning and Development Act 2005* (the Act) and Regulation 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), subject to requesting the Minister to further modify the amendment as follows:
 - a. Classifying No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park and No. 7 (Lot 1003) Raleigh Street, Carlisle as Town of Victoria Park Scheme Reserve "Parks and Recreation";
 - b. No. 6 (Lot 1004) Raleigh Street, Carlisle and No. 45 (Lot 1005) Bishopsgate Street, Carlisle being transferred to the 'Residential' zone with a density coding of R60.
 - c. Inserting the following subtitle and paragraph to the 'DEVELOPMENT STANDARDS' listed for the 'RESIDENTIAL ZONE' of Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct:

"Residential R60 zoned area

A Local Development Plan is required to be adopted by the local government prior to the subdivision or development of the Residential R60 zoned land comprising Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle, that were formerly partly located within the Robert's Road 'Other Regional Road' reservation under the Perth Metropolitan Region Scheme. The Local Development Plan shall address issues of vehicular access, environmental sustainability, landscaping, building setbacks and the retention and conservation of mature trees on and surrounding the land as part of any future development."
 - d. The unzoned portions of the Rutland Avenue, Raleigh Street and Bishopsgate Street road reserves being transferred to the 'Residential' zone with a density coding of R30.
 - e. Modify the Town Planning Scheme No. 1 Precinct Plan P10 Shepperton Precinct and Precinct Plan P8 Carlisle Precinct accordingly."
3. The Scheme Amendment Report documents being modified to reflect the decision of the Minister for Planning dated 2 August 2021 and being forwarded to the Western Australian Commission for final determination by the Minister.

Purpose

To report the outcomes of the Town's advocacy efforts regarding the future of the Miller's Crossing land.

In brief

- Council resolved at the 18 October 2022 OCM to receive a further report regarding the advocacy efforts to the 21 February OCM.
- Council resolved to undertake further advocacy efforts in relation to the retention of the Miller's Crossing open space as public open space at the OCMs held on 21 April and 19 July 2022, with a further report to be provided on the outcomes of these efforts due by October 2022.
- The advocacy efforts relate to the Town's consideration of Amendment 56 to TPS1, as further modified in accordance with the Minister for Planning's decision to up-code the proposed residential density of the Miller's crossing lots from R30 to R60.
- Since 9 May 2022 the Town has supported the Mayor and CEO to advocate for Miller's Crossing to be reserved as "Parks and Recreation".
- While the advocacy efforts to date have reached a significant number of community members, the response has been minimal.
- The Town's deadline to provide the WAPC with a final Council resolution in relation to modified Scheme Amendment 56 was 29 October 2022.
- The Town requested an extension to the deadline on 24 October 2022. The Town has received confirmation of receipt of this request but is yet to receive any decision regarding the extension. Further clarification on the acceptance of this request was sought from DPLH officers in mid-November 2022 and January 2023 with no formal response to date.
- While no formal response to the Town's requested extension was received, DPLH have advised that the Western Australian Planning Commission's Statutory Planning Committee will likely defer providing consent to advertising Local Planning Scheme No.2 until they have an indication of the Minister for Planning's position on the Miller's Crossing Land.
- There is now a likely risk that the progression of the Town's Local Planning Scheme No.2 is dependent on a decision on the Millers Crossing Land.

Background

1. Amendment No. 56 to Town Planning Scheme No. 1 (TPS1) relates to the land known as 'Miller's Crossing' in Carlisle. This land is comprised of three lots being Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street.
2. The amendment also relates to one lot in East Victoria Park adjacent to John Bissett Reserve, which is used by the community and maintained by the Town as part of that reserve, being Lot 1002 (No. 2-8) Beatty Avenue.
3. Amendment 56 has been the subject of protracted considerations by the Western Australian Planning Commission (WAPC) in its roles both as advisory body to the Minister for Planning and landowner of the lots. The WAPC has indicated its intention to sell the Millers Crossing lots for residential development in the medium to longer term. 33 of 110
4. The decision by the Minister for Planning in August 2021 has required the Town to re-advertise and further modify Amendment 56 by increasing the proposed residential density of the Miller's Crossing lots from R30 to R60.
5. At the 12 April 2022 OCM Council resolved the following:
 - a. "That Council: 1. Continues to support the original intention of Amendment No 56 for Lots 1003 and 1004 Raleigh Street, Carlisle and Lot 1005 Bishopsgate Street, Carlisle (known as Miller's Crossing) to be reserved as "Parks and Recreation";

- b. Requests the Mayor and the Chief Executive Officer to advocate to the Minister for Planning and the Member for Victoria Park for Miller's Crossing to be reserved as "Parks and Recreation";
 - c. Requests the Chief Executive Officer to report to Council by July 2022 as to the progress of that advocacy.
 - d. Should the Minister for Planning determine to proceed with the Residential R60 zone currently proposed to also support the following modification: *A Local Development Plan is required to be adopted by the local government prior to the subdivision or development of the Residential R60 zoned land comprising Lots 1003 (No. 7) and 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle, that were formerly partly located within the Robert's Road 'Other Regional Road' reservation under the Perth Metropolitan Region Scheme. The Local Development Plan shall address issues of vehicular access, environmental sustainability, landscaping (including replacement of trees lost) , building setbacks and the retention and conservation of mature trees on and surrounding the land as part of any future development."*
6. The reasoning provided for the above decision, which was an amendment to the Officer's Recommendation, can be summarised as follows:
 - a. Precedent set by a recent decision with respect to the City of Melville
 - b. The original intent of Amendment 56 to confirm additional public open space
 - c. A view that the local community has always supported and continues to support the site as becoming public open space
 - d. The need to undertake further advocacy to rezone the site to Parks and Recreation.
7. Further background information can be found in the 12 April 2022 OCM report.
8. A report on the progress of advocacy efforts was provided at the 19 July OCM, with Council resolving the following:
 - a. Notes the progress regarding the actions taken to advocate to the Minister for Planning and the Member for Victoria Park for Miller's Crossing to be reserved as "Parks and Recreation".
 - b. Requests the Chief Executive Officer to bring a further report to Council by October 2022 as to the progress of the advocacy efforts.
 - c. Council is required to make a final, formal resolution in relation to Amendment No. 56 to Town Planning Scheme No. 1, as further modified by the Minister for Planning in accordance with the Act and Regulations. 34 of 110 9.
9. The Town has secured two further extensions of time to provide the WAPC with a formal resolution in relation to Amendment 56 following the Council decisions of 14 April and 19 July 2022 to continue advocacy efforts. The deadline for this to occur is 29 October 2022.
10. A report on the progress of advocacy efforts was provided at the 18 October 2022 OCM with Council resolving the following:
 - a. Notes the progress regarding the actions taken to date to advocate to the Minister for Planning and the Member for Victoria Park for Miller's Crossing to be reserved as "Parks and Recreation"
 - b. Continues to support the original intention of Amendment No 56 for Lots 1003 and 1004 Raleigh Street, Carlisle and Lot 1005 Bishopsgate Street, Carlisle (known as Millers Crossing) to be rezoned as "Parks and Recreation";

- c. Requests the Mayor and the Chief Executive Officer to continue to advocate to the Minister for Planning and the Member for Victoria Park for Miller's Crossing to be rezoned as "Parks and Recreation";
- d. Requests the Chief Executive Officer to seek a further extension of time from the Minister For Planning and/or WA Planning Commission for Council to make its recommendation on Amendment 56 until no later than 28 February 2023;
- e. Requests the Chief Executive Officer to report to Council by no later than February 2023 as to the progress of that advocacy.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The local community feels well informed that their concerns have been genuinely considered by the Town's administration and Elected Members as part of the decision-making process.

Engagement

External engagement	
Stakeholders	Residents residing within 2km of the Millers Crossing space.
Period of engagement	Advocacy has been ongoing since 9 May 2022
Level of engagement	1. Inform
Methods of engagement	- Community engagement efforts have utilised the Town's social media channels, - Your Thoughts website and Town e-newsletter (eVIBE). - Advocacy efforts have been focused on meetings and requests for meetings with Hannah Beazley MLA and Rita Saffioti MLA.
Advertising	No further community engagement activity has been carried out since October 2022
Submission summary	The primary call to action is for community members to send a letter in support of retaining Miller's Crossing to the Member for Victoria Park using the template provided.
Key findings	Community interest in the campaign has been low, no submissions from residents have been made to the Ministers Office.

Other engagement	
Stakeholder	Comments
Hannah Beazley MLA	The Town has been in regular contact with Hannah Beazley MLA about Miller's Crossing advocacy.
Rita Saffioti MLA	The Town met with the Minister for Planning's Policy Officer in January 2023. The Town is awaiting a follow up from the Minister's office.
Department of Planning, Lands and Heritage	On 24 October 2022, the Town requested an extension to the 29 October 2022 deadline for a final Council resolution to be passed in relation to modified Scheme Amendment 56. The Town has received confirmation of receipt of this request but is yet to receive any decision regarding the extension. Further clarification on the acceptance of this request was sought from DPLH officers in mid-November 2022 and January 2023 with no formal response to date. While no formal response to the Town's requested extension was received, DPLH have advised that the Western Australian Planning Commission's Statutory Planning Committee will likely defer a decision to advertise Local Planning Scheme No.2 until they have an indication of the Minister for Planning's position relating to the Miller's Crossing Land.

Legal compliance

[Planning and Development Act 2005 - \[04-p0-00\].pdf \(legislation.wa.gov.au\)](#)

[Planning and Development \(Local Planning Schemes\) Regulations 2015 - \[00-l0-00\].pdf \(legislation.wa.gov.au\)](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	<i>Not applicable</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Not applicable</i>
Environmental	Potential loss of trees	Moderate	Somewhat likely	Medium	Medium	Treat Risk by supporting modified Amendment 56 subject to the requirement for a Local

						Development Plan to encourage retention of mature trees.
Environmental	<i>Not applicable</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Not applicable</i>
Health and safety	<i>Not applicable</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Not applicable</i>
Infrastructure/ ICT systems/ utilities	<i>Not applicable</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Nil</i>	<i>Not applicable</i>
Legislative compliance	Council not resolving a finalised resolution in respect to modified Amendment 56 to TPS1 prior to 29 October 2022 deadline.	Moderate	Somewhat likely	Low	Low	Treat Risk by requesting an extension to the deadline from the DPLH.
Reputation	Negative public perception if WAPC/Minister for Planning does not support requirement for a LDP.	Moderate	Likely	Medium	Low	Treat Risk by developing a communications plan based on the final decision and all efforts made to advocate to retain the land and trees.
Reputation	The Carlisle community perception that there is a lack of direct engagement with the impacted residents	Moderate	Likely	Medium	Low	Treat Risk by communicating the activity taken and the related outcomes.
Service delivery	Negative public perception if the progress of Local Planning Scheme No.2 is affected by a decision to continue to advocate efforts relating to Amendment No.56.	Moderate	Almost Certain	High	Medium	Treat Risk by recommending to Council to make a resolution to Amendment No.56.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	It is considered that the landowner be responsible for preparation of a LDP for the Miller's Crossing land prior to subdivision or development occurring, if Amendment 56 is approved subject to such a requirement as is recommended. This would then be subject to assessment and approval by the Town. The future development of the lots for residential purposes would generate additional rate revenue for the Town. The retention of the land as park land (if supported by the Minister) would continue to generate ongoing costs to the Town for its continued maintenance and/or any future investments in plantings, tree care or related park infrastructure.

Analysis

11. The Town's deadline to provide the WAPC with a final Council resolution in relation to modified Scheme Amendment 56 was 29 October 2022.
12. Following Council's decision at the 18 October 2022 OCM the Town requested an extension to the 29 October 2022 deadline on 24 October 2022. The Town has received confirmation of receipt of this request but is yet to receive any decision regarding the extension. Further clarification on the acceptance of this request was sought from DPLH officers in mid-November 2022 and January 2023 with no formal response to date.
13. While no formal response to the Town's requested extension was received, DPLH have advised that the Western Australian Planning Commission's Statutory Planning Committee will likely defer a decision to advertise Local Planning Scheme No.2 until they have an indication of the Minister for Planning's position relating to the Miller's Crossing Land.
14. There is now a likely risk that the progression of the Town's Local Planning Scheme No.2 may be dependent on a decision on the Miller's Crossing Land.
15. The strategic position and recommendation of Administration remains consistent with that contained in the report presented to Council at the 19 October 2022 OCM and 12 April 2022 OCM, which is to support Amendment 56 as modified by the Minister for Planning, subject to the requirement for a Local Development Plan for the Miller's Crossing land prior to any subdivision or development occurring. Detailed commentary on the potential development outcomes and strategic planning rationale for this position are contained in the 12 April 2022 OCM report.
16. Department of Planning, Lands and Heritage (DPLH) officers have advised Place Planning officers that the most appropriate means for the Council to advocate its position regarding the future of the Miller's Crossing land is to make a final, formal resolution in relation to modified Amendment 56, notwithstanding that this may differ to the strategic position and recommendation of Administration provided in the report at the 18 October 2022 OCM and 12 April 2022 OCM.
17. Should Elected Members seek to adopt an alternative resolution that varies from the Administration recommendation at the 18 October 2022 OCM and 12 April 2022 OCM to support the modified amendment, then Elected Members are requested to formulate the alternative resolution in a manner that:

- a. Continues to satisfy the Town's applicable legislative obligations in respect to modified Amendment 56 ie. make a resolution relating to the proposed further modification by the Minister for the density to change from R30 to R60;
 - b. Provides an opportunity for Council to resolve a recommendation requesting the WAPC's and Minister's inclusion of any additional or modified local planning scheme provisions to address previously raised issues or concerns ie. Support the inclusion of requirements for a Local Development Plan prior to any development or subdivision of the land; and
 - c. Provides certainty to the Town's officers as to how to proceed and finalise the administration/processing of Amendment 56, to facilitate its final determination, whatever the Minister for Planning's determination may be ie. comply with Regulation 62 to modify, execute and submit the executed documents.
18. The advice in point 15 above was also provided to Council at the 18 October 2022 OCM.
19. In addressing the above matters, the following minimum components for any formal resolution in relation to Amendment 56 are requested, notwithstanding the administration's recommendation provided at the 12 April 2022 OCM and 18 October 2022 OCM:
- a. For Council to resolve, pursuant to Section 75 of the Act and Regulation 50(3) of the Regulations, to either:
 - i. Support Scheme Amendment 56 in accordance with the Minister's decision of 2 August 2021 (R60) with proposed modification to require an LDP as recommended by Administration; or
 - ii. Not support Scheme Amendment 56 as modified in accordance with the Minister's decision of 2 August 2021.
 - b. Authorisation for the Amendment 56 documents to be modified and executed by the CEO and Mayor in accordance with the Minister's decision and forwarded to the WAPC for final determination by the Minister for Planning.
20. In view of the minimal community response to the efforts of the Town to advocate for the retention of the Miller's Crossing land as park land since April 2022, it is recommended that the Council formally resolve to support Amendment 56 as further modified by the Minister for Planning, consistent with the officer recommendation provided at the 12 April OCM

Relevant documents

[Public Open Space Strategy](#)

[Draft Medium Density Codes](#)

[Local Planning Policy 39 'Tree Planting and Retention'](#)

Further consideration

21. A meeting was held between the Town's CEO and Mayor and a representative on behalf of the Minister for Planning on 8 February 2023 (following the 7 February 2023 Agenda Briefing Forum). At this meeting the Town's advocacy position regarding the Miller's Crossing land and a potential compromise with the WAPC was discussed.
22. The discussion included the potential creation of an expanded Parks and Recreation reserve across Lots 1002 and 1003, with Lots 1004 and 1005 potentially transitioning to a Residential zone with a R60 density designation to facilitate medium density development.
23. Consequently, the Council Officers have modified the Officers Recommendation from the 7 February 2023 Agenda Briefing Forum) to reflect this potential compromise, which includes retention of the

requested Local Development Plan requirement for remaining Lots 1004 and 1005, which are proposed to be zoned 'Residential R60' as part of the Minister's modifications to Amendment 56.

12 Chief Community Planner reports

12.1 Adoption of Revised Local Planning Policy 40 'Burswood Station East Development Standards and Public Realm Improvements'

Location	Burswood
Reporting officer	Place Leader (Strategic Planning)
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	1. Jan 23 LPP 40 BSE Interactive Revision A [12.1.1 - 36 pages] 2. Draft Amended Local Planning Policy 40 as further modified by Council Officers [12.1.2 - 36 pages] 3. Draft Amended LPP 40 Submissions Schedule [12.1.3 - 4 pages] 4. Required Modification to Amendment 82 by WAPC [12.1.4 - 4 pages]

Recommendation

That Council:

1. Adopts amended Local Planning Policy 40 'Burswood Station East Development Standards and Public Realm Improvements' (LPP 40) as modified and contained within Attachment 1; and
2. Requests the Chief Executive Officer to arrange for publication of notice of the adoption of amended LPP 40 and the revocation of obsolete Local Planning Policy 35 'Policy Relating to Development in Burswood Station East' in accordance with deemed clause 87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Purpose

To consider the recommended adoption of draft amended Local Planning Policy 40 'Burswood Station East Development Standards and Public Realm Improvements' (LPP 40).

In brief

- Existing LPP 40 is proposed to be retitled and amended following the gazettal of associated Scheme Amendment No. 82 to the Town of Victoria Park Town Planning Scheme No. 1 (Amendment 82), to support the intended transition of the Burswood Station East sub-precinct (BSE) into a transit-oriented, mixed use development area.
- The proposed changes include amended provisions to clarify parking requirements relating to on-site car parking and laneway widening to support future public realm improvements.
- In response to public advertising, the following submissions were received:
 - One (1) supporting submission from the general community;
 - Four (4) supporting submissions from State Government agencies/utility providers; and
 - One (1) submission from the City of Belmont raising concerns in relation to exacerbation of existing parking pressures within 'The Springs' Rivervale precinct.
- Additional minor modifications are recommended to the revised policy to aid in the interpretation of its provisions and ensure it is in a form ready for adoption. It is recommended that draft amended LPP 40 (as further modified by Council officers) be adopted by the Council.

Background

1. Amendment 82 and LPP 40 are the culmination of years of strategic planning, master planning and transport investigations that provided a series of built form, development and transport related recommendations that were then translated into these local planning framework instruments. The draft instruments were refined further to extensive community engagement, legal advice and the advice of DPLH officers.
2. Amendment 82 was initiated by Council at the OCM held on 21 May 2019 and adopted for final approval subject to modifications at the OCM held on 15 December 2020.
3. LPP 40 was adopted by Council at the OCM held on 16 March 2021, subject to the gazettal of Amendment 82, and provides detailed objectives and development standards for the transition and redevelopment of BSE from a light-industrial and general commercial area to a high density and high amenity, mixed use environment, functioning primarily as a transit-oriented development (TOD) precinct.
4. Council's decision at the 16 March 2021 OCM included the revocation of LPP 35 'Policy Relating to Development in Burswood Station East' (subject to the gazettal of Amendment 82), as this policy becomes redundant upon the coming into operation of adopted LPP 40.
5. On 11 March 2022, the Minister for Planning, on the recommendation of DPLH officers and the WAPC's Statutory Planning Committee, determined to approve Amendment 82 subject to modifications. As the modifications were deemed minor, they were not subject to the requirement for further public advertising or for the Council to pass a resolution in respect to the modified amendment. An outline of these modifications is contained in Attachment 4.
6. Council officers have reviewed the implications of the Minister's modifications resulting in proposed changes to LPP 40. The review has also provided the opportunity to consider internal staff feedback on LPP 40 and implementation of the Town's strategic planning directions following recent adoption of the Local Planning Strategy, Integrated Transport Strategy and Parking Management Plan since Amendment 82 and LPP 40 were originally prepared.
7. The details of the review and recommended changes to LPP 40 are documented in the Minutes of the OCM held on 22 September 2022, where consent to publicly advertise draft amended LPP 40 was granted by Council.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The development and review of Local Planning Policies provides the opportunity for public comment in accordance with State Government regulations and Local Planning Policy 37 'Community Consultation on Planning Proposals'.

