



TOWN OF  
VICTORIA PARK

# Ordinary Council Meeting Agenda – 12 December 2023

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**WE'RE OPEN  
VIC PARK**

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 PM** on **Tuesday 12 December 2023** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Mr Anthony Vuleta – Chief Executive Officer**  
8 December 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 kaaditjin, moort, wer boodja ye-ye.*

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

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

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

## 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**

<b>Mayor</b>	Cr Karen Vernon
<b>Banksia Ward</b>	Cr Claire Anderson Cr Peter Melrosa Cr Lindsay Miles
<b>Jarraah Ward</b>	Cr Sky Croeser Cr Jesse Hamer Cr Daniel Minson
<b>Chief Executive Officer</b>	Mr Anthony Vuleta
<b>Chief Operations Officer</b>	Ms Natalie Adams
<b>Chief Financial Officer</b>	Mr Duncan Olde
<b>Chief Community Planner</b>	Ms Natalie Martin Goode
<b>Manager Governance and Strategy</b>	Ms Bernadine Tucker
<b>Manager Property Development and Leasing</b>	Mr Paul Denholm
<b>Place Leader – Strategic Planning</b>	Mr Jack Hobbs
<b>Secretary</b>	Ms Felicity Higham
<b>Public liaison</b>	Ms Alison Podmore
<b>3.1 Apologies</b>	
<b>3.2 Approved leave of absence</b>	
<b>Banksia Ward</b>	Cr Peter Devereux
<b>Jarraah Ward</b>	Deputy Mayor Bronwyn Ife

## **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 the Ordinary Council Meeting held on 21 November 2023

#### Jeff Price, Carlisle

##### *1. What is inside a 15-minute city?*

All sorts of things. The term '15-minute city' describes a city that has a range of businesses, services, housing and recreation opportunities within a 15-minute walk rather than relying on a car to traverse long distances to reach daily conveniences. Most cities built prior to the establishment of cars and their supporting road networks are already '15-minute cities'.

##### *2. What are 15-minute cities implemented for?*

At the moment many of the services and facilities local communities need are more than a 15-minute walk away. Enabling a better walking environment and the services and facilities people need within a 15-minute walk can significantly reduce car dependency. Reducing car dependency:

- Provides less pressure and less need for the very expensive road network;
- Enables people to walk and cycle which has significant public health benefits
- Has a significantly positive impact on the environment via the reduction of car based emissions and the urban heat island effect caused by our expansive road system
- Reduces the reliance on having to own, maintain and license an automobile to access services and facilities
- Has a positive impact on the local economy with local people more likely to access local businesses rather than drive longer distances to other competing regional distances.

#### Rose Kamarudin, Lathlain

##### *1. Why was the Rutland Avenue trial area so small when it was evident many streets outside the trial area were impacted by traffic throughout the trial?*

The Project team looked at the immediately impacted streets based on the traffic diversion put in place for the trial.

As no traffic was immediately directed down those bounded by Rutland, Gallipoli & Cornwall Streets. The Trial area and notification in the initial stage was focused on the properties within.

It may be possible that streets outside of the trial area were impacted, however a balance was chosen to provide targeted consultation in the immediate sense with wider consultation to follow.

At completion of the trial, all Lathlain residents were letter dropped and given the opportunity to provide feedback on the post-trial traffic data and related survey.

## **5.2 Response to previous public questions taken on notice at the Agenda Briefing Forum held on 28 November 2023**

### **Robert Fenn, Yangebup**

*1. Why are Officers recommending a complete revision of the planning controls for Special Use Zone - SU1, rather than suggesting amendments to the provisions in the advertised draft LPS 2?*

The recommended modifications to the LPS2 Special Use Zone – SU1 Technology Park, Bentley have been prepared in response to submissions and to provide for the implementation of the Bentley-Curtin Specialised Activity Centre Plan through the Scheme. Notably, the Technology Park, Bentley precinct is located within the Town of Victoria Park and the City of South Perth. With the view to increase consistency amongst local planning schemes, the revised wording of the planning controls has been prepared in consultation with the Department of Planning, Lands and Heritage to align LPS2 more closely with the controls for Technology Park as contained in the City of South Perth draft Local Planning Scheme No.7.

*2. Does the Council support the replacement of Town generated statutory land use planning control provisions in LPS 2, with non-specific and aspirational policy statements contained in a State generated strategic plan?*

This is a question for Council. Officers have made recommendations for modifications to the LPS2 Special Use Zone development controls applicable to Technology Park, Bentley as detailed in the Council report and attachments.

*3. Why isn't the Council putting forward workable short term land use planning controls for the 13 Bentley Technology Park owners who lodged submissions as part of LPS 2, whilst waiting for a future review, which may be delayed or abandoned?*

The recommended modifications to the LPS2 Special Use Zone – SU1 Technology Park, Bentley land use controls are intended to maximise flexibility for landowners, in comparison to the provisions in the existing Town Planning Scheme No,1 or the advertised version of LPS2, by removing the statutory provisions that restrict or prohibit land uses that are not explicitly for 'research and development' purposes. The recommended modified approach allows for any proposed land use to be contemplated by the Town with due regard to the Bentley-Curtin Specialised Activity Centre Plan. The BCSACP provides high level guidance envisaging an additional mix of uses and services that complement the special use precinct's primary functions of knowledge and research - suggesting that this may include restaurant/cafes, a small bar, hotel, retail and other local centre uses and services as well as the introduction of residential and short-term accommodation uses to the precinct. It is considered that the recommended approach provides for appropriate flexibility in decision making until such a time that further detailed precinct structure planning for the area has been completed, as per the recommendations of the Local Planning Strategy, to provide more detailed guidance.

## **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 21 and 22 November 2023.
2. Receives the notes of the Agenda Briefing Forum held on 28 November 2023

## **8 Presentation of minutes from external bodies**

### **Recommendation**

That Council:

1. Receives the minutes of the WALGA South East Metro Zone meeting held on 23 August 2023
2. Receives the minutes of the Mindarie Regional Council meeting held on 21 September 2023.

## **9 Presentations**

### **9.1 Petitions**

### **9.2 Presentations**

### **9.3 Deputations**

## **10 Method of dealing with agenda business**

## 11 Chief Executive Officer reports

### 11.1 Council Resolutions Status report - November 2023

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Governance Officer
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Outstanding Council Resolutions Status Report - November 2023 [11.1.1 - 26 pages] 2. Completed Council Resolutions Status Report - November 2023 [11.1.2 - 3 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:

*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

<b>Civic Leadership</b>	
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

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

## Analysis

- The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.

3. The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 1 November 2023 to 20 November 2023. A status update has been included by the relevant officer/s.

### **Relevant documents**

Not applicable.

### **Further consideration**

Not applicable.

## 11.2 Adoption of the Corporate Business Plan 2023-2027

<b>Location</b>	Town-wide
<b>Reporting officer</b>	{Manager Governance and Strategy}
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Corporate Business Plan 23-27 [ <b>11.2.1</b> - 47 pages]

<b>Recommendation</b>	
That Council endorses the amended Corporate Business Plan 2023-2027, as per attachment 11.2.1	

### Purpose

To present the amended Corporate Business Plan 2023-2027 to Council for endorsement.

### In brief

- The Town’s Corporate Business Plan 2023-2027 is the planning document that outlines the projects and services that will be delivered over a four-year period to help achieve the Towns objectives and community priorities. It ensures that medium-term commitments are strategically aligned and resourced.
- The Corporate Business Plan (CBP) has gone through a minor review which occurs annually as per the Integrated Planning and Reporting Framework.

### Background

1. The Town is required to have a Corporate Business Plan under legislation.
2. The Corporate Business Plan (CBP) has gone through a minor review which occurs every year as per the Integrated Planning and Reporting Framework.
3. The minor review of the CBP was presented to the Ordinary Council Meeting held 18 July 2023 where Council resolved (Resolution 145/2023):

*That consideration of the Corporate Business Plan be deferred until the Long-Term Financial Plan is presented to Council.*

4. The CBP has since been updated to include the budget figures.

### Strategic alignment

<b>Civic Leadership</b>	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Planning actions that will be delivered allows the Town to manage resources and sets the basis for reporting progress.
CL2 - Communication and engagement with the community.	The CBP communicates what the Town will do to achieve the priorities as set out in the Strategic Community Plan.

CL3 - Accountability and good governance.	The CBP allows Council and the community to have oversight of the Town's performance and how resources are managed to deliver outcomes.
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## Engagement

Internal engagement	
Stakeholder	Comments
Business unit managers	Provided input and budget figures to the plan.
C-Suite	Reviewed the plans and provided feedback.
Elected Members	The draft CBP was provided as a portal post in early May for Elected Members feedback and comments. A Concept Forum was held with Elected Members on 23 May 2023.

## Legal compliance

[Local Government Act 1995 - s 5.56](#)

[Local Government \(Administration\) Regulations 1996 - Reg 19DA](#)

## 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	Failure to adopt a revised CBP will mean that the Town is not compliant with the requirements to complete a	Moderate	Unlikely	Medium	Low	TREAT by adopting the proposed CBP.



	corporate business plan for the district.					
Reputation	Failure to adopt the CBP could result in negative public perception as the community will not know how the Town is planning on achieving the priorities and objectives in the Strategic Community Plan over the next four years.	Minor	Unlikely	Low	Low	TREAT by adopting the proposed CBP or providing clear direction to enable a CBP to be adopted.
Service delivery	Failure to adopt the CBP could mean that clear direction through activities and goals is not set to enable the Town to achieve the priorities and objectives in the Strategic Community Plan	Moderate	Unlikely	Medium	Medium	TREAT by adopting the proposed CBP or providing clear direction to enable a CBP to be adopted.

## Financial implications

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

## Analysis

5. The Corporate Business Plan 2023-2027 was developed collaboratively across the Town and with elected members.
6. Following a review against the 2022-23 financial year, the following changes has been made to the CBP:
  - Completed actions have been removed.
  - Acknowledgement of Diversity has been added to the plan.

- 25 new actions have been identified.
  - Place actions have been simplified.
  - Policy review actions have been simplified.
  - Strategic risk treatments and internal audit actions have been removed.
  - The following deliverables have been removed since the Concept Forum:
    - ✓ Complete bus shelter asset renewal program - Over the last 10-15 years the Town has been progressively upgrading hardstands and installing new bus shelters that meet the PTA's Bus Shelter Subsidy Program (BSSP). This program provides funding support to Local Governments to install road-side bus shelters for local commuters and upgrades to passenger boarding areas for DDA compliance. The initiative is considered an operational requirement in partnership with the State Government rather than a strategic objective, therefore has been removed as a Corporate Business Plan Deliverable. Furthermore, no specific funding was allocated to bus shelters in the 2023/2024 financial year.
    - ✓ Deliver a Parking Benefits Reserve Policy to guide reinvestment of parking revenue – This policy is no longer required as the Local Government (Financial Management) Regulations 1996 provides direction on Reserves.
    - ✓ 12 Major project actions were removed as individual actions and are included in the Place Planning actions to reduce duplicate reporting (Strategic projects is featured as a place map within the CBP to ensure visibility).
    - ✓ Deliver a survey of elected members to learn expectations for being informed and engaged – removed as its operational.
    - ✓ Deliver an amendment local law for the Local Government Property Local Law 2000 - The recommendation will be going to council not to progress, as no amendments are necessary.
  - Simplified language consistent across teams.
  - Strategic risks have been added.
  - Additional content added to "Performance" to clarify difference across measures and performance reporting.
  - Content relating to financial ratios has been removed.
  - An updated organisational structure has been included.
  - Updated workforce plans have been included.
  - A financial summary has been included.
  - The overall strategic alignment of actions has been reviewed.
  - Budgets against actions have been included.
7. Once endorsed by Council, the amended CBP will be graphically designed and published on the Town's website.

## Relevant documents

<https://www.victoriapark.wa.gov.au/About-Council/Our-plan-for-the-future>  
[Corporate Business Plan - Victoria Park](#)

## Further consideration

Not applicable.

## 11.3 Elected Member Superannuation

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - Tax advice - Town of Victoria Park - payments to council members October 23 [11.3.1 - 10 pages]

### Recommendation

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

### Purpose

To respond to the Council resolution of 15 August 2023 that requested the Chief Executive Officer to:

1. Obtain further specialist taxation and superannuation advice to clarify the Town's obligations and elected members' entitlements and obligations if Council were to resolve to pay superannuation to elected members;
2. Bring a report back to Council by December 2023 as to the outcome of that advice and options for the introduction of superannuation for elected members.

### In brief

- At the Council Meeting held Tuesday 18 July 2023, it was resolved that a report be provided to Council by August 2023 to consider resolving becoming an eligible governing body under the Taxation Administration Act 1953 (Cth) allowing the Town to make compulsory superannuation contributions to Elected Members.
- At the Council meeting held Tuesday 15 August 2023, it was recommended that Elected Member superannuation not be progressed at that time.
- Council subsequently resolved that specialist taxation and superannuation advice be obtained and reported back to Council with options for introducing superannuation to Elected Members.
- This report addresses this resolution.

### Background

1. The Tribunal sets the remuneration for a number of positions such as Members of Parliament, judicial officers, senior public sector officers, and local government CEOs and Elected Members.
2. The Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023 from the Tribunal provides the current allowances payable to Elected Members.
3. The Town of Victoria Park has been determined to be a Band 2 local government.
4. The Tribunal determines the minimum and maximum amount for each allowance.
5. The Council determines, by an absolute majority, what amount is payable to Elected Members.
6. On 20 June 2023, Council, by absolute majority, resolved that Elected Members would be paid the maximum allowance payable.
7. Specialist advice has been obtained in relation to Elected Member superannuation.

## Strategic alignment

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

## Engagement

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

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

## Legal compliance

[12-45 of the Taxation Administration Act 1953 \(Cth\)](#)

## 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 Town has insufficient financial resources to pay for Elected Member superannuation	Moderate	Possible	Medium	Low	Treat the risk by Making provision for the payment through the annual budget process
Environmental						
Health and safety						
Infrastructure/						

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

## Financial implications

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

## Analysis

8. In accordance with Council's resolution of 15 August 2023, specialist taxation and superannuation advice was obtained (see attachment 1).
9. This advice reiterated the information provided to Council on 15 August but with a greater explanation of the calculations and FBT considerations.
10. As the former Minister for Local Government supported amendments to the *Local Government Act 1995* to enable Council members to receive superannuation payments, it is recommended that Council not progress with Elected Member superannuation until the Minister does make those legislative amendments.
11. No budget has been allocated for Elected Member superannuation for this financial year. The extra financial cost to implement Elected Member superannuation in a full financial year at 11% for 2023-2024 will be \$34,319 and will increase to 12% on 1 July 2025 which equals approximately \$37,439.
12. Should Council resolve to be paid superannuation, the Council must make a unanimous resolution that the remuneration of Council members be subject to withholding under Part 2-5 (about Pay As You Go withholding). The effect is to capture payments and benefits to Elected Members within the PAYG and fringe benefits tax (FBT) provisions.
13. The Council resolution must specify a day on which the resolution takes effect which must be within 28 days of the Council resolution.
14. Council must also resolve to make a budget adjustment to accommodate this extra financial expense.
15. The Town must then give written notice of the resolution to the Taxation Commissioner within 7 days of the Council resolution being made.

16. That resolution would continue in force despite any change to the membership of the Council but the Council would have the power, at a later stage, to make another unanimous resolution cancelling the initial unanimous resolution.
17. If such a resolution is made, the Elected Members will be taken to be 'employees' for the purposes of PAYG withholding, superannuation guarantee and FBT.
18. The Town will be required to withhold tax from amounts it pays to Council members (including by way of allowances) from the date on which the resolution takes effect and remit it to the Australian Taxation Office.
19. The Town will then be obliged to provide payment summaries to all Elected Members detailing the total of the payments made to them during the financial year together with the amounts withheld from those payments.
20. FBT rules are applicable to all benefits provided to Elected Members. The Town will therefore be required to determine the taxable value of all benefits provided to Elected Members, report the benefits in the annual FBT return, pay any FBT due on those benefits, and if applicable, if a reportable fringe benefit, report that on the payment summary issued to Elected Members.

## **Relevant documents**

Taxation and superannuation advice as contained in Attachment 1.

## **Further consideration**

At the Agenda Briefing Forum held on 28 November 2023 the following information was requested.

21. Provide information on whether or not meals provided to elected members by the Town change anything relating to FBT.

The supply of the meals would not be subject to FBT.

## 11.4 Review of Policy 051 Agenda Briefing Forum Concept Forum and Workshops

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Policy 051 Agenda Briefing Forum Concept Forum and workshops - tracked changes [ <b>11.4.1</b> - 5 pages]

### Recommendation

That Council adopts the changes to Policy 051 Agenda Briefing Forum Concept Forum and Workshops as contained in attachment 1.

### Purpose

Policy 051 Agenda Briefing Forum Concept Forum and Workshops has been reviewed and a number of changes are recommended for Council's adoption.

### In brief

The purpose of Policy 051 Agenda Briefing Forum Concept Forum and Workshops is to provide a structure and procedure for dealing with the Town's informal (non-statutory) meetings that fall under Part 17 'Briefings and Other Informal Forums' under the Town of Victoria Park Meeting Procedures Local Law 2019, which include the Agenda Briefing Forum, Concept Forum and Council workshops.

- This policy has been reviewed and changes are recommended to provide further clarity.

### Background

1. Policy 051 Agenda Briefing Forum Concept Forum and Workshops was first approved by Council in March 2019.
2. Since that time, the policy has been reviewed and amended three times. Twice In 2021 and once in April 2022.
3. The policy has recently undergone another review with further amendments being recommended to provide clarity regarding Agenda Briefing forums.

### Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	A clear and concise policy will improve accountability and good governance

### Engagement

#### Internal engagement

Stakeholder	Comments

## 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	TREAT risk by Adopting an internal program with a focus area on high-risk financial processes and activities.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Confusion around the requirements for Agenda Briefing Forums may affect the reputation of the Town.	Minor	Unlikely	Low	Low	Treat the risk by amending the policy to provide clarity
Service delivery	Confusion around the requirements for Agenda Briefing Forums may impact on the ability of people to be involved in the Forum.	Minor	Unlikely	Low	Medium	Treat the risk by amending the policy to provide clarity



## Financial implications

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

## Analysis

4. A review of Policy 051 Agenda Briefing Forum Concept Forum and Workshops identified that further clarity was required regarding public participation at Agenda Briefing Forums.
5. The "*General public participation through questions and statements*" section of the policy has been clarified to reflect that public participation is limited to only those items on the agenda. This reflects the intent of Agenda Briefing Forums which is to:  
"maximise the opportunity for elected members to be informed, and seek additional information, on an officer report contained in the draft Ordinary Council Meeting agenda, before it is presented for a decision at the Ordinary Council Meeting".
6. The allotted time for public participate time has also been amended to reflect the same provisions as contained within the *Local Government Act 1995*, the Local Government (Administration) Regulations 1996 and the Town of Victoria Park Meeting Procedures Local Law 2019.
7. A few minor grammatical changes are also recommended.

## Relevant documents

Not applicable.

## Further consideration

Not applicable.

## 12 Chief Community Planner reports

### 12.1 Draft Local Planning Scheme No.2 - Consideration of Submissions and Recommended Modifications

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Place Leader – Strategic Planning
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Attachment 1 Draft LPS2 Schedule of Submissions [<b>12.1.1</b> - 62 pages]</li><li>2. Attachment 2. Draft LP S 2 - Scheme Text ( Advertised Version) [<b>12.1.2</b> - 72 pages]</li><li>3. Attachment 3. Draft LP S 2 - Scheme Map ( Advertised Version) [<b>12.1.3</b> - 1 page]</li><li>4. Attachment 4 Draft LPS2 Schedule of Scheme Text and Map Modifications [<b>12.1.4</b> - 21 pages]</li><li>5. Attachment 5 Draft LP S 2 Submissions Analysis and Recommendations Report [<b>12.1.5</b> - 30 pages]</li><li>6. Attachment 6 Draft LP S 2 Other Modifications Report [<b>12.1.6</b> - 15 pages]</li><li>7. Attachment 7 - Modified draft LP S 2 Scheme Text (with Tracked Changes) [<b>12.1.7</b> - 81 pages]</li></ol>

#### Recommendation

That Council:

1. Notes the submissions received contained in Attachment 1 – Draft Local Planning Scheme No.2 Schedule of Submissions.
2. Supports the advertised draft Local Planning Scheme No.2 at Attachment 2 with proposed modifications at Attachment 3 – Draft Local Planning Scheme No.2 - Schedule of Text and Map Modifications in response to submissions received, pursuant to Regulation 25(3) of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. Requests the Chief Executive Officer to forward the draft Local Planning Scheme No.2 to the Western Australian Planning Commission pursuant to Regulation 28(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.

#### Purpose

For Council to consider submissions received during advertising of draft Local Planning Scheme No.2 (LPS2) between May 2023 and August 2023 and proposed modification to LPS2, before requesting the Western Australian Planning Commission (WAPC) to consider endorsement of LPS2 for approval by the Minister for Planning.

#### In brief

- Draft Local Planning Scheme No.2 (LPS2) was adopted by Council for the purpose of advertising on the 16 August 2022 and modified by the Western Australian Planning Commission (WAPC) on the 4 April 2023 prior to being open to public consultation from the 4 May 2023 to the 4 August 2023.

- The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) require Council to consider all submissions and pass a resolution to either support LPS2, not support LPS2 or support LPS2 with modifications to address issues raised in submissions.
- The Town received 198 submissions during the advertising period.
- This report recommends that Council supports LPS2 with modifications to address issues raised in the submissions.

## Background

1. The Town of Victoria Park Town Planning Scheme No.1 (TPS1) was gazetted on 30 September 1998. The Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) require Planning Schemes to be reviewed every five years. On the 20 September 2017, the Council considered a report that reviewed TPS1 and resolved to prepare a new LPS2 to replace TPS1 to reflect contemporary strategic and legislative planning requirements.
2. The Regulations require a Local Planning Strategy to guide the preparation of a Local Planning Scheme. A Local Planning Strategy sets out the long-term planning direction for the local government and provides the rationale for the zoning and classification of land under the Scheme. Council adopted the Town's Local Planning Strategy, inclusive of its recommendations for the preparation of a new Local Planning Scheme No.2, in March 2022. The Local Planning Strategy was subsequently approved by the WAPC in May 2022.
3. The Local Planning Strategy recommends that LPS2 be developed via a staged approach. The first stage (the subject of this report) focuses primarily on converting the Town's existing TPS1 to the Model Scheme Template format as required by the Regulations. Therefore, for most of the Town, LPS2 recommends only limited changes to existing zones, residential densities and development controls.
4. The staged approach is intended to minimise delays in adopting LPS2 by not attempting to solve all planning issues of the Town at once.
5. The subsequent stages of updating LPS2 will be guided through:
  - The progressive preparation of Precinct Structure Plans (or other suitable planning instruments) for more complex areas such as the Albany Highway, Oats Street Station, Burswood South and Bentley Technology Park precincts.
  - Investigating the potential for change to residential densities in the Future Investigation Areas nominated for parts of St James, Lathlain and Victoria Park as identified in the Local Planning Strategy.
  - The progression of Strategic Planning Studies on complex matters such as affordable housing; infrastructure funding; and tree protection for development on private land to inform strategic amendments to LPS2.
6. LPS2 includes modifications to TPS1 where they:
  - a) Address short-term actions as identified in the Local Planning Strategy.
  - b) Better achieve the objectives of the Town's informing strategies.
  - c) Maximise consistency with the Residential Design Codes (R-Codes).
  - d) Maximise consistency with the Regulations.
7. LPS2 was adopted by Council for the purpose of advertising on the 16 August 2022 and modified by the WAPC on the 4 April 2023. Public consultation was undertaken from the 4 May 2023 to the 4 August 2023.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Advertising LPS2 has provided the community with the opportunity to have their say on the proposed planning controls for development in the Town.
CL3 - Accountability and good governance.	Progressing LPS2 to adoption acts on recommendations of the Town's Local Planning Strategy and ensures compliance with the Regulations.

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	LPS2 sets out the objectives and requirements for development of land within the Town to encourage appropriate development of both the private and public realms for current and future populations.

## Engagement

Internal engagement	
Elected Members	Elected member updates in June 2022 and October 2023.
C-Suite / CEO	Project updates and support for key directions. Chief Community Planner review of LPS2.
Urban Planning	Liaison in preparation and review of LPS2 inclusive of recommended modifications in response to submissions.
Place Planning	Liaison to ensure alignment with other key strategies and plans eg Integrated Transport, Social Infrastructure, Economic Development, Public Open Space and Urban Forest strategies.
Other service areas	Liaison regarding implementation of Informing Strategies through the planning framework where relevant.

External engagement	
Stakeholders	Residents, landowners and businesses, government agencies
Period of engagement	90 days. 4 May – 4 August 2023.
Level of engagement	2. Consult
Methods of engagement	Community Drop In Sessions <ul style="list-style-type: none"> <li>• Session 1 – Online (Wednesday, 24 May 2023, 5:30pm – 7:00pm)</li> <li>• Session 2 - Town of Victoria Park Admin Building (Saturday, 27 May 2023,</li> </ul>

	<ul style="list-style-type: none"> <li>– 11:00am-1:00pm)</li> <li>• Session 3 - Online - Real estate and property industry (Friday, 2 June 2023, 1:00pm-2:00pm)</li> <li>• Session 4 - Online (Wednesday, 7 June 2023, 5:30pm – 7:00pm)</li> <li>• Session 5 - Town of Victoria Park Library (Saturday, 10 June 2023, 11:00am-1:00pm)</li> </ul> <p>Phone calls and counter enquiries.</p> <p>Your thoughts engagement platform.</p>
Advertising	<ul style="list-style-type: none"> <li>• ~10,500 letters sent to landowners and occupiers.</li> <li>• Southern Gazette – One public notice (4 May 2023) and four newspaper adverts (1 June, 22 June, 6 July, 20 July 2023).</li> <li>• Town media – Monthly news article on the Town’s website, business e-news, multiple social media posts.</li> <li>• 14 notices sent to local government agencies and surrounding local governments.</li> <li>• Scheme text, maps and other relevant documents are available at the Town’s administration centre and Library.</li> </ul>
Submission summary	<p>198 submissions were received comprising:</p> <ul style="list-style-type: none"> <li>• 191 community submissions (167 lodged via YourThoughts and 24 submissions via direct email/letter).</li> <li>• 7 State Government agency submissions.</li> </ul> <p>Of the 191 community submissions received:</p> <ul style="list-style-type: none"> <li>• 85% (163) were from submitters who own or occupy property within the Town.</li> <li>• 15% (28) were from submitters who did not have a prescribed connection to the Town.</li> </ul>
Key findings	<ol style="list-style-type: none"> <li>8. All submissions have been reviewed and summarised for the purpose of identifying key themes and issues. An analysis of those themes and issues has been undertaken to determine potential solutions and subsequent recommendations for modifications to LPS2.</li> <li>9. Attachment 5 – Draft Local Planning Scheme No.2 Submissions - Summary, Analysis and Recommendations Report provides a detailed summary of points raised in community and government submissions.</li> </ol>

<b>Other engagement</b>	
Department of Planning, Lands and Heritage	Ongoing liaison regarding LPS2 compliance with the Regulations and application of State Planning Framework and Policies.

## Legal compliance

10. LPS2 has been referred for legal review to ensure it complies with the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Scheme) Regulations 2015*.
11. The legal review comments have confirmed a “high level of consistency” has been achieved between LPS2 and the relevant legislation.

## Planning and Development (Local Planning Schemes) Regulations 2015

12. The Regulations set out legislative requirements for the preparation, consultation and adoption of a local planning scheme. Council is now at the point of considering submissions under Regulation 25 of the Regulations.
13. Council must now consider all submissions received, and pass a resolution before the end of the consideration period:
  - (a) To support the draft scheme without modification;
  - (b) To support the draft scheme with proposed modification to address issues raised in the submissions;  
or
  - (c) Not to support the draft scheme.
14. Following a Council resolution under Regulation 25, the local government must provide the scheme documents to the WAPC inclusive of:
  - (a) a schedule of submissions made on the draft scheme;
  - (b) the response of the local government to each submission;
  - (c) particulars of each modification to the draft scheme proposed by the local government in response to the submissions;
  - (d) any relevant maps, plans, specifications and particulars required by the Commission.
15. The documents to fulfill these requirements are contained in the attachments to this report.

## 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					
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ ICT systems/ utilities	Not applicable					

Legislative compliance	The WAPC or Minister for Planning requires major changes to LPS2	Moderate	Possible	Medium	Low	Accept the risk and act on any further instructions from the WAPC and/or Minister for Planning
	Council decide to defer a decision relating to LPS2 to undertake further work in relation to tree preservation provisions.	Minor	Almost Certain	Medium	Medium	Treat – Provide a clear overview of the rationale to not include tree preservation provisions at this time and the impact deferring LPS2 would have on the Town meeting its legislative timeframes in the further considerations portion of this report.
Reputation	The Council refuse to endorse LPS2 or require major alternative modifications.	Moderate	Possible	Medium	Low	Treat - Provide clear information to Council on the purpose of proposed modifications to LPS2. Accept the risk and act on any further instructions from the Council
	Council decide to defer a decision relating to LPS2 to undertake further work in relation to tree preservation provisions.	Moderate	Possible	Medium	Low	Treat – Provide a clear overview of the rationale to not include tree preservation provisions at this time and the impact deferring LPS2 would have on the Town’s reputation in the further consideration section of this report.

Service delivery	Not applicable
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## Financial implications

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

## Analysis

### Response to submissions

16. All submissions received during the advertising of LPS2 have been reviewed and responded to in accordance with Regulation 25. Responses to many submissions have resulted in recommended modifications to LPS2 (as detailed in Attachment 4 - Draft Local Planning Scheme No.2 Schedule of Text and Map Modifications) however responses to many submissions have not resulted in recommended modifications to LPS2.
17. A full analysis of community and government submissions and responses is contained in Attachment 1- Local Planning Scheme No.2 - Schedule of Submissions and Attachment 5 – Local Planning Scheme No.2 Submissions Summary, Analysis and Modifications Report.
18. The key modifications recommended to LPS2 as a result of community submissions include:
  - a) Tree preservation - modifications to introduce provisions to support the establishment of a significant tree register within the scheme area (Schedule A – Supplemental provisions to the deemed provisions).
  - b) Car yards land use permissibility – modifications to re-instate additional use rights as per TPS1 to allow existing car yards to extend, modify and upgrade their premises in accordance with the market changes and manufacturer requirements but without providing the opportunity for the use to extend to other land zoned 'Mixed Use' under LPS2 (Clause 19).
  - c) Special Use Zone SU1: Bentley Technology Park – modifications to provide for the implementation of the Bentley-Curtin Specialised Activity Centre Plan and to support further detailed precinct structure planning for the area where required (Clause 21).
  - d) Special Use Zone SU2: Residential and Special Facilities (Bentley) – modifications to provide for the implementation of the Bentley-Curtin Specialised Activity Centre Plan and other supplementary strategic masterplans such as the 'Bentley Park Estate' and 'Rowethorpe Village' masterplans via the scheme and to support for further detailed precinct structure planning for the area where required (Clause 21).
  - e) Empire Bar site, Lathlain - Modifications to zoning and development controls to increase consistency with recommendations of the Local Planning Strategy and the R-Codes (Clause 32).



19. Responses to submissions from government agencies have resulted in only minor recommended modifications to LPS2 (refer to Attachment 5, Section 5 Government Submissions). Submissions were received from the following government agencies:

- Department of Biodiversity, Conservation and Attractions
- Department of Communities
- Public Transport Authority
- Water Corporation
- ATCO Gas
- The Main Roads WA
- Heritage Council
- Environmental Protection Authority

#### Other Modifications

20. Further review of LPS2 since its adoption for public advertising has resulted in several recommended modifications in addition to the proposed modifications in response to community and government submissions. The review has identified opportunities to resolve technical issues, maximise consistency with the State planning framework and Town strategies and to improve the overall clarity and readability of the document. Details of the issues and recommended modifications are contained in Attachment 6 – Other Modifications summarised as follows:

- a) Refining restrictions on residential uses at ground level in commercial centers under Clause 32(1).
- b) Clarifying primary built form controls for non-residential only development where the R-Codes do not apply under Clause 32(1).
- c) Removal of mandatory requirements for Local Plans to be prepared to guide development for certain sites (Clause 32 – Schedule C).
- d) Adjustments to the Clause 17 – Zoning Table land use permissibility designations for:
  - 'cinema/theatre'
  - 'garden centre'
  - 'residential aged care facility'
  - 'single house'
- e) Addition of 'winery' land use definition (Clause 38)
- f) Three additional parks owned by the Town, State Street Reserve, Miller Street Reserve and Asquith Reserve, changing from 'Residential' or 'Mixed Use' zones to 'Public Open Space' reserves (Scheme Map).
- g) Adjusting the R-Codes applicable to the Burswood South neighborhood to increase consistency with Local Planning Policy 22 – Development Standards for the Causeway Precinct (Scheme Map).

21. The Administration is of the opinion that the proposed modifications to LPS2 contained in Attachment 4 – Draft Local Planning Scheme No.2 - Schedule of Scheme Text and Map Modifications and Attachment 7 - Modified draft Local Planning Scheme No.2 Scheme Text with Tracked Changes are not significant and therefore are not recommended to be readvertised in accordance with Clause 26 of the Regulations.

22. Should the Council support the proposed modifications to LPS2 (as outlined in Attachment 4), the next step is to lodge the schedule of submissions and proposed modifications to the WAPC for consideration in accordance with the Regulations.

## Relevant documents

[Local Planning Strategy](#)

[Local Planning Policy No.37 Community Consultation on Planning Proposals](#)

## Further consideration

At the Agenda Briefing Forum held on 28 November 2023 the following information was requested:

### Car yard land use

23. Question: (A summarised version of a number of related questions) When considering comments regarding future uses and development on Albany Highway, specifically car yards, where did the future Albany Highway comments come from and whose submissions take precedence for the Administration and their recommendations?
24. Answer: The Town considered feedback during Stage 1 of Shape Albany Highway, primarily consisting of submissions from community members, as well as during the LPS2 advertising period primarily consisting of owners of some local car yards. A total of three submissions were received during the advertising of LPS2 made on behalf of numerous landowners including John Hughes Group, Major Holdings, Allen Group, Aden Trading and Peters Investments, that represent significant land holdings within the Albany Highway and Burswood South precincts. Feedback received during Stage 1 of Shape Albany Highway and submissions on LPS2 were taken into consideration, and the Administration has arrived at proposed provisions in the Scheme that preclude expansion of car yards but allow upgrades and improvements to current operations. This allows for incremental change and redevelopment to existing car yards along Albany Highway over time, while avoiding an exclusion of car yard operations which play an important and broad ranging role in the local economy.

### Technology Park Special Use Zone

25. Question: Why are Officers recommending a complete revision of the planning controls for Special Use Zone - SU1, rather than suggesting amendments to the provisions in the advertised draft LPS2?
26. Answer: The recommended modifications to the LPS2 Special Use Zone – SU1 Technology Park, Bentley planning controls have been prepared to provide for the implementation of the Bentley-Curtin Specialised Activity Centre Plan that provides high level guidance and envisages an additional mix of uses and services in the Technology Park, Bentley special use zone. The modifications are intended to maximise flexibility for land owners, in comparison to the provisions in the existing Town Planning Scheme No,1 or the advertised version of LPS2, by removing the statutory provisions that restrict or prohibit land uses that are not explicitly for 'research and development' purposes. The recommended modified approach allowed for any proposed land use to be contemplated by the Town with due regard to the Bentley-Curtin Specialised Activity Centre Plan.
27. Question: Does the Council support the replacement of Town generated statutory land use planning control provisions in LPS2, with non-specific and aspirational policy statements contained in a State generated strategic plan?
28. Answer: The Administration have made recommendations for modifications to the LPS2 Special Use Zone development controls applicable to Technology Park, Bentley as detailed in this report and attachments. Since the Agenda Briefing Forum, Administration have sort further advice from the

Department of Planning, Lands and Heritage (DPLH) on this matter. DPLH has advised that it would be preferable that a zoning table be included in the Special Use Zone development controls to stipulate land use permissibility. On this basis an amendment is recommended to the proposed modifications for the SU1 - Technology Park, Bentley and SU2 – Residential and Special Facilities to include a zoning table for each of these special use zones. Attachment 4 – Draft LPS2 Scheme Text and Map modifications and Attachment 7 – Modified draft LPS2 Scheme Text (with track changes) have been updated accordingly to reflect the recommended amendments.

29. Question: Why isn't the Council putting forward workable short term land use planning controls for the 13 Bentley Technology Park owners who lodged submissions as part of LPS 2, whilst waiting for a future review, which may be delayed or abandoned?
30. Answer: As per previous answer, amendments are recommended to draft LPS2 to provide a zoning table that provides statutory guidance for land use permissibility until such a time that further detailed precinct structure planning for the area has been completed to provide further guidance. Attachment 4 – Draft LPS2 Scheme Text and Map modifications and Attachment 7 – Modified draft LPS2 Scheme Text (with track changes) have been updated accordingly to reflect the amended recommendations.

#### Deferring LPS2 and Tree Preservation Provisions

31. Question: (A summarised version of a number of related questions) What are the implications if Council decide to defer a decision relating to LPS2 to undertake further work in relation to tree preservation provisions?
32. Further to the answers below, the Administration has added information into the Risk Management table in this report to address the risk with deferring a decision on LPS2 pending further work with regard to tree preservation. While the Town is a leading Local Government in the implementation of its Urban Forest Program, matters regarding tree preservation on private land are complex and multi-faceted. There is much to consider on this issue. While our position on many matters is to be progressive and bold, it is always underpinned by a strong understanding of the risks and benefits. On this matter, Administration is of the view that it would be prudent to wait for the WAPC's position to emerge and then form a view on how to proceed, which could be via a future amendment to LPS2.
33. The risks with deferring LPS2 at this time are:

(i) Legislative

Under regulation 25(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* the local government must within the 'consideration period', being 120 days after the end of the advertising period, consider all submissions and pass a resolution to support the scheme with or without modifications or not support the scheme and provide details of the resolution and scheme documentation to the Western Australian Planning Commission (WAPC). Should Council move to defer a decision a request for an extension to the consideration period will need to be submitted to the WAPC to comply with the Regulations.

(ii) Reputation

The Town's Local Planning Strategy recommends that the preparation of LPS2 is undertaken in a staged approach. The first stage is the subject of this report and is focused on transitioning Town Planning Scheme No.1 to the contemporary model scheme text format to conform with relevant legislation. The adopted approach is intended to minimise the delays in progressing LPS2 by not having to solve all planning issues of the Town at once. Future stages include strategic planning exercises for significant areas, such as the Albany Highway and Oats Street precinct planning areas, or complex issues such as tree preservation on private land that will inform future strategic amendments to the scheme. The Council endorsed strategic approach has been communicated to the community during the preparation of the Local Planning Strategy and advertising of Local

Planning Scheme No.2, deferring the scheme at this time would be a departure from the Town's commitment to expediting the preparation of the new scheme.

(iii) Service Delivery

Deferring a decision on LPS2 at this time will have implications for Administration staff time available to progress other planning projects scheduled to commence under the Town's Planning Program in 2024. Specifically, this may result in delays in progressing Local Planning Policy reviews.

34. In addition to the risks in paragraph 33 the risk with deferring LPS2 for the purpose of drafting tree preservation clauses are:
- (i) The WAPC are unlikely to support bespoke provisions in a Scheme for the purpose of tree preservation when they are currently considering model Scheme provisions;
  - (ii) Tree preservation on private land is a complex consideration in the context of State and Town objectives relating to growth, development and densification; and
  - (iii) Provisions relating to tree preservation on private land are likely to attract significant community interest which could result in a lengthy delay to LPS2. There are risks to using the planning framework to preserve trees that must be considered carefully (including potential scenarios where trees are removed en masse on private property in anticipation of tree preservation provisions as property owners seek to preserve the developability of their property). These risks have not been considered in detail, however would be via a discrete piece of work that may result in a future amendment to LPS2, a planning policy or some other mechanism or initiative.
35. The Administration recommend exploring the matters highlighted in paragraph 34 with Council at a Concept Forum to be held in February 2024 to consider preferred approaches and next steps to progress the local planning framework to best support the preservation of trees on private land.

## 12.2 Town Art Awards Options

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Community
<b>Responsible officer</b>	Arts Development Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. LGA Art Awards - benchmarking research [ <b>12.2.1</b> - 3 pages] 2. Causeway Bridge - foot of bridge map [ <b>12.2.2</b> - 1 page] 3. Art Awards Budget estimates [ <b>12.2.3</b> - 8 pages]

### Recommendation

That Council:

1. Considers an allocation of \$95,000 in the 2024-25 annual budget to support establishment of a new biennial Vic Park Art Award, comprising of two separate art awards (a) youth and (b) general community;
2. Lists for consideration in the Town's long term financial plan an allocation of \$150,000 for the 2025-26 financial year for delivery of a sculptural exhibition art award; and
3. Notes that delivery of the awards program would be via an external contractor.