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The envisaged transition of BSE to a high amenity, mixed use and transit-oriented development (TOD) in accordance with a responsive and strategically aligned local planning framework.
EN6 - Improving how people get around the Town.	A responsive and proactive approach to transport

	and car parking provision within BSE which acknowledges its intended development as a TOD, with a diversified transportation network that is not heavily reliant upon private vehicles as the dominant mode of transport.
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Engagement

Internal engagement

Stakeholder	Comments
Urban Planning	The review of the local planning framework provisions applying to BSE has been undertaken in close collaboration with Urban Planning officers, who are supportive of the recommended changes to LPP 40. Their feedback has contributed to the refinement of its provisions to improve its readability, interpretation and application.
Place Leader - Transport	The Town has recently adopted a new Integrated Transport Strategy with actions to alleviate travel demand in this precinct. The Town's minimum parking requirements contained in LPP 23 'Parking Policy' have not been updated since the adoption of this strategy and their continued application within BSE would risk inhibiting the Town's ability to achieve the strategic objectives for the precinct. Therefore, the proposed change to LPP 40 to clarify that the minimum parking requirements of LPP 23 do not apply to development within BSE is supported and is aligned with the Town's new Integrated Transport Strategy and Parking Management Plan.
Strategic Projects	Strategic Projects are responsible for the public realm upgrades to occur which will need to consider the impact and restriction of car parking demand in the area. Strategic Projects has set up a Project Control Group for Burswood Station East to ensure sharing of information/interpretation/intent/application of LPP40 is consistent. The officer responsible for public realm upgrades has not raised any significant concerns in relation to the ability of the Town to pursue the envisaged public realm upgrades arising from the proposed changes to LPP 40.

External engagement

Stakeholders	General community, property owners, residents, businesses.
Period of engagement	23 days (17 November to 9 December 2022)
Level of engagement	2. Consult
Methods of engagement	- Publication of notice in Perth Now Southern on 17 November 2022 - Hard copy displays at the Town's Library and Administration Building - Online consultation invitation to submit comments via the Town's 'Your Thoughts' consultation hub - Online public notice on the Town's website

	• Social media posts • Direct email to those persons or organisations that submitted written comments in relation to previously advertised Scheme Amendment 82 and original LPP 40.
Advertising	As above
Submission summary	1 supporting submission (submitted via Your Thoughts). Your Thoughts activity summary: 71 page visits; 46 document downloads, 1 submission.
Key findings	The advertising of proposed amendments to LPP 40 has not raised significant concerns within the community.

Other engagement		
Agency/organisation:	Summary of comments	Officer comments
Main Roads WA	Support the proposal and reiterate comments previously supplied [dated 1 October 2020] in relation to Amendment 82 and the original draft of LPP 40.	Support noted. No additional implications arise as a result of the amended provisions contained within draft Amended LPP 40 with respect to this prior advice. No modifications recommended to revised LPP 40 as a result of these comments.
Public Transport Authority	Supports the draft amended policy. It is very positive to see that the Town is already considering the future vision of the area and the future streetscape adjacent to Burswood Station and the railway reserve. Further detailed comments provided in relation to: • Platform and Signaling Upgrade Program • Pedestrian access, amenity and streetscape improvements • Development application assessment considerations with respect to the rail corridor • The likely future increase in train number and frequency of services in the future as current and future planned PTA projects are delivered.	Support noted. No modifications recommended to revised LPP 40 as a result of these comments. Council Officers will continue to work closely with the PTA to ensure appropriate and best practice land use planning outcomes can be achieved within Burswood Station East. The strategically significant upgrade/replacement of the existing Burswood Train Station will support and encourage the intended investment and transition of the precinct as envisaged within LPP 40, with the Town investigating and planning for its own public realm investments through its strategic projects and long term financial planning to deliver significantly enhanced streetscapes, public open space and pedestrian amenity within the precinct.

Water Corporation	The proposed changes do not affect the previous comments provided and are still valid.	Noted. No modifications recommended to revised LPP 40 as a result of these comments.
City of Belmont	Various concerns raised in relation to potential parking pressures currently being experienced within 'The Springs' precinct and for the Town to undertake careful management and planning of public/on-street parking to ensure undersupply does not become a problem within Burswood Station East.	No modifications recommended to revised LPP 40 as a result of these comments. Refer to Officer Comments in Analysis section below.
The comments from the above agencies/organisations are included in full in the Schedule of Submissions contained in Attachment 2.		

Legal compliance

The adoption or amendment of a local planning policy is to be undertaken in accordance with deemed clauses 4 and 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations), including the publication of a notice in accordance with deemed clause 87.

8. In accordance with deemed clause 5(2), a local government may amend a local planning policy without publicly advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.
9. As per deemed clause 6(b), the revocation of an existing local planning policy takes effect upon publication of a notice by the local government in accordance with deemed clause 87.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Low	Not applicable.
Environmental	Continued application of development standards that seek compliance with outdated LPP 23 and its associated car parking requirements that do not recognise the many adverse environmental and sustainability	Moderate	Possible	Medium	Medium	TREAT risk by adopting amended LPP 40 which includes provisions clarifying that minimum car parking requirements for non-residential land uses do not apply to development within BSE.

	impacts of car-centric and car-driven forms of development on the built and natural environment.					
Health and safety	As above	Minor	Possible	Low	Low	As above.
Infrastructure/ ICT systems/ utilities	Not applicable.	Not applicable.	Not applicable.	Not applicable.	Medium	Not applicable.
Legislative compliance	Failure to update LPP 40 to ensure consistency with modified Amendment 82 could lead to confusion over application of LPP 40.	Moderate	Possible	Medium	Low	<i>AVOID</i> by adopting amended LPP 40 as recommended by Council officers.
Reputation	Negative perception if TOD parking is not in line with best practice/State policy recommendations .	Moderate	Possible	Medium	Low	As above.
Service delivery	Failure to update LPP 40 and continue to use outdated planning policies could lead to poorer quality development outcomes.	Moderate	Possible	Medium	Medium	As above.

Financial implications

Current budget impact	Sufficient funds exist in the annual budget to address this recommendation.
Future budget impact	The proposed recommendation is not anticipated to significantly alter the future budget impacts associated with LPP 40 that were detailed in the report to Council at the 16 March 2021 OCM. These were namely: • Bearing responsibility for management of funds that might be received

through Public Open Space contributions.

- Confirming the expectation that the Town will fund streetscape public realm upgrades within the Burswood Station East sub-precinct, with an estimated value (at the time of the report) in excess of \$8.1 million. These works are anticipated to occur in stages over several years.
- Naturally increase the rates base of the Town as the precinct accommodates growth and new residents to the Town.

These future budget impacts are being accounted for in the review of the Town's Long Term Financial Plan.

Analysis

Minor Modifications

10. Further consideration of the provisions contained within draft revised LPP 40 by Council Officers has resulted in the policy being further modified to address minor issues of interpretation and to ensure the amended policy is in a form ready for adoption. These changes include:

- (a) Amending Clause AO5.3.1.d.i relating to street setbacks for development fronting laneways similar to read more clearly as follows:

"The main building line of the ground-floor level for all development is setback a minimum of 1m and maximum of 4m from the boundary and, in addition to any land required for laneway widening to achieve an ultimate laneway width of 7.0m (refer AO 5.7.1)";

- (b) Amending point 2. under 'Figure 3D: Height and Setback Acceptable Outcomes for Laneways' in a similar manner to (a) above as follows:

"Buildings set back at least 1.0m, from the street boundary and, in addition to any land required for laneway widening"; and

- (c) Correction of minor spelling, grammatical and formatting errors.

Concerns Raised by City of Belmont

11. The issues in relation to car parking supply and provision within BSE and its intended redevelopment as a TOD-precinct were discussed at length in the report provided to Council at the 22 September 2022 OCM.

12. While Council Officers appreciate the concerns of the City of Belmont and existing parking pressures within 'The Springs' precinct, these are not considered to warrant any changes to the proposed amended provisions within LPP 40 for the following reasons:

- (a) BSE is located directly adjacent to Burswood Station, so planning provisions (including those relating to car parking, density, land use and built form) should be appropriately calibrated to prioritise pedestrian movement and active transport modes (i.e. train/public transportation use, walking, cycling, etc.); and
- (b) It is not best planning practice (and would be strategically inappropriate/contrary to the objectives of the Town's Integrated Transport Strategy (ITS) and Parking Management Plan (PMP)) to prioritise or require developments within a TOD precinct to cater for private vehicle use and provision of car parking in the same manner as non-TOD precincts/general suburban areas.

13. The concerns raised by the City of Belmont also focus on the combined impact of the potential removal of minimum car parking requirements for non-residential development under amended LPP 40, and the removal of minimum car parking requirements under the R-Codes for residential development under proposed Draft Local Planning Scheme No. 2 (LPS2).
14. In relation to the latter, the Town has received preliminary feedback from DPLH officers that the Town's proposed variation to the R-Codes under Draft LPS2 may be supported. The Town is currently waiting on formal confirmation of this being DPLHs' position to the WAPC.
15. Council Officers are aware of and understand the concerns of the City in relation to the implementation and success of the Town's ITS and PMP, as detailed in the September 2022 OCM report. These matters (and their successful implementation) will be the subject of regular ongoing review and development over the coming years, as the build out and redevelopment of BSE occurs incrementally over time.
16. It is also anticipated that as 'The Springs' precinct reaches full build out and maturity and the BSE precinct develops, the demand for parking and traffic generation will peak within the precinct (high levels of congestion) and the attractiveness of active transport modes will grow, particularly once an upgraded/new Burswood Train Station is delivered by the State Government/PTA, thereby contributing to a modal shift away from private vehicle use in that precinct.
17. The revised provisions of amended LPP 40 are considered to be entirely consistent with the Town's adopted strategic direction for BSE, key strategic policy areas (planning, transport, climate change, sustainability) and now gazetted Amendment 82 to TPS1.
18. In view of the above, it is recommended that Council formally adopt draft amended LPP 40, as further modified and contained in Attachment 1 to this report.

Relevant documents

[Existing Local Planning Policy 40 'Burswood Station East Precinct Design Guidelines and Public Realm Improvements'](#)

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

[Local Planning Policy 35 'Policy Relating to Development in Burswood Station East'](#)

[Local Planning Policy 37 'Community Consultation on Planning Proposals'](#)

[Existing Precinct Plan P2 'Burswood Precinct' Sheet A](#)

[Local Planning Strategy](#)

[Integrated Transport Strategy](#)

[Parking Management Plan](#)

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

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

[WAPC Transport Impact Assessment Guidelines – Volume 4 'Individual Developments'](#)

12.2 Final Consideration of Scheme Amendment No. 88 to Town Planning Scheme No. 1 and Associated Draft Amended and New Local Planning Policy - Residential Character Study Area

Location	Burswood East Victoria Park Victoria Park
Reporting officer	Coordinator Urban Planning
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	1. Schedule of Submissions Amendment 88 [12.2.1 - 21 pages] 2. Schedule of Modifications [12.2.2 - 9 pages] 3. Scheme Amendment No. 88 - Scheme Amendment Report (Advertised Version) [12.2.3 - 38 pages] 4. Draft New Local Planning Policy - Character Retention Guidelines (Advertised Version) [12.2.4 - 23 pages] 5. Draft Amended Local Planning Policy 32 (Advertised Version) [12.2.5 - 24 pages] 6. Planning Consultant's Recommendations Report [12.2.6 - 93 pages] 7. Extract from Minutes of September 2020 Ordinary Council Meeting [12.2.7 - 25 pages] 8. Extract from Minutes of September 2022 Ordinary Council Meeting [12.2.8 - 20 pages]

Landowner	Multiple private landowners
Applicant	Not applicable
Application date	Not applicable
Town or WAPC reference	Town ref: PLA/7/88 and WAPC ref: TPS/2701
MRS zoning	Urban
TPS zoning	The land is predominantly zoned Residential
R-Code density	Ranging from R30 to R80
TPS precinct	Land within the subject area is within the following four precincts: Precinct 5 – Raphael Precinct 6 – Victoria Park Precinct 10 – Shepperton (Sheet A) Precinct 12 – East Victoria Park (Sheets A and B)
Use class	Predominantly single houses and grouped dwellings

Use permissibility	Varies depending on the subject precinct and development proposal
Lot area	Various
Right-of-way (ROW)	Many lots have front to rights-of-way and a primary street
Local heritage survey	Various places within the subject site are included in the Town's Local Heritage Survey and listed on the Town's Heritage List
Residential character study area/weatherboard precinct	Residential Character Study Area, Weatherboard Precinct and Raphael Precinct
Surrounding development	Predominantly residential

Recommendation

That Council:

- Notes the submissions received in respect to Amendment 88 to the Town of Victoria Park Town Planning Scheme No. 1 as contained in the Schedule of Submissions at Attachment 1, in accordance with Regulation 41(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Resolves not to support Amendment 88 to the Town of Victoria Park Town Planning Scheme No. 1 in accordance with Regulation 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, in view of:
 - Advice from the Department of Planning, Lands and Heritage that Amendment 88 is unlikely to be supported by the Western Australian Planning Commission for reasons including:
 - Amendment 88 is considered to be a hybrid approach which mixes both retention of dwellings (which is heritage) and streetscape outcomes (which is character).
 - A heritage area or heritage list is the appropriate planning mechanism to use if the Town seeks to retain character dwellings.
 - A policy is the appropriate planning mechanism to use if the Town is seeking a certain character appearance.
 - The development approval provisions for the proposed Special Control Area are inconsistent with the provisions of the Regulations in relation to exemptions from development approval.
 - The community feedback received.
- Notes the submissions received in respect to draft amendments to Local Planning Policy 32 'Exemptions from Development Approval' and draft new Local Planning Policy 'Character Retention Guidelines' as contained in the Schedule of Submissions at Attachment 1, in accordance with subclause 4(3)(a) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- Resolves not to proceed with draft amendments to Local Planning Policy 32 'Exemptions from Development Approval' in accordance with subclause 4(3)(b) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, on the basis that due to part 2 above the amended policy provisions are no longer required.
- Request the Chief Executive Officer to present future reports to Council by no later than the June 2023 Ordinary Council Meeting which further consider:

- (a) Modifying draft Local Planning Policy 'Character Retention Guidelines;
- (b) Investigating the designation of heritage areas, in accordance with clause 9 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- (c) Investigating the development of incentives and development bonuses to encourage the retention and maintenance of character dwellings.

Purpose

The purpose of this report is to obtain Council resolution to:

- not proceed with Amendment 88 to the Town of Victoria Park Town Planning Scheme No. 1; and
- undertake other actions including further review of the draft Local Planning Policy – Character Retention Guidelines, investigating possible heritage areas, and incentives for character dwelling retention.

In brief

- At the 15 September 2020 Ordinary Council Meeting, Council resolved to initiate proposed changes to the planning framework that applies to the Town's RCSA, including:
- The draft planning framework was advertised to the community and relevant statutory authorities from 11 November 2021 to 18 January 2022. As a result of the advertising the Town received 79 responses from the community comprising 47 objections, 28 in support and four undecided submissions. In addition, the Town received no objection or no comment responses from several external authorities.
- In March 2022 the Town's Officers met with officers from the DPLH Land Use Planning and Heritage Services to discuss the outcome of the community consultation process and to further consider the suitability of the proposed changes to the planning framework. At this meeting, the DPLH Officers advised that Amendment 88 is unlikely to be supported by the Western Australian Planning Commission.
- At the 20 September 2022 Ordinary Council Meeting, Council resolved to defer consideration of Amendment 88 and the draft amended and new policies to the February 2023 Ordinary Council Meeting to enable further consideration of potential for heritage areas or possible modifications to Amendment 88 to address the issues raised by public submissions and the DPLH.
- In December 2022 the item was presented to a Concept Forum. Further information has been incorporated into this report to address questions raised at the Concept Forum.
- In line with the DPLH advice, it is recommended that Council not support Amendment 88 and that other options be investigated further in relation to character retention.

Background

1998 to 2003

1. Between 1998 and 2003 the Town's local planning policies sought to preserve residential character throughout the Town. Provisions in the Town's Scheme of the time required development/planning approval to be obtained for most forms of development across the Town, including demolition of a dwelling, construction of a new dwelling and additions to dwellings.

2003 to 2015

2. Provisions for the Residential Character Study Area ('RCSA') were first implemented by the Town in 2003 following the completion of a Residential Character Study Report which identified that 'original dwellings', generally those constructed prior to 1946, contributed to a unique and identifiable character that should be protected and maintained.
3. New policy requirements were implemented specifically for the RCSA to guide the built form design outcomes within the area (now contained in the Town's Local Planning Policy 25 'Streetscape').
4. In October 2015, the State Government gazetted the Planning and Development (Local Planning Schemes) Regulations 2015 ('Regulations 2015') which introduced deemed provisions for all local planning schemes. The deemed provisions removed the need to obtain development approval to demolish single houses and/or for new development works, where the works are compliant with the deemed-to-comply requirements of State Planning Policy 7.3 Residential Design Codes ('R-Codes') and relevant local planning policies.

Scheme Amendment 73

5. In June 2016, Council initiated Amendment 73 to the Town's Scheme to designate the RCSA as a Special Control Area ('SCA'), with provisions requiring development approval to be obtained for demolition and/or development within the area. The intent was to reintroduce controls to provide a greater level of protection for the original dwellings in the area and ensure that new development was compatible with the existing character of the area.
6. At its meeting in September 2017, the Council considered the public submissions received on Amendment 73 and resolved to modify Amendment 73 in a manner not consistent with that recommended by Officers, namely the removal of planning controls to implement the proposed objectives. This resulted in Amendment 73 being significantly modified from that originally proposed and advertised.
7. In 2018 the Minister subsequently refused Amendment 73 on the basis that:
 - (a) The amendment does not include any planning controls to implement the objectives that were proposed to be inserted into the Scheme Text;
 - (b) Local planning policies are considered the appropriate planning mechanism to control streetscape design to protect local character; and
 - (c) The Regulations 2015 provide appropriate heritage controls.

Community Engagement Project

8. At the September 2017 Ordinary Council Meeting, the Council also resolved to seek expressions of interest for an independent consultant(s) to undertake a community engagement project, review of Local Planning Policy 25 – Streetscape ('Streetscape Policy') and evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the RCSA.
9. Council subsequently appointed Element to undertake the project. The work undertaken by Element included consultation with the community on their views and aspirations for the RCSA. The overwhelming response was a supportive position of measures to protect and retain the character prevalent in the RCSA.