### Purpose

To present the Council with viable options for implementing an arts-based award program in the Town.

### In brief

- At the Ordinary Council Meeting (OCM) 20 September 2022, Council unanimously resolved (203/2022) to request the Chief Executive Officer investigate the establishment of a regular Art Awards event.
- Key elements of the Council resolution also included investigations regarding an exhibition of the Town's art collection and local history photographic collection; cataloguing / publication of the Town's art, public art and street visual art collections; and consideration for introduction of an art award.
- Findings from Officer research and investigations regarding an art award was presented to Council for consideration on 21 March 2023 (44/2023). Council resolved for Officers to undertake further investigation and present options back to Council no later than December 2023.
- Options presented for consideration in this report include the establishment of two smaller community awards within the Town, one focusing on youth, and another targeting the general community. Staffing resourcing would remain the same, however the project would be outsourced to a contractor.
- The other option was the creation of a small sculptural art exhibition at McCallum Park, situated close to the new Causeway Bridge, with a People's Choice Award prize.

### Background

1. At the Ordinary Council Meeting (OCM) 20 September 2022, Council resolved to request the Chief Executive Officer investigate the establishment of a regular Art Awards event.
2. Findings from Officer research and investigations on other Local Government Authority art awards, coupled with Elected Member engagement was presented to Council for consideration on 21 March 2023 (44/2023).

3. The Town art award options provided on 21 March 2023, with the recommendation of additional staffing and budget resources, were as follows:
  - o Replace Arts Season with an art award
  - o Alternate Arts Season with an art award
  - o Continue with Arts Season and add a small community award.
4. At the 21 March 2023 meeting, Council resolved to:
  - a. *“Request the Chief Executive Officer to investigate alternative options for an arts-based Award program other than those outlined in this report to Council consistent with strategic outcome 2.4 of the Town's Arts & Culture Plan 2020, including options that could be incorporated into future Arts Seasons, and report back to Council by no later than December 2023.”*
5. Based on the Town's current venue constraints, maturity within the art award space and previous history, it is proposed that the Town host two smaller community art awards in the shorter term. These two programs could cater to diverse age groups and offer creative engagement at various points throughout the year, scheduled biennially.
6. The proposed community art awards include:
  - a. Youth Arts Awards, and
  - b. Community Art Award, targeting individuals aged 18 and above.

## Strategic alignment

Social	
Community Priority	Intended public value outcome or impact
S4 - Improving access to arts, history, culture, and education.	Facilitate a sense of belonging and pride in place, showcasing the Town whilst developing and growing local talent to attract, retain and support the creative community.

## Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	Concept Forum 6 December 2022
Parks and Reserves	Discussed the potential implications for a sculptural award. In principle support provided towards the sculpture award.
Strategic Projects	The Strategic Projects Office was supportive of the sculpture award concept, and alignment with relevant timeframes of the Causeway cyclist and pedestrian bridge development associated with McCallum Park.
Events, Arts and Funding	Comments included within this report.
Community Development – Young Leaders Group	By providing arts and cultural opportunities that directly cater to the interests of young individuals, the Town would be able to foster a stronger sense of belonging of young people within the community.
Finance	Clarification of the intended purpose of Community Art Reserve was sought.

Community Art Reserve exists to fund the procurement of public art. Council will be required to allocate municipal funds to deliver art awards, outside of funds used to acquire public art as part of the awards program.

## Other engagement

Stakeholder	Comments
Vic Park Centre for the Arts	Supportive of hosting a Community Art Awards.
Local Government Authorities – City of Melville, City of Armadale, City of South Perth, City of Belmont, City of Stirling	<p>Consulted with LGAs to benchmark budget and resourcing for an Arts Award. Summation of comments received provided in Attachment 1.</p> <p>In summary, the five councils surveyed outlined the resources, coordination, and staffing attributed to their council's award. Eg: The art award with the lowest budget is South Perth, being \$38,000. South Perth has one fulltime officer and the support of four other cultural development staff members to deliver the awards.</p>
Local Artists	Supportive of an art award.

## 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	An Art Award will have significant budgetary impact due to the requirement of additional staff, and potential additional operational resources.	Moderate	Likely	High	Low	TREAT risk by considering the budget and resourcing implications early in the budget adoption process.
Environmental	Not applicable.					
Health and safety	Current staffing levels are	Moderate	Likely	High	Low	TREAT risk by considering

	<p>inadequate to deliver existing actions within the Arts and Culture Plan, in addition to an Art Award leading to possible psychosocial impacts on staff.</p>					<p>appropriate resources (financial and human resources) required if additional work is requested. TREAT risk by reprioritisation of other works within the Arts and Culture Plan if an Art Award is deemed a higher priority and additional resources are not provided.</p>
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	<p>Altering the focus of prioritised work within the Arts and Culture Plan could result in a reputation risk with community due to a change in deliverables.</p>	Moderate	Likely	High	High	<p>TREAT risk by considering existing focus of the Arts and Culture Plan and existing resources available for delivery of that Plan.</p>
Service delivery	<p>Current staffing levels are inadequate to deliver existing actions within the Arts and Culture Plan, in addition to an Art Award leading to compromised service delivery standards.</p>	Moderate	Likely	High	High	<p>TREAT risk by considering appropriate resources (financial and human resources) required if additional work is requested, or prioritisation of other works within the Arts and Culture Plan.</p>



## Financial implications

<b>Current budget impact</b>	<p>Sufficient funds do not exist within the current budget to facilitate the establishment of any art awards. Staffing levels are limited to one 0.6FTE position and no budget currently exists to develop and implement an art award.</p> <p>Given these constraints, the coordination and execution of any art award program would necessitate outsourcing to a suitably qualified and skilled resource, with Town staff facilitating appointment of the resource and relevant internal planning logistics.</p>
<b>Future budget impact</b>	<p>2024-25: \$95,000 budget request to the Creative Arts Program (12734.1155) to effectively deliver two art awards for different demographics (Youth; and General Community).</p> <p>2025-26: \$150,000 budget request within the long term financial plan for the Creative Arts Program to effectively deliver a sculptural award and prize.</p> <p>Dependent upon the outcome of the proposed art awards in 2024-25 and 2025-26, future budgeted amounts related to delivery of an art award may be listed in the long term financial plan for consideration.</p>

## Analysis

- There are several Arts Awards in local governments throughout the metropolitan area. To make the Town of Victoria Park stand out as a point of difference, officers have looked towards our local community and available facilities for inspiration. The proposed is two small community awards and the exploration of an outdoor sculpture exhibition and award.
- The matter of an appropriate venue large enough to hold a visual arts award ceremony and exhibition continues to be unresolved. The following venues have been investigated during the research for this report. Venues in **bold** have been deemed to be suitable to host an art award:

Venues explored for a Visual Arts Award in the Town		
Venue	Comments	Outcome
Crown	Investigated a semipermanent gallery within the complex with a cocktail function awards night within the complex.	Crown were not able to commit to this due to 24/7 need for security and risk of damage to artworks.
Optus Stadium	Expensive to host the awards.	Venue not ideal for an art exhibition.
Mineral Resources	Limited availability outside of gaming schedule. A cocktail event would be possible.	Venue not ideal for an art exhibition. Being a sports complex doesn't have the right feel for an arts event.
John Hughes VW showroom	Mr. Hughes was supportive; however, the venue was not ideal.	The showroom is only available for a weekend function. Artworks would

		be required to be exhibited elsewhere.
Subud Building	Medium size hall. Far from Vic Park strip and other attractions.	Venue not ideal.
Harold Hawthorne	Medium size hall. It would be disruptive to centre's schedule.	Venue not ideal.
Hawaiian Park Centre	The shopping centre housed the Vic Park Youth Arts Awards 2023. The accessible space for families to visit the works whilst shopping works well. Not suitable for a high-end art exhibition.	Venue works for a youth art award/exhibition. Not suitable for a general art exhibition given space, and security restraints.
<b>Vic Park Centre for the Arts</b>	The venue has been reported in previous OCMs to be too small to host the awards night and exhibition.	If the awards were held in warmer weather, a small function could be held outside. Salon style hanging recommended to include more works in limited hanging space.
<b>Administration Building</b>	The Town's administration boasts an excellent function room (Makaru) in which a temporary exhibition could take place. A small awards function could take place there also.	This could be a cost-effective way to host a small arts award.
<b>Ed Millen House</b>	Currently being redeveloped. Previous venue of Town's Art Awards.	To be considered for future awards once redevelopment is complete.

9. During consultations with the Town of Vic Park Young Leaders Group it was discovered that arts and cultural experiences are often not tailored to the preferences of youth, leading to a lack of interest and a sense of exclusion. By providing arts and cultural opportunities that directly cater to the interests of young individuals, the Town is able to foster a stronger sense of belonging of young people within the community.
10. This approach aligns with the Youth Action Plan as well as the Town's Arts and Culture Plan.
11. The Youth Art Awards 2023 proved to be a successful community-led event, which provided an opportunity to highlight young local artists through an exhibition of art works. The exhibition was held in a public shopping centre, easily accessible and attended by families and received positive community feedback. The Vic Park Youth Art Awards could, with Council's support, become a successful annual (or biennial) community art event, with potential to be integrated as part of Art Season.
12. In April 2023, the Vic Park Youth Art Awards took place at the Hawaiian Park Centre, made possible through an Arts Season grant of \$8,250 awarded to Wrenscape for the curation and coordination of the event. The awards achieved remarkable success, evidenced by the sizable number of entrants, attendees, and votes received for the People's Choice Awards. Overall, the event garnered substantial community involvement and contributions.

13. The Youth Art Awards overall expenditure for 2023 was \$20,595 exclusive of the coordinator's hours and the collective efforts of 15 volunteers who dedicated 5-15 hours each to the event. Discussions regarding budget for a future event estimated an amount closer to \$35,000 would be required. Please refer to Attachment 3 for budget estimates.
14. A general Community Art Award is also presented for consideration with a focus on providing opportunity for an exhibition and sale of works to a wider range of the local creative community.
15. Locations for the awards are flexible and can be moved as more suitable venues become available. The two best options identified are the Town's administration centre in the Makuru Function Room or the Vic Park Centre for the Arts.
16. Due to internal staff resourcing constraints, facilitation of the art awards would need to be undertaken by external contractors, as per the Town's Policy 301: Purchasing.
17. Should engagement of external contractors to support facilitation / curation not be supported by Council, Officers would need to significantly re-prioritise several other Arts and Culture actions to manage this workload, and / or seek alternative approaches to current functions. This could include reducing the scale of art season and or shifting to a biennial cycle or ceasing art season altogether. Other options could include outsourcing the Town's technical advice component for Percent for Art submissions (at a cost), reducing the level of support towards the Vic Park Creatives network, including a reduction in the coordination of professional development workshops, information dissemination, and research related to affordable spaces to create culture.
18. As the current Arts and Culture Plan was adopted on the prediction of a full-time resource for implementation, there is an inability to deliver all requirements currently fully within the 0.6 FTE resource available.
19. As the Town will be reviewing its Arts and Culture Plan, as well as its Public Art Strategy in 2024-25, there is potential to factor resourcing, capacity and prioritisation within these new plans and approaches to cater for an arts award program if it is deemed of a high priority.

### Sculptural Exhibition

20. The new Causeway cyclist and pedestrian bridge is due for completion in late December 2024.
21. Considering item 2.4 in the Arts and Culture Plan, which emphasised the need to create avenues for locals to display their creative talents, a promising opportunity has been identified which not only meets this objective but activates an exciting new place.
22. Council is requested to consider a small temporary sculptural exhibition along the Derbal Yerrigan / Swan River, with a People's Choice Award attached. The grassed area at the bottom of the pedestrian bridge could be used for this purpose. A map of an area in which could be activated with temporary artworks is attached to this report (Attachment 2). The sculptural exhibition and prize could be themed, for example sustainability or light.
23. Preliminary discussions with experienced operators specialising in outdoor, temporary sculptural exhibitions have helped to inform the scoping of this proposal. Looking at similar external sculptural exhibitions in Western Australia, the benefit of economic return to the Town could be significant.
24. This opportunity is strategically aligned with leveraging the anticipated influx of new audiences visiting or passing through Victoria Park with the construction of the new pedestrian bridge. By capitalising on the potential economic benefits associated with outdoor sculpture exhibitions, the Town stands to gain both culturally and economically.

25. Should Council decide to proceed with the outdoor sculptural exhibition, a formal Request for Quote (RFQ) for the coordination of the event, including the sculptural exhibition and associated prize, would be advertised.
26. The budget range for an outdoor temporary sculpture award is expected to be upwards of \$150,000.
27. The outdoor sculptural exhibition could occur in mid to late 2026, once the bridge works are completed.
28. Should Council support this recommendation, internal stakeholder discussions and a more detailed due diligence process, including development of a detailed budget, would be prepared, and presented for consideration during the 2026-27 budget deliberation process. In the interim, an amount of \$95,000 would also be listed as part of the Town's long-term financial plan to foreshadow its inclusion.
29. A proposed timeline for art award/prizes in the Town in the next four years could include:

Year	Activity	
2024-25	Youth Art Awards	Estimate \$40,000
2024-25	Community Art Awards	Estimate \$55,000
2025-26	Sculpture Exhibition	Estimate: \$150,000
2026-27	Youth Art Awards	Estimate \$40,000
2026-27	Community Art Awards	Estimate \$50,000

## Relevant documents

[Arts and Culture Plan](#)

## Further consideration

30. At the Agenda Briefing Forum held on 28 November 2023 the following information was requested:
31. The total FTE needed to deliver the art awards, and all of the Arts and Culture Plan actions would be 1.0 FTE. This level of would enable sufficient engagement and implementation of the awards and plan to a basic level.
32. Additional FTE relating to the delivery of the Arts and Culture plan was not prioritised in the recent 'Refresh' project that is a participatory, bottom-up project centered on staff engagement to understand how we can use the Town's resources to more effectively meet community priorities. Any consideration additional FTE should take a holistic view of the organisations workforce needs particularly in relation to refresh priorities.
33. If a consultant were to run the art awards on behalf of the Town, this would be via a Request for Quotation, addressed to a specified project brief. The Town would engage the consultant / contractor to develop, promote, and deliver the awards on behalf of the Town, while meeting requirements and specifications set out within that brief. Town staff would manage this contract and stakeholder in order to ensure expectations and specifications of the awards program brief was being met.

## 12.3 Endorsement of the Innovate Reconciliation Action Plan

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Reconciliation Officer
<b>Responsible officer</b>	Manager Community
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Attachment 1 - Engagement Report Consultation 2 RAP [ <b>12.3.1</b> - 11 pages] 2. Attachment 2 - Final Innovate RAP 2023 - Endorsement for Council - Marked Up Version [ <b>12.3.2</b> - 38 pages] 3. Attachment 3 - Final Innovate RAP 2023 - Endorsement for Council - All Changes Accepted [ <b>12.3.3</b> - 38 pages]

### Recommendation

That Council endorses the Innovate Reconciliation Action Plan 2023-2025, as provided in Attachment one.

### Purpose

To present the Innovate Reconciliation Action Plan 2023-2025 document (following the public comment period) and seek final endorsement.

### In brief

- The Town's Reflect Reconciliation Action Plan November 2018-June 2020 was adopted by Council in November 2018 after provisional approval from Reconciliation Australia
- The draft Innovate Reconciliation Action Plan 2023-2025 was developed after consultation with Town staff, community, Elected Members, Mindeera Advisory Group and Reconciliation Australia.
- The draft Innovate Reconciliation Action Plan 2023-2025 was conditionally approved by Reconciliation Australia in September 2023.
- The Town is now seeking final endorsement from Council of the Innovate Reconciliation Action Plan 2023-2025.

### Background

1. A Reconciliation Action Plan (RAP) is a strategic document that supports an organisation's business plan. It includes practical actions that will drive an organisation's contribution to reconciliation both internally and in the communities in which it operates.
2. The RAP Program contributes to advancing the four dimensions of reconciliation by supporting organisations to develop respectful relationships and create meaningful opportunities with Aboriginal and Torres Strait Islander peoples.
3. Each of the progressive four RAP types (Reflect, Innovate, Stretch, Elevate) set out the minimum elements required from an organisation to build strong Relationships, Respect, Governance and Opportunities within the organisation, as well as the wider community.
4. The Town established an Aboriginal Engagement Strategy Group (now Mindeera Advisory Group) in 2013 to build relationships and respect between members of our wider community and Aboriginal and Torres Strait Islander people.
5. The Town's Reflect Reconciliation Action Plan (RAP) was adopted by Council in November 2018 after provisional approval was received from Reconciliation Australia.

6. Council approved two 12-month extensions to the Town's existing Reflect RAP in July 2020 and July 2021.
7. Development of the Innovate RAP began in 2022, with community consultation occurring from May to July 2022 and internal Town staff consultation beginning and ongoing from July 2022.
8. A draft of the Innovate Reconciliation Action Plan 2023-2025 was presented to the Mindeera Advisory Group in May 2023 and their feedback incorporated into the draft.
9. A draft of the Innovate Reconciliation Action Plan 2023-2025 was presented to Elected Members via the portal in June 2023 and their feedback was incorporated into the draft.
10. A draft of the Innovate Reconciliation Action Plan 2023-2025 was submitted to Reconciliation Australia (RA) in June 2023.
11. After incorporating RA feedback into the draft, the Innovate Reconciliation Action Plan 2023-2025 was conditionally endorsed by Reconciliation Australia in September 2023.
12. In October 2023, Council endorsed advertising of the Innovate Reconciliation Action Plan 2023-2025 for public comment which occurred between 23 October and 13 November 2023.
13. The Town is now seeking final endorsement from Council of the Town's Innovate Reconciliation Action Plan 2023-2025.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Our community has an understanding and knowledge of the Town's RAP and a greater awareness and understanding of Aboriginal culture and history.

Social	
Community Priority	Intended public value outcome or impact
S4 - Improving access to arts, history, culture and education.	The Town's community celebrates, acknowledges and has opportunities to learn about Aboriginal culture and history.

## Engagement

Internal engagement	
Stakeholder	Comments
Community Development	<i>Phase 1 Consultation &amp; Phase 2 Public Comment:</i> Consultation and completion of internal Innovate RAP review and deliverables.
Mindeera Advisory Group	<i>Phase 1 Consultation &amp; Phase 2 Public Comment:</i> Consultation and completion of internal Innovate RAP development and deliverables. Support provided to continue activity with the current RAP until the Innovate RAP has been endorsed.
People and Culture	<i>Phase 1 Consultation &amp; Phase 2 Public Comment:</i> Consultation and completion of internal Innovate RAP review and deliverables.

Communications	<i>Phase 1 Consultation &amp; Phase 2 Public Comment:</i> Consultation and completion of internal Innovate RAP review and deliverables.
Town staff including members of the RAP Internal Working Group	<i>Phase 1 Consultation:</i> Town staff were engaged during the consultation phase in July 2022 through questions posed in the All of Staff meeting held on 5 July 2022. A total of 72 responses were received from that engagement.  <i>Phase 2 Public Comment:</i> Town staff were circulated the draft Innovate RAP and encouraged to complete the survey using Your Thoughts.

<b>External engagement</b>	
Stakeholders	<i>Phase 1 Consultation &amp; Phase 2 Public Comment:</i> Residents /ratepayers, broader community members, business owners, visitors
Period of engagement	<i>Phase 1 Consultation</i> May to July 2022  <i>Phase 2 Public Comment:</i> 23 October -13 November 2023
Level of engagement	<i>Phase 1 Consultation &amp; Phase 2 Public Comment:</i> 2. Consult
Methods of engagement	<i>Phase 1 Consultation:</i> <ol style="list-style-type: none"> <li>1. Community survey (online and hard copy)</li> <li>2. A physical "Wishing Well" positioned at various locations around the town, and an online brainstorming "Wishing Well" tool.</li> <li>3. Online Facebook question regarding dual naming of the Town of Victoria Park</li> </ol> <i>Phase 2 Public Comment:</i> <ol style="list-style-type: none"> <li>1. Your Thoughts Engagement Platform with online survey (31 responses)</li> </ol>
Advertising	<i>Phase 1 Consultation &amp; Phase 2 Public Comment:</i> The community was alerted to the opportunity to engage via the Town website, social media, the newspaper and e-news.
Submission summary	<i>Phase 1 Consultation:</i> <ol style="list-style-type: none"> <li>1. Community survey – 54 responses</li> <li>2. Wishing Well – 65 responses</li> <li>3. Facebook dual naming question – 160 responses (91% vote of support)</li> </ol>

	<p><i>Phase 2 Public Comment:</i> Community survey – 31 responses Feedback received via email – 2 responses</p>
Key findings	<p><i>Phase 1 Consultation:</i></p> <p><i>Please refer to Ordinary Council Meeting - October 2023, Item 12.1 (Council Resolution 211/2023) and Attachment 1 (12.1.1) for Phase 1 Engagement Report.</i></p> <p>Several common themes and ideas for action were identified through the community engagement process, some of which were translated into deliverables in the draft RAP. Over 75% of community survey responses indicated that Noongar community and culture representation in the Town needs improvement and is poorly/not represented in the Town.</p> <p><i>Phase 2 Public Comment:</i> Please refer to Attachment 1 Reconciliation Action Plan – Community Engagement Report Phase 2 for detailed feedback and results.</p> <p>There was a very good level of support for the RAP document (over 67%) to be endorsed. The feedback from community members that were not in support of the document was due to concerns it would be divisive.</p> <p>The timing of the public comment period was unfortunate, occurring within two weeks of the Voice Referendum. Public emotions are still unsettled around the result, and it is suggested this may have impacted the responses to the draft Innovate RAP.</p>

Other engagement	
Stakeholder	Comments
Reconciliation Australia	<i>Phase 1 Consultation &amp; Phase 2 Public Comment:</i> Consultation and advice on the Town's reconciliation journey. Conditional approval of draft Innovate RAP.
City of Vincent, City of South Perth, City of Melville	<i>Phase 1 Consultation &amp; Phase 2 Public Comment:</i> Ongoing collaboration and consultation with other local government colleagues.