10. Based on the community sentiment, Element prepared a Recommendations Report and draft Character Retention Guidelines, which was acknowledged by Council at its 19 May 2020 Ordinary Council Meeting. A copy of the Recommendations Report is attached to this report (refer to Attachment 6).
11. The status of the final recommendations and next steps details in the Recommendations Report recommended that the Town undertake a Scheme Amendment to designate the RCSA as a SCA, now being Scheme Amendment 88, as well as providing a draft Local Planning Policy 'Character Retention Guidelines' for the Town's consideration.
12. With respect to each of the recommendations contained in the Recommendations Report, the following information is provided:

Recommendation	Status
Introduce a Special Control Area over the RCSA requiring development approval for demolition of original dwellings, and development visible from the street	This was to be addressed through Scheme Amendment 88. For the reasons outlined in this report, this recommendation is no longer recommended to be progressed.
Revoke existing LPP25 'Streetscape' and adopt new Character Retention Guidelines applicable to development within the SCA	It is proposed that the draft Character Retention Guidelines be further reviewed and amended where necessary, prior to Council considering their formal adoption at a future meeting.
Further investigate and facilitate a discussion regarding community nominated heritage areas	In lieu of a Special Control Area, the investigation of heritage areas is proposed. This may be a combination of both Town identification and community nomination.
Consider implementing incentives to encourage the retention of original dwellings	This recommendation is to be progressed further.
Invest in public domain improvements to enhance the natural beauty and character of the area	This is a matter for consideration by the Street Operations and Place Planning teams.

Scheme Amendment 88

13. Accordingly, the Council resolved at its September 2020 meeting to initiate Scheme Amendment 88, to advertise the draft Local Planning Policy 'Character Retention Guidelines' and to advertise consequential amendments to Local Planning Policy 32 'Exemptions from Development Approval'. An extract of the Council meeting minutes is attached to this report (refer to Attachment 7) and provides further background material and reasoning for the Amendment.
14. In March 2021 the Western Australian Planning Commission (WAPC) confirmed that, subject to a minor modification to the Scheme Report, the Complex Scheme Amendment was suitable for advertising purposes, in accordance with Regulation 37(2) of the Regulations 2015. It is important to note that Regulation 37(2) provides for the WAPC to check whether the amendment documentation meets the procedural requirements of the Regulations and is in a manner and form required by WAPC. No assessment was undertaken by the WAPC at this stage on the merits of the proposal, as to do so may be perceived to pre-empt any future consideration and/or decision on the amendment before it is advertised for public submissions and considered by the Council. In addition, in April 2021 the

Environmental Protection Authority confirmed that Amendment 88 did not require assessment under Part IV of the Environmental Protection Act 1986.

15. On 1 July 2021 the State Government gazetted an amendment to the Regulations 2015. This included various changes to clause reference numbers and contents of relevant deemed provisions that were referenced in Amendment 88 and the draft local planning policy.
16. Amendment 88 and the draft local planning policy was subsequently modified in accordance with the conditions of the WAPC's consent to advertise and the amended deemed provisions. These modifications are detailed in the attached Schedule of Modifications (refer to Attachment 2).
17. The modified Amendment 88 and draft local planning policies were advertised for public comment from 11 November 2021 to 18 January 2022, in accordance with the advertising requirement for a Complex Scheme Amendment as specified in the Regulations 2015. A summary of the feedback received is provided in the Engagement section below.

18. At the 20 September 2022 Ordinary Council Meeting, Council resolved to defer consideration of Amendment 88 to the February 2023 Ordinary Council Meeting, to enable further consideration of potential alternative options relating to heritage areas and modifications to Amendment 88 to address the issues raised by public submissions and the DPLH. An extract of the Council meeting minutes is attached to this report (refer to Attachment 8).

19. The item was subsequently presented to a Concept Forum in December 2023, where questions were raised in relation to the general size of a heritage area and whether heritage areas were an option in 2017. These questions are addressed below:

- (a) Question - What would be the general size of a heritage area, for example would it be a few houses, a street or several streets?

Answer – The extent of heritage area may include only a few houses, but typically includes a single street or several street blocks. For example, the City of Subiaco heritage areas map shows a total of nine heritage areas, with some of those areas including only a single street and others extending along several streets. The Town's RCSA is too large and of varied character to be a heritage area. Smaller heritage areas covering the highest quality areas may be identified through the study of mapping of heritage places using the Town's local heritage survey, which was endorsed by Council at the June 2021 Ordinary Council Meeting. The extent and concentration of original dwellings suggests that there are a number of potential heritage areas within the Town, some of substantial size.

- (b) Was it open to Council to have heritage areas in 2017 (when Council considered amendment 73)?

Answer – A report discussing the available planning mechanisms, including heritage areas, was considered by Council at its Ordinary Council Meeting in September 2017. At that time, the State Heritage Office advised that whilst it did not oppose Amendment 73, the proposed use of a Special Control Area to achieve retention of original dwellings for heritage and/or character conservation purposes was not its preferred approach. Following this meeting, as noted in the above Community Engagement Project sub-section, the Town engaged a consultant to evaluate and recommend potential mechanisms for the retention of original dwellings and the protection of character streetscapes within the RCSA. The resultant Recommendation Report was presented to Council at its September 2020 Ordinary Council Meeting (refer to Attachments 6 and 7). At that time, the SCA was recommended as the preferred mechanism on the basis that it was less costly, timelier and provided protection over a larger singular area rather than the process to designate and administer numerous separate smaller heritage areas.

20. Character Retention Guidelines – To ensure the maintenance of the character of the area, the draft Character Retention Guidelines need to be further reviewed including refining the contemporary development provisions for new dwellings and additions to character dwellings. This would provide landowners with clarity regarding the Town’s development requirements within the designated heritage areas, and provide the greater flexibility called for by some.

Local Heritage Survey and Heritage List

21. Separately to Amendment 88, following the introduction of the Heritage Act 2018 the Town prioritised a review of the Town’s heritage framework and in particular the lack of protection for places with significant cultural heritage value as part of the Town’s Corporate Business Plan.
22. In response to the legislative requirements, the Town engaged an independent heritage consultancy to review the Town’s previous Municipal Heritage Inventory and develop a Local Heritage Survey. A Local Heritage Survey is an important collation and identification of heritages places and is used, among other functions, to inform the preparation of a heritage list. However, the survey itself has no specific planning or legal weight. A Local Heritage Survey was endorsed by Council at the June 2021 Ordinary Council Meeting.
23. Following adoption of the Local Heritage Survey the Town prepared a Heritage List. In contrast to the Local Heritage Survey, a Heritage List is an instrument that is afforded powers under the Planning and Development Act 2005 and therefore carries statutory weight when determining planning outcomes for heritage places. In accordance with the deemed provisions of the Regulations 2015, the Town established a Heritage List which contains those places of highest and/or most significant cultural significance and are worthy of built heritage conservation. The Town’s Heritage List was approved by Council at the June 2022 Ordinary Council Meeting.
24. It is important to note that the inclusion of a place on a heritage list gives the place recognition and protection under the local planning scheme. Where a place is included on a heritage list it is then afforded statutory protection under the local planning scheme by way of the requirement for development approval to be obtained for works which may otherwise be exempt.
25. For reference purposes, the following 49 ‘original dwellings’ within the RSCA are included on the Town’s Heritage List:
- 86 Mackie Street Victoria Park
 - Kate Street Reserve and Surrounding Houses – 14 & 16 Kate Street, 9, 13, 15, 21 & 23 Lake View Street, 226 Shepperton Road, and 10, 12, 14, 16, 18, 20, 24, 26 & 28 Norseman Street, East Victoria Park.
 - 105 Berwick Street, Victoria Park.
 - 31, 33 and 57 Cargill Street, Victoria Park.
 - 27 Duncan Street, Victoria Park.
 - 48 and 56 Geddes Street, Victoria Park.
 - 55 Gloucester Street, Victoria Park.
 - 33 Hampton Street, Victoria Park.
 - 18/20, 51, 52/54 and 91 Mackie Street, Victoria Park.
 - 45, 49, 51 and 59 Sunbury Road, Victoria Park.
 - 48 Teague Street, Victoria Park.
 - Washington Street Precinct – 28, 30, 32, 34, 36 and 38 Washington Street, Victoria Park.
26. The inclusion of a significant number of dwellings on the heritage list is possible, but is practically not likely, as it would require a heritage assessment for each place to determine its level of cultural heritage

significance. This would require the engagement of heritage consultants and would be at significant cost to the Town. Furthermore, noting that the value of many of the dwellings in the Residential Character Area is their collective contribution to form a streetscape character that is unique and identifiable, rather than their individual heritage significance, it would be expected that many of the dwellings would not meet the threshold to be included on the heritage list.

Details

27. Amendment 88 proposes to amend the Town of Victoria Park Town Planning Scheme No. 1 by:

- Designating the Residential Character Study Area as a Special Control Area;
- Modifying Precinct Plans P5, P6, P10 and P12 to identify the location of the Special Control Area; and
- Including provisions applying to the Special Control Area, including the need for:
 - Development approval to demolish a single house constructed prior to 1946;
 - Development approval for building works visible from the street inclusive of a single house, additions to a single house, and other associated structures; and
 - Development to comply with the provisions of a Local Planning Policy adopted for the Residential Character Special Control Area.

28. With respect to the new draft Local Planning Policy – Character Retention Guidelines:

- The purpose of the draft new policy is to provide design and development standards that will apply to land within the proposed SCA.
- Notable elements of the draft policy include:
 - The policy is proposed to apply to development that is ‘visible from the street’. Development that is not visible from the street will not be subject to the policy and therefore can be more contemporary in appearance.
 - The policy is proposed to replace in part the Town’s existing Streetscape Policy.
 - The policy seeks to retain existing residential character, whilst providing flexibility to incorporate contemporary design in appropriate circumstances.
 - The policy contains a performance-based approach to assessments rather than prescriptive requirements.

29. In relation to the draft Amended Local Planning Policy 32 – Exemptions from Development Approval, the draft amended Exemptions Policy will ensure consistency with proposed Amendment 88 and provide clarity on the types of works that may be exempt from development approval within the SCA.

Relevant planning framework

Legislation	Planning and Development Act 2005 (WA) Planning and Development (Local Planning Schemes) Regulations 2015 (WA) Town of Victoria Park Town Planning Scheme No. 1
State Government policies, bulletins or guidelines	State Planning Policy 7.3 – Residential Design Codes Volume 1 State Planning Policy 7.3 – Residential Design Codes Volume 2 State Planning Policy 3.5 – Historic Heritage Conservation
Local planning policies	Local Planning Policy 25 – Streetscape Local Planning Policy 32 – Exemptions from Development Approval Local Planning Policy – Heritage List

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 amendment.

- Precinct Plan P5 – Raphael Precinct
- The Raphael Precinct shall remain as a residential precinct containing many fine examples of houses from past eras.
- Infill development and redevelopment of corner lots may be appropriate, although not to the detriment of the existing character of the area and of the existing quality housing stock.
- The precinct should remain a visually attractive area and have a pleasant atmosphere characterized by low to medium scale architecture, buildings facing the street in the traditional manner and set in landscaped surrounds. The retention of structurally sound original houses and healthy mature trees will be a priority in order to maintain the existing residential character and streetscape.
- Precinct Plan P6 – Victoria Park Precinct
- The Victoria Park Precinct will remain as attractive and essentially a low to medium scale residential area set on some of the highest land within the locality.
- The retention and rejuvenation of existing housing, particularly dwellings indicative of the era in which the locality was developed, and selective sensitivity designed 'infill' housing is the most favoured form of development and will be encouraged.
- The precinct should remain a visually attractive area and the preservation of trees and the generous landscape planning of properties upon redevelopment will be required.
- Precinct Plan 10 – Shepperton Precinct
- The Shepperton Precinct should remain a pleasant, low scale, medium density housing area.
- The retention of structurally sound houses and healthy, mature trees is an important aim for the precinct. Selective infill and the development of grouped dwellings is also encouraged. New development is to enhance the existing character of the area and have regard for remaining quality housing stock.
- Precinct Plan 12 – East Victoria Park
- The retention of existing structurally sound housing, which generally contributes to the character of the area, and the selective redevelopment of other sites will be encouraged. The character of the precinct between Canterbury Terrace and Balmoral Streets, which consists of small cottages on small lots, should be preserved. Any redevelopment in this locality should adhere 93 of 258 to strict design constraints governed by the existing scale and character of housing.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	Community consultation undertaken as part of this amendment has demonstrated a mix of views but primarily concern about the proposed Special Control Area.

Engagement

Internal engagement

Stakeholder	Comments
Place Planning	In March 2021, the WAPC confirmed that the amendment was <i>"suitable for advertising subject to section 3.0 of the scheme amendment document relating to the town's draft local planning strategy being modified to be consistent with the approach in the draft local planning strategy that was certified for advertising by WAPC on 25 February 2021."</i> Subsequently, the Scheme Report was amended to include updated information from Place Planning in relation to the Town's draft Local Planning Strategy. The Local Planning Strategy includes a Housing and Neighbourhoods Objective 2.2 <i>"To ensure development protects and enhances the desired character and amenity of neighbourhoods and streets, including the recognised significance of streetscapes in the Residential Character Area"</i>. The Strategy designates the Residential Character Area as a neighbourhood with objectives <i>"CA.1 To encourage the conservation and retention of original dwellings and streetscapes. CA.2 To enhance the streetscape character that is attributed to the presence of original dwellings and the sympathetic character of new development. CA.3 To ensure that special and particular elements of streetscape character are considered in all land use and development proposals"</i>. The recommendation to not proceed with a Special Control Area but to pursue a range of alternative planning approaches to protect character while allowing sympathetic new development such as heritage areas, design guides and incentives, is consistent with the objectives of the Strategy and fully supported.

External engagement

Stakeholders	Town of Victoria Park land owners and occupiers and external authorities.
Period of engagement	11 November 2021 to 18 January 2022
Level of engagement	2. Consult
Methods of engagement	Written submissions and Your Thoughts webpage (the Town's online engagement tool). Two community information sessions.
Advertising	In accordance with the Communications and Engagement Plan and the Complex Scheme Amendment requirements of the Regulations 2015, advertising included: • Public notice and electronic copy of the documents on the Town's online engagement hub 'Your Thoughts'; • Public notice and hardcopy of the amendment documents available at the Town's Administrative Offices and Library. • Public notices in the PerthNow newspaper; • Direct correspondence with relevant external authorities; • Direct correspondence to all owners and occupiers within the proposed Special Control Area; • Direct correspondence to all Amendment 73 submitters and submitters on the RCSA Survey; • Two community information sessions; and • Social media (Facebook) post/s.
Submission summary	A total of 79 responses were received, comprising 47 objections, 28 support and four undecided submissions have been received by the Town. A summary of the responses is provided in the attached Schedule of Submissions (refer to Attachment 1).
Key findings	The feedback is outlined in the Analysis section below.

Other engagement	
Stakeholder	Comments
Department of Planning, Lands and Heritage	In March 2022 the Town's officers met the Town's Officers met with officers from the DPLH Land Use Planning and Heritage Services teams to discuss the outcome of the community consultation process and further consider the suitability of the proposed changes to the planning framework. At this meeting, the DPLH Officers advised that Amendment 88 is unlikely to be supported by the Western Australian Planning Commission.

Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The Town has outlaid expenditure on developing Scheme Amendment 88.	Moderate	Likely	High	Low	Treat: Inform all those who made submissions of the reason for the Council resolution.
Environmental	Flexibility to provide contemporary additions and sustainable renovations to dwellings will be delayed.	Moderate	Likely	High	Medium	Treat: Investigate modification of the draft new Character Retention Guidelines to incorporate relevant contemporary development for relevant development proposals and encourage the retention of character dwellings. In the interim, delegated Town Officers will exercise discretion in determining applications for development approval.
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	Not supporting Scheme Amendment 88 would result in the ongoing absence of protection for	Moderate	Likely	High	Low	Treat: Investigate the identification of heritage areas and investigate the development of an incentives

	character dwellings and a business as usual approach for the assessment of new dwellings.					and development bonus policy to encourage the retention and maintenance of character dwellings.
Service delivery	Not supporting Scheme Amendment 88 will result in a continuation of current service delivery and practice	Moderate	Almost certain	High	Medium	Treat: Refer to the treatments for the Environment and Reputation risks above.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address the recommendations.
Future budget impact	Should Council decide at a future time to progress with designating areas as heritage areas then this will require funding in future budgets to engage consultants to complete heritage assessments in accordance with clause 11 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015

Analysis

Community Consultation

30. Community consultation resulted in the receipt of a total of 79 responses comprising 49 objections, 26 in support and four undecided submissions. In addition to the community responses, the Town received no objection or no comment responses from the Department of Biodiversity, Conservation and Attractions, the Heritage Services from the Department of Planning, Lands and Heritage authorities/agencies are summarised in the attached Schedule of Submissions (refer to Attachment 1).
31. The majority (62 per cent) of community responses objected to the proposed changes to the planning framework. Key objection reasons/comments included:
- (a) Impedes property owner's rights to redevelop.
 - (b) Negative impact on property values.
 - (c) Retention of dwellings should be encouraged rather than mandated.
 - (d) Incentives to retain older dwellings should be provided by the Town.
 - (e) The provisions are contrary to the deemed provisions intent of reducing red tape.
 - (f) There is a significant financial cost to maintain older dwellings.
 - (g) Older houses are not energy efficient or sustainable.
 - (h) Character can be maintained through quality new builds.
 - (i) The proposed provisions are too late as the character of the area has been reduced through demolition and redevelopment since the deemed provisions were implemented in 2015.

Engagement with the Department of Planning, Lands and Heritage (DPLH)

32. In March 2022 the Town's Officers met with Officers from the DPLH Land Use Planning and Heritage Services to discuss the community consultation outcomes and further consider the suitability of the proposed changes to the planning framework. At this meeting, the DPLH Officers advised that Amendment 88 is unlikely to be supported by the Western Australian Planning Commission for the following key reasons:
- (a) The previous reasons for refusal of Scheme Amendment 73 are still present in Amendment 88.
 - (b) A SCA over such a large area circumvents the provisions of the Regulations in relation to exemptions from development approval.
 - (c) Amendment 88 is considered to be a hybrid approach as it mixes both retention of dwellings (which is heritage) and streetscape outcomes (which is character).
 - (d) Provisions aimed at retaining a dwelling are about heritage outcomes. A heritage area or heritage list is the appropriate planning mechanism to use if the Town would like to retain character dwellings, however, heritage areas are not suitable for a 'blanket approach' over the whole RCSA.
 - (e) Provisions relating to the design or appearance of a dwelling are about built form character outcomes. A local planning policy or design guidelines is the appropriate planning mechanism to use if the Town would like an area to have a certain character appearance.
33. The difference between a SCA and a heritage area is briefly explained as follows:
- (a) A SCA is an area identified as requiring additional special development requirements to address constraints and/or achieve certain development outcomes. SCAs are marked on the Scheme Map and provisions are included in the Scheme Text. These provisions would typically target a single issue or related set of issues often overlapping zone and reserve boundaries. These provisions set out the purpose and objectives of the SCA, any specific development requirements, the process for referring applications to relevant agencies and matters to be considered in determining development proposals.
 - (b) The Town currently has two SCAs included in Schedule E of the Town's Scheme as Area No. 'DA1' relating to the Belmont Park Racecourse Structure Plan area and Area No. 'BD1' relating to Lot 905 Burswood Road (known as the Sands & McDougall site). Both of these SCAs contain special provisions or refers to a Structure Plan that contains special provisions guiding the coordinated redevelopment of the subject area, such as density/plot ratio, built form design, carparking and provision of public open space.
 - (c) A heritage area is an area which, in the opinion of the local government, requires special planning control to conserve and enhance the cultural heritage significant cultural heritage and character and is designated under clause 9 of the deemed provisions. Once an area is designated as a 'heritage area', special planning controls take effect in order to conserve and enhance the significant cultural heritage and character of the area.
 - (d) The Town's Heritage List, adopted by Council at its June 2022 Ordinary Council Meeting in accordance with Part 3 of the deemed provisions, includes a number of properties that are of cultural heritage significance and worthy of built heritage conservation. Of note, the Heritage List includes the Kate Street Reserve and Surrounding Houses which is an example of an area that could be further refined and designated as a heritage area.
 - (e) There is a key difference in the legislative approval requirements to establish a SCA as opposed to the designation of a heritage area. The establishment of a SCA requires an amendment to the Town's Scheme Text and Scheme Map to be approved by the Minister for Planning. The designation of a heritage area only requires a resolution of the local government.

- (f) The designation of heritage areas will require the Town to undertake the following actions:
- (i) engage a heritage consultant to undertake assessment in accordance with the relevant legislation.
 - (ii) develop a local planning policy that contains a map of the heritage area boundaries, a statement about the heritage significance of the area, and a record of places of heritage significance in the heritage area.
 - (iii) consult with the community by providing notice to each owner of land affected by the proposed designation, publication of a public notice, erecting signs in the area(s) affected by the designation, and any other consultation means considered appropriate by the local government.
 - (iv) present a report to Council to review submissions from the community and make a decision whether to adopt or not adopt the designation of a heritage area.
 - (v) if Council designates an area as a heritage area the Town must then give notice to the Heritage Council of Western Australia and each owner of land affected by the designation.

34. The concerns over Amendment 88 expressed by a number of landowners are noted. While some concerns were valid, others were either unfounded or not able to be sustained, or alternatively could be addressed through modifications to Amendment 88 from that advertised.
35. However, the advice provided by Officers of DPLH was very clear that there is little prospect of obtaining their support, for Amendment 88 to be approved.
36. In the circumstances, it is considered that the best course of action is for Council to resolve not to proceed any further with Amendment 88, and for Council to instead consider other measures to preserve and enhance residential character. While it is open to Council to either proceed with Amendment 88 either as advertised or in a modified form, this is not recommended in view of the advice from DPLH Officers, as to do so would expend more time and energy on the matter with little prospect of success, when Officers could instead be investigating alternatives.

Options for Consideration by Council

37. In accordance with Regulations 41(2) and (3) of the Regulations 2015, Council is required to consider the submissions received on Amendment 88 and pass a resolution:
- (a) to support the amendment without modification;
 - (b) to support the amendment with proposed modification to address issues raised in the submissions;
or
 - (c) not to support the amendment.
38. In accordance with clause 4 of Schedule 2 of the Regulations 2015, Council is required to consider the submissions received on the draft local planning policies and pass a resolution:
- (a) to proceed with the policy without modification; or
 - (b) to proceed with the policy with modification; or
 - (c) not to proceed with the policy.
39. In line with the DPLH advice, it is recommended that the Council resolve not to support Amendment 88 and to further review draft Local Planning Policy 'Character Retention Guidelines' prior to presenting to Council for formal consideration.

Alternative Approach to Retain and Enhance Residential Character

40. As an alternative to the SCA, it is recommended that the Town investigate the following alternatives:
- (a) Incentives and development bonuses;
 - (b) Designation of heritage areas; and
 - (c) Modification of the draft Local Planning Policy 'Character Retention Guidelines'.
41. Incentives and development bonuses - Instead of a regulatory approach to protect and retain 'original dwellings' the Town may consider an 'encouragement' approach. This would require the investigation of incentives and development bonuses to encourage the retention and maintenance of original dwellings, and the allocation of a suitable budget to support implementation of some of the incentives. Examples of possible incentives and/or development bonuses may include:
- (a) Provision of free advice to the community regarding how to maintain or redevelop their property.
 - (b) Waiving or reducing development application fees.
 - (c) Ensuring that development requirements do not require payment of additional costs, such as the requirement to engage a heritage consultant.
 - (d) Establishing an annual grants program to award funds for retention and maintenance of an original dwelling or heritage place.
 - (e) Bonus density or plot ratio - awarding additional density or plot ratio to what is permitted in the scheme, in return for the protection of a heritage place.
 - (f) Transfer of density or plot ratio - the transfer of unused density or plot ratio from one site to another.
42. Designation of heritage areas – Separate from the Heritage List for individual places, it is open to Council to consider identifying particular areas of the Town as heritage areas, which would also provide properties within these areas with a level of statutory protection. As advised by the DPLH in March 2022, the Town would not be able to designate the whole RCSA as a heritage area. It is understood that this comment is made on the basis that the RCSA is a very large area, with differing residential characters and precincts within it. Therefore, the Town should consider multiple heritage areas based on streets or street blocks with the best areas within the Town and Council would need to accept that demolition will be permitted in other areas.
43. The Town would need to consider which areas should realistically be designated as heritage areas. This will still require the input of a heritage consultant to determine the significance of an area, and the preparation of a local planning policy for that heritage area but is less onerous than that required for properties on the heritage list (being an assessment of each dwelling). The identification of such areas could be Town led and/or nominated by the community. Further engagement with the community in each area will be required to determine what they support or want and discuss what the impact may be if there are no controls in place.
44. Character Retention Guidelines – To ensure the maintenance of the character of the area, the draft Character Retention Guidelines need to be further reviewed including refining the contemporary development provisions for new dwellings and additions to character dwellings. This would provide landowners with clarity regarding the Town's development requirements within the designated heritage areas, and provide the greater flexibility called for by some.
45. The investigation of incentives and development bonuses and modification of the Character Retention Guidelines is unlikely to impact on the Town's annual budget as this work can be undertaken by the Town's officers. The investigation of potential heritage areas will not have any current budget impact, but should Council wish to formally proceed with designating areas as heritage areas at a future time

then this will require the engagement of suitably qualified heritage consultant(s) to undertake heritage assessments which will require allocation of sufficient funds, as outlined in the Financial Implications section above.

46. It is recommended that the abovementioned alternatives be further investigated and reported to Council which potentially:
- (a) Addresses key concerns raised by the Town's community;
 - (b) Addresses the Council's objectives to retain and enhance the contribution made by original dwellings towards streetscape character; and
 - (c) Aligns with advice provided by the DPLH.

Relevant documents

Not applicable.

12.3 Business Grants - 2022/23 Recommended Recipients

Location	Town-wide
Reporting officer	Place Leader (Economic Development)
Responsible officer	Manager Place Planning
Voting requirement	Simple Majority
Attachments	Nil

Recommendation

That Council endorses the following Business Grants applications for the 2022/23 financial year:

1. Archer St Physiotherapy Centre - \$10,000
2. Up Close and Local Tours - \$7,828
3. Alexandra Theatre incorporated (WA) - \$9,944
4. Filtered Pty Ltd - \$10,000.

Purpose

To provide Council with oversight of the Town's Business Grants 2022/23 applications and assessments for Council endorsement.

In brief

- The objective of Business Grants is to support projects, activities and programs developed by the local business community that will deliver a broader benefit to the Town of Victoria Park local economy.
- The Town received nine eligible applications with a total request of \$86,218. There is an overall budget of \$40,000 for Business Grants in 2022/23.
- A review of applications by the Town's Business Grant Assessment Panel concluded five applications requesting a total amount of \$48,446 did not meet the required criteria and have not been recommended for endorsement.
- A review of applications by the Town's Business Grant Assessment Panel concluded that four applications sufficiently met the criteria and are recommended to be awarded a collective total of \$37,772.

Background

1. The Town acknowledges the significant role it plays in supporting the local business community through the provision of funding opportunities and the impact these opportunities can have within the community.
2. The Town aims to enhance the success and prosperity of the local business community while ensuring transparency of funding decisions and accountability of those receiving business grant funding.
3. The Town administers Business Grants in accordance with 'Policy 117 - Business Grants'.
4. The Town's Business Grants support projects, activities and initiatives that will benefit a group of businesses, an industry sector or the broader local economy.
5. There is one funding round with \$40,000 available for the 2022/23 financial year.

Strategic alignment

Civic Leadership

Strategic Outcome	Intended public value outcome or impact
CL1 – Effectively managing resources and performance	The application, assessment and agreement development processes ensure that proposals are suitably planned for successful project delivery.
CL3 – Accountability and good governance	Funds are managed with full, accurate and timely disclosure of financial information relating to Council.

Economic

Strategic Outcome	Intended public value outcome or impact
EC1 – Facilitating a strong local economy	The projects proposed by the Business Grant applicants will collectively provide a strong contribution to the local economy.

{strategic-outcomes}

Engagement

Internal engagement

Stakeholder	Comments
Stakeholder Relations	Consultation relating to advertising and promotions
Business Grants Assessment Panels	Consultation and panel evaluation

External engagement

Stakeholders	Business Owners
Period of engagement	The grant round opened 28 October 2022 and closed 28 December 2022.
Level of engagement	Inform
Methods of engagement	• Town's website • Town's social media and digital platforms: Facebook, LinkedIn and Google ads • Town's Business E-newsletters • Flyers and brochures

Advertising	• Town's website • Town's social media and digital platforms: Facebook, LinkedIn and Google ads • Town's Business E-newsletters • Flyers and brochures
Submission summary	Nine eligible Business grants were received
Key findings	• Four submissions met the Town's criteria • Four submissions are recommended for endorsement • Five submissions did not meet the Town's assessment criteria

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Loss of funds if proposed projects are not delivered as agreed	Moderate	Unlikely	Low	Low	TREAT – Acquittal process to be well organised and communicated to all successful recipients.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Negative				Low	TREAT –

	public perception towards the Town should applications not be funded.	Transparent approval process. Managed through online grants platform, with applicants decided by a panel and endorsed by Council.
Service delivery	Not applicable.	Medium

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation. The budget allocation for Business Grants in 2022/23 is \$40,000.
Future budget impact	The amount allocated to Business Grants will be reviewed each year.

Analysis

6. Business Grants were widely promoted across various platforms, using a range of communication methods to reach target audiences. The Business Grant program opened for a period of eight weeks, commencing 28 October 2022 and closing 28 December 2022.
7. Funding was advertised on the platforms below:
 - a. Town's website
 - b. Town's social media and digital platforms – Facebook, and Google Ads
 - c. Town's Business e-newsletters
 - d. Flyers and brochures

Business Grant Assessment

8. The Business Grants Assessment form was aligned with the Town's Policy 117 - Business Grants with three questions each with a weighting as indicated in the table below. With three panel members scoring across the three criteria, the maximum possible score was 100.
9. The Town's internal Business Grants Assessment Panel consisted of the following Town officers:
 - a. Place Leader (Strategic Planning), Place Planning
 - b. Youth Programs Officer, Community Development
 - c. Coordinator Bingo, Leisure Facilities

10. Applications were assessed individually and then reviewed at a formal panel meeting by the Town's Business Grants assessment members in line with Policy 117 - Business Grants.
11. The Town's initial assessment questions included:
- Eligibility
 - Conflict of interest
 - Applicant details
 - Project details
 - Assessment criteria questions as outlined in the table below.
12. The Town's initial assessment questions included:

Assessment criteria questions	Weighting per question per panel member
Criterion 1 The Proposed project, activity or program occurs within, or substantially benefits economic development outcomes within, the town of Victoria Park local government area. Question 1 How well does the application meet this criterion?	(Weighting 20%)
Criterion 2 The applicant can demonstrate the feasibility of the proposed project, activity or program and their capability to successfully deliver the proposed project, activity or program. The proposed project, activity or program is a discrete piece of work and is not, in the opinion of the Town of Victoria Park, a standard operational expense. Question 2 How well does the application meet this criterion?	(Weighting 20%)
Criterion 3 The proposed project, activity or program will deliver at least one substantial broad benefit to the local economy. Including: - Substantial improvements to the amenity of the public realm that will attract visitors to the area; - Substantial activation of underutilized or vacant spaces that will attract visitors or investment to the area; - Provide a unique and visible retail or service offering that will attract visitors to the Town of Victoria Park; - Foster networking and collaboration between local businesses; - Provide unique regionally significant promotion. Development or investment for the Town of Victoria Park's local economy; or - Foster innovation industries or innovative business practices in the Town of Victoria Park's local economy. Question 3:	(Weighting 60%)

How well does this application meet this criterion?	
	Total weighting for three questions = 100% Average score is out of 100

13. The Business Grant program attracted nine (9) eligible applications, with a total requested amount of \$86,218
14. Five applications requesting a total of \$48,446 did not meet the required criteria. They are not recommended for endorsement.
15. Four applications sufficiently met the criteria and are recommended to be awarded a collective total of \$37,772.

Business Grants Applications - Recommended:

16. Funding Recommended. Project details and panel scoring are outlined in the table below.

Applicant	Proposed project	Panel average (out of 100)	score (out of 100)	Requested Funding
Archer St Physiotherapy	Vic Park Health Expo 2023 Archer St Physiotherapy is a local physiotherapy business. The applicant is proposing a community-based Health Expo and Exhibition of stalls, entertainment, activities and attractions; showcasing all allied health, medical, fitness, wellness and health food businesses that operate within the Town of Victoria Park. Local community members can peruse stalls, converse with business owners, and participate in activities, where they can learn all about the goods and services that these health-related businesses have to offer the community.	88.0		\$10,000

Panel Assessment

Summary Assessment

- The applicant demonstrates that the proposed project will deliver broad economic benefit to the local economy. The proposed exhibition will attract visitors and promote the local health and well-being industry while providing an opportunity to foster networking and collaboration between local businesses.

Panel Comments

- The proposed project provides significant networking and collaboration opportunities between local businesses across the health-wellbeing sector.
- The proposed Health Expo has been successfully delivered by the applicant in the past, increasing confidence that funding will be used for a successful outcome.

The panel recommends project funding of \$10,000

17. Funding recommended. Project details and panel scoring are outlined in the table below.

Applicant	Proposed project	Panel average (out of 100)	score Requested Funding
Up Close and Local	Walking Wine Tour Up Close and Local is a business that operates food and beverage tours. The proposed project seeks to create a one-off event that brings our wine tours to the ToVP, in the form of walking wine tours. The vision is a 'wine walk' style event, where local producers (winemakers/distilleries) are invited to do 'pop-up' tastings within the local venues, as a drawcard to get people into the Town. Through this avenue we will showcase and promote what our local businesses offer. Similar events have been held in Subiaco and Fremantle, however our point of difference is to have guided tours with session times, to ensure promotion of the Town's businesses along the route.	77.3	\$7,828.00

Panel Assessment

Summary Assessment

- The applicant demonstrates that the proposed project will provide a unique tourism service that will significantly promote the local hospitality industry. The proposed project will bring broad economic benefits to the local economy by attracting visitors and promoting Victoria Park as a destination for tasting quality products from winemakers and distilleries.

Panel Comments

- The project is a unique idea to promote local businesses and support the local economy. The project actively attracts visitors to the Town and promotes businesses across the hospitality industry.
- A stronger indication of potential local Victoria Park producers (distilleries and winemakers) within the tour would help promote local businesses and improve the outcomes of the proposed initiative.
- The 'pop-up' tasting within local venues will attract visitors and promote local businesses.
- Applicant demonstrates extensive experience running local tours, increasing confidence that the project will successfully deliver its outcomes.

The panel recommends project funding of \$7,828

18. Funding recommended. Project details and panel scoring are outlined in the table below.

Applicant	Proposed project	Panel average (out of 100)	score	Requested Funding
Alexandra Theatre Incorporated (WA)	Alexandra Theatre Lighting and Sound Upgrade Alexandra Theatre Incorporated (WA) is a production company based in Victoria Park. The applicant is seeking to upgrade Alexandra Theatre as a public venue for performances in various artforms. Underpinning this will be the development of Alexandra Theatre as a venue for this and other events. This grant focuses on developing the lighting and sound capability of the venue. The Town of Victoria Park in its own documentation, specifically both the current and previous Arts and Culture Plans, have noted the lack of performing arts venues within its boundaries. Within the immediate vicinity of the Alexandra Theatre, there are two public bars, and numerous restaurants. None of them have a live entertainment aspect in proximity to attract visitors. This project enables that gap to be filled.	74.6		\$9,944

Panel Assessment

Summary Assessment

- The applicant demonstrates that the proposed project will deliver broad economic benefit to the local economy. The proposed initiative will improve the capacity of Alexandra Theatre to provide a unique service that will help attract visitors at the Town and encourage patronage across local retail and hospitality venues.

Panel Comments

- While funding is for one venue, the proposed initiative can improve the capacity of the facility to host performances and attract visitors to the area on an ongoing basis.
- The proposal aligns with the desired outcomes from the Town's Social Infrastructure and Making Space for Culture Strategies.
- Please note: dispersal of funds is dependent on Alexandra Theatre Incorporated (WA) obtaining all necessary approvals as required by the Town. Conditions of the grant will be outlined in further correspondence subject to Council's decision.

The panel recommends project funding of \$9,944

19. Funding recommended. Project details and panel scoring are outlined in the table below.

Applicant	Proposed project	Panel average (out of 100)	score of	Requested Funding
Filtered Pty Ltd	Leadership Lab for Local Businesses The applicant (Filtered Pty Ltd) provides services in business marketing, strategy and events. The applicant has also proposed procuring the services of Melt Social, a business communications and marketing consultant, to assist in the delivery of the workshops. The applicant has proposed an intensive full-day lab for local business leaders. By workshoping their marketing and business development needs, leaders engage to resolve business challenges through collaborative design-thinking. From this grant local businesses from within Victoria Park are funded to attend one of two workshop dates. A preliminary survey evaluates participants' business concerns, forming the basis for tailoring each lab. Within individual and collaborative group settings, participants generate their business' sustainable growth map, leaving with an agile plan for 2023. The shared experience leads to a collective resilient mindset, builds partnerships and strengthens local business connectivity.	61.3		\$10,000

Panel Assessment

Summary Assessment

- The applicant demonstrates that the proposed project will bring wider economic benefits by fostering innovative and sustainable business practices in the local economy. The workshops are designed to combined business training and networking to gain knowledge from fellow local businesses leaders while also learning and developing business growth maps via the program content.

Panel Comments

- The project provides opportunities to upskill local businesses for local economic benefit. The project also provides an opportunity for businesses leaders across the Town to network and build relationships.
- The project proposal initially provided benefits to businesses outside the Town of Victoria Park. The judging panel recommended that the project was restricted to local businesses. The applicant subsequently amended the proposed project to only be open to Town of Victoria Park businesses.
- Please note; It was recommended by the panel that a special condition that a minimum of 12 local businesses attend the workshops to ensure value for money. If workshops are undersubscribed, funding will be returned to the Town of Victoria Park.

The panel recommends project funding of \$10,000

Business Grants Applications – Not Recommended

20. Funding not recommended. Project details and panel scoring are outlined in the table below:

Applicant	Proposed project	Panel average (out of 100)	Requested Funding
Markr Global Pty Ltd	Markr have developed an application that assists place activation by creating and placing virtual information and 3D objects. The applicant proposes a month long food trail event using Augmented Reality (AR) Markrs to highlight participating hospitality outlets along Albany Highway. Mixed with these will be AR based animations. We will invite visitors to take screen shots of these animations and post them to social media with the #markr and #vicparkfoodtrail which will give them a chance of winning one of five \$100 restaurant vouchers and one voucher of \$500. This will introduce visitors to fun, novel technology and give them a reason to visit the area again and again.	54.00	\$9,900.00

Panel Assessment

Summary Assessment

- The application provides insufficient quotes and financial statements for the proposed project budget. The proposed project is not for a discrete project but a proposal for a service provider arrangement.