## 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
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							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	<p>Negative public perception towards the Town should the Mindeera Advisory Group and broader community not see the Town progress on its journey of reconciliation.</p> <p>Negative public perception of the Town due to the RAP engagement being confused / linked with the Voice Referendum debate.</p>	Moderate	Possible	Medium	Low	<p>TREAT risk by endorsing the Innovate RAP.</p> <p>TREAT risk by communicating clearly the purpose and actions related to the Innovate RAP as part of implementation.</p>	
Service delivery	Inability to deliver relevant and priority RAP actions due to having an out-of-date RAP.	Moderate	Possible	Medium	Medium	TREAT risk by endorsing the Innovate RAP.	

## Financial implications

<b>Current budget impact</b>	Sufficient funds have been requested within the 2023/24 annual budget to address this recommendation.
<b>Future budget impact</b>	Annual funding will be required in future budgets, however the amounts requested will be determined via further investigation, aligned to proposed priority works, as well as internal and external capacity / capability to deliver.

Future budget impacts will be considered by Council through the budget deliberation process prior to works / activities being endorsed and undertaken.

## Analysis

14. Town officers have developed the Innovate Reconciliation Action Plan 2023-2025 in consultation with Town staff, community members, Elected Members, Mindeera Advisory Group and Reconciliation Australia.
15. Development of the Innovate Reconciliation Action Plan 2023-2025 includes refinement of Reconciliation Australia's baseline deliverables, as well as the addition of further deliverables to address stakeholder feedback.
16. The Town's Innovate Reconciliation Action Plan 2023-2025 contains 64 deliverables separated into the following four categories:
  - (a) Relationships
  - (b) Respect
  - (c) Opportunities
  - (d) Governance
17. The Town's Innovate Reconciliation Action Plan 2023-2025 was conditionally approved by Reconciliation Australia in September 2023.
18. As recognised by Reconciliation Australia, RAP deliverables are about embedding cultural change and building strong relationships with Aboriginal and Torres Strait Islander people.
19. Adequate resources have been provided as part of the 2023/24 budgeting process to deliver initial elements of the Innovate Reconciliation Action Plan 2023-2025 in anticipation of endorsement in this financial year.
20. Prioritisation of deliverables has been integrated across the life of the plan to assist delivery as resources, capability and capacity are available.
21. The draft Innovate Reconciliation Action Plan 2023-2025 was advertised for public comment for a three-week period between 23 October and 13 November 2023 with feedback sought from the relevant stakeholders.
22. Feedback has been reviewed with Officer comments outlined in Attachment 1. Minor grammatical changes are proposed to be incorporated within the final Innovate Reconciliation Action Plan 2023-2025, however no changes of significance are recommended based on stakeholder feedback.
23. The final Innovate Reconciliation Action Plan 2023-2025 (Attachment 2) is presented to Council for formal adoption.
24. Once endorsed, the document will be desktop published to meet Town and Reconciliation Australia standards, and then re-submitted to Reconciliation Australia for final endorsement.

## Relevant documents

[Reflect Reconciliation Action Plan](#)

[Reconciliation Australia – RAP Framework](#)

[Ordinary Council Meeting Minutes – October 2023](#)

[Item 12.1.1 Innovate Reconciliation Action Plan 2022-2027 – Engagement Report](#)

## Further consideration

At the Agenda Briefing Forum held on 28 November 2023 the following information was requested:

25. All relevant capital and operating costs for 2023-24 financial year have been integrated into this year's budget in anticipation of the Innovate RAP being adopted this current financial year.
26. As outlined in the Innovate RAP (page 28), resourcing for delivery of the RAP will be considered on an annual basis dependent upon capacity, capability, prioritisation and the final budget endorsed by Council.
27. Funding to support development of future RAPs has been integrated into the LTFP. Future funding for capital and operational items related to the RAP are proposed to be integrated as part of the next iteration of the LTFP once details are known regarding refined approaches and likely cost estimates.

## 12.4 Proposed Changes to Local Planning Framework - Adoption of Scheme Amendment 90 relating to Zoning Table changes and draft revised Local Planning Policy 32 - Exemptions from Development Approval

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Senior Planning Officer
<b>Responsible officer</b>	Manager Development Services
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Scheme Amendment 90 - Proposed Modifications to Scheme (TPS1) Zoning Table [<b>12.4.1</b> - 3 pages]</li> <li>2. Local Planning Policy 32 - Exemptions from Development Approval (current approved version) [<b>12.4.2</b> - 22 pages]</li> <li>3. Revised Local Planning Policy 32 - Exemptions for Development Approval (drafted) with proposed modifications marked in red [<b>12.4.3</b> - 25 pages]</li> <li>4. Council meeting minutes and officer report dated June 2022 regarding Proposed Changes to Local Planning Framework [<b>12.4.4</b> - 14 pages]</li> </ol>

### Recommendation

That Council:

1. Notes the one (1) submission was received in response to Amendment No. 90 to the Town of Victoria Park Town Planning Scheme No.1 and draft revised Local Planning Policy 32 – Exemptions from Development Approval.
2. Supports Amendment No. 90 to the Town of Victoria Park Town Planning Scheme No.1 for final approval, with no modifications, in accordance with Regulation 50(3)(a) of the *Planning and Development (Local Planning Scheme) Regulations 2015* by modifying the permissibility of the below listed use classes to that shown in the table extract below:

Zone	Residential	Residential/Commercial	Office/Residential	Local Centre	District Centre	Commercial	Industrial (1)	Industrial (2)	Special Use
Use Class	1.	2.	3.	4.	5.	6.	7.	8.	9.
Bulky Goods Showroom	X	AA	X <sup>2</sup> /AA	X	AA	AA	P	P	Refer to provisions in Precinct Plan.
Child Care Premises	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Educational Establishment	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	
Fast Food Outlet	X	AA	X <sup>2</sup> /AA	AA	AA	AA	AA	AA	
Lunch Bar	X	AA	X <sup>2</sup> /AA	AA	AA	AA	AA	AA	
Office	X	P	P	P	P	P	AA	AA	
Place of Worship	AA	AA	AA/X <sup>2</sup>	AA	AA	AA	AA	AA	

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

*Schemes) Regulations 2015*, Amendment No. 90 is a 'standard amendment' for the following reasons:

- a. The amendment relates to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
  - b. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
  - c. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
4. Proceeds, without modification, with revised Local Planning Policy 32 - Exemptions from Development Approval, in accordance with Schedule 2, Part 2, clause 5(3)(b)(i) of the *Planning and Development (Local Planning Scheme) Regulations 2015*. Its operation is to be concurrent with the gazettal date of Amendment No. 90 to the Town of Victoria Park Town Planning Scheme No.1.
  5. Authorises the Chief Executive Officer and Mayor, in accordance with Section 9.49A of the Local Government Act 1995, to execute under Common Seal, Amendment No. 90 to Town Planning Scheme.

## Purpose

The purpose of this report is for Council to resolve whether to support, support with modification(s) or not to support, changes to the local planning framework relating to land use permissibility. This is following consideration of the submission received during community consultation on the proposal.

## In brief

- Amendments to the *Planning and Development (Local Planning Scheme) Regulations 2015* now allow for 'P' (permitted) land uses to be carried out without requiring development approval, and without the need to consider the car parking provision for the use. This has resulted in no planning control over some non-residential land uses, including some which could have a significant amenity impact.
- This report provides recommendation to modify the TPS1 Zoning Table (refer to Attachment 1) to limit the risk of the current situation where some intensive land uses categorised as a 'P' (permitted) use in the Zoning Table are exempt from requiring development approval and any level of planning assessment.
- In conjunction with this Scheme Amendment, a concurrent revision to Local Planning Policy No. 32 'Exemptions from Development Approval' is proposed to balance streamlining approval process and reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity land uses.
- These proposed changes to the local planning framework were considered and initiated by Council at its Ordinary Meeting on 21 June 2022.
- Community consultation occurred from 29 May 2023 to 10 July 2023, with one (1) submission received supporting the proposed changes.
- It is recommended that Council resolves to support without modification both Amendment No. 90 to the Town of Victoria Park Town Planning Scheme No.1 and revised Local Planning Policy No. 32 'Exemptions from Development Approval'.

## Background

1. Town Planning Scheme No. 1 (TPS 1) was gazetted on 30 September 1998. The TPS 1 Scheme Text defines various land uses and outlines their permissibility within the different zones in the Town.
2. Between 1998 and 2015, an Application for Development Approval was required to be submitted and considered by the Town, for all proposed changes of land use, inclusive of permitted "P" uses.
3. In October 2015, the *Planning & Development (Local Planning Scheme) Regulations 2015* (the Regulations) commenced operation. Schedule 2 of the Regulations included 'deemed provisions' which were automatically incorporated into every Local Planning Scheme in Western Australia.
4. The deemed provisions of the Regulations at clause 61 set out the types of development for which development approval is not required (or planning exemptions). Specifically, clause 61(2)(b) of the Regulations outlines that development approval is not required to use land for a 'P' (permitted) purpose within that zone, provided that the development has no works component, or that the works component does not require approval. This has enabled land or buildings to be used without needing development approval where the use is a permitted "P" land use under TPS1, irrespective of the scale of the proposal and potential amenity impacts. This is applicable where a property proposes to change the land use or seeks to modify previously imposed planning conditions to manage that land use.
5. In 2015, following the introduction of 'P' (permitted) land uses being exempt from development approval, the Town sought clarification from the Department of Planning, Lands and Heritage as to whether a 'P' (permitted) use is required to satisfy Council's parking requirements. Advice provided to the Town confirmed that the Town could request an Application for Development Approval if a car parking shortfall was proposed for a change of land use.
6. In July 2021, amendments to the Regulations were introduced to provide a consistent approach to the provision of car parking for non-residential development across the Perth Metropolitan and Peel Region Scheme areas. In particular, clause 77E provided clarification regarding the assessment of car parking for permitted "P" land uses, as follows:

*"Development is not required to comply with an applicable minimum on-site parking requirement if —*  
*a. development approval is not required for the development under clause 61..."*
7. This means that for land uses identified in the TPS 1 Zoning Table as a 'P' (permitted) use, there is no requirement for development approval, and no need to assess the amenity impacts of the proposed use or the car parking implications to the extent that in the case of car parking, the use of land for a 'P' (permitted) purpose may occur with either none or a reduced on-site car parking provision. Previously, the assessment of compliance with the minimum car parking requirements was a mechanism to require high intensity (or large scale) land uses to apply for development approval for the Town's determination, and enabled the Town to assess the parking impact of the proposed change of use.
8. Examples of high intensity land uses within the Town of Victoria Park which are a 'P' (permitted) use and which have been exempt from requiring development approval following the changes to the Regulations include:
  - a "Place of Worship" land use with the venue accommodating up to 570 patrons; and
  - an adult tuition "Educational Establishment" land use of 50 students.

9. A review of other local government areas has identified that the Town has a greater amount of 'P' (permitted) uses in its TPS1 Zoning Table when compared to other inner city local governments.
10. Council at its meeting in June 2022, resolved to initiate Amendment No. 90 to the Town of Victoria Park Town Planning Scheme No.1, and advertise the proposed changes to the local planning framework for public comment, for a period of 42 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*. Please refer to Attachment 4 for further information. As per Council resolution the following advice was included in all advertising notices and consultation letters circulated:

*These proposed changes to the planning framework are available for inspection and public comment, and it should not be construed that final approval will be granted. Your written comments are welcome and will be considered by Council prior to a recommendation being made to Western Australian Planning Commission to either proceed, modify or abandon the proposal.*

## Relevant planning framework

<b>Legislation</b>	<a href="#">Planning and Development Act 2005</a> <a href="#">Planning and Development (Local Planning Schemes) Regulations 2015</a> <a href="#">Environmental Protection Act 1986</a> <a href="#">Town Planning Scheme No.1 (TPS1)</a>
<b>State Government policies, bulletins or guidelines</b>	<a href="#">State Government's Action Plan for Planning Reform</a>
<b>Local planning policies</b>	Local Planning Policy No. 3: Non-Residential Uses In or Adjacent to Residential Areas Local Planning Policy No. 6: Family Day Care and Child Care Premises Local Planning Policy No. 23: Parking Policy Local Planning Policy No. 30: Car parking standards for developments along Albany Highway Local Planning Policy No. 32: Exemptions from Development Approval Local Planning Policy No. 37: Community Consultation on Planning Proposals
<b>Other</b>	<a href="#">Draft Town of Victoria Park Local Planning Scheme No.2</a>

## Legal Compliance

11. The relevant general provisions of the *Planning and Development Act 2005* are as follows:
- a. Part 5 'Local Planning Schemes';
  - b. Division 3 'Relevant considerations in preparation or amendment of Local Planning Scheme';  
and
  - c. Division 4 'Advertisement and approval'.
12. The relevant general provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* are as follows:
- Part 5 — Amending local planning scheme
    - a. Division 1, Regulation 35 'Resolution to prepare or adopt amendment to local planning scheme';

- b. Division 3, 'Process for standard amendments to local planning scheme'; and
- c. Division 5, 'Giving effect to decision on amendment to local planning scheme';

- Schedule 2 (Deemed provisions) - Part 2, Division 2 – Local planning policies

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

*"(2) A resolution must –*

- a) specify whether, in the opinion of the local government, the amendment is a complex amendment, a standard amendment or a basic amendment; and*
- b) include an explanation of the reason for the local government forming that opinion."*

14. Pursuant to Regulation 35(2) of the Regulations, this amendment is considered by Town officers to be a standard amendment for the following reasons:

- a. The amendment relates to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- c. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;

15. The consideration of submissions received during the consultation period on the Scheme Amendment is set out at regulations 50 contained Part 5 - Division 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) which states that:

*"(2) The local government -*

- a) must consider all submissions in relation to a standard amendment to a local planning scheme lodged with the local government within the submission period".*

*"(3) Before the end of the consideration period for a standard amendment to a local planning, or a later date approved by the Commission, the local government must pass a resolution-*

- a) to support the amendment without modification; or*
- b) to support the amendment with proposed modifications to address issues raised in the submissions; or*
- c) Not to support the amendment"*

16. In accordance with Section 81 of the *Planning and Development Act 2005*, proposed Scheme Amendment 81 was referred to the Environmental Protection Authority who determined that assessment under Part IV, Division 3 of the *Environmental Protection Act 1986* was not required.

17. The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. The Minister may decide to refuse or modify the Amendment, notwithstanding Council's resolution.



## Policy Implications

### 18. Local Planning Policy No. 32 - Exemptions from Development Approval

Should the proposed Scheme Amendment be approved, a concurrent revision to Council's Local Planning Policy No. 32 'Exemptions from Development Approval' is proposed to balance streamlining approval process and reducing 'red tape' by continuing to allow exemptions to remain in place for some lower intensity 'AA' (discretionary) land uses which meet the criteria outlined in LPP32. Please refer to Attachments 2 & 3 to view the proposed revised version and the current approved version of LPP32.

### 19. Local Planning Policy No. 23 – Parking Policy and Local Planning Policy No. 30 - Car parking standards for developments along Albany Highway

No changes are proposed to the Council's Local Planning Policies relating to car parking (LPP23 & 30). Should the Scheme Amendment be approved this will allow the minimum on-site parking requirements outlined in the policy to be applied where an application for development approval is required. Notwithstanding this, the Council's Local Planning Policies relating to car parking have been identified for review.

### 20. Local Planning Policy No. 6 - Family Day Care and Child Care Premises

Should the proposed Scheme Amendment be approved, Council can continue to apply LPP6 for relevant changes of land use, and consider how new or expanded child care services within the Town meet the following matters: site characteristics, environmental suitability, design, traffic, access, noise, and health and safety issues.

### 21. Local Planning Policy No. 3 Non-Residential Uses In or Adjacent to Residential Areas

Should the proposed Scheme Amendment be approved, Council can continue to apply LPP3 to relevant changes of land use. This will ensure Council retains the ability to assess the integration of non-residential uses into residential areas without adversely affecting residential amenity.

### 22. Local Planning Policy No. 37 Community Consultation on Planning Proposals

Should the proposed Scheme Amendment be approved, where development approval is required for an 'AA' (discretionary) use, surrounding owners and occupiers will be given an opportunity to comment on the proposal, and allow for their comments to be considered as part of the decision-making process.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Consultation on the proposed changes to the local planning framework occurred in accordance with the statutory requirements outlined by the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The proposed changes to the local planning framework, if approved, will result in development approval being required for more high intense land uses (which was the existing situation prior to the

amendment to the Regulations).

When development approval is required, the Town can then consider, and where appropriate impose conditions, to manage impacts from more high intense non-residential uses to surrounding developments, including consideration of residential amenity and liveability.

## Engagement

### Internal engagement

Stakeholder	Comments
Place Planning	<p>Amendment 90 and the draft revisions to LPP32 were formally referred to the Town's Place Planning service area. In response comments were received relating to the proposed changes to the TPS1 Zoning Table and their relationship to future draft Local Planning Scheme No. 2.</p> <p>Place Planning were generally supportive of the proposed draft changes with the exception of the following:</p> <ul style="list-style-type: none"><li>• Not supportive of Consulting Rooms being changed from a "P" Permitted use in District Centre to an "AA" Discretionary land use.</li><li>• Neither support nor object to Betting Agency being changed from a "P" Permitted use in Office/Residential to an "AA" Discretionary land use.</li><li>• Mixed support/comments for Fast Food Outlet/Lunch Bar being changed from a "P" Permitted use in Local Centre, District Centre, Commercial, Industrial (1), Industrial (2) to an "AA" Discretionary land use. Place Planning requested that the land uses of Fast Food Outlet/Lunch Bar be separated and Lunch Bar to remain a "P" Permitted use.</li><li>• Not supportive of Office being changed from a "P" Permitted use in Residential/Commercial, Office Residential, Local Centre, District Centre, Commercial, Industrial (1), Industrial (2) to an "AA" Discretionary land use.</li></ul> <p>Following review of Place Planning's comments, the following modifications to the documents were made:</p> <ul style="list-style-type: none"><li>• Consulting rooms land use removed as a recommended change within the District Centre Zone.</li><li>• Betting Agency land use removed as a recommended change within the District Centre Zone.</li><li>• No changes made. Fast Food Outlet/Lunch Bar are analogous to each other as they are addressed by a single land use definition in TPS1.</li><li>• Office land use removed as a recommended change in all zones with the exception of Industrial 1 and 2.</li></ul> <p>Further engagement with Place Planning resulted in support of Place of Worship changing to an AA use within the District Centre Zone.</p>

	While the changes proposed by this amendment are incorporated into LPS2 which is included as a separate report in this agenda, there is a statutory obligation for the Town to consider the amendment by December 2023.
Parking and Rangers	Raised concern regarding the current parking shortfalls achievable under the TPS1 zoning table following the introduction of recent amendments to the Regulations. Parking and Rangers support measures able to be put into place to mitigate this.

External engagement	
Stakeholders	General public
Period of engagement	29 May 2023 – 10 July 2023 (42 days)
Level of engagement	2. Consult
Methods of engagement	<ul style="list-style-type: none"> <li>Local Newspaper Public Notice (Perth Now Southern)</li> <li>Town's Website Public Notices section</li> <li>Your Thoughts (Town's online community consultation portal)</li> </ul>
Advertising	As Above
Submission summary	<p>One (1) submission of support was received. The comment received is as follows:</p> <p><i>I generally support the proposal. It appears to be well thought out and its good that both the scheme and the relevant policy were reviewed at the same time. However, re: the policy, I'm not sure why vergolas require a planning approval for construction, while patios and pergolas don't? I understand they function slightly differently but they don't look or impose any more than those types of structures.</i></p>
Key findings	In accordance with the Residential Design Codes Volume 1, a vergola which is an open framed structure with operable louvered roofing is classed as a pergola. Pergolas (which includes vergolas) are exempt from requiring development approval, in line with the deemed provisions of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . As such, no further changes to Local Planning Policy 32 – Exemptions from Development Approval, are recommended.

Other engagement	
Stakeholder	Comments
Environmental Protection Authority	It was advised that referral regarding the proposed Scheme Amendment has been examined and does not require assessment under Part IV, Division 3 o

(EPA)

the *Environmental Protection Act 1986*.

*Note: The referral of the proposed Scheme Amendment is a statutory requirement outlined at Section 80 of the Planning and Development Act 2005.*

## 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	Not applicable.	N/A	N/A	N/A	N/A	
Environmental	No environmental risk proposed.	N/A	N/A	N/A	N/A	
Health and safety	The Town not being able to assess potential amenity impacts, including noise and traffic, to surrounding properties if high intensity land uses remain exempt from requiring development approval.	Low	Low	Low	Medium	Amend Town Planning Scheme No.1 to change a number of "P" Permitted uses to "AA" Discretionary to enable the Town to require an Application for Development Approval to be submitted and considered for high intensity land uses.
Infrastructure/ ICT systems/ utilities	Not applicable.	N/A	N/A	N/A	N/A	
Legislative compliance	The Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. The Minister may decide to refuse or modify the Amendment notwithstanding	Low	Low	Low	Medium	Adhere to processing the Scheme Amendment in accordance with the <i>Planning and Development Act 2005</i> and <i>Planning and Development (Local Planning Schemes)</i>

	Council's resolution.					<i>Regulations 2015.</i>
Reputation	<p>High reputational risk to the Town as a result of higher intensity 'P' (permitted) uses potentially being exempted from requiring Development Approval which may not be in line with community's expectations.</p> <p>Moderate risk exists in that currently permitted land uses reinstating the requirement for development approval to proceed.</p>	High	High	High	Low	<p>Amend Town Planning Scheme No.1 to change a number of "P" Permitted uses to "AA" Discretionary.</p> <p>Public advertising and consultation process will assist Council to consider whether the proposed designation of permissibility for each use within each zone is appropriate.</p>
Service delivery	May result in additional workload, with applications currently exempt from approval now requiring approval	Low	Low	Low	Medium	Accept on the basis that those applications now requiring approval will be those that may have some amenity impacts that need assessment.

## Financial implications

Current budget impact	Nil
Future budget impact	It is anticipated that the proposed modifications to the planning framework will result in a modest increase in Applications for Development Approval submitted to the Town. This in turn will likely result in a slight increase of revenue from application fees.

## Analysis

### Consideration of submission received

23. The proposed changes to the local planning framework were advertised to the community seeking public comments during May and June 2023, for 42 days.
24. In total (1) submission of support was received, which included a comment that vergolas, similar to pergolas and patios, should not require development approval. It is noted that this comment does not relate to the proposal at hand, which is regarding the modification of land use permissibility in the TPS1 Zoning Table. Nonetheless, Council Officers confirm that the current situation is that vergolas, which are open framed structures with operable louvered roofing, are exempt from requiring development approval and are treated as a 'pergola' under the planning framework.
25. Following consideration of the submission received, it is recommended that Council resolves to support without modification proposed Scheme Amendment 90 and revised Local Planning Policy 32 'Exemptions for Development Approval'.

## Relevant Documents

26. [Minutes from Ordinary Council Meeting 21 June 2022](#)  
These minutes at Item 12.6 includes Council's resolution regarding the initiation of Scheme Amendment 90 relating to Zoning Table changes and draft revised Local Planning Policy 32 - Exemptions from Development Approval. In addition to the Council Officer report which includes further rationale (in particular under the 'Analysis' report heading for the proposed changes to the local planning framework and planning analysis which has informed the preparation of the report attachments).

## Further Consideration

At the Agenda Briefing Forum held on 28 November 2023 the following information was requested.

27. At the Agenda Briefing Forum, an Elected Member questioned why a betting agency is proposed to remain a 'P' (permitted) use in the Office/Residential Zone and would be exempt from development approval. It is considered that the current 'P' (permitted) use classification is appropriate as the use generally has a lower amenity impact in relation to noise, parking and other matters.
28. A betting agency remains as either a prohibited or discretionary uses in all other zones.

## 12.5 Investigation into potential actions for the Town's Residential Character Study Area

<b>Location</b>	Burswood East Victoria Park Victoria Park
<b>Reporting officer</b>	Manager Development Services
<b>Responsible officer</b>	Chief Community Planner
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Element Recommendations Report [<b>12.5.1</b> - 52 pages]</li> <li>2. OCM Minutes - September 2020 [<b>12.5.2</b> - 25 pages]</li> <li>3. OCM Minutes - February 2023 [<b>12.5.3</b> - 19 pages]</li> <li>4. Draft New Local Planning Policy - Character Retention Guidelines [<b>12.5.4</b> - 23 pages]</li> <li>5. Guidelines-for- Heritage- Areas [<b>12.5.5</b> - 16 pages]</li> </ol>

### Recommendation

That Council receives the Officer's report and notes the intent to seek expressions of interest from heritage consultants to prepare a Heritage and Character Strategy for the Town.

### Purpose

At the September 2022 Ordinary Council meeting it was resolved that a report be presented by the June 2023 Ordinary Council Meeting regarding further investigation work to be undertaken relating to land in the Town's Residential Character Study Area. At the Ordinary Council Meeting in June 2023, the Council resolved to have the further investigation work reported to the December 2023 Ordinary Council Meeting.

### In brief

- Council resolved that a report be presented by the December 2023 Ordinary Council Meeting which further considers planning controls and other measures relating to properties within the Residential Character Study Area.
- An investigation of potential planning controls and other measures has been completed. There are a range of different tools available aimed at protecting and enhancing the quality of the Residential Character Study Area. These include tools to retain original dwellings (eg. such as heritage areas providing statutory control and/or incentives encouraging retention and/or maintenance of dwellings) and tools to maintain streetscape character (through design guidelines for the whole area as well as more specific design guidelines for the designated heritage areas).
- The designation of heritage areas for the better, more intact streetscapes is considered to be a planning tool that the Town should pursue, supplemented by other measures appropriate to the Town. The Town's Officers, however, do not have sufficient expertise and qualifications in the area of heritage and character to determine the best approach that will work for the Town.
- It is recommended that expressions of interest be sought from suitably qualified heritage consultants to undertake a holistic, coordinated assessment as to the recommended approach for the Town to progress by way of the completion of a Heritage and Character Strategy.

## Background

### 1998 to 2003

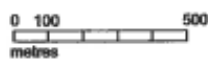
1. Between 1998 and 2003 the Town's local planning framework sought to preserve residential character in the Town through (a) Town Planning Scheme No. 1 (TPS 1) requiring development approval for demolition of a dwelling and most other forms of development including additions/alterations to a dwelling, and the construction of a new dwelling; and (b) planning policies/design guidelines regarding the design and appearance of new development and/or works.
2. This reflected a Community Needs Assessment of the time which concluded that "People want to retain the character and heritage of the Town and the cultural, socioeconomic and housing diversity."
3. The majority of 'original dwellings' were found to not have individual heritage significance, but more broadly and collectively establish a strong and identifiable character.
4. In lieu of heritage listing individual dwellings, and noting that many dwellings would not meet the threshold for heritage listing, in 2003 the Council commissioned the Residential Character Study (referred to as the Residential Character Study Report). The study identified that an area of the Town (referred to as the Residential Character Study Area and generally being the area between Berwick Street and the railway line) contained a significant number of 'original dwellings' (generally being dwellings constructed prior to 1946) which contribute to a unique and identifiable character that should be protected and maintained.
5. The Study recommended that that Town "*give priority to, and actively encourage, the retention and conservation of residential character for the longer term benefit of the community and the owners of properties.*"
6. The following plan from 2003 depicts the location of the Residential Character Study Area, with the 'original dwellings' being coloured orange:





**17: EXISTING ORIGINAL RESIDENTIAL FABRIC**

- Original Place
- Original Shop
- Study Area Boundaries



7. In conjunction with the need for development approval for demolition works and/or new works, new policy requirements were implemented specifically for the Residential Character Study Area (RCSA) to guide the built form design outcomes within the area (now contained in the Town's Local Planning Policy 25 'Streetscape').
8. A review of the Residential Character Study Report was undertaken in 2010. The report noted that there were 5570 dwellings within the RCSA at that time, with approximately 1912 of these dwellings being 'original dwellings'. The report assessed the potential for split density codings to be applied to the RCSA, allowing for the rear of a lot to be developed at a higher density coding if the existing 'original dwelling' is retained, and recommended the area be designated as a Special Control Area.
9. It is understood that the recommendations from the 2010 review were incorporated into the draft Local Planning Strategy and draft Local Planning Scheme of the time, which ultimately did not proceed.

### Changes to Planning legislation in 2015

10. 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 (unless on a heritage list or in a heritage area) 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').
11. There was concern that through these legislative changes, there would be a negative impact upon the character of the Town's residential areas, through the demolition of original dwellings and/or the ability to construct new development not in keeping with the character of the area. In the case of the latter item, if a development is exempt from development approval, then the development is not required to comply with the local planning policy requirements regarding the design and appearance of development.

### Scheme Amendment 73

12. In June 2016, Council initiated Amendment 73 to TPS 1 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. A Special Control Area is a planning instrument that identifies an area that has additional development requirements to address constraints and/or achieve certain development objectives or outcomes. 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.
13. It should be noted that over the first five months of 2017, an average of 1.8 'original dwellings' located in the RCSA were being demolished per month.
14. 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.

15. 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 of the proposed to be inserted;
- (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 - 2018

16. 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.

17. 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.

18. 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 1).

19. The following table outlines the items contained in the Recommendations Report and their status:

Recommendation	Status
Introduce a Special Control Area over the RCSA requiring development approval for the demolition of original dwellings, and development visible from the street.	Resulted in the initiation of Scheme Amendment 88 – see further comments below.
Revoke existing LPP25 'Streetscape' and adopt new Character Retention Guidelines applicable to development within the RCSA	Draft Character Retention Guidelines were prepared by Element and were advertised for public comments in conjunction with Amendment 88.
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.

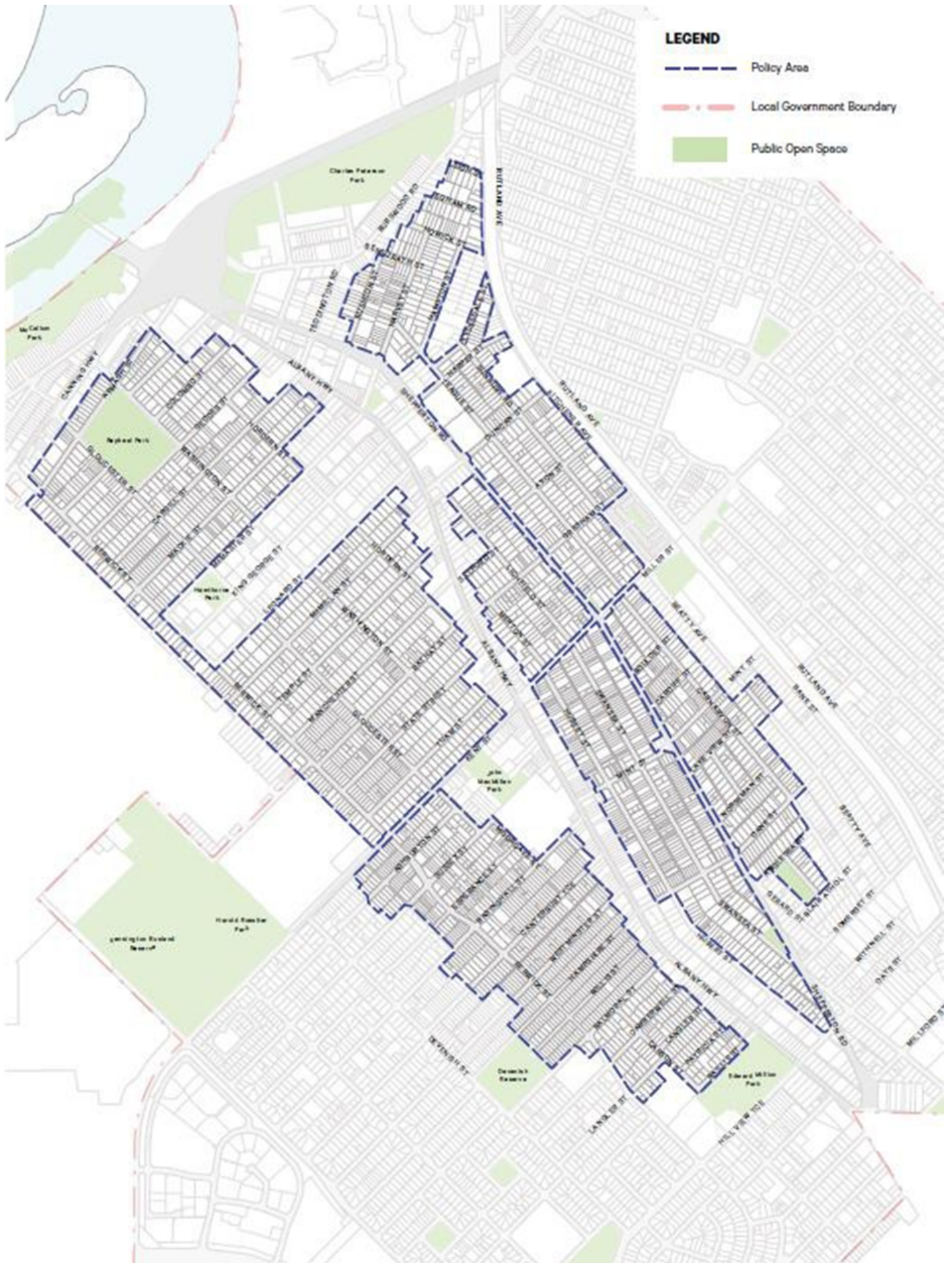
## Scheme Amendment 88

20. Accordingly, the Council resolved at its September 2020 meeting to :

- (a) initiate Scheme Amendment 88;
- (b) advertise the draft Local Planning Policy 'Character Retention Guidelines'; and
- (c) advertise consequential amendments to Local Planning Policy 32 'Exemptions from Development Approval'.

21. An extract of the Council meeting minutes is attached to this report (refer to Attachment 2) and provides further background material and reasoning for the Amendment.

22. The area the subject of Amendment 88 is depicted in the image below :



23. Amendment 88 and the draft Character Retention Guidelines were concurrently advertised for public comments in late 2021 and early 2022.
24. 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.
25. In March 2022 the Town's Officers met with Officers from the Department of Planning, Lands and Heritage (DPLH) Land Use Planning and Heritage Services to discuss the community consultation outcomes on Amendment 88 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) 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) A policy is the appropriate planning mechanism to use if the Town would like an area to have a certain character appearance.

### Consideration at September 2022 OCM and February 2023 OCM

26. Scheme Amendment 88 and associated matters were considered at both the September 2022 and February 2023 Ordinary Council Meetings. In summary, Council resolved at the February 2023 Ordinary Council Meeting (see Attachment 3) to:
- (a) Not proceed with Scheme Amendment 88;
  - (b) Note the submissions on the draft Character Retention Guidelines;
  - (c) Request a future report which considers:
    - i. modifying the draft Character Retention Guidelines;
    - ii. investigation the use of heritage areas; and
    - iii. investigating incentives and development bonuses to encourage the retention and maintenance of character dwellings.
27. This report is prepared to address item (c) above.

28. A copy of the draft Character Retention Guidelines are available at Attachment 4.

## Heritage vs Character

29. State Planning Policy 3.5 'Historic Heritage Conservation' (SPP 3.5) outlines principles for conservation and protection of heritage places, with the State Heritage Council's 'Guidelines for Heritage Areas' explaining the difference between heritage areas and character areas as follows:

SPP 3.5 details the importance of distinguishing between heritage areas and urban character areas. It explains that heritage is retained through conservation and preservation of identified heritage places, with provision made in the planning framework to refuse demolition or guide development to respond appropriately to heritage significance.

Identifying a precinct as an 'urban' or 'residential character' area, rather than a heritage area, suggests that such character may be retained and enhanced through design that responds to the distinctive characteristics of the area. The implication is that planning controls intend only to inform new development rather than requiring retention of current fabric.

Where the intention is to manage development through application of heritage provisions it is important that an area is formally designated as a heritage area.

## Local Heritage Survey and Heritage List

30. Separate to Amendment 88, 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.

31. In response to the legislative requirements, the Town engaged an independent heritage consultancy to review the Town's previous Municipal Heritage Inventory (2000) 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. The Local Heritage Survey identifies 78 places within the Town of cultural heritage significance and categorises the places into one of four categories depending upon their level of significance as follows :

- Management Category 1 - 'Exceptional significance' - 10 places
- Management Category 2 - 'Considerable significance' – 45 places
- Management Category 3 - 'Some/Moderate Significance' - 21 places

- Management Category 4 - 'Little Significance' - 2 places.

## Local Heritage Survey

32. 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. Those properties classified as Category 1 or 2 in the Local Heritage Survey are included on the Heritage List. The Town's Heritage List was approved by Council at the June 2022 Ordinary Council Meeting.
33. 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 such as demolition and additions/alterations which may otherwise be exempt.
34. There are 49 properties on the Heritage List that are located within the Residential Character Study Area. Relevantly, of all of the properties in the RCSA, under the current planning framework it is only these 49 properties, which by virtue of being on the Heritage List, are (a) provided with statutory controls preventing demolition without development approval; and (b) require development approval for most forms of development in all instances, regardless of the deemed-to-comply requirements of the Residential Design Codes.

## Heritage Areas

35. The Local Heritage Survey and Heritage List identify individual properties that have heritage value. Another available tool is heritage areas, which are areas that have heritage significance. 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 significance 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. This would include the need for development approval for demolition and most other forms of development in all instances, and the need to comply with a local planning policy / design guidelines specific to that area only.
36. 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.

37. A copy of the State Heritage Council's 'Guidelines for Heritage Areas' is provided at Attachment 5.

## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	To consider options that will require or encourage the retention and maintenance of the streetscape quality in the Residential Character Study Area.

## Engagement

Internal and external engagement undertaken as part of the Scheme Amendment 88 process. Refer to Minutes of Ordinary Council Meeting of September 2022 for further details. Further internal discussion occurred with the Place Planning Team in preparing this report.

## 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					
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Not applicable					
Reputation	The previously expressed community sentiment was a supportive position	Moderate	Possible	Medium	Low	Support the preparation of a Heritage and Character Study.

	of measures to protect and retain the character prevalent in the RCSA. Doing nothing is likely to negatively impact the Town's reputation. The recommendation to engage a consultant to prepare a Heritage and Character Strategy will consider and recommend the most appropriate tools for the Town to meet this community need.					
Service delivery	Officers will need to manage the project	Minor	Unlikely	Low	Medium	Managing staff resourcing

## Financial implications

<b>Current budget impact</b>	There is some funding available this financial year that can be allocated to the project. The expression of interest that is being sought will include the need for consultants to provide a quote to undertake the work. Once a quote is received, Officers will be able to determine whether sufficient funds exists to undertake the work this financial year, or whether funds will be required in the 2024/25 budget to fund the work.
<b>Future budget impact</b>	<p>Dependent upon the cost, future budget funding may be required for a consultant to prepare the recommended Heritage and Character Strategy.</p> <p>Should Council then progress with the designation of Heritage Areas, future budget funding will be required for a heritage consultant to undertake the necessary work including an assessment of the heritage significance of each area, as well as the preparation of a local planning policy applying to each area. Based upon feedback from another local government, the cost can vary significantly depending upon the size and complexity of an area but could be in the order of \$20,000 to \$30,000 per heritage area.</p>

## Analysis

37. Since the changes to State Planning legislation that occurred in 2015, the Town has considered and progressed various planning measures aimed at maintaining and/or enhancing the quality of the Residential Character Study Area. These measures have had varying levels of success, from successful in

the case of the Local Heritage Survey and the Heritage List in dealing with heritage for individual properties, to unsuccessful in the case of dealing with the matter of character for a much broader area.