Panel Comments

- Applicant demonstrates the proposed project could have broad economic benefits for the local economy.
- However, the application only provides one quote from themselves for the total funding requested. It is unclear if the proposed initiative is a discrete project or a proposal for a service provider arrangement.
- The Victoria Park Café strip is already an established destination for food and restaurants. The funding requested may not offer value for money.

20. Funding not recommended. Project details and panel scoring are outlined in the table below:

Applicant	Proposed project	Panel score average (out of 100)	Requested Funding
The Trustee for Adept Enterprises Trust	Sponsorship Success is business registered under the Trustee for Adept Enterprises Trust. Sponsorship Success provides consulting on sourcing sponsorship. The proposed initiative will take an in-person course we have been delivering for 2 years, "Seven Steps to Sponsorship Success - Community Sport" and make it available online via an online course. The course provides community organisations insight and knowledge on how to provide commercial benefits for their sponsors. The goal is to widen our market nationally and internationally, whilst offering an opportunity to provide further framework for users to gain a usable Sponsorship Strategy for their community organisation after completing the course. To achieve this goal, we need funding to engage a professional online course provider to build the technical elements of the course. We offer unique educational content that we believe could be an Australian first.	49.33	\$8546.00

Panel Assessment

Summary Assessment

- The proposed initiative does not provide direct benefits to the broader local business community. The initiative expands their existing operations by developing their course online to reach markets outside of Western Australia. While the proposal has potential to deliver benefits to local businesses, the mechanism is indirect and is reliant on the uptake from the local community to provide value for the local economy.

Panel Comments

- While the proposal has the potential to deliver benefits to local businesses, the mechanism is indirect.
- The project is building on standard operations for the business through expanding their content online. As per the assessment criteria, funding should not be used for operational expenses.
- The proposed project is to help develop an online version of their course to reach markets wider than Western Australia. The proposed project will largely benefit community organisations and businesses outside the Town of Victoria Park.

21. Funding not recommended. Project details and panel scoring are outlined in the table below:

Applicant	Proposed project	Panel average of 100)	score (out of 100)	Requested Funding
Gleadhill Family Trust t/a Swan River Distillery	The Swan River Distillery is a distillery located in the Town of Victoria Park. The proposed "Tour and Tasting Trips" is an initiative to bring tourists and visitors into Vic Park for a unique visitation experience. Visitors can tour the Swan River Distillery, learn how gin and vodka are made and then enjoy a tasting of Swan River Distillery's renowned spirits and cocktails. All accompanied by food and snacks from the local area. We then encourage our guests to visit other Vic Park retail and hospitality venues.	48.00		\$10,000

Panel Assessment

Summary Assessment

- The proposed project does not bring broad economic benefits to the local economy. The applicant demonstrates that the project would successfully increase patronage to the business but does not provide sufficient details on how the guests will be encouraged to visit other local businesses.

Panel Comments

- While the proposal can provide a unique and visible retail or service offering with the Town, the project does not offer broad economic benefits to the local economy. The project benefits only a single business.
- The proposed project does not provide details or explanation on how they will encourage guests to visit other local businesses.

22. Funding not recommended. Project details and panel scoring are outlined in the table below:

Applicant	Proposed project	Panel average of 100)	score (out of 100)	Requested Funding
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100)			
AMHR Pty Ltd	AMHR Pty Ltd is an accounting firm located within the Town of Victoria Park. The project proposes to deliver an office premises evaluation and viability assessment. By enhancing our existing office space this will attract more clients to our physical business premises, which will in turn provide further revenue to the town through parking revenue and other hospitality and retail spending. By renovating our space, we will also be better able to host local businesses through networking functions which will foster the sharing of best practices with other local business operators.	32.0	\$10,000

Panel Assessment

Summary Assessment

- The applicant does not provide sufficient detail or justification that renovations to their office will bring broad economic benefits to the local business community.

Panel Comments

- The project only benefits a single business and does not bring broader economic benefits to the Town.

23. Funding not recommended. Project details and panel scoring are outlined in the table below:

Applicant	Proposed project	Panel average of 100)	score (out of 100)	Requested Funding
District Promotions	District Promotions is an event management company located in the Town of Victoria Park. We currently have a content creation studio using paper backdrops, we would love to add an infinity wall and some more lighting. We believe it would bring us more business and add more value to our services. From our competitor analysis, we would be the only studio in Victoria Park with an infinity wall and we believe this would be a great selling point for people to come to check out	30.0		\$10,000

Panel Assessment

Summary Assessment

- The applicant does not sufficiently demonstrate how the proposed project will benefit the wider local economy. The upgrade to their studio will benefit one business.

Panel Comments

- The project only benefits a single business and does not bring broader economic benefits to the Town.

Relevant documents

[Policy 117 Business Grants - Victoria Park](#)

Further consideration

24. The Following information was requested at the Agenda Briefing Forum held on 7 February 2023.
25. *Review and update processes to incorporate a 'grant summary' which is more descriptive including a summarising sentence which relates to the goal of the grant.*

Minor amendments to the report have been made to ensure that the grant assessment information includes a small summary and a link to the Business Grant Assessment Criteria.

26. *Amend the funding amount for the Up Close and Local proposal from \$10,000 to \$7,828.*

Error amended.

13 Chief Operations Officer reports

13.1 Briggs St & Harris St Compact Roundabout

Location	Carlisle
Reporting officer	Design Engineer
Responsible officer	Chief Operations Officer
Voting requirement	Absolute majority
Attachments	Compact Roundabout Concept Design

Recommendation

That Council requests the Chief Executive Officer to allocate \$40,000 from the mid-year budget review for the construction of a compact roundabout at the intersection of Briggs Street and Harris Street, subject to a surplus of funds being identified and priority against other projects.

Purpose

The purpose of this report is to provide an overview of the proposed compact roundabout planned at the intersection of Briggs Street and Harris Street, with the intent of identifying funds as a high priority.

In brief

- Briggs Street and Harris Street intersection has ranked highly as a Blackspot priority for many years.
- Due to site constraints such as required land resumptions and major service relocations, the construction of a full-sized roundabout has not been feasible. MRWA has recently decided to provide more flexibility regarding the construction of fully traversable roundabouts.
- It is now proposed to mitigate the crash issue by constructing a compact roundabout at this intersection.

Background

1. Briggs Street and Harris Street are classified as Local Access Roads under the control of the Town of Victoria Park. By definition, this road category is "to provide access to abutting properties with amenity, safety and aesthetic aspects having priority over the vehicle movement function. The intersection is a four-way intersection. The percentage of heavy vehicle traffic using Briggs Street is 25%. The intersection was previously set up under Stop Control arrangement (i.e., Stop signs in place). However, recent upgrade works triggered a requirement for the intersection to be converted to "Give Way" control to meet Australian Standards and MRWA requirements.
2. The Town has received several requests from drivers involved in crashes or experienced near misses. The Department of Mines has also made multiple requests to implement crash mitigation measures.
3. The project was granted design approval in principle by Mainroads WA on 16 January 2023. It is proposed to construct the roundabout in the current 2022/2023 financial year.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN6 - Improving how people get around the Town.	An improved intersection layout that promotes safer

	driving and a reduction in crashes.
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Engagement

Internal engagement

Strategic Asset Advisory Group (SAAG)	September 2022 - Approved project for consideration in the 22/23 mid-year budget.
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Other engagement

Mainroads WA	January 2023 - Design approved in principle.
Department of Mines	August 2022 - Meeting with the Department to discuss concerns raised and the solutions proposed.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Project may not go ahead in 2022/23 due to budget constraints.	Moderate	Likely	High	Low	Accept risk -This is considered part of the budgeting process, where funding allocation is based on priority.
Environmental	NA	NA	NA	NA	Medium	NA
Health and safety	NA	NA	NA	NA	Low	NA
Infrastructure/ ICT systems/ utilities	NA	NA	NA	NA	Medium	NA
Legislative compliance	NA	NA	NA	NA	Low	NA
Reputation	Negative community reaction if no crash reduction mitigation is	Moderate	Possible	Medium	Low	Treat risk - Resubmit project for 23/24 capital works budget.

	undertaken at the intersection.					
Service delivery	Lead times for materials and contracts may be issue for procuring works by external construction providers	Minor	Likely	Medium	Medium	Accept risk – Low complexity, low value scope of works as the compact roundabout fits within the existing road kerblines. Technical staff to prepare RFQ/scoping documents early.

Financial implications

Current budget impact	Sufficient funds do not exist within the annual budget. It is proposed that funding will be acquired through the 2022/23 mid-year budget review, subject to a surplus being identified for the project. Capital Works – \$40,000
Future budget impact	If surplus funds are not identified for the project through the 2023/2023 mid-year review process, the allocation of \$40,000 will need to be considered in the new 2023/2024 financial year

Analysis

- A review of the recent crash history from the MRWA database has been conducted at the subject intersection for the ten-year period to the end of December 2021. The database listed 19 "right angle" crashes during the 10 years. Two of the crashes involved a truck (10%). Four crashes resulted in someone needing to go to the hospital. Three crashes resulted in someone needing medical treatment. The remaining twelve crashes resulted in Major Property Damage. These crashes were all intersection crashes and typically crashes with vehicles from adjacent approaches.
- It is proposed to construct a compact roundabout at this location to reduce crashes and the severity of crashes. The installation of compact roundabouts has been proven to deliver similar safety and amenity benefits to full-sized roundabouts while maintaining the ability for larger vehicles to navigate the intersection easily.
- The project aligns to objective HC.3 in the Town's Integrated Transport Strategy - Road Safety for all users under the "Healthy Community" theme. Whilst the project is not specifically mentioned in the strategy document it recognizes there are major movement corridors that traverse the Town that intersect and can be difficult to navigate for road users. Potentially, these locations represent a safety risk and need to be rectified.
- The proposed design is based on a slightly raised compact annulus that is fully traversable. The proposed compact roundabout does not involve road widening works, significantly reducing construction time and minimising impacts on adjoining businesses and residents. The works also

include the relocation of two pedestrian ramps and the upgrade of an existing streetlight. The construction estimate for this roundabout is \$40,000.

8. Briggs Street is a significant route for commercial vehicles to access Orrong Road through an industrial precinct. Light vehicle and heavy vehicle conflicts are common at four-way intersections, which can increase the severity risk. Technical staff believe that the project should be given a high priority ranking when considering other projects.

Relevant documents

Not applicable.

Further consideration

9. The following information was requested at the Agenda Briefing Forum held on 7 February 2023.

10. *Remove information in paragraph 1 which makes reference to a petition.*

Reference to a petition has been removed from paragraph 1.

11. *Update paragraph 2 to correctly reflect request relating to the Department of Mines.*

Paragraph 2 has been amended to correctly reflect the request relating to the Department of Mines.

12. *Obtain feedback from MRWA on why the intersection of Lion and Star Streets was not allocated blackspot funding.*

On the 22 of December 2022 the Town received a draft program of supported Metropolitan Regional Road Group (MRRG) and blackspot projects for all Council's in the metro area. Regrettably, Star Street and Lion Street was not supported by the Main Roads audit team. The brief explanation suggested that it did not comply with geometric standards. This may be the case, as the Town only provided a high level concept sketch with the submission. Technical staff note there are no property truncations to 24a Lion Street and 40 Lion Street. To avoid any land resumptions the centre of the roundabout may need to be positioned to the north eastern side of Star Street, therefore not centralized. At this stage, the geometric concerns have not been communicated to the Town in detail so that a proper opinion can be provided back to Main Roads WA staff. The Town will now formally write to Main Roads WA seeking an explanation and request reconsideration for the project. As an alternative to the roundabout, a minor allocation of funds will be considered in the 2023/2024 Capital Works Budget for speed cushions on the approach leg of Lion Street and Asteroid Way.

13. *Provide information on why MRWA is going away from stop signs and going to give way, it has raised a lot of concern from the community.*

When the Town undertakes road renewal projects or other road works, there is usually an opportunity for Main Roads WA and the Town to review the signs and lines plans which require lodgment and approval from the State agency. Australian Standard AS 1742.2 - Part 2 – Traffic control devices for general use, has specific requirements for the installation of stop signs. If sight distances at intersections exceed those requirements under stop control, then give-way signs are implemented.

13.2 Petition - Burswood South Lighting

Location	Burswood Victoria Park
Reporting officer	Principal Traffic and Design Coordinator
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Petition - Old Burswood Neighbourhood Watch Group - lighting along Clydesdale and Duncan Street [13.2.1 - 9 pages]

Recommendation

That Council:

1. Notes the interim findings from Council officers regarding the petition from residents to initiate a trial to upgrade footpath lighting in Clydesdale Street and Duncan Street as tabled at the September 2022 Ordinary Council Meeting (OCM).
2. Requests the Chief Executive Officer to instigate a review of the issues identified in the petition (including a trip hazard and street lighting audit, review of footpath lighting levels, and an examination of any proposed actions that may be required, including budget implications).
3. Reallocate minor works funding to Clydesdale Street in the current 2022/2023 financial year of approximately \$10,500 from the Town's Street Lighting Budget to upgrade existing luminaires to a higher wattage output.
4. Report back to Council by the June 2023 Ordinary Council Meeting on the findings of the Public Lighting Plan to establish priorities on a Town wide approach.

Purpose

For Council to consider and endorse the Town's response to the petition received at the September 2022 OCM.

In brief

- The petition received by Council in the September 2022 OCM requested a trial to upgrade footpath lighting in Clydesdale Street (between Teague Street and Kitchener Avenue) and Duncan Street (between Shepperton Road and Kitchener Avenue) while maintaining and encouraging existing tree canopy to improve safety and reduce antisocial behaviour in those areas.
- The Town proposes to examine the issues involved with the petition through a footpath and street lighting audit. From these reviews, it will examine potential solutions and costs involved with trials and possible implementation and present a report back to Council by the June 2023 round of meetings. The street lighting audit will form part of a larger scope of works planned in the current financial year to deliver a "Public Lighting Plan".
- Council endorsement for the proposed approach and time frame is sought.

Background

1. In September 2022, Council received a petition from 51 residents, organized through the Old Burswood Neighbourhood Watch Group (OBNWG). The petition sought a trial to upgrade footpath lighting on Clydesdale Street (between Teague Street and Kitchener Avenue) and Duncan Street (between Shepparton Road and Kitchener Avenue). The existing tree canopy was noted to be maintained.
2. It was noted that the reasons stated in the petition included the following:
 - a. Nighttime lighting levels over footpaths were very low/nonexistent, creating potential trip hazards and other safety issues for pedestrians.
 - b. Difficulty in observing or detecting persons moving through low lighting areas, encouraging antisocial behaviours and criminal actions which cannot be witnessed or captured on CCTV.
 - c. Residents believe that the low lighting encourages these behaviours.
3. Recent OBNWG's lighting levels of the Burswood/Victoria Park survey highlighted these two streets as being "dark spots" concerning footpath illumination levels
4. A Corporate Business Plan Deliverable for the 2022/2023 financial year is to prepare a public lighting plan for areas identified as having poor lighting in the Town. This is also an action in the Safer Neighbourhoods Plan adopted by Council in November 2022. Work on this plan is anticipated to commence in February 2023.
5. Findings on the "Public Lighting Plan" are yet to be established, and therefore it is not known at this time whether Clydesdale Street or Duncan Street are priorities compared to other Streets in the Town where antisocial behaviour or crime requires intervention.

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN6 - Improving how people get around the Town.	Providing sufficient night lighting levels for pedestrian footpath movement.

Social	
Community priority	Intended public value outcome or impact
S1 - Helping people feel safe.	To allow for pedestrian sighting of movement along footpaths at night through lighting levels.

Engagement

Internal engagement	
Stakeholder	Comments
Parks	Site meeting held on 23/1/2023. Resolved to action pruning to achieve compliance to Western Powers requirements. Mainly vertical and horizontal clearances to existing assets.
Community Development	Feedback provided regarding crime statistics.

Other engagement

Old Burswood
Neighbourhood
Watch Group
(OBNWG)

A meeting with residents will be held on 23 January 2023. Actions yet to be determined.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Funding lighting asset upgrades will be the responsibility of Council	Insignificant	Almost certain	Medium	Low	Accept Risk – The Town will be requesting the change to improve amenity for ratepayers
Environmental	Significant pruning required on existing trees to ensure clearances are achieved to western power poles. Some large tree limbs may also need to be cut back to achieve headroom for pedestrians which may result in stressing the tree's	Moderate	Unlikely	Low	Medium	Accept Risk – Pruning works will be completed using approved contractor with supervision from Parks Business Unit
Health and safety	Lighting levels may not comply to Australian Standard AS1158 for Streets such as Clydesdale Street. Dark areas may be contributing to antisocial activity	Moderate	Likely	High	Low	Treat risk – Minor upgrades to existing lighting anticipated. Audits will be undertaken of priority areas as part of the future Public Lighting Plan
Infrastructure/ ICT systems/ utilities	NA	NA	NA	NA	Medium	NA

Legislative compliance	NA	NA	NA	NA	Low	NA
Reputation	Not responding to community concerns regarding public safety (crime/social issues) may damage the Town's reputation. Social media and negative newspaper articles may escalate issues in the community	Moderate	Possible	Medium	Low	Treat risk - Review issues involved and consider potential solutions and costs. Lead petitioner to be informed of any Council decision moving forward.
Service delivery	Lead times for materials and contracts maybe lengthy with external providers undertaking works	Insignificant	Almost certain	Medium	Medium	Accept Risk – Commence process with Western Power or private contractors early to ensure delivery of the upgrades is expedited in a timely manner.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation. The cost of replacing 3 luminaires will be in the order of \$7,500 – \$10,500. If approved, funds will be reallocated from the Street Lighting budget - (Albany Highway & Laneways) WO – 4464.
Future budget impact	Not applicable. Future budget impacts are to be considered after the Town has considered the issues involved with any future trial.

Analysis

6. As the Town has not dealt explicitly with footpath lighting levels at these locations, it will need some time to review any matters involved under the petition.
7. A night inspection of Duncan Street between Shepperton Road and Kitchener Avenue in late December 2023 indicates that lighting levels are satisfactory for most of its length and, therefore, no changes are planned for this road. However, along Clydesdale Street, there is a section between Teague Street and Sunbury Road where the tree canopy and spacing of existing trees are dense, creating a dark spot over a longer footpath segment.
8. As an interim measure, the Town proposes to upgrade 3 luminaires along Clydesdale Street to a higher wattage. The intention is to replace 2 X 42 Watt Compact Fluorescent bulbs with 53 Watt LED which are equivalent to 125 Watt Mercury Vapour light bulbs and 1 X 80 Watt Mercury Vapour. Unfortunately, the improvement in lighting output could be marginal as the trees may still be obstructing light output. Ultimately it may be beneficial to install a couple of new light fixtures on the northern side of

Clydesdale Street to enhance the lighting in the longer term. However, costs for new light pole fixtures could be considerable, and Council would need to budget accordingly as part of its annual capital works program. The cost to replace luminaries will likely be in the order \$2500 - \$3500 per changeover. Costs for the replacement can be taken from the Street Lighting budget - (Albany Highway & Laneways) Work Order – 4464.