38. Considering the advice received from Officers on DPLH regarding Amendment 88 and the approaches taken by other local governments it is fairly clear that the appropriate way forward for the Town needs to be based upon :

- Provisions aimed at retaining dwellings is one of heritage, and that a heritage list and heritage areas are the tool to achieve this.
- Provisions aimed at achieving certain streetscape outcomes is one of character, with local planning policies/design guidelines being the appropriate instrument.
- Designating the whole RCSA as a heritage area is not feasible, and instead the best, most intact streets containing original dwellings should be identified and focused upon as heritage areas. When compared to the previous Amendment 88 proposal, this will mean statutory protection from demolition for a much lesser number of dwellings.
- For the designated heritage areas, statutory controls will apply in relation to the retention of dwellings and the retention of the character of the area can be achieved through specific design guidelines that apply for that heritage area in relation to the appearance of new development.
- For development in the RCSA but not in a heritage area, the retention of dwellings can only be encouraged through incentives, and the retention of the character of the area can be achieved through more general design guidelines that apply to the area in relation to the appearance of new development.
- The Town accepting that demolition of dwellings not in a heritage area can occur unless landowners are provided with incentives that make it more feasible to retain, and that in these areas the focus needs to be not upon the retention of dwellings but rather the design and streetscape compatibility of new development.
- Statutory measures being supplemented by incentives, and that community buy-in for statutory measures will be dependent upon the incentives offered to landowners.
- If the matters of heritage and character are important to the Council, then the Council also needs to do its part in committing financially and otherwise towards implementing appropriate measures.
- Allowing for sustainable and contemporary design that still respects the character of an area.

39. In considering incentives that the Town could offer for landowners, possible incentives and/or development bonuses may include (but not limited to):

- (i) Provision of free advice to the community regarding how to maintain or redevelop their property.
- (ii) Waiving or reducing development application fees.
- (iii) Ensuring that development requirements do not require payment of additional costs, such as the requirement to engage a heritage consultant.
- (iv) Establishing an annual grants program to award funds for retention and maintenance of an original dwelling or heritage place.

(v) 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.

(vi) Transfer of density or plot ratio - the transfer of unused density or plot ratio from one site to another.

40. What is also clear is that rather than pursuing ad-hoc and individual actions, a coordinated strategic approach needs to be taken, based upon the implementation of a package of measures working together to achieve the desired outcome. In this respect, the Town's Officers do not have sufficient experience or qualifications in matters of heritage and character to determine which of the available tools are the most appropriate tools to collectively progress to suit the Town's circumstances. Furthermore, what has worked for other local governments may not necessarily suit the Town's situation, given differences in the ages and periods of the Town's housing stock, land values etc.

41. Accordingly it is recommended that expressions of interest be sought for a consultant to be engaged to assess and recommend a preferred strategic approach for the Town to take on the matter of heritage and character ie. a Heritage and Character Strategy, for Council approval and staged implementation over a number of years.

42. It is expected that the Heritage and Character Strategy will amongst other things, address the following:

- Identify and recommend areas of the Town that the Town should designate as heritage areas, inclusive of rationale/criteria for the inclusion of the recommended areas (having regard to the State Heritage Council's 'Guidelines for Heritage Areas'), a priority list and estimated costs for the future work required to be undertaken by the Town as per deemed clause 9 of the Regulations (ie. estimated cost to engage a consultant to assess the significance of the area and prepare a local planning policy for the area).
- Review the draft Character Retention Guidelines and the associated public submissions received, including recommending any necessary modifications to the policy, and ensure the matters of sustainable design and contemporary developments are given sufficient regard.
- Recommend incentives that the Town should provide for landowners to retain and maintain dwellings in the Residential Character Study Area, both in the case of where the property is in a heritage area and not in a heritage area, and include an estimated annual cost to the Town of implementing each recommended incentive.
- Whether the Town should allow for community nominated heritage areas above and beyond those recommended in the initial Town-led priority list, and if so, what level of community support is recommended in order to progress the proposal (ie. City of Vincent Policy requires minimum 40% resident support).
- Which incentives are likely to be successful in the retention of a dwelling in the Residential Character Area but not in a heritage area ?
- Which incentives are appropriate for owners of a property in a heritage area in recognition of the ongoing maintenance requirements and costs.

43. A basic summary of the process moving forward would be as follows (in order) :

- Expressions of interest sought from heritage consultants
- Appointment of preferred consultant with necessary budget funding;

- Consultant prepares draft Strategy and draft recommendations;
- Presentation to Elected Members Concept Forum;
- Council consideration of draft Strategy and draft recommendations;
- Community consultation on draft Strategy and recommendations;
- Council approves final Strategy;
- Officers progress with designating Heritage Areas based upon priority list, and progress other recommendations including any incentives.

44. The Town has expended funds, resourcing and energy over a number of years in considering and pursuing various options to maintain and preserve the character of the RCSA. However little progress has been made, with a number of measures not being successful. The preparation of a Heritage and Character Strategy will provide a strategic, coordinated direction for the Town moving forward, and inform work to be undertaken in a staged approach over a number of years.

### **Further consideration**

45. At the Agenda Briefing Forum on 28 November 2023 the following information was requested.

46. An estimate of how many dwellings have been demolished since the original character survey was done.

This information is not readily available from the Town's database. While a record of demolition permits is accessible, this is not filtered by dwellings within the Character Area or further as to whether the dwelling was an 'original dwelling'.

## 13 Chief Operations Officer reports

### 13.1 Lathlain Park Zone 1 - Partial Surrender of West Coast Eagles Lease

<b>Location</b>	Lathlain
<b>Reporting officer</b>	Manager Property Development and Leasing
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Attachment 1 - Draft Key Terms - WCE Partial Surrender of Lease and Construction Licence [ <b>13.1.1</b> - 10 pages] 2. Attachment 2 - Site Plan Leasing 21.11.2023 [ <b>13.1.2</b> - 1 page]

#### Recommendation

That Council:

1. Approves the key terms document in Appendix 1.
2. Authorises the Chief Executive Officer to proceed with negotiations with West Coast Eagles (Indian Pacific Ltd) to settle the terms of an agreement providing for the following in respect of the West Coast Eagles lease area:
  - 450m<sup>2</sup> (approximate) Construction licence areas;
  - Partial surrender of a 217m<sup>2</sup> (approximate) part of the lease area.

#### Purpose

To receive approval of the key terms document to guide the establishment of a temporary construction licence and permanent partial surrender of a portion of the West Coast Eagles lease.

#### In brief

- The Development Application has been lodged for the Lathlain Park – Zone 1 development and the project is progressing.
- A small portion of the project footprint encroaches on the West Coast Eagles lease area and other portions adjacent the lease boundary.
- A permanent Partial Surrender of Lease has been deemed the most practical method of resolving the issue of the building footprint's encroachment on the West Coast Eagles lease area.
- A temporary construction licence is also required on portions of the West Coast Eagles lease area that are adjacent to the proposed building area.

#### Background

1. In October 2022 OCM, option 2A of a business case was endorsed by Council for the progression of the Lathlain Park zone Project.
2. Option 2A proposed the siting of the new facility to the north of the existing grandstand to realise several benefits including:
  - (a) The ongoing operability of the Perth Football Club during the construction period of the project.
  - (b) Continuation of the telecommunications leases on the existing building to the end of their term and

- (c) Land optimization by creating a development site in the location of the existing facility following its demolition.
3. The footprint of the proposed facility in this northern location is beyond the current Perth Football Club lease boundary and encroaches on a small area that forms part of the West Coast Eagles lease area.
  4. At the August 2023 OCM, Council approved the lodgment of a development application for the project based on the progressed design documentation.
  5. At the August 2023 OCM, Council also approved the CEO to negotiate with the West Coast Eagles the partial surrender of lease and/ or sub-lease for the portion of the project site that protrudes on the West Coast Eagles lease area.
  6. The development application has been lodged for the project with the public consultation period occurring from 9 November to 7 December 2023. The application will be determined by the Western Australian Planning Commission (WAPC) and an outcome is expected early in 2024.

## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The completion of this project will enhance the use and improve the experience of Lathlain Park. This will be of great economic and amenity value to the Town of Victoria Park.
EN5 - Providing facilities that are well-built and well-maintained.	The project replaces an aging Town asset that is at the end of its useful lifespan with a contemporary facility that broadens its offering and enhances community benefit.

## Engagement

Internal engagement	
Stakeholder	Comments
Property Development and Leasing	This Property Development and Leasing (PDL) team have worked together with the Project Management office (PMO) to progress this portion of the project. The PDL have provided guidance on the process and desirable future lease outcomes for the Town.
Lathlain Park Advisory Group	This project has been presented to the Lathlain Park Advisory Group on three occasions during the design development stage of the project and the feedback received has informed the design outcome.
Town of Victoria Park Design Review Panel	This project has been presented to the Town's Design Review Panel on five occasions and the feedback received has informed the design.

## Other engagement

Stakeholder	Comments
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West Coast Eagles (Indian Pacific Limited)	The West Coast Eagles staff have been engaged throughout the process and have worked together with Town staff to develop the inclusions within the draft Key Terms and to determine the optimal processes for achieving the desired project outcomes.
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## 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	If the key terms are not accepted by the West Coast Eagles and proposed lease surrender does not occur, a financial impact would occur with a redesign of the project requiring additional design fees and the federal grant may be forfeited by failure to achieve milestones.	Severe	Rare	Medium	Low	Treat: Through close collaboration the WCE staff to understand organisations required inclusions within the key terms.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	The partial surrender of this high-profile lease could be perceived as the Town reducing an already agreed lease area and restricting the operations of the	Minor	Unlikely	Low	Low	Treat: Include plans with the key draft terms that show the small size of the area concerned and its negligible impact on the operations



	West Coast Eagles.	of the West Coast Eagles.
Service delivery	Not applicable.	Medium

## Financial implications

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

## Analysis

- Image 1 below shows the boundaries of the partial lease surrender area and the construction licence area overlaid on the site plan of the proposed new facility.

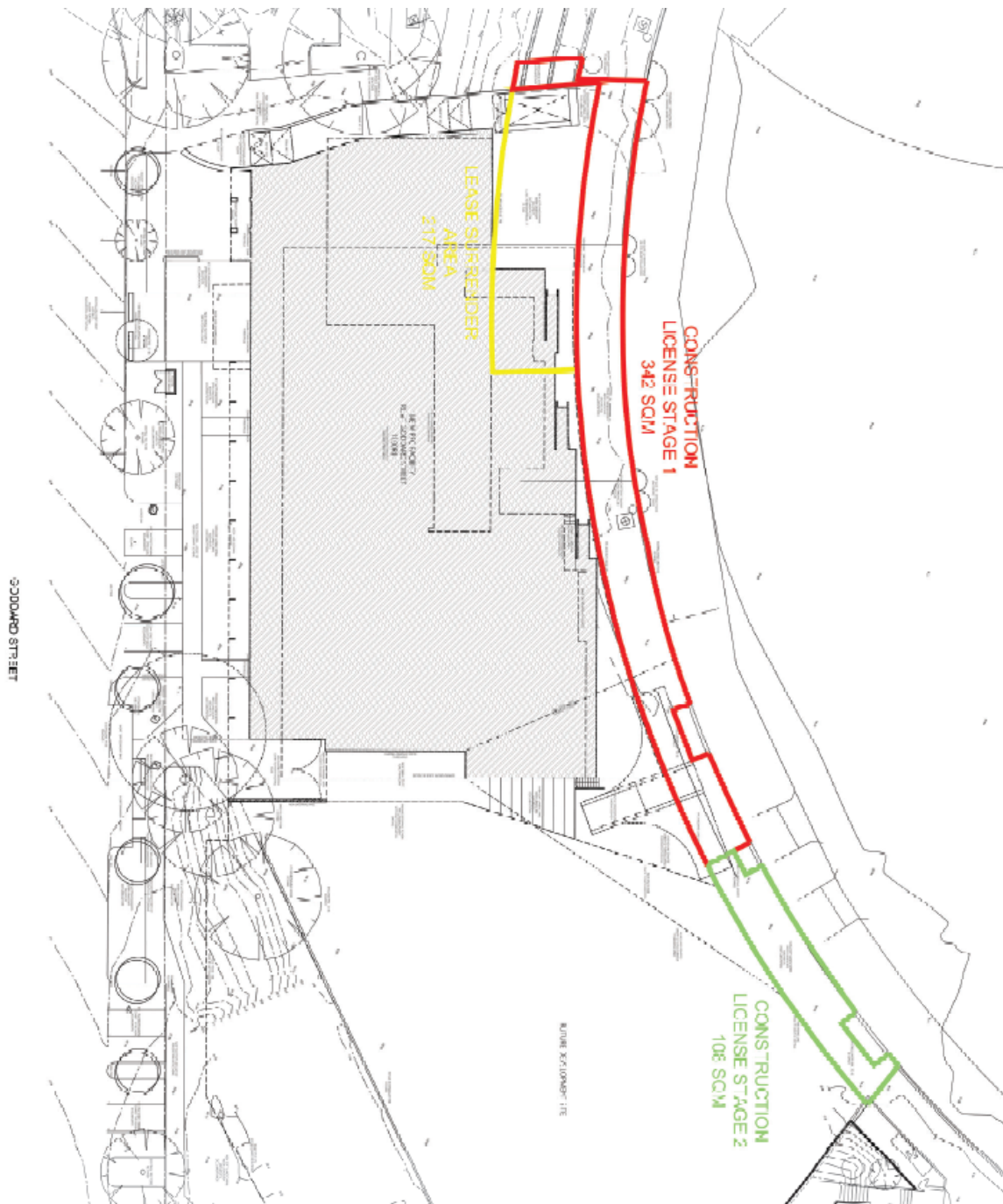


Image 1: plan showing the extent of the proposed partial lease surrender (yellow) and construction licence areas (red and green).

8. It has been recommended by the Town's lawyers that a partial surrender of the required portion of the West Coast Eagles lease area is the most efficient and simple way to ensure the Town has tenure of the land upon which this significant Town asset will be located.
9. The size of the land required for the partial surrender of lease (area edged yellow) is approximately 217m<sup>2</sup>. The key terms do not provide for the Town to pay monetary consideration for the partial surrender and construction licence. The key terms do however provide that the Town will pay the reasonable legal costs of West Coast Eagles obtaining advice from their lawyers on the documentation.
10. If a partial surrender can be negotiated with the West Coast Eagles, it will enable the development to proceed as per the current design. It will provide the Town with permanent unencumbered tenure of the land required for the development allowing realisation of the project's outcomes.

11. Also required is the creation of a temporary construction licence on a separate portion of the West Coast Eagles lease area. This will allow for construction activity to occur around the footprint of the proposed facility.
12. The construction licence will be in two stages. Stage 1 (area edged red) will be in place until the construction of the new facility is complete. Stage 2 (area edged green) will commence once the new facility is operating, and the existing grandstand demolition begins. Stage 2 will cease once the demolition of the grandstand and the development site preparation are completed.
13. The total area required for the construction licence is approximately 450m<sup>2</sup> with stage 1 being approximately 342m<sup>2</sup> in extent and stage 2 being approximately 108m<sup>2</sup>. The key terms do not include payment by the Town of monetary consideration to West Coast Eagles for the construction licence.
14. The Surrender Conditions included in the Key Terms require the following to occur prior to the partial surrender of lease occurring:
  - (a) project planning approval
  - (b) the Town's satisfaction that the project has secured sufficient funding
  - (c) Council resolution resolving to proceed with the development
  - (d) the Town's CEO serving written notice of a-c above.
15. If the key terms document is approved by council a surveyor will be engaged to create a survey plan for the construction licence stages and the partial surrender of lease. This survey plan will be based on the plan in the key terms document.
16. The key terms will be sent to the West Coast Eagles for board approval.
17. If West Coast Eagles are satisfied with the key terms, the next steps would entail the drafting of an Agreement for Partial Surrender and Construction Licence by Town lawyers for submission to council to seek approval to execute the Agreement.
18. Given the nature of the request it is proposed that the Town be responsible for the costs associated with creating and enacting the agreement, including any required legal or Landgate fees.

## **Relevant documents**

Not applicable.

## **Further consideration**

Not applicable.

## 13.2 31 Rushton St - Business case, Proposed EOI and Relocation of Croquet Club Building

<b>Location</b>	Burswood
<b>Reporting officer</b>	Manager Property Development and Leasing
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Heritage Impact Statement (HIS) [<b>13.2.1</b> - 34 pages]</li> <li>2. Responses to questions regarding the HIS [<b>13.2.2</b> - 6 pages]</li> <li>3. Croquet Structure Relocation Analysis [<b>13.2.3</b> - 11 pages]</li> <li>4. Recommended Relocation Sites Overview [<b>13.2.4</b> - 4 pages]</li> <li>5. Business Case [<b>13.2.5</b> - 8 pages]</li> <li>6. Qualitative Criteria [<b>13.2.6</b> - 2 pages]</li> <li>7. Potential Transitional Uses [<b>13.2.7</b> - 2 pages]</li> </ol>

### Recommendation

That Council:

1. Approves in principle the relocation and refurbishment of the Clubroom Pavilion and Equipment Store from 31 Rushton Street to the location at the rear of 14 Kent Street for a future community use and demolition of remaining structures at 31 Rushton Street, subject to submission and if applicable approval of the necessary regulatory applications.
2. Authorises the Chief Executive Officer to arrange for the regulatory applications necessary to implement 1 above to be progressed;
3. Requests the Chief Executive Officer to look into the feasibility of improvements to the buildings such as kitchen refurbishment, sustainable measures, modifications to improve DDA compliance, attractive landscaped setting and addition of toilet amenities.
4. Approves the marketing at the appropriate time to seek expressions of interest on a non-binding basis for the sale of the lots comprising 31 Rushton Street.
5. Notes that further reports to Council will be necessary in due course, in order to allocate budget for relocation, demolition, refurbishment and any improvements to the buildings as well as to consider any offers received for the lots comprising 31 Rushton Street.
6. Accepts that no transitional use of the buildings at 31 Rushton Street is to be pursued, noting the condition of the buildings.

### Purpose

Further to Council resolution 182/2023 dated 15 August 2023, to present a business case for the former Victoria Park Croquet Club at 31 Rushton St, Burswood (Property), an assessment of any transitional uses that can be made of the Property under a licence for up to 3 years as well as a process to determine any applications for a licence for transitional use of the Property .

### In brief

- Further to council resolution (182/2023) 15 August 2023, the Town is presenting a Business Case for the Property.

- Details of the costs associated with the relocation of the former croquet club buildings and analysis of potential sites for relocation.
- Details of possible transitional uses that can be made of the Property under a licence for up to 3 years prior to any final disposition of the Property.
- A plan is provided with a suitable expression of interest and selection process for a licence for transitional use of the Property for a maximum of 3 years.

## Background

1. Council resolved as follows by resolution 182/2023 dated 15 August 2023: -

*That Council:*

- a. *Requests the Chief Executive Officer to present a report to the December 2023 Council meeting including:*
  - i. *a Business Case for the former Victoria Park Croquet Club property at Rushton St, Burswood (Property) further to the recommendation in the Land Asset Optimisation Strategy adopted by Council on 13 December 2022;*
  - ii. *an assessment of any transitional uses that can be made of the Property under a licence for a up to 3 years prior to any final disposition of the Property through a Business Case;*
  - iii. *a plan for a suitable process to determine any applications for a licence for transitional use of the Property for a maximum of 3 years;*
- b. *Defers consideration of the Perth History Association Inc's proposal for a temporary use of the Property until the December 2023 Council meeting;*
- c. *Directs that any proposal to dispose of the former Croquet Club building on the Property be referred to Council for determination.*

- The LAOS (2022) includes the following under recommendation/implementation: - "That a Business Case is presented to Council to consider its options for this property".
- A draft Business Case was presented to elected members at the Concept Forum held on 26 July 2022 (the Concept Forum).
- At the Concept Forum, elected members requested an estimate/feasibility as to the cost of relocation of the former Croquet Club building to a suitable alternative location.
- The former Croquet Club buildings are in poor-moderate condition, contain asbestos and are subject to a Town heritage listing. These are sensitive buildings in many respects.
- It has been confirmed that the buildings that are of the most heritage value can be disassembled, asbestos removed, and then relocated to a different site for reconstruction.

## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling livability through planning, urban design and development.	To unlock the Towns potential, the Town can use the funds to sustain expected service levels and deliver projects.

## Engagement

Internal engagement	
Stakeholder	Comments
Manager Property	Comments are contained within the report.
Manager Place Planning	<p>Place Leaders assisted with the assessment of alternative sites and comments regarding their suitability or otherwise are contained within the attached report.</p> <p>Depending on the preferred location, the Town may need to carry out a community need assessment or expressions of interest process to determine the particular types of community activity that the building in the new location could support, key user groups and the most appropriate facility management regime.</p>
Manager Development Services	<p>The Town's Local Heritage Survey and Heritage List identify the property as having 'considerable' significance due to its historic and social value as a long serving community club in the area. The Heritage Impact Assessment (HIA) prepared for the site also determined that the building has some aesthetic value. Relocation of the building to another site will still retain these values. It is noted that the HIA comments that <i>"relocation of these buildings to a site for community use is recommended to provide an ongoing connection with their heritage values and past use."</i></p> <p>Accepting the advice of the HIA, any intent to relocate the existing building will require development approval to be obtained. Such an application would be advertised for public comments, and concurrently with this, the Town would advertise an intent to modify the Local Heritage Survey and remove the property from the Town's Heritage List. The development application will require Council determination.</p>
Manager Community	<p>Support for the proposed approach when considering the broader strategic intent, alignment, benefits and implications for the Town and community. In the shorter term, progressing the sale of the property unencumbered would impact on the ability for a community use / purpose for the site, but acknowledging that if not resolved, this would also likely restrict future potential use and value for the site as a result.</p> <p>It will be important to retain, and value add where possible any heritage value associated with the buildings and capacity for community access / benefits, particularly related to a historical, cultural, and or social context.</p>
Strategic Project Manager	<p>Project delivery for desired site relocation.</p> <p>Managing pre-relocation quotations and minor works.</p>
Manager of Technical Services	Further structural assessments may be required prior to and after relocation

## Legal compliance

LOCAL GOVERNMENT ACT 1995 - SECT 3.58

LOCAL GOVERNMENT ACT 1995 - SECT 3.59

## 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 loss of the Town's ability to achieve significant revenue from this Property should the buildings remain, and the property not disposed of by way of sale.	Severe	Likely	High	Low	Treat risk by not encumbering the Property with any lease, licence or other third party right and progress arrangements to secure the relocation of the 2 most significant structures and demolition of remaining structures.
Environmental	Loss of mature vegetation due to demolition and development works. Loss of habitat provided by existing vegetation.	Moderate	Likely	Medium	Low	Treat risk by appropriate design of the layout and placement of the relocated buildings, protecting mature trees or provide offset planting within any new development.
Health and safety	The buildings have asbestos.	Severe	Likely	High	Low	Treat risk by managing the asbestos using the asbestos management plan.
Infrastructure/ ICT systems/ utilities	Removal of service connections.	Moderate	Likely	Medium	Low	Treat risk by providing disconnections via accredited personnel.
Legislative	Any disposal of	Moderate	Possible	Medium	Low	Treat risk by

compliance	Property by way of lease or sale must comply with Section 3.58 and where applicable 3.59 of the Local Government Act.					ensuring sale or lease complies with the Act.
Reputation	It is best practice to advertise for expressions of interest to allow the entire community an equal chance to submit a proposal for to the Property.	Moderate	Possible	Medium	Low	Treat risk by either not licensing the property for transitional use or advertising for EOIs on the property to ensure the community have equal opportunity to apply for the property.
Service delivery	Loss of potential income from the Property may reduce future returns to finance other Town projects.	Severe	Possible	High	Medium	Treat risk by not encumbering the Property with any lease, licence or other third party right .

## Financial implications

<b>Current budget impact</b>	Sufficient funds are in the current annual budget to arrange for the regulatory (eg development and demolition) applications to be prepared and submitted.
<b>Future budget impact</b>	Significant income in the region of \$5,750,000 will be generated for the Town in the event that a sale of the Property is completed.

## Analysis

### Relocation of former Croquet Club Buildings (Clubroom Pavilion and Equipment Store)

7. Town officers obtained a Heritage Impact Statement from Hocking Heritage and Architecture which assisted in guiding the recommendation (Attachments 13.1.1 and 13.1.2).
8. The two (2) structures recommended for relocation are:
  - a. Clubroom Pavilion
  - b. Equipment Store
9. Clubroom Pavilion: The structure is made of timber rafters framed with a corrugated steel roof. Verandah and foundation extension work was done at the clubhouse's southern face in 2020. A gable projects out on the west side of the building.



10. Equipment Store: There is a small cottage on the West side of the main croquet clubhouse. The construction system is like the clubhouse, comprising timber rafters framing and corrugated cladding.
11. Heritage advice is that:-
  - a. It is not clear exactly when buildings were constructed on the site although there is some evidence that the Pavilion is likely to have been erected on the site shortly after 1913 and the Croquet Store in the 1930s.
  - b. It is thought that the Pavilion building was a former classroom from the Karragullen School. The building is consistent with the typical classroom designed and built by the Public Works Department of WA. However, no supportive information was found to confirm the origin of the building. Relocation of simple timber framed buildings was not uncommon in the 19th and 20th centuries.
12. The other structures on the Property are of later construction and lesser significance for their design and detail. If these are not relocated but demolished, a photographic archival record should be prepared.
13. Costs have been estimated at \$450,000 comprising \$300,000 excl gst for a relocation and refurbish (like for like) plus an allowance of a further \$100,000 for the works detailed in paragraphs 15-17 and \$50,000 for Development related applications. These costs could be financed out of the proceeds of the sale of 31 Rushton Street or out of the Land Asset Optimisation reserve.
14. The Town would seek to manage these costs by engaging contractors early and commencing pre-relocation works. Certain pre-relocation works will reduce risk of scope creeping at destination.
15. Allowances for works estimated at approximately \$67,500 should be considered to ensure the buildings are fit for occupancy as a community facility.
16. The asbestos is required to be removed before relocation of the structures.
  - a. Remove asbestos - \$15,000 excl gst
17. Demolition costs of remaining structures are as follows:
  - a. Additional Croquet Equipment Store - \$10,000 excl gst
  - b. Toilets - \$4,000 excl gst
  - c. Mowing Shed - \$1,000 excl gst
  - d. Shade structures - \$2,000 excl gst
18. The relocation of the Clubroom Pavilion and Equipment Store will facilitate re-use of these buildings for community purpose in a new location.
19. The relocation allowance of \$450,000 is for a fairly basic relocation and refurbishment on a like-for-like basis to preserve the buildings, remedy current structural defects and enable a basic level of community use. Given the significant release of value at 31 Rushton Street that will be achieved by a relocation (uplift in value of the Town's landholding at 31 Rushton Street by \$1,250,000), there would also be scope for the Council to consider reinvesting a portion of that uplift into any further improvements that can be achieved at reasonable cost. In addition to the relocation allowance of \$450,000, a further allowance of \$100,000 would offer scope to look into implementing in due course a variety of improvements such as toilets, kitchen refurbishment, sustainable measures, modifications to improve DDA compliance and an attractive landscaped setting.

#### **Potential relocation sites**

20. An assessment has been carried out to identify suitable Town properties for the proposed relocation of the Clubroom Pavilion and Equipment Store.
21. Attachment 13.2.3 provides analysis of a range of sites considered for relocation.
22. Attachment 13.2.4 provides a visual overview of the two most suitable sites (option 1 and option 2) for relocation.

#### **Relocation Option 1 (rear of 14 Kent St) - Summary**

23. Relocation of the Clubroom Pavilion and Equipment Store to the large vacant area of land at the rear of the existing cottage at 14 Kent Street, East Victoria Park.

24. 14 Kent Street, East Victoria Park - The preferred Macmillan Precinct Masterplan option retains the cottages along Kent St. The space at the rear of the cottage at number 14 could accommodate the buildings and provide additional space for creative uses.
25. A community use of the buildings at this location would align with current use and Macmillan Precinct Masterplan.
26. The current heritage character of the Kent Street Frontage and in particular the Victoria Park Arts Centre area is maintained as a key element of the "gritty" East Victoria Park character.
27. Relocating the Clubroom Pavilion and Equipment Store to this site for a community use offers several benefits which include:
  - a. Activation on the much-noted maker space and small performing arts area;
  - b. Ability to link with Victoria Park Arts Centre as an active manager of the facility;
  - c. The land (and surrounding land) is owned in freehold by the Town of Victoria Park;
  - d. Power Water and Sewage already in situ keeping costs to a minimum;
  - e. Vegetation is not native and is lower value;
  - f. Access to the site can be provided easily through the fencing arrangements;
  - g. The buildings can be secured behind fences increasing security of the building until it is ready for community use.
  - h. The location is part of an attractive heritage character precinct, including the Victoria Park Arts Centre, the cottage at 14 Kent Street and the Town's premises at 6-8 & 10 Kent Street as well as other surrounding properties. The precinct and addition of the heritage buildings will complement one another.
  - i. Permanent long term home for the heritage buildings, with scope for the buildings to be used, enjoyed and preserved.
28. The additional work required to relocate to 14 Kent Street would include:
  - a. Renegotiation and restructuring of the lease of 14 Kent Street, which could be negotiated in line with lease expiry or renewal to allow for the works to be conducted. (The current lease of 14 Kent Street expires 07/07/2024);
  - b. Removal of the current brick toilet from the rear of the of 14 Kent Street property to free space to accommodate the relocated buildings;
  - c. Removal of vegetation to the rear of 14 Kent (3 trees, all of which are exotic species and 2 of which are potentially dangerous due to skin irritation and respiratory risk. One of the exotic trees is a Cape Lilac , the characteristics of which include causing caterpillar infestations as well as poisonous fruit and bark. Cape Lilacs can be a food source for black cockatoos and it might prove necessary to place the relocated buildings so as not to require removal of this tree;
  - d. Erect a fence at the rear of 14 Kent separating the buildings;
  - e. Connection to all utility services already in place on site.

### **Option 2 (METRONET, Carlisle)**

29. A space can potentially be made available for the Clubroom Pavilion as part of the METRONET Level Crossing Removal Project (as identified in the METRONET Development Application No.2 from the 3 April 2023 Special Council Meeting) within the Armadale Line Rail Reserve west of Oats Street Station (the Metronet Location). This option offers several benefits which include:
  - a. Central location which would fill a gap identified in the Social Infrastructure Strategy (SIS) and service both Carlisle and East Victoria Park residents, and future residents of Oats Street Station precinct;
  - b. Given the extent of open space (5.5 ha), locating a relatively small building such as the Clubroom Pavilion in the Metronet Location would not detract from the functionality of the open space and a location has notionally been integrated into the design, however the space is

limited and further engagement with METRONET would be needed to quantify if the Equipment Store building can also be located at the Metronet Location;

- c. Determining that the building(s) be located at the Metronet Location at this early stage of METRONET open space construction may ensure adequate services and provisions are provided for at that site;
  - d. METRONET advised there could be a provision for utility services to be made available at the relocation site.
30. Whilst METRONET are receptive to an accommodation at this location and it is reasonable to consider that tenure of the land may be gained by the Town at some stage, the Town does not at this time have long term (or any secure tenure) of this land.
31. The additional work required to move the buildings to the Metronet Location:
- a. Connection to all utility services that METRONET may be able to prepare for the property relocation.

### **Recommendation for Business Case**

32. Attachment 13.2.5 contains the business case and its recommendations.
33. The relocation of the Clubroom Pavilion and Equipment Store is recommended due to the heritage values which will be preserved by relocating the buildings.
34. Relocation of the Clubroom Pavilion and Equipment Store from the property and demolition of other remaining structures will create a sizeable parcel of land available for redevelopment.
35. The Property is likely to attract a significantly higher financial return to the Town without the former Croquet Club buildings being retained on site. Part of that financial return could be reinvested into improving the condition and useability of the Clubroom Pavilion and Equipment Store at a new location. Disposal of the property by sale is expected to maximise the income for the Council to allocate at its discretion and can be utilised to deliver additional benefits to the community. Relocation and re-use of the two heritage buildings will provide an ongoing connection with their heritage values and past use.
36. It is recommended that the Town offers the land (non-binding) for disposal by sale, through a non-binding expressions of interest process.
37. Recommended sale process:
- Advertise the property for Expressions of Interest – professional marketing campaign.
  - Recommended that a Real Estate Agency is engaged to provide visibility to the open market and facilitate marketing for the best outcome.
  - Selection of a suitable proponent to be subject to Council referral with a disposal must be processed in accordance with the process and considerations under LGA s3.58 and if applicable, s3.59. The sale may be the most economic outcome to see a more immediate generation of income for the Town.

### **Transitional Uses for the property and land in the interim**

38. Attachments 13.1.6 and 13.1.7 contain details of potential transitional uses as well as the well-established process that has been used by the Town to seek expressions of interest and evaluate/determine applications for letting/licensing of Town properties suitable to promote social and other community benefits.
39. Assessing the transitional uses of a property like 31 Rushton Street, Burswood under a license for up to 3 years involves considering various factors such as the property's current condition, available resources, potential funding sources, the Town's long-term goals, and potential community needs.
40. There are several potential transitional uses, subject to comments as to the condition of the buildings and associated risks.
41. Transitional uses can be further evaluated through a formal needs assessment, using expert consultants.

42. Alternatively, a more expeditious and lower cost process would be to advertise for Expressions of Interest to licence the property in an "as is" condition. The Town has an in-house developed process and criteria that is available, if Council decides to progress a transitional use.
43. Implementation of a transitional use will require an investment of time and funds by the Town and/or a community group to make it suitable.
44. A successful activation of the building and land for a transitional use is likely to have positive short-term benefits for the local community.
45. Transitional uses of this property carry significant risks:-
  - a. Given the age, condition and asbestos content of the buildings on the property, there are risks in recommissioning of the building into active use on a transitional basis: (i) the roof is in poor condition, the building contains asbestos and roof repairs have been advised; (ii) recommissioning the building may trigger the need for further or other unforeseen repairs. This risk can be treated by undertaking works to the property at this juncture. This report contains details of allowances of works estimated at approximately \$67,500 should be considered to ensure the buildings are fit for occupancy as a community facility. If these works were to be undertaken to enable the building to be recommissioned, those works may be disturbed with future structural movement associated with relocation works;
  - b. The establishment of a transitional use may entail highly significant voluntary and other commitment from community participants;
  - c. There is the risk that a transitional use will become a permanent use.

#### **Process - Transitional Uses**

46. The process to progress a licence for transitional use of the Property for a maximum of 3 years would involve the property being advertised for expressions of interest.
  47. This provides interested parties an equal opportunity to apply for the opportunity to utilise the property
  48. It provides opportunities for the Town to work with the community to establish something in the short term.
  49. The property could be advertised for approximately 5 weeks on the following platforms:
    - Towns website
    - social media
    - notice boards
    - monthly newsletter
    - West Australian Newspaper
    - to broaden the scope of applicants, it is recommended to engage a Real Estate Agent to run a professional campaign
  50. A prospectus could be provided to any interested party with the following:-
    - a. The current condition of the property;
    - b. Evaluation criteria
    - c. Any works the occupant will be required to undertake before commencing use of the Property.
  51. Proposals would be assessed based on qualitative criteria, including material contained in the prospectus, an example of which is attached to this report
  52. Allowances for the following works estimated at approximately \$67,500 should be considered to ensure the buildings are fit for occupancy as a community facility, including but not limited to allowances for the following:
    - a. \$15,000 - Management of Asbestos in accordance with the asbestos management plan.
    - b. \$12,000 - Electrical rewire and upgrade electrical switchboard as recommended by the Towns electrician. Management of this will depend on how the asbestos is managed.
    - c. \$8,000 - Repair/replace the roof and guttering is required as advised by roofing and guttering contractors.
-

- d. \$2,500 - Removal of boards to windows and replacement of broken glass due to vandalism.
- e. \$15,000 – Works (in combination with roof and guttering repairs) in some timber rafters and beams which are showing signs of permanent sag, and some splitting requires replacement, as noted through a confidential report done by a specialist contractor.
- f. \$15,000 -Disability consultant report and associated works to ensure the building is accessible for all in line with the Towns Access & Inclusion Plan 2022-2027.

53. There is a risk that a transitional use will become a permanent use. Progression of transitional uses is not recommended.

## Relevant documents

[Land Asset Optimisation Strategy \(LAOS 2022\)](#)

## Further consideration

At the Agenda Briefing Forum held on 28 November 2023 the following information was requested:

54. Provide comment as to whether a commercial or residential development of the property would be preferable?

### Response:

55. The property is located at an interface between commercial and residential uses. As noted in the business case in Attachment 13.2.5, "Local Planning Policy 22 Development Standards for Causeway Precinct" identifies the property as Area 6B Croquet Club Site which provides for:
- Desired Character - The area is to act as an interface between the Commercial Core and medium density residential area of the Victoria Precinct whilst providing an attractive entry statement to the Causeway Precinct.
  - Land Use - Residential and/or commercial uses, but not retail uses such as Shops, Restaurants etc. On Lots 64 and 100 only uses that would otherwise be permitted within a Residential zone.
  - Density - R80 for Lots 62, 63 and 64; R60 for Lot 100.
  - Plot Ratio - Maximum 1.0 for Lots 62 and 63; As per R-Codes for Lots 64 and 100.
  - Building Height between 2 to 4 stories.
56. It will be noted from this that Lots 64 and 100 (i.e. the Lots located close to existing residential properties at 33 and 35 Rushton Street) are only for uses that would otherwise be permitted within a Residential zone. This means that development of these lots is likely to be limited to residential use, or to a use that is permissible within a residential zone (typically such uses are not large scale eg childcare).
57. If commercial development were to be considered, there would be limitations on the nature of commercial use on Lots 64 and 100.
58. A wholly residential development of the property would address social need for housing supply and may therefore be considered to be preferable. The property is however likely to be highly attractive to particular commercial, residential or mixed use developers. If the property is marketed as recommended, it may attract high quality development proposals.
59. A mixed commercial/residential development concept could take various forms, one example of which could be:
- Commercial development on the Lots which are closest to the high exposure corridor of Shepperton Road, and which have the potential to form an entry statement to the Causeway Precinct;
  - Lots 64 and 100 developed for residential use.

60. A final selection by Council of an appropriate purchase proposal (residential/commercial/mixed use) may well depend on the market response to the proposed marketing of the property and the quality of development proposals.
61. The Town would be able to specify development outcomes by use of sale conditions and/or prohibit certain development outcomes by means of restrictive covenants (for example, acknowledgement of the property's heritage through design features, green roof, grey water recycling, green wall(s), enhanced tree planting, energy efficiency requirements, electric car charging points). It will be recalled that a number of enhanced development outcomes, including significant tree planting obligations were incorporated as sale conditions to the Town's sale of land to Fabcot.
62. The following further information has been provided by the PTA in relation to the nature of the tenure that the PTA envisage granting to the Town at the location set aside for a potential community facility in the METRONET open space area (Option 2 (METRONET, Carlisle)):
- In relation to long leases, the PTA does enter into 10-year leases, however all their leases have a six-month break clause for the PTA to be able end the lease as required.
  - It is extremely rare for these break clauses to be enacted and they're in place to protect the rail corridor should infrastructure requirements change. An example of this would be if the government of the day approved a project in the corridor that required the building to be moved. The view could be taken that this is unlikely in the near future given the amount of work that is currently taking place in the corridor;
  - In practice, the Town would probably receive a lot more than six months' notice.
63. Given factors such as the heritage values and cost of relocation of the Clubroom Pavilion and Equipment Store, the tenure that can be made available by the PTA at the METRONET open space area is insufficient for the METRONET open space area to be considered as a potential relocation option and long term home for preservation of the buildings.
64. The recommendations to this report are to implement the Land Asset Optimisation Strategy approved by Council in November 2022 (LAOS 2022), which identified this property as a high valuable property that is an Office or residential development opportunity site for which a business case was required to be developed. The LAOS 2022 is a revenue diversification strategy designed to assist with reducing the Town's reliance on rates income and future rates increases.
65. Approximately 80% of the Town's portfolio of leased properties are leased for community purposes, with a number of new community leases granted recently. There are aims to bring forward further properties for community use. The Town already provides two properties for community gardens at Read Park and 98 Rutland Avenue. The 98 Rutland Avenue community garden lease renewed for 5 years on 4 December 2023 and is an innovative dual use of a large 1067 square metre property as a drainage sump and community garden. If another community garden is desired, officers can investigate options for Council to select further property for permanent use as a community garden. This would avoid placing at risk the significant revenue opportunity offered by the 31 Rushton Street property, if tenure of the property were to be granted to a third party for a community garden.

## 13.3 6 Temple Street - Proposed Grant of Lease Extension to the North Metropolitan Health Service

<b>Location</b>	Victoria Park
<b>Reporting officer</b>	Property Development and Leasing Officer
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Proposed Key Terms [ <b>13.3.1</b> - 4 pages] 2. Extract from Nov 2022 OCM 13 1 1 Lease Register and Proposed Terms [ <b>13.3.2</b> - 1 page]

### Recommendation

That Council:

1. Authorises the Chief Executive Officer to negotiate and finalise a new lease of 6 Temple Street, Victoria Park to the North Metropolitan Health Service at a rent of \$75,000 per annum excluding GST and based on the terms in *Attachment 1*, together with any reasonable and necessary amendments.
2. Authorises the Chief Executive Officer to execute as a deed the lease referred to in 1 above.