9. The impacts of lighting associated with tree canopy have also been reviewed along Clydesdale Street. A site meeting held on 23 January 2023 with Park's staff and Street Improvement representatives has resulted in several compliance actions, predominantly relating to the uplift of the canopy to achieve headroom clearances and pruning for powerline/power pole separation. This may assist with increasing luminance in the area.
10. As part of the Public Lighting Plan deliverable, the Town also proposes to complete a street lighting audit of the areas. This review will also consider the footpath lighting levels given the existing tree canopy coverage and may require a separate audit of the illumination levels available for pedestrians.
11. After completing these reviews, the Town will examine what solution options may be available for trials and implementation of upgraded lighting. Considering these options will need to be factored against expected budgets for costs of implementation and operational expenses, as well as against other lighting upgrade priorities within the Town.
12. Reviewing these potential options will also be considered against any street lighting and undergrounding project upgrade works that may be available and undertaken jointly with Western Power schemes.
13. On 7 November 2022, the Minister for Energy announced a new Targeted Underground Power Program (TUPP). Included in TUPP as a potential project, and given high priority by Western Power, is the area of Burswood South/Victoria Park, which includes Clydesdale Street and Duncan Street. If Council agrees to have the Burswood South/Victoria Park area included in the TUPP program, the street lighting in all streets within the project area will be designed to current Australian Standard AS1158. A report on consideration of whether the area should be included in the TUPP program will be presented to Council for consideration after Western Power provides a financial estimate of the cost of the project and details of the funding contribution that the Town would be required to make towards the project.
14. If a project for this area is endorsed to proceed, the Town's technical officers will work closely with Western Power's lighting engineers to ensure that an optimum design is produced whereby the street light meets AS1158 requirements and provides adequate lighting of roads and footpaths whilst in harmony with street trees and target goals of the Urban Forest Strategy. Western Power has advised that if the project proceeds, it intends to commence design in July 2023 and start a 12-month construction phase in April 2025.
15. Pending assessment of variables such as crime statistics, category of street, connectivity to activity centre's or other important places the Town will consider and recommend what upgrading may be available for the areas covered under the petition. It is expected that a further, more detailed report will be available by the June 2023 round of Council meetings.

Relevant documents

Not applicable.

Further consideration

16. The following information was requested at the Agenda Briefing Forum held on 7 February 2023.
17. *Investigate the option of installing a light pole similar to that on the corner of Cargill and Gloucester Streets, solar reacts to movement and illuminates extra bright before fading?*

- a. The installation of solar lights can be considered similar to what has already been installed on the corner of Cargill Street and Gloucester Street. However, standalone lighting fixtures will need to be assets controlled by the Town as Western Power does not take ownership of solar lights in areas where power from the distribution grid exists.
- b. Solar lights may be a good alternative if the solar panels can be positioned above the canopy of trees or installed in locations where they can avoid shaded areas. Potentially re-allocated funds from the luminaire replacement option could be attributed to installing solar lights, if feasible.
- c. The cost of installing one solar light may be 3 – 4 times higher than replacing one luminaire.
- d. The Town will seek quotes from a supplier to establish the benefits and compare against the original proposal as indicated in point 7 in the analysis section of the report.

18. Additional information has been added to the risk table to update categories such as financial, environmental, health and safety and service delivery.

19. *Was this option canvassed with the Neighbourhood Watch group?*

No, the options have not been canvassed with the Neighbourhood Watch group.

13.3 Citizen's Climate Jury

Location	Town-wide
Reporting officer	Environmental Management Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council considers listing a budget item of \$57,500 for a Citizen's Climate Jury to address carbon emissions reduction (waste or community action) for the 2023/24 budget.

Purpose

To provide an updated report on a Citizen's Climate Jury to Elected Members – inclusive of the conclusions from the November 2022 Concept Forum – and request that a budget item allocation of \$57,500 for a Citizen's Jury for 2023/24 be considered.

In brief

- At the 2021 Annual Meeting of Electors, Council received the following motion:
That Council convene a citizens climate assembly along the lines of those held in Lamberth/Brixton and a national assembly, both held in the United Kingdom; within the next 12 months, preferably before 31 December 2021.
- The issues flagged by the community members who brought the motion that could be dealt with through a Citizen's Jury included:
 - *Cease polluting, commence drawdown and respond to likely impacts on an emergency footing.*
 - *Urban Heat Island Effect: radically increase and accelerate the urban forestry tree canopy program to help save lives and create safe heat refuge sites for seniors and children that can stay cool through extended heat events and power blackouts.*
 - *Eliminating waste is critical. FOGO bins would help reduce waste volumes and methane pollution; and recycling would help close materials loops. Need to consider implementing Cradle to Cradle planning and design in all we do at all levels.*
- Council subsequently resolved the below:
Endorses the Chief Executive Officer to arrange a meeting after 16 October 2021 with the community members who brought this motion, to determine the details of a Citizens Assembly and seek to understand how this assembly would operate (e.g. roles, outcomes sought) relative to the implementation of the endorsed Climate Emergency Plan, and report back to Elected Members the merits or otherwise of the Town holding a Citizens Assembly.
- The 16 August OCM report outlined the logistics, merits and disbenefits of the Town undertaking a Citizen's Jury.
- At the 16 August 2022 OCM, Council resolved:
That a concept forum item is organised by latest November 2022 to discuss how a citizens climate assembly can assist Council in its climate journey including but not limited to the waste review activities, the Brixton citizens assembly model and options for how the Town could support a citizens climate

assembly; That an updated report with conclusions from the concept forum included, be provided to Council by latest February 2023.

- Waste is the biggest source of emissions for the Town, constituting 85% of the Town's overall emissions, as determined under the Climate Emergency Plan. A very clear goal under the Climate Emergency Plan is to reduce the Town's emissions associated with waste by 50% by 2030. Potentially, a Citizen's Jury could be called for the area of waste if budget allows.
- A Citizen's Jury could also have a broader focus than waste, possibly exploring what the community/business sectors would like to do/can do/are willing to do to reduce carbon emissions and how can the Town can support this.
- The Town recommends that a budget item allocation for a Citizen's Jury for 2023/24 be considered by Council.

Background

1. At the 2021 Annual Meeting of Electors, Council received the following motion:
That Council convene a citizens climate assembly along the lines of those held in Lambeth/Brixton and a national assembly, both held in the United Kingdom; within the next 12 months, preferably before 31 December 2021.
In response, Council:
Endorses the Chief Executive Officer to arrange a meeting after 16 October 2021 with the community members who brought this motion, to determine the details of a Citizens Assembly and seek to understand how this assembly would operate (e.g. roles, outcomes sought) relative to the implementation of the endorsed Climate Emergency Plan, and report back to Elected Members the merits or otherwise of the Town holding a Citizens Assembly.
2. A Citizen's Assembly - also known as a Citizen's Jury - is a deliberative democratic process where citizens are randomly selected (from a representative sample) to form a committee to make decisions surrounding an issue affecting governments (such as climate change).
3. It is a consensus-building process that allows a more in-depth analysis of issues and responses to them than a standard consultation or action-planning process. It is particularly helpful for issues where there is a lot of contention as to the best action for all or where the action required is politically unpopular (but necessary). More information on this process is detailed below.
4. Citizen's Jury Process:
 - a. Select a broadly representative group of people in our community. Invitations to join the Jury will be posted to a randomly selected subset of all households in the Town. Once a volunteer pool of potential jurors is created, a random draw from this pool will occur until each of the demographic quotas (based on the Census) is filled. For example, 50% men, 50% women, 30% from the 18-25-year-old cohort, 20% from each Ward etc. To constitute a jury of 30 or so (the number at which there can be confidence in the statistical likelihood of good representation), it will probably be necessary to post to 2000 to 5000 households. NOTE: Payment of a nominal payment for each day of participation is recommended to encourage participation amongst residents who experience hardship or are time-poor.
 - b. Bring them together, typically at small tables or groups, and let everyone have their say. Once a group of people that 'look' like a cross-section of residents, they will be tasked with (and assisted in) conducting a deep dive into the issue. Before the COVID-19 pandemic, this was

typically achieved by bringing people face-to-face and sitting them in small groups at tables, with a trained, professional facilitator at each table. Since the pandemic, these Juries can be moved online. The principles are largely unchanged: the entire group is regularly split into break-out groups with a facilitator, so everyone gets to have their say, and collective decisions can still be made.

- c. Have subject matter experts, plus those affected by the issue, address the Jury. An important aspect of any Citizen's Jury is making sure Jury members have access to high-quality and diverse information from a range of experts and other stakeholders. Here the Jury would be given access to information relevant to the issue in focus, such as Local Government responsibilities on the issue, context, important documents and current events, and best practices.
- d. Get the participants to discuss, listen and talk to each other – and give reasons for their opinions. Professional community engagement facilitators are used to design and run a Jury that alternates between plenary and small group discussions, between learning, enquiring, developing informed opinions, and finally making decisions. This is often not a linear process but a more circular one, where participants learn and deliberate and make some decisions (such as prioritising options or people they want to hear more from) before going into more cycles of learn–deliberate–decide. Every participant will have an equal opportunity to share their views and shape the discourse on waste. The general purpose is to find out what this representative group can agree on as they struggle to balance the costs and benefits of acting in the common good.
- e. Decide on the best way forward. Ultimately Citizen's Juries are about making political recommendations and decisions, so at some point, the Jury must finish, and decisions must be made. Often the participants themselves will come up with the final list of questions to be voted on – and this list of questions should be made by consensus. The Jury then gives their answers to the questions (participants may grade their enthusiasm for differing options). As important as the final decisions and recommendations are, almost more important are the reasons for those recommendations. This is what sets a Citizen's Jury apart from other engagement processes - you find out what is decided and why that decision was made. A report is created that captures the learnings, justifications, options, criteria and recommendations that are endorsed by the Jury and formally presented to Council. References:
 - i. <https://www.sortitionfoundation.org/how>
 - ii. Weymouth, R (2022) A Citizens Jury on Waste for the Town of Victoria Park.

5. After initially being unable to contact the community member who brought the motion to Council, the Town liaised with citizen's assembly and deliberative democracy specialists from the Curtin University Sustainability Policy (CUSP) Institute, Janette Hartz-Karp and Rob Weymouth. Specifically, the Town wished to explore how an assembly may link to the Town's endorsed Climate Emergency Plan.
6. The CUSP team outlined that to call a Citizen's Jury, there needs to be a clear question/issue or set of questions/issues (with a potential range of solutions) that matter to the community, and there needs to be scope for the recommendations that emerge to make a difference to policy or decisions.
7. Once the Town reached the community member who brought the initial motion to Council, the context within which this motion was brought was clarified. In summary, the community-raised issues that could be dealt with through a Citizen's Jury could include:
 - a. Cease polluting, commence drawdown and respond to likely impacts on an emergency footing.
 - b. Urban Heat Island Effect: radically increase and accelerate the urban forestry tree canopy program to help save lives and create safe heat refuge sites for seniors and children that can stay cool through extended heat events and power blackouts.

- c. Eliminating waste is critical. FOGO bins would help reduce waste volumes and methane pollution, and recycling would help close materials loops. The Town needs to consider implementing Cradle to Cradle planning and design in all we do at all levels.
8. The 16 August OCM report outlined the logistics, merits and disbenefits of the Town undertaking a Citizen's Jury.
9. An important consideration is that the Town developed the Climate Emergency Plan in 2021, which Council subsequently endorsed. The Town has been implementing this plan accordingly.
10. The CUSP team identified that if the Town were to run a deliberative democracy, one or more of these concerns outlined above could be explored, provided that the Climate Emergency Plan does not steer or manipulate the deliberative discourse towards a particular outcome. The challenge is determining how a deliberative and empowering community process can be integrated with the Climate Emergency Plan whilst not influencing the direction.
11. At the 16 August 2022 OCM, Council resolved:
 1. *That a concept forum item is organised by latest November 2022 to discuss how a citizens climate assembly can assist Council in its climate journey including but not limited to the waste review activities, the Brixton citizens assembly model and options for how the Town could support a citizens climate assembly.*
 2. *That an updated report with conclusions from the concept forum included, be provided to Council by latest February 2023.*

Strategic alignment

Environment	
Strategic outcome	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Protection and enhancement of the natural environment through reduction of the Town's carbon footprint.
EN2 - Facilitating the reduction of waste.	A Citizen's Jury would allow our community to lead the charge in trying to reduce emissions within the Town. Potentially, it could help solve the problem of one of our greatest emissions sources, waste (as identified in the Climate Emergency Plan) and be integral in enabling the Town to meet our organisational goal to reduce carbon emissions associated with waste by 50% by 2030.
CL2 - Communication and engagement with community	A Citizens Jury allows our community to make decisions surrounding an issue affecting the Town. It is a consensus-building process that allows a more in-depth analysis of issues and responses to them than a standard consultation or action-planning process.

Engagement

Engagement

Stakeholder

Comments

Elected
Members – 22
November
Concept Forum

See point 16 below.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category

Risk event description

Consequence rating

Likelihood rating

Overall risk level score

Council's risk appetite

Risk treatment option and rationale for actions

Financial

Citizens will have ability to direct waste actions and, therefore, the budget that is spent by the organisation.

Moderate

Likely

High

Low

Treat:
The Citizens Jury will have access to the best current information the Town has on the subject and will have an equal opportunity to share their views and shape the discourse on waste. In doing so, the Jury will make informed recommendations and balance the costs and benefits of acting in the common good.

Where the Town cannot enact a recommendation of the Jury it can work with the Jury to try and

							implement the spirit of the recommendation.
Health and safety	Not applicable					Low	
Infrastructure/ ICT systems/ utilities	Not applicable					Medium	
Legislative compliance	Not applicable					Low	
Reputation	Potential reputational risk to the organisation if the Town were to hold a Citizens Jury, such as due to the cost.	Moderate	Likely	High	Low		Treat: Clear communication to community on the purpose and benefit of a Citizens Jury, as well as invitation to be directly engaged in the process.
Reputation	If the Town is paying the Citizen's Jury participants, there is a potential equity risk with regards to members of Advisory Groups used by the Town, who are not engaged in a paid capacity.	Moderate	Likely	High	Low		Treat: Clear communication as to why participants may be remunerated. Advisory Group members will also have an opportunity to nominate to be engaged in the process.
Reputation/Environment	The Town does not establish a Citizen's Climate Jury. Community may feel that the Town has not done	Moderate	Likely	High	Low		Treat: Should a Citizen's Jury not be supported, the establishment of

	enough and with sufficient urgency to address the climate emergency if the Town does not proceed with the Citizen's Climate Jury.					a citizen's climate working group or something similar may be established. However, it must be noted that a working group will still operate under the governance structure of the Town and can potentially be influenced by the Town itself.
Service delivery	Citizens will have the ability to direct waste actions and, therefore, the level of service expected from the organisation.	High	Likely	Significant	Medium	Treat: The Citizens Jury will have access to the best current information the Town has on the subject and will have an equal opportunity to share their views and shape the discourse on waste. In doing so, the Jury will make informed recommendations and balance the costs and benefits of acting in the common good. Where the Town cannot enact a recommendation of the Jury it can work with the Jury to try and implement the spirit of the recommendation.

Representativeness	A jury that is a representative cross-section of the community is not gathered.	Major	Unlikely	High	Low	Treat: Significant effort would be made with the facilitator to gather a representative jury. Invitations to join the Jury will be posted to a randomly selected subset of all households in the Town. Once a volunteer pool of potential jurists is created, a random draw from this pool will occur until each of the demographic quotas (based on the Census) is filled. It will probably be necessary to post to 2000 to 5000 households.
Scope	The scope of the Jury and/or the issue to be addressed is not clear.	Severe	Rare	High	Low	Treat: The Town would anticipate that the specifics of the topic and scope of the deliberation will be confirmed between the Town and the Jury facilitator. This will ensure that the deliberation does not drift into non-related territory.
Scope	The topic that is explored by the Jury is not what is needed by the Town	Severe	Rare	High	Low	Treat: The Jury typically make decisions surrounding an issue affecting

governments (such as climate change).

Citizens are tasked with an issue from the convening body. In addition, subject matter experts on that topic at hand provide best available information. This, then, keeps the focus of Jury on the theme in question.

Financial implications

Current budget impact	Sufficient funds do not exist within the annual budget.
Future budget impact	The Town sought indicative quotations to deliver a Citizen's Jury. The indicative cost of the facilitated process is \$44,000. This includes: 1. Workshop co-design and assistance with jury recruitment 2. Three days of workshop facilitation. 3. Assistance with workshop preparation and execution 4. Workshop report Further estimated costs include: • Jurist payment (\$100/day for 30 jurists over three days) - \$9000 • Catering (\$50 for 30 jurists over three days - \$4500 This equates to an estimated total cost of \$57,500. Should the Town hold a Citizen's Jury, then the Jury will develop outcomes or recommendations that will need to be considered by Council. These recommendations may have operational waste management cost implications for the organisation.

Analysis

12. At the 22 November Concept Forum, elected members received a brief overview from Dr Rob Weymouth on Citizen's Jury.

13. Like the August 2022 Ordinary Council Meeting report, it was noted at the Concept Forum that waste is the biggest source of emissions for the Town, constituting 85% of the Town's overall emissions, as determined under the Climate Emergency Plan. There is a very clear goal under this plan to reduce our emissions associated with waste by 50% by 2030. Waste is also a unique area that is intrinsically in the control of both the community (control of their consumption, amount of waste, habits etc.) and the organisation (as the Town has management responsibility over the removal and processing of our community's waste), potentially a deliberative process could be called for the area of waste.
14. Given this, together with the fact the Strategic Waste Management Plan is due for review (so the process could also inform the development of a new Strategic Waste Management Plan and the actions that the Town undertakes organisationally long-term, in partnership with our community), it was proposed at the Concept Forum that a Citizen's Jury may be engaged to, for example, address a question similar to the below:
- What should the Town of Victoria Park's new Strategic Waste Management Plan from 2023 to 2030 include?*
15. A question such as the above could inform:
- What the Town does in their waste management practices so it meets the carbon reduction goal of 50% by 2030. This could include prioritised actions and strategies to meet carbon goals and a system for prioritising them over the entire scope of waste operations.
 - the re-creation of the Strategic Waste Management Plan. The work of renewing the plan will need to be done anyway – the Jury would add extra value to this.
 - The entire approach to handling waste over the next 5-10 years will be created with strong community legitimacy through the Jury process.
 - The Jury can be said to freely use their judgement and community values over the entirety of waste rather than be limited to certain key initiatives.
16. Some of the main outcomes from the discussion at the 22 November Concept Forum included:

Discussion Item	Response
Whether a payment for the volunteers would be beneficial	Payment signals to volunteers respect and value for their contribution and time. It also increases the incentive to commit, concentrate and contribute meaningfully. It also increases representation in groups that are hard to recruit.
Concerns about budget estimation of \$30,000 to \$50,000 and four months process	This cost is for a full Jury that will rigorously try to hit targets of: 1. representation 2. deliberation 3. influence It can be done in a shorter amount of time for less

	money, but this risks not hitting one of these three targets.
Concerns about being focused just on waste	Waste represents the biggest impact, but other options can also be explored.
Whether a citizen's Jury can consider what the community can do, rather than what the Town can do	The Climate Emergency Plan contains a Community Action Plan and a Business Action Plan, respectively. Both of these are not prescriptive in any way. They are simply providing information and guidance to these sectors on how they may reduce their carbon footprints, should they wish. A Citizen's Jury could explore what the community/business sectors would like to do to reduce carbon emissions and how can the Town can support this. This will be an exploration of fresh ideas from our community.

17. The above outcomes indicate that a Citizen's Jury could also have a broader focus than waste, possibly exploring what the community/business sectors would like to do/can do/are willing to do to reduce carbon emissions and how can the Town can support this. NOTE: If this was to be explored, the respective action plans within the Climate Emergency Plan would provide information and guidance only and not influence the deliberative process. Similarly, the Town would not drive the deliberation, the outcomes or the subsequent delivery of actions but would rather play a support role to our community.

18. In this instance, a Citizen's Jury may be engaged to address a question similar to the below:

What would the community/business sectors like to do to reduce carbon emissions, and how can the Town can support this?

19. A question such as the above could inform:

- a. Formulation of community-based carbon reduction goals;
- b. Formulation and prioritisation of community-based actions and strategies to meet carbon goals and a system for prioritising them over time; and
- c. The Jury can be said to freely use their judgement and community values to reduce carbon emissions over time rather than be limited to certain key initiatives.

20. The Town would anticipate that the specifics of the topic and scope of the deliberation will be confirmed between the Town and the Jury facilitator. But no matter the topic that could be explored, there are overarching benefits of holding a Citizen's Jury:

- a. A Citizen's Jury can represent the Town residents more accurately than typical community engagement processes, accomplished through the use of descriptive representation (sample of people who resemble the demographics of the Town).
- b. Uncover the basis for decisions and the rationales for why a decision was made.
- c. Promotes a focus on the "common good" as a societal objective for the making of decisions.

- d. Promotes self-transformation and development for residents as well as staff and Elected Members who participate.
- e. Provides opportunities to introduce new perspectives and challenge existing ones.
- f. Creates the conditions for the careful examination of complex issues confronting the Town than typical consultations.
- g. Promotes decisions by consensus building on difficult issues.
- h. Promotes respectful and informed communication between government and our community.
- i. Enhances the legitimacy and democratic control of non-elected public administrative decisions.

21. Disadvantages to holding a Citizen's Jury include:

- a. The process is much longer and more resource intensive than other community engagement methods.
- b. Gaining a broadly representative group of people can be challenging.
- c. Running a citizens' assembly is a challenging process requiring significant expertise.
- d. The nature of Jury issues often requires specific technical information and high-level thinking that requires time and effort for non-professional residents to incorporate.

22. At the 22 November 2022 Concept Forum, Council expressed concern over the cost and length of time to conduct a full Citizen's Jury. The Town recognises that the cost of a Citizen's Jury is high. However, this ensures that the Jury is representative of the community and allows a fully informed and transparent deliberation and, therefore, rigorous outcome(s) for the Town.

23. The Town recommends that Council consider listing a budget item for a Citizen's Climate Jury to address carbon emissions reduction (waste or community action) for the 2023/24 budget. Based on the estimates in the Financial Implications table, this equates to an estimated total cost of \$57,500.

24. The Town recognises that there are several working groups that deliver positive outcomes for our community. Should a Citizen's Jury not be supported, the establishment of a citizen's climate working group or something similar may be established. However, it must be noted that a working group will still operate under the governance structure of the Town and can potentially be influenced by the Town itself. A Citizen's Jury is a deliberative process that is separate to the Town, but can inform what the Town does, with buy-in from the community itself.

Relevant documents

Not applicable.

Further consideration

25. The Following information was requested at the Agenda Briefing Forum held on 7 February 2023.

26. The recommendation has been adjusted to now include some definition of the proposed scope of the Citizen's Climate Jury (*That Council considers listing a budget item of \$57,500 for a Citizen's Climate Jury to address carbon emissions reduction (waste or community action) for the 2023/24 budget*).

27. The below requests were made at the 7 February 2023 Agenda Briefing Forum:

28. *Update the report risk table to identify reputational risk if the Town does not address the climate emergency/Review the risk management table to ensure all identifiable risks have been included.*

The Risk Management table has been updated to identify additional risks to those captured previously.

29. *Capture learnings from Citizen's Juries.*

The below captures some learnings from practitioner Dr Rob Weymouth regarding the WA Citizen's Juries he has been involved with:

- a. Commit to a meaningful problem for the Jury to deliberate on. It needs to be challenging and the Council needs to firmly say what it is going to do with the Jury outcomes. This is not a consultation.
- b. Make significant efforts to gather a representative Jury. Define what you are trying to represent and push to meet specific goals.
- c. Do everything you can to create the conditions for deliberation. With 1 and 2 in place, create an agenda, space, information and culture that maximises the chance the Jury can weigh options, shift opinions and justify their decisions.

30. Should a Citizen's Jury proceed, these learnings will be considered relative to the topic explored.

13.4 Proposed Deed of Indemnity for Closure of Right of Way Bounded by Sussex Street, Albany Highway, Moorgate Street and Basinghall Street (ROW131)

Location	East Victoria Park
Reporting officer	Manager Property Development and Leasing
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Attachment 1- Aerial Image ROW 131 [13.4.1 - 1 page] 2. Attachment 2__ Sketch of ROW 131 [13.4.2 - 1 page] 3. Attachment 3 - D 22 73701 Indemnification Agreement - Lot 103 (789) Albany Highway [13.4.3 - 12 pages]

Recommendation

That Council:

1. Further to the terms of Council resolution 279/2021 dated 14 December 2021, authorises the conclusion of the Indemnification Agreement: Lot 103 (No 789 Albany Highway, East Victoria Park between the Town and Oahu Management Pty Ltd as per Attachment 3.
2. Authorises the Chief Executive Officer and the Mayor to execute all necessary documents under the common seal to give effect to 1. above.

Purpose

To obtain Council authorisation to the proposed terms of a deed of indemnity (Deed) to be provided in favour of the Town by Oahu Management Pty Ltd (Oahu).

In brief

- Further to a request by Oahu, Council approved that notice be given to seek public submissions on a proposal to close and acquire an approximately 181.2m² portion of right of way 131;
- Council approval was subject to provision by Oahu of the Deed in favour of the Town;
- A draft Deed was prepared by the Town's lawyers however its terms were not acceptable to Oahu;
- The terms of a draft Deed have been negotiated between the Town and Oahu and are presented with a request for Council authorisation.

Background

1. Right of Way (ROW) 131 is a portion of Lot 66 on Plan 1954. It is 3.0 metres wide and 39.4 metres long. It runs parallel to Albany Highway, bounded by Sussex Street, Moorgate Street and Basinghall Street (please refer to attachments 1 and 2). The registered proprietor of ROW 131 is recorded at Landgate as James Robert Johnston, of Perth, on Certificate of Title Volume 145 Folio 40, dated 25 February 1898.
2. Oahu wishes to amalgamate ROW 131 into the adjoining Lot 103. ROW 131 is currently part of a constructed car park within the 'Park Centre' shopping centre precinct. The 'Park Centre' has recently been upgraded. Oahu wishes to amalgamate ROW 131 into Lot 103 to consolidate their land holding. Oahu state that they have been in possession of ROW 131 and have been maintaining it since Oahu became the owner of Lot 103 in 1996, some 25 years ago.

3. ROW 131 was not created to grant a right of way to #779, Lot 1 Albany Highway (Priceline Pharmacy). The Town has no requirement to retain ROW 131 for access purposes.
4. Oahu state that they intend to continue using the land comprising of ROW 131 for parking and traffic circulation purposes.
5. The Town has issued preliminary notifications to all adjoining property owners and public utility authorities affected by the potential closure and disposal of ROW 131 as part of its due diligence process. It is good practice to consult with all adjoining property owners and public utility authorities prior to Council considering the proposal and then represent the matter for Council consideration in the event that the subsequent formal public consultation period attracts submissions.
6. Two properties adjoin ROW 131. Preliminary notifications have been sent to the owners to consult them and invite comments on the proposal. No response has been received at the time of preparing this report.
7. The Water Corporation is the only public utility authority affected by the proposal. The Water Corporation has confirmed no objection to the proposal. The Water Corporation advises there is an existing asset (sewer main) in ROW 131 that will require protection by way of a 3m wide easement located centrally over the main. A deed of agreement will be lodged against the title at Landgate in the form of an easement. The Applicant (subject to acquiring ROW 131) will be required to pay for the Deed's preparation and the easement's registration.
8. A probate search to trace the proprietorship of ROW 131 did not reveal any record of an application for a grant of probate/administration being made in the estate of James Robert Johnston.
9. The Town has not expended any funds on ROW 131 over the last 25 years. Oahu has recently resurfaced ROW 131 and the surrounding area without any contribution from the Town.
10. If ROW 131 is closed as proposed, it will become unallocated Crown Land owned by the State of Western Australia under the care, control and management of the Department of Planning Lands and Heritage (DPLH). In the event of the closure of ROW 131, the amalgamation and sale of the land to the Applicant will be the responsibility of Oahu and DPLH.
11. At the Ordinary Council Meeting held on 14 December 2021, Council resolved as follows by resolution 279/2021:-
 - a. That Council:
 1. *Subject to the provision by Oahu Management Pty Ltd of an indemnity to the Town in accordance with the report, notice be given to seek public submissions on a proposal to close by acquisition and amalgamate approximately 181.2 m² portion of right of way (ROW 131), pursuant to section 52(1)(b) and section 87 of the Land Administration Act 1997, and regulation 6 of the Land Administration Regulations 1998 into adjacent Lot 103 on Diagram 64697; and*
 2. *Should no submissions be received, pursuant to section 52(1)(b) and section 87 of the Land Administration Act 1997, and regulation 6 of the Land Administration Regulations 1998 resolve to request the Minister for Lands to close and amalgamate ROW 131 into adjacent Lot 103 on Diagram 64697.*
 3. *Indemnifies the Minister for Lands against any claim for compensation that may arise, pursuant to section 56(4) of the Land Administration Act 1997.*
12. Further to point 1 of Council resolution 279/2021 dated 14 December 2021, paragraph 16 of the report provided as follows:-
 - a. *16. It is recommended that approval to request the Minister for Land to proceed with the land action is subject to Oahu Pty Ltd providing a deed of indemnity to the satisfaction of the Town for any claim by the Minister against the Town, as well as costs, expenses or losses reasonably*

incurred by the Town in progressing this matter. The Deed of indemnity will be drafted by the Town's lawyers at the cost of Oahu Management Pty Ltd.

13. Following Council resolution 279/2021 dated 14 December 2021, a draft Deed was prepared by the Town's lawyers. However, its terms were not acceptable to Oahu.
14. The terms of a draft revised Deed have been negotiated between the Town and Oahu and are presented with a request for Council authorisation.
15. All legal costs to date have been for the account of Oahu.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Ensure that the proposed Deed is satisfactory to Council.

Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	A closure of the right of way by acquisition and subsequent amalgamation of Crown Land into the adjoining land will assist Oahu Management Pty Ltd to consolidate their land holding and plan for the future, with potential future local economic benefits.

Engagement

Internal engagement	
Stakeholder	Comments
Street Improvement	No objections to proposed closure and amalgamation.
Place Planning	No objections to proposed closure and amalgamation.
Property Development and Leasing	The closure of the right of way by acquisition and subsequent amalgamation of Crown Land into the adjoining land will assist Oahu Management Pty Ltd to consolidate their land holding and transfer legal responsibility to formally manage this land to Oahu Management Pty Ltd.

External engagement	
Stakeholders	Service authorities, adjoining landowners.
Period of engagement	Proposed closure will be advertised for no less than 30 days.
Level of engagement	Consult.

Methods of engagement	Written engagement.
Advertising	Proposed closure will be advertised for no less than 30 days.
Submission summary	A further report will be presented to the Council only if submissions are received.
Key findings	Not applicable.

Legal compliance

16. A local government may request the Minister for Lands to close a right of way by acquiring the land as Crown Land where the land is deemed a private road or designated for a public purpose on a plan of survey pursuant to Section 52 of the *Land Administration Act 1997*. Following the acquisition, a local government may then request the Minister for Lands to convey that Crown Land in fee simple to the adjoining landowner and amalgamate that parcel with the adjoining land.

[Section 52 of the *Land Administration Act 1997*](#)

[Section 87 of the *Land Administration Act 1997*](#)

[Regulation 6 of the *Land Administration Regulations 1998*](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Minister for Lands requiring compensation from the Town under the terms of the indemnity required by the Minister.	Moderate	Possible	Low	Low	TREAT risk through public consultation process and by requiring Oahu Management Pty Ltd to provide the Town with indemnity.
Environmental	Property remains privately owned by a deceased estate but is used by the public. Risk that no responsibility is taken by anyone for any future environmental risks that may arise at the property.	Minor	Rare	Low	Medium	TREAT risk by continuing the closure by acquisition process and amalgamation of the subject ROW into the adjacent landholdings of Oahu Management Pty Ltd.
Health and safety	Property remains privately owned by a deceased estate.	Moderate	Possible	Medium	Low	TREAT risk by continuing the closure by

	The land may no longer be maintained by Oahu Management Pty Ltd and fall into a state of disrepair.					acquisition process and amalgamation of the subject ROW.
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	The Minister for Lands (WA) is ultimately responsible for determining requests for the closure by acquisition of roads and amalgamation of unallocated Crown Land. It is possible that the Minister may decide to refuse the request notwithstanding the Council's resolution.	Moderate	Possible	Medium	Low	TREAT risk by providing the required information as per Regulation 6 of the Land Administration Regulations 1998 (WA) and sufficient justification for the road closure and amalgamation request.
Reputation	Objection to closure of ROW and adverse publicity.	Moderate	Possible	Medium	Low	TREAT risk by undertaking additional precautionary consultations ensuring compliance with legislative requirements.
Service delivery	Not applicable					

Financial implications

Current budget impact	Not applicable, having regard to the terms of the Deed, including an indemnity and cash bond security in an initial amount of \$50,000 to be provided to the Town.
Future budget impact	Not applicable, having regard to the terms of the Deed, including an indemnity and cash bond security in an initial amount of \$50,000 to be provided to the Town.

Analysis

17. The Deed as originally drafted by the Town's lawyers, included the following that were not acceptable to Oahu:
 - a. Clause 3 - Caveat and charge of Oahu's adjacent land Lot 103 in favour of the Town;
 - i. Disposal restrictions on Oahu's adjacent land. Oahu precluded from selling, transferring, mortgaging, leasing unless Town's written consent is obtained and subject to Town's right to require a deed of covenant from an incoming buyer, transferee, mortgagee or tenant;
 - ii. Absolute caveat in favour of Town to protect Town's interests under the Deed, with provision for Town to consent to a temporary withdrawal of the absolute caveat in order to permit a disposal, subject to the Town's right to reimpose the absolute caveat.
18. Oahu was not willing to agree to encumber Lot 103 with the requested disposal restrictions and absolute caveat as Lot 103 is a shopping centre that is likely to be subject to ongoing commercial transactions such as the registration of leasehold and related interests. The proposed disposal restrictions could inhibit or complicate such ongoing commercial transactions. Oahu advised that the absolute caveat coupled with a charge is a significant issue as it would affect their business as usual operations due to how that charge may impact registered leases and other property related issues and would impede any types of dealings they may have for the land which would be highly disruptive to Oahu's business as usual. The disposal restrictions would in Oahu's view be a very significant impost and Oahu's Directors would not approve it. In Oahu's view, their our standing, reputation and being a significant stakeholder in the Town of Victoria Park should be sufficient for the Council to trust that Oahu would pay any costs promptly.
19. A revised Deed has been negotiated with Oahu (on the understanding that it is to be referred to Council for consideration and, if applicable, approval). The revised Deed is included at Attachment 2 and includes the following
 - a. Defers the Town's ability under clause 3 to (i) refuse to consent to disposals and (ii) impose an absolute caveat, unless Oahu is in breach of the Deed.
 - b. Requires Oahu to provide the Town with a cash bond of \$50,000 as security for payment of all costs incurred by the Town in effecting the closure of ROW 131;
 - c. Provides the Town with the ability to require Oahu to make subsequent 'top ups' of the cash bond, such top-up amounts to be reasonable estimates of all costs likely to be incurred to complete the closure of ROW 131.
20. Other key terms of the Deed, such as Oahu's 'Assumption of Town's obligations and indemnity' (clause 2.1) are unchanged.
21. The Deed and the revised Deed have been prepared by the Town's lawyers at the cost of Oahu. It is considered that the revised Deed is an acceptable compromise and is recommended for Council approval.
22. Closure of the right of way by acquisition and subsequent amalgamation of Crown Land into the adjoining land will assist Oahu Management Pty Ltd in consolidating their land holding (with potential for future economic benefits) and transfer legal responsibility to formally manage this land to Oahu Management Pty Ltd.
23. It is noted that portions of ROW 131 which formed part of the land in certificate of title 145/40 (Plan 1954), have previously been successfully closed under section 297A of the Local Government (Miscellaneous Provisions) Act 1960. One example of this is shown in Government Gazette dated 28 November 1980 and in a handwritten entry on the second page of the certificate of title 145/40, which states, "*Application C652080. The fee of the portion of the R.O.W. closed by Gaz 29:11:80 and included in Lot 101 on Diagram 51245 is now included in Vol 1656 fol 344. Registered 9 November 1983 at 11:27 o'clock*".

24. The conclusion of the revised Deed will enable the statutory processes for closure of ROW 131 to commence, with a view to creating the opportunity for Oahu to consolidate ROW 131 into their land holding (with potential for future economic benefits) and transfer legal responsibility to formally manage this land to Oahu.

Relevant documents

Not applicable.

13.5 Update on Burswood Peninsula Review of Deed Maintenance Requirements

Location	Burswood
Reporting officer	Manager infrastructure Operations
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

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

Purpose

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

In brief

- The Developer has ceased maintenance of the POS outside the Deed area, effective August 2022.
- The Town has commenced maintenance of the POS outside the Deed area, effective August 2022.
- The Town understands that the Developer intends to cease maintenance of the POS inside the Deed area.
- Notwithstanding this intention, the Developer is currently continuing to maintain the POS inside the Deed area.
- At the November Ordinary Council Meeting, the Council authorised the Chief Executive Officer (CEO) to pursue a potential negotiated outcome on maintenance requirements for the Peninsula POS to be brought back to council for consideration.
- Negotiations have commenced and been undertaken in good faith and without prejudice.
- A proposal has been provided to Council for their consideration.

Background

1. The 2005 Deed of Undertaking was part of the structure plan for The Peninsula estate. The Area covered by the Deed is shown below:
2. The Town agreed to take over items of risk, primarily within the non-Deed area. This includes verge trees, infrastructure (Lighting, benches, playground), roads and paths, and have been carrying out maintenance on those areas for at least 2 years.
3. Some items of risk within the Deed area have been maintained by the Town at an estimated cost of less than \$2,000 per year. This includes audit costs, which are related to the Town's liability and risk mitigation.
4. The Developer has ceased carrying out maintenance of the POS outside the prescribed area in the Deed as of 1 August 2022.
5. Due to the Developer ceasing maintenance outside the Deed area, Town contractors have taken over mowing and limited garden maintenance at this location.
6. Negotiations between the developer, the CEO and the Chief Operations Officer (COO) commenced after instruction from Council in November in relation to the Deed area maintenance.
7. As a result of those negotiations, a proposal will be presented to council for their consideration.

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

Strategic alignment

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

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

Engagement

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

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

Legal compliance

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Failing to budget appropriately for legal costs, including litigation.	Moderate	Likely	High	Low	TREAT risk by accessing funds for legal costs.
Financial	Failing to budget	Moderate	Likely	High	Low	TREAT risk by

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

Financial implications

Current budget impact	- The work order for Peninsula maintenance (WO1971) has a current budget of \$117,500. - An additional amount of \$204,000 in the FY23 has been listed in the budget review as per the November 2022 council resolution to allow for continued maintenance in the area outside the Deed. - The matter is being included as part of the mid-year budget review and will need to approve an additional amount for legal costs (expended and expected).
Future budget impact	The Town will need to fund ongoing maintenance within the Parks budget of the non-Deed area and potentially the Deed area within the Peninsula.

Analysis

- Should Mirvac cease to continue the maintenance within the deed area, the Town would initially extend the current Contracts to maintain the Public Open Space within the Deed area to a normal passive reserve standard at an estimated cost of \$75,000 per annum.

10. The Town would need to tender the contract to meet the longer term requirements to maintain the Public Open Space within the Deed area to a normal passive reserve standard.

Relevant documents

Not applicable.

14 Chief Financial Officer reports

14.1 Financial Statements - December 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Activity Statement Report - December 2022 [14.1.1 - 46 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 31 December 2022, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 31 December 2022.

In brief

- The financial activity statement report is presented for the month ending 31 December 2022.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended 31 December 2022.

Background

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

Revenue

Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

Expense

Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and in these instances, an explanatory comment has been provided.

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

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

Strategic alignment

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

Engagement

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 impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in financial statements.	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and

						external audits.
Financial	Fraud or illegal transaction.	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ICT systems/utilities	Not applicable.					
Legislative compliance	Council not accepting financial statements will lead to non-compliance.	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

Financial implications

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 – 30 June 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 December 2022 be accepted.

Relevant documents

Not applicable.

14.2 Financial Statements - November 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Activity Statement Report - November 2022 [14.2.1 - 46 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 30 November 2022, as attached.

Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ended 30 November 2022.

In brief

- The financial activity statement report is presented for the month ending 30 November 2022.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended 31 August 2022.

Background

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

Revenue

Operating revenue and non-operating revenue – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

Expense

Operating expense, capital expense and non-operating expense – material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and in these instances, an explanatory comment has been provided.

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

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

Strategic alignment

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

Engagement

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 impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in financial statements	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.

Financial	Fraud or illegal transaction	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ICT systems/utilities	Not applicable.					
Legislative compliance	Council not accepting financial statements will lead to non-compliance	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

Financial implications

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 – 30 June 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 November 2022 be accepted.

Relevant documents

Not applicable.

14.3 Schedule of Accounts- November 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple Majority
Attachments	1. Payment Summary - November 2022 [14.3.1 - 11 pages]

Recommendation

That Council:

1. Confirms the accounts for November 2022, 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 November 2022.

In brief

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

Background

1. Council has delegated the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with the *Local Government (Financial Management) Regulations 1996*.
2. Under Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment is to be noted on a list compiled for each month showing:
 - a. the payee's name
 - b. the amount of the payment
 - c. the date of the payment
 - d. sufficient information to identify the transaction
3. That payment list should then be presented at the next ordinary meeting of the Council, following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.
4. The payment list and the associated report was previously presented to the Finance and Audit Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.
5. The list of accounts paid in accordance with Regulation 13 of the *Local Government (Financial Management) Regulations 1996* is contained within the attachment and is summarised below.

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$6,528,783.62
Payroll		\$1,230,808.65
Bank Fees		\$31,064.4
Corporate MasterCard		\$6,680.57
Cancelled EFTS		(\$1,093.04)
Total		\$7,796,244.20

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town.
CL3 - Accountability and good governance.	The presentation of the payment listing to Council is a requirement of Regulation 13 of <i>Local Government (Financial Management) Regulation 1996</i> .

Legal compliance

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

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in financial statements	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal transaction	Severe	Unlikely	High	Low	Treat risk by ensuring stringent internal controls, and segregation of duties to maintain control

						and conduct internal and external audits.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ICT systems/utilities	Not applicable.					
Legislative compliance	Council not accepting financial statements will lead to non-compliance	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

Financial implications

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

Analysis

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

Relevant documents

[Procurement Policy](#)

14.4 Schedule of Accounts - December 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple Majority
Attachments	1. Payment Summary - December 2022 [14.4.1 - 7 pages]

Recommendation

That Council:

1. Confirms the accounts for December 2022, 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 December 2022.

In brief

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

Background

1. Council has delegated the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with the *Local Government (Financial Management) Regulations 1996*.
2. Under Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or the trust fund, each payment is to be noted on a list compiled for each month showing:
 - a. the payee's name
 - b. the amount of the payment
 - c. the date of the payment
 - d. sufficient information to identify the transaction
3. That payment list should then be presented at the next ordinary meeting of the Council, following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.
4. The payment list and the associated report was previously presented to the Finance and Audit Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608886-608887	\$738.69
Creditors – EFT Payments		\$5,224,612.70
Payroll		\$1,208,445.52
Bank Fees		\$12,543.26
Corporate MasterCard		\$6,700.94
Cancelled EFTS		\$0
Total		\$6,453,041.11

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact

CL2 - Communication and engagement with the community.	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town.
CL3 - Accountability and good governance.	The presentation of the payment listing to Council is a requirement of Regulation 13 of <i>Local Government (Financial Management) Regulation 1996</i> .

Legal compliance

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

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error in financial statements.	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.
Financial	Fraud or illegal	Severe	Unlikely	High	Low	Treat risk by

	transaction.					ensuring stringent internal controls, and segregation of duties to maintain control and conduct internal and external audits.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ICT systems/utilities	Not applicable.					
Legislative compliance	Council not accepting financial statements will lead to non-compliance	Major	Unlikely	Medium	Low	Treat risk by providing reasoning and detailed explanations to Council to enable informed decision making. Also provide the Payment summary listing prior to preparation of this report for comments.

Financial implications

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

The following information was requested at the Agenda Briefing Forum held on 7 February 2023.

7. Review the payment summary for December 2022 for a payment to the Rotary Club of Victoria Park item for \$8000, this being Victoria Park Audiowalk.

15 Committee Reports

16 Applications for leave of absence

17 Motion of which previous notice has been given

17.1 Report on potential upgrades to Town sporting facilities FY23/24 - Mayor Karen Vernon

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

Motion

That Council requests the Chief Executive Officer to provide a report to Council by March 2023:

- a. Outlining a list of Town owned facilities used by local sporting clubs that require minor capital works upgrades valued at less than \$100,000, including such works as toilets and shower facilities, kitchens, airconditioning/cooling systems, security (CCTV, screens, locks), storage, built in furniture, outdoor furniture, shade structures;
- b. Identifying potential grant funding programs that could be applied for to assist in delivering such works;
- c. outlining the feasibility of funding an upgrade to the Victoria Park Carlisle Bowling Club for provision of a weather protected synthetic playing green.

Reason

As we are developing the next year's budget this information would be important to understand and consider.

The Bowling Club has submitted a formal request for funding assistance with a new synthetic green.

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	A report on potential upgrades of facilities can assist with meeting community expectations, ensure they are well planned, and can be prioritised within the Town's short, medium and longer term funding programs.

Officer response to notice of motion

Location	Town wide
Reporting officer	Place Leader (Strategic Planning), Coordinator Strategic Assets
Responsible officer	Chief
Voting requirement	Simple majority
Attachments	Nil

Officer comment

1. Social Infrastructure Strategy (adopted April 2022) includes a Priority 1 Action 30 which says *Utilise the Town's building condition reports and asset management process to develop Facility Management Plans for upgrading of clubhouse and changeroom facilities* Officers are in the process of programming delivery of actions under the Social Infrastructure Strategy.
2. A report can be provided for the May 2023 Ordinary Council meeting as the requests above will require some investigation and engagement with the Bowls Club and sporting clubs.
3. In addition, further clarification will be sought to understand if the request relates to 'renewals' only or includes 'upgrades', where renewals relate to replacement of items, and upgrades relate to replacements which provide a better level of service ie. changing airconditioning from evaporative to refrigerative. The focus of the request re sporting club facilities will influence the level of investigation and engagement required.
4. Some of the more significant future asset related cost items are:
 - (i) Most club rooms do not have air conditioners and this is a significant capital works program if air conditioners are to be provided. The responsibility for the ongoing maintenance needs of air conditioners will need to be ascertained.
 - (ii) The Town has a program to progressively upgrade toilets/changerooms to improve universal access and accommodate gender neutral users. This program takes up a significant portion of the Town's current annual building upgrade budget.
 - (iii) Renewal or refurbishment of shower and kitchen facilities are fairly expensive and it is recommended that they are replaced based on condition audits and needs. The various users or lessees may be in a better position to fund these works especially if an upgrade is required to suit their needs.
 - (iv) The Town has in the past been installing shade sails over public playgrounds or open spaces only. This provision can be further investigated for the future report.
5. Potential grant funding for upgrades and renewals, and new facilities can be provided in the report. The most likely grant funding source is the Department of Local Government, Sports and Cultural Industries Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants (\$7,500 to \$300,000) and Annual Grants (over \$300,000). Applications require a certain level of detailed planning for proposals, commitments identified in Long-Term Financial Plans, and often favor co-contribution from clubs for major new facilities.
6. The MacMillan Precinct Masterplanning Stage 3 is progressing the detailed layout and components of public space and community facilities. The project has engaged with the Bowls Club to understand

their long-term needs and options for integration within the masterplan or otherwise. The results of Stage 3 will be presented to a March Concept Forum for discussion including proposed staging of redevelopment. The timing of any redevelopment will be subject to future budgeting and availability of funds through the Town's Long-Term Financial Plan. The Victoria Park Carlisle Bowling Club (VPCBC) currently has a lease until 31/10/2025 and any new lease may include a redevelopment clause (as per Council Policy 310 Leasing) to enable delivery of the MacMillan Masterplan when adopted by Council.

7. Any investigation of the feasibility of a synthetic will require engagement with the Club to determine the potential for co-contribution and their capacity to fund ongoing maintenance costs.
8. The need for a weather covered synthetic playing surface was not identified during the preparation of the Social Infrastructure Strategy, however the Strategy does acknowledge the need to monitor needs and demand for recreation activities and to support initiatives that increase participation in recreational activities.
9. The Higgins-Playfield Masterplan (adopted 2021) is guiding the Town's investigations into improvements at this sporting reserve and as such, will not be included in the investigation of (a) in the Notice of Motion.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not adopting an internal audit program means we can't test our financial controls and mitigate financial loss through administrative errors, fraud and corruption.	Moderate	Likely	High	Low	TREAT risk by Adopting an internal program with a focus area on high-risk financial processes and activities.
Environmental					Medium	
Health and safety					Low	
Infrastructure/ ICT systems/ utilities	Lack of asset upgrade budget resulting in sporting facilities not providing the required level of service	Moderate	Likely	High	Medium	Treat risk by increasing the annual capital works budget for the relevant asset renewal and upgrade projects

						and the operating budget for any additional maintenance needs.
Legislative compliance					Low	
Reputation	Lack of asset upgrade budget resulting in sporting facilities not meeting user expectation	Moderate	Likely	High	Low	Treat risk by increasing the annual capital works budget for the relevant asset renewal and upgrade projects and the operating budget for any additional maintenance needs.
Service delivery					Medium	

Financial implications

Current budget impact	There is insufficient funds and resource available in the current budget to fund all of the asset renewal and upgrades identified by officers.
Future budget impact	There is insufficient funds and resource available in the future budget to fund all of the asset renewal and upgrades identified by officers over the next 15 years: Officers are reviewing the Town's Long Term Financial Plan and further details will be provided in the report

Relevant documents

Long Term Financial Plan

[Natural Grass vs Synthetic Turf Decision Making Guide](#)

[Bowling Green Construction Guidelines](#)

17.2 Installation of speed cushions in Carlisle - Cr Wilfred Hendriks

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

Motion

That Council requests the Chief Executive Officer to:

1. Prepare a report on the installation of speed cushions at the following intersections, including the outcomes of consultation with nearby affected residents on their agreement to their possible installations, by the May 2023 OCM:
 - a. Star St and Lion St
 - b. Bishopsgate St and Lion St
 - c. Planet St and Mercury St
2. List for consideration an allocation of \$25,000 as part of the draft 2023-24 Annual Budget for the installation of speed cushions at the intersections detailed in part 1 above.

Reason

Even though these intersections are governed by give way signs or stop signs, serious accidents and near misses continue to occur at them. The installation of speed cushions, which are a low-cost intervention, will make these intersections considerably safer.

Strategic alignment

Social	
Community priority	Intended public value outcome or impact
S1 - Safety	Improve road safety.
S3 - Transport	Reduce over speeding and reduce collisions.

Officer response to notice of motion

Location	Carlisle
Reporting officer	Manager Technical Services
Responsible officer	Chief Operations Officer
Voting requirement	Simple Majority
Attachments	Nil

Officer comment

1. The Town has undertaken a preliminary analysis of all three intersections, considering the existing traffic conditions and the latest available crash reports.
2. In July 2022, the Star Street and Lion Street intersection was nominated for blackspot funding with a proposal to install a roundabout to mitigate crashes. The nomination was recently rejected and is currently under appeal. Nonetheless, the intersection has been included in the draft 2023/24 budget as a priority area for intervention. Speed cushions on the Lion Street and Asteroid Way approach legs are being considered as an alternative treatment to the roundabout should the project not receive any external funds.
3. The intersections of Bishopsgate Street/Lion Street and Planet Street/Mercury Street have been found to have a low incidence of crashes and considering other relevant factors, such as volume, road conditions, speed, connectivity to pedestrian and bicycle pathways, these intersections do not warrant immediate action. They have been categorized as lower priority traffic hot spots compared to other similar intersections with higher crash rates. Officers recommend continued monitoring and review of these locations to ensure that any necessary interventions can be included in future budgets.
4. It is important to note that prioritizing interventions for the Star Street and Lion Street intersection in the upcoming budget does not preclude future consideration of the other intersections.
5. Crash records from 2017-2021 for the intersections put forward as part of the notice of motion below. In the data set table, casualty crashes indicate either hospitalizations or medical related incidents

Intersection	Crashes
Star St and Lion St	8 Total Crashes with 3 Casualties
Bishopsgate St and Lion St	3 Total Crashes with 2 Casualties
Planet St and Mercury St	1 Total Crashes with 0 Casualties

Legal compliance

6. The Commissioner of Main Roads Western Australia is the sole authority for the approval, installation and maintenance of permanent signing and pavement marking on public roads, (with the exception of street name signs and parking related signs and lines) as such all works must be carried out through this agency.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The allocation of funds for this project must be evaluated against other priorities in the town. Consequently, the assurance of funding for this specific project will be subject to Council endorsement as part of the future 2023/2024 financial year budget deliberations	Minor	Likely	Medium	Low	Accept risk – As a preferred position, technical staff to advocate with Main Roads WA in securing funding for the roundabout option. Alternate treatment involving the installation of speed cushions as low cost solution to be fully funded by Council.
Environmental	Noise generated by vehicles traversing over speed humps can negatively impact amenity for properties in close proximity	Minor	Possible	Medium	Medium	Treat risk – Undertake community engagement with impacted property owners/occupiers to ensure there is adequate support for the treatments proposed by the Town
Health and safety	A lack of action/mitigation measures may result in a continual trend in serious accidents	Moderate	Likely	High	Low	Treat risk – Implement measures to address road safety concern. Improved signage

	involving casualty crashes					or other safety improvements may need to be considered if ultimate options e.g Roundabout or speed cushions are not supported.
Infrastructure/ ICT systems/ utilities	NA	NA	NA	NA	Medium	
Legislative compliance	Approvals through Main Roads WA can be delayed due to internal administration issues.	Insignificant	Possible	Low	Low	Treat risk – Staff to prepare drawings in advance so they can be shelf ready and approvals sought early.
Reputation	Public perception: Residents have expressed concerns that the council has not adequately addressed the issue at hand.	Minor	Likely	Medium	Low	Treat risk – Respond to complaints in a timely manner and inform residents of actions that will be taken to improve overall safety. A short to medium term strategy may need to be communicated to impacted ratepayers.
Service delivery	NA	NA	NA	NA	Medium	NA

Financial implications

Current budget impact	Sufficient funds exist in the current budget to address this notice of motion. Expenditure in the current financial year would mainly involve staff time to prepare design plans for scoping and costings.
Future budget impact	The Star Street/Lion Street intersection improvement project is listed in the 23/24 draft budget for consideration. An allocation of \$12,000 is being requested subject to Council endorsement.

Relevant documents

Not applicable.

18 Questions from members without notice

18.1 Questions taken on notice from members without notice at Agenda Briefing Forum held on 7 February 2023

Cr Wilfred Hendriks

1. The recent development in Planet Street was designed to make the area more people friendly, however the speed sign shows it is a 50 zone. Are there future plans to slow traffic between Planet and Raleigh Streets?

A speed limit reduction will be considered once detail design for the Archer / Mint level crossing and construction of the rest of Archer Street streetscape stage 1 are completed.

Additionally, a coordinated approach between the Town, Metronet and Main Roads is recommended to deliver a slow speed environment in the Town Centre including the train station.

Mayor Karen Vernon

1. Recently a variable message board has been placed on Archer Street, less than a week ago, is there a particular purpose for this?

The variable message board was installed to remind drivers about the speed limit along Archer Street and collect traffic data to inform potential speed limitations measures.

Cr Jesvin Karimi

1. I have been approached about anti-social behaviour at John Macmillan Park that has resurfaced and has been spilling over to the Park Centre, businesses have had issues and Police have been out. Is the Town still engaging RooForce and are there plans for lighting?

The shelters and toilet block within John MacMillan Park have lighting. It has however been vandalized on several occasions. The Town is preparing a Public Lighting Plan. Crime statistics will assist in setting priorities for the lighting upgrades. There is no current funding to provide additional lighting within John MacMillan Park.

Cr Luana Lisandro

1. What is the criteria to slow traffic with a 40 zone, and is consideration being given for that to be applied along Archer Street or others in Carlisle and Lathlain? Is it a priority across other Councils?

Main Roads WA are responsible for setting speed zones in Western Australia. The criteria is fairly stringent requiring Council's to meet numerous objectives. Many factors are relevant to the assessment of appropriate speed zones. Three key concepts to guide the selection of appropriate traffic management measures include;

1. Movement and Place, which describes the Form and Function of road and street environment
2. Target Speed, the maximum Operating speed which is generally appropriate or desirable for vehicles to travel
3. Individual Road User Risk and Safe Systems Principles.

In general, unless speeds are reduced through traffic calming interventions for compliance with the proposed speed limit or the environment lends itself to being highly trafficked from a pedestrian perspective the chances of reducing speed limits are low.

40kph is already being contemplated for Archer Street with a potential request with MRWA (refer to response to query from Cr Hendriks for Archer Street) . Potentially Lathlain is another suburb where speed limits could be reduced on the local network, however no formal application has been made yet. Other inner City Councils such as City of Vincent are advocating for area wide speed limit reductions.

Cr Jesse Hamer

1. Regarding the reports of anti-social behaviour, is this seasonal?

There is evidence to suggest that anti-social behaviour has increased in the John MacMillain Park precinct since 2020. The Town, WAPOL, Hawaiian and RooForce are discussing additional measures such as CCTV, lighting, increased response times, reticulation timing and crime prevention through environmental design principles (CPTED). The Town has asked RooForce to increase the proportion of time spent patrolling the park compared with other locations.

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

20 Public question time

21 Public statement time

22 Meeting closed to the public

22.1 Matters for which the meeting may be closed

22.1.1 Panel of Waste Services TVP/22/15

22.1.2 Proposed Maintenance Agreement for Deed Area, Burswood Peninsula

22.2 Public reading of resolutions which may be made public

23 Closure