### Purpose

For the Council to consider the proposed updated terms as outlined in *Attachment 1*, entering a new lease for North Metropolitan Health Service, in order to give effect to changing this lease from a peppercorn rent to one that generates a substantial market rent of \$75,000 per annum for the Town.

### In brief

- The existing tenant, North Metropolitan Health Service, operate under the Department of Health Western Australia, providing a dental health service registered as 'Liddell Government Dental Clinic'.
- The tenant has been on a Peppercorn rental agreement since the Town inherited the building in 1995 and has been operating from 6 Temple Street, Victoria Park (the Premises) since 1958.
- Council Resolution 235/2022 dated 15 November 2022 authorised new lease terms for the Premises at a market rent of \$75,000 plus GST per annum and aligning lease terms with Policy 310 – Leasing.
- Detailed terms have been agreed in principle with the North Metropolitan Health Service to give effect to this new lease of the Premises.

### Background

1. The Department of Health Western Australia/North Metropolitan Health Services (NMHS) has been occupying the Premises on a historic government peppercorn lease. The lease has been holding over since March 2008.
2. In November 2022, Council Resolution 235/2022 dealt with a number of 'Peppercorn', 'Subsidised' and 'Peppercorn: Government' leases that have been holding over for a period of time and included authorisation to enter into new lease agreements, including a lease of 6 Temple Street, Victoria Park at a rent of \$75,000 (excluding GST) per annum. The terms from Council Resolution 235/2022 are set out below:-

"6. Authorises the Chief Executive Officer to enter into new lease agreements with the Department of Health services currently holding over for the three Premises noted as 'Full Market Rent' in the column headed 'Rent Type' in Attachment 1, with the following Key Terms:-

- (a) Agreement Type: Lease
- (b) Term: up to five (5) years
- (c) Further Term: None
- (d) Rent: As set out in the column headed 'Proposed Annual Rent for New Lease (excluding GST)' in Attachment 1 and being Full Market Rent.
- (e) Rent Review: CPI increase on each anniversary of commencement
- (f) Commencement Date: Upon execution of the agreement by both parties
- (g) Outgoings: The Tenant is responsible for all Outgoings which (in accordance with Policy 310 Leasing) shall be all operating/running costs, including but not limited to: (i) Refuse collection; ii. Emergency services levy; iii. Water rates; iv. Council rates; and v. All utilities related to their use (e.g. electricity, gas, water, telecommunications.).
- (h) Maintenance: The Tenant is responsible for all repairs and maintenance. The Landlord may in its absolute discretion undertake repair and maintenance in accordance with Asset Management Plans, budgetary constraints and as such other factors as may be considered by the Landlord to be reasonable and/or necessary.
- (i) Sub-licence: Prior written consent, in accordance with Head Agreement and subject to the Town being satisfied with the terms and conditions of any sublicence agreement.
- (j) Permitted Use: In accordance with planning and zoning and in line with the Tenant's operational use/s.
- (k) Operating Hours: hours to be within applicable planning and legislative parameters.
- (l) Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover with ability for Lessor to review as reasonably required from time to time.
- (m) Special Conditions:
  - i. Town of Victoria Park Redevelopment Clause.
  - ii. No guarantee is provided as to the availability of any operating subsidy or of continued availability of the premises after the end of the Term.
- (n) Terms to be set by the Towns lawyers and to incorporate such minor variations or amendments to key terms as may be agreed by the Chief Executive Officer.

5. Authorises the Chief Executive Officer and the Mayor to execute all documents necessary to give effect to each lease between the Town of Victoria Park and the Department of Health for the applicable Premises and apply the Town's Common Seal."

3. Attachment 2 is an extract of an attachment within Council Resolution 235/2022 dated 15 November 2022 and specified a rent of \$75,000 per annum plus GST for the Government Lease at 6 Temple Street.
4. Attachment 1 contains an offer from NMHS to lease the Premises at a market rent of \$75,000 per annum plus GST and escalation. This offer is in alignment with Policy 310 Leasing, subject to the allocation of up to 10% of the annual rent to repair and maintenance in accordance with an agreed protocol.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The new lease to generate substantial income for the Town and include appropriate up to date terms as per policy and best practice.

Economic	
Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Aligning the lease to Policy 310 – Leasing and incorporating Council Resolution 235/2022 will be more beneficial for the Town and bring in more income.



Environment	
Community Priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	The tenant will be required to maintain the premises in accordance with the lease terms, in the interests of the building asset provided by the Town for community purposes.

Social	
Community Priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	Making Town assets available for a public health benevolent service ensures assistance is provided to the community that supports inclusion and diversity principles.

## Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments have been incorporated within the report.

## Legal compliance

[Policy 310 - Leasing](#)

[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	If the premises were to become vacant, this would make the Town responsible for the upkeep of the premises at the Town's cost.	Moderate	Likely	High	Low	Treat risk by Adopting an internal program with a focus area on high-risk financial processes and activities.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/	Not applicable				Medium	

ICT systems/ utilities						
Legislative compliance	Failure to comply with section 3.58 of the <i>Local Government Act 1995</i> .	Minor	Unlikely	Low	Low	Treat risk by effecting leasing disposals in accordance with any applicable requirements of section 3.58 of the <i>Local Government Act 1995</i> .
Reputation	Potential reputational risk if the tenant declines a different proposal, including the risk of losing a dental service that provides an important service to the community.	Moderate	Likely	High	Low	Treat risk by supporting the proposed new terms that align with Town priorities and policies.
Service delivery	Not applicable.				Medium	

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the annual budget to address this recommendation.
<b>Future budget impact</b>	Passing the recommendation will result in the Town receiving \$75,000 plus GST per annum in rent plus annual escalations, which moves this lease from a historical peppercorn lease agreement.

## Analysis

- The proposed terms in *Attachment 1*, are the result of extended negotiations with NMHS to align terms with Council Resolution 235/2022.
- NMHS sought to impose repair and maintenance covenant lease obligations on the Town as a condition of NMHS agreeing to pay a substantial increase in the rent from peppercorn to \$75,000 per annum. Whilst the Town does maintain its buildings in its discretion and in accordance with Asset Management Plans (subject to availability of funds in annual budgets), it does not provide a tenant with contractual lease covenants committing the Town into the future to budget for open ended repair and maintenance obligations. To resolve this impasse, a mechanism has been negotiated through which NMHS as Lessee can access up to 10% of the annual rent for certain maintenance requests, which may be deducted by NMHS from the annual rent, subject to compliance with the following agreed protocol:

- i. The Lessee to provide written proof of maintenance, replacement or repair of a capital or structure nature from an approved Lessee contractor;
  - ii. The Lessor to consider and if applicable approve in writing the expenditure pursuant to (i) above; and
  - iii. Both parties to act reasonably and the Lessor's approval may not be unreasonably withheld.
8. It is recommended that the Council approves the lease on the proposed terms in *Attachment 1*, which will renew the lease terms in accordance with Policy 310 Leasing and allow the Town to start collecting the substantial increase in rental income (and future annual escalation) in accordance with Council Resolution 235/2022.

### **Relevant documents**

Not applicable.

### **Further consideration**

Not applicable.

## 13.4 TVP/23/13 - Star & Briggs Street, Welshpool - Award of Tender

<b>Location</b>	Welshpool
<b>Reporting officer</b>	Manager Technical Services
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. CONFIDENTIAL - TV P-23-13 - Evaluation Report Final [13.4.1 - 15 pages] 2. CONFIDENTIAL - TV P-23-13 - Evaluation Report – Section 7.3 Addendum [13.4.2 - 2 pages]

### Recommendation

That Council:

1. Approves the award of the contract associated with tender RFT TVP/23/13 for works on the construction of a roundabout at the intersection of Star St and Briggs St for \$388,936.30 (excluding GST) to WCP Civil Pty Ltd (ABN 44 168 729 977) in accordance with the Terms and Conditions stipulated in the contract.

### Purpose

To seek Council's approval to award tender RFT TVP/23/13 to WCP Civil Pty Ltd for the Star Street and Briggs Street roundabout project.

### In brief

- In September 2020, Main Roads WA (MRWA) approved the Town's submission for a multiyear Blackspot project to construct a roundabout at the Star Street and Briggs Street intersection, (2/3 funded by MRWA under the Blackspot program and 1/3 funded by the Town).
- At the project detailed design stage in 2020/21 it was recognized that significant additional costs would be incurred on the project for utility relocations (for Western Power, NBN and Telstra). Extra funding contribution was requested and approved from MRWA in December 2021.
- Service utility relocations for NBN and Telstra were undertaken in 2021/22 and 2022/23. The relocation of Western Power services was completed in the current financial year, and the tender for the required civil component of the project closed in October 2023.
- With total project costs and funding now more accurately established, Council's endorsement of tender award is sought.

### Background

1. Star Street is classified as a local distributor road, while Briggs Street is classified as a local access road, both situated within the industrial area of Welshpool and under the jurisdiction of the Town. The existing intersection is a four-way junction with give-way regulations on Briggs Street. Both roads have a higher volume of heavy vehicle traffic, with 18% on Star Street and 13% on Briggs Street. It is noted that Briggs Street is a recognized heavy vehicle route listed in MRWA's RAV network.
2. Over the years the Council has received numerous public complaints relating to road safety at this intersection. From 2014 to 2018, there were eleven reported accidents at the intersection, including casualty crashes. Consequently, the intersection qualified for improvement funding under the state Blackspot program. The Town submitted a Blackspot proposal to convert the existing four-way intersection into a roundabout, which was subsequently approved in the 2020-21 financial year.

3. The Town advanced the project's detailed design and identified the necessity for service relocations, primarily involving NBN, Telstra, and Western Power. The total cost of relocating these services amounted to approximately \$418,320. To contribute towards the additional costs of service relocations, the Town applied to MRWA for supplementary funding, which was subsequently approved based on the two third (2/3 from the State) cost-sharing arrangement.
4. The relocation of services, including NBN, Telstra, and Western Power have now been completed, noting that these works have taken place over the 2021/22, 2022/23 and the current financial year due to the requirements and processes involved with the utility providers.
5. Based on the progression of utility service relocation, the Town has pursued the RFQ process for the civil works component of the project, The tender for the works (RFT TVP/23/13) was closed on 11 October 2023 after the statutory advertising period, and a sole submission from a civil contractor was received.

## Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN6 - Improving how people get around the Town.	Providing a safer traffic management solution for the intersection of Star St/ Briggs St.

## Engagement

Internal engagement	
Stakeholder	Comments
Infrastructure Operations	Support for implementation of project.
Asset Planning	Supports the renewal of the affected road surface
Place Planning	
Project Management	Supports the road reserve boundary adjustment

Other engagement	
Stakeholder	Comments
MRWA	Project supported through Blackspot funding based on program guidelines.
Western Power	Agree with relocation of existing Western Power assets
Affected property owners	Supports the enlargement of road reserve and hence impacting the corner truncations

## 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	Significant utility (Western Power/Telstra) costs have already been expedited on the project, however during construction there is always a risk of unexpected underground services that may require adjusting	Moderate	Almost certain.	High	Low	Accept risk - approval of the tender is critical given the timelines to acquit the project within the current financial year. Critical services have already been shifted.
Environmental	Not applicable.				Medium	
Health and safety	Given the movement of heavy vehicles along Briggs Street, conflicts may result in serious accidents if this intersection is not upgraded	Major	Almost certain	Extreme	Low	Treat risk- The implementation the upgrade works will enhance safety and operations of the intersection.
Infrastructure/ ICT systems/ utilities	Utility assets to be modified to account for new geometric layout of the intersection	Major	Likely	High	Medium	Treat risk – Assets to be relocated to ensure the roundabout can be accommodated
Legislative compliance	Not applicable.				Low	
Reputation	Non completion of the project works will result in potential future difficulties with the Blackspot program funding.	Minor	Likely	Moderate	Low	Treat risk - Ensure project is completed within the current financial year to avoid a project resubmission which may not guarantee future success and additional delays for the

						community
Service delivery	Not upgrading the 4 – way junction maintains a low standard of road safety given the current history of incidents recorded	Major	Almost certain	Extreme	Medium	Treat risk – Implement the upgrade works so that severity of accidents can be mitigated.

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the current budget.
<b>Future budget impact</b>	Not applicable.

## Analysis

6. Following the closure of tender RFT TVP/23/13 on 11 October 2023 only one bid was received (from WCP Civil Pty Ltd). The bid received was for the sum of \$388,936.30 (excluding GST).
7. The bid has been assessed as being compliant, and clarifications required (as contained within the tender) have been dealt with by the Town’s staff. As it is a sole bid, a full comparative assessment was not possible to be completed as part of the Town’s normal tender process.
8. The original estimates for civil construction works were prepared in 2020/21 and the price received is considered to be in line with price escalations since that time. Given the current constraints on contractor staffing and resources in the current economic environment, it is considered unlikely that a re-tender of the civil works will produce a materially better result than already achieved. In addition, it is noted that the project has already been significantly delayed by utility relocation works, and further delays to the project completion with retendering may be unacceptable to MRWA.
9. For the reasons outlined above, the Town seeks Council endorsement to awarding of tender RFT TVP/23/13 to WCP Civil Pty Ltd at the tendered price.

## Relevant documents

Not applicable.

## Further consideration

Not applicable.

## 13.5 John Macmillan Softfall - Transfer from Reserve

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Manager Infrastructure Operations
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

### Recommendation

That Council approves the transfer of \$100,000 from Parks Reserve Fund to pay for the installation of rubber softfall at John Macmillan Park.

### Purpose

To transfer funds of \$100,000 from Parks Reserve Fund for the purpose of installing rubber softfall to the John Macmillan Park playground.

### In brief

- The Town has had some documented ongoing antisocial behavior issues at John Macmillan Park over an extended period of time.
- Broken glass and syringes have been found on occasion within the wood chip mulch on the play area.
- Installation of rubber softfall to the playground is proposed to assist with safety and cleaning of the site.

### Background

1. John Macmillan Park is located next to the Towns Library and Leisurelife Centre.
2. Continuous littering and vandalism have been occurring, resulting in costly cleaning of the park, and reduced amenity for residents.
3. The Town has been working with the Department of Communities (DOC), Hawaiian, the Western Australian Police (WAPOL) as well as other groups to jointly address the issue.
4. The installation of rubber softfall to the playground areas, highlighted in yellow below, is a solution intended to reduce the ability to smash glass as well as making litter, glass or needles easier to see and cleanup.
5. The Town went through a Request For Quote (RFQ) process to obtain a suitable contractor to do the installation.
6. A potential contractor has been selected at a cost of \$100,000.
7. Transfer of funds from reserve is requested to cover the cost of this initiative.





## Other engagement

Stakeholder	Comments
WAPOL	Ongoing discussions and action on antisocial behavior
DOC	Addressing cultural issues, dealing with people sleeping rough

## 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	Failure to have budget to install the softfall	Moderate	Likely	High	Low	Treat risk by transferring funding from reserves
	Not getting best value for money	Moderate	Likely	High	Low	Treat risk by going through an RFQ process
Environmental	Installation of rubber creates allergies, microplastics and chemical leaching into the soil	Moderate	Possible	Medium	Medium	Treat risk by using products that do not contain recycled rubber or heavy metals, are non-toxic and low-allergenic.
Health and safety	Potential injuries from needles or broken glass in playground	High	Possible	High	Low	Treat risk by installing rubber softfall
Infrastructure/ ICT systems/ utilities	n/a				Medium	
Legislative compliance	n/a				Low	
Reputation	Negative feedback from the public due to poor maintenance standard.	Moderate	likely	High	Low	Treat risk by continuing higher servicing standard

Service delivery	Inability to maintain playground hazard free	Moderate	Possible	Medium	Medium	Treat risk by installing easier to maintain softfall

## Financial implications

<b>Current budget impact</b>	<p>Sufficient funds do not exist within the annual budget. It is proposed that funding will be acquired through:</p> <ul style="list-style-type: none"> <li>Transfer \$100,000 from the Parks Reserve fund to a new Parks Capital Work Order</li> </ul>
<b>Future budget impact</b>	Allowance in the Long-Term Financial Plan for renewal of the softfall at end of usable life.

## Analysis

- Currently a combination of Town staff and contractors maintain the site 6 days a week.
- Installation of the softfall should reduce the risk of being able to break glass near the play equipment, reduce the possibility of unexposed sharps, increasing safety and reduce the cleaning and litter removal times for staff and contractors.

## Relevant documents

Not applicable.

## Further consideration

At the Agenda Briefing Forum held on 28 November 2023 the following information was requested:

- The primary reason for the installation of rubber softfall to the playground areas is to ensure that biological hazards, litter, glass or needles are easier to see and cleanup. These are some of the effects of ongoing antisocial behaviour in the area and are costly and time-consuming to continually remedy. The ability of softfall to reduce the ability to smash glass is secondary to the above.
- Include information on the assessment of microplastics and the environmental impact of softfall in the risk management table.
- Operations have specified Rosehill TPV. Rosehill TPV® are virgin rubber granules. Rosehill TPV® consists of a base thermoplastic polyolefin elastomer (polymer), a significant amount of quality UV stable pigments, UV light stabilizers and antioxidants. This produces a more thermally and UV stable rubber which is extremely durable and resistant to wear. Rosehill TPV does not contain any heavy metals. It is non-toxic and low-allergenic.
- Provide a list of advantages and disadvantages of rubber softfall vs mulch softfall.

## Rubber Softfall

Advantages of Rubber Softfall

Hazards	Easier to recognize foreign and hazardous materials and to remove them
Accessibility	Full accessibility, including prams and wheelchairs
Durability, Maintenance	Highly durable (although rubber can be torn or ripped), low maintenance
Appearance	Can obtain in a range of colours
Surface and thickness evenness	Generally, more consistent (mulch is more mobile)
Permeability	Water permeable
Softness	Generally softer and more consistently elastic than mulch
Impact Absorption	Generally, more effective than mulch
Insurance	There is no known adverse impact on the cost of insurance
<b>Disadvantages of Rubber Softfall</b>	
Cost	More expensive than mulch
Amenity	Can get hot in the summer
Damage	Rubber can be torn or ripped

<b>Mulch Softfall</b>	
<b>Advantages of Mulch Softfall</b>	
Installation	Easy to install
Cost	Cheaper than rubber softfall
Natural	Is a natural product
<b>Disadvantages of Mulch Softfall</b>	
Hazards	Cannot as easily see hazards or clean hazardous materials such as

	<p>sharp needles, broken glass and other objects.</p> <p>Bark can cause splinters, cuts and has potential to include small choke-able pieces.</p> <p>Being a natural material, bark can burn if caught alight.</p>
Accessibility	Low to negligible accessibility
Durability, Maintenance	Bark can rot and decay over time, especially when exposed to the elements. As a playground surface, bark requires regular maintenance. Can become compacted over time, requiring tilling to maintain its fall attenuation.

14. Provide details on whether rubber softfall is recyclable.
15. The used rubber surfacing can be shredded and reused as base layers in rubber softfall surfacing.
16. Include in the advantages and disadvantages information details on any impact on the cost of insurance.
17. See above Table.

## 14 Chief Financial Officer reports

### 14.1 Long Term Financial Plan

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Strategic Accounting
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. LTFP 2023-24 - 2032-33 - statement of financial activity [ <b>14.1.1</b> - 1 page] 2. LTFP 2023-24 - 2032-33 - assumption of rate rise [ <b>14.1.2</b> - 1 page]

#### Recommendation

That Council:

1. Receives the Long Term Financial Plan 2023/24 to 2032/33.
2. Notes that modelling and updates on assumptions, scenarios and strategy reviews will be undertaken for every annual budget preparation and subsequent updating of the Long Term Financial Plan.
3. Notes that Year 1 of the Long Term Financial Plan is the adopted Annual Budget for 2023/24.

#### Purpose

For Council to consider and endorse the Long Term Financial Plan 2023/24 to 2032/33.

#### In brief

- The Town of Victoria Park has prepared a Long Term Financial Plan (LTFP) detailing activities and initiatives the Town proposes to do over the next 10 years.
- The LTFP is aligned to other core planning documents - the Strategic Community Plan and Corporate Business Plan - by which the Town is accountable to the community.

#### Background

1. The State Government's Integrated Planning and Reporting Framework provides local governments with a framework for establishing local priorities and linking this information to operational functions.
2. Three major parties are involved in the development of an integrated plan: the local government administration, the Council, and the community. Each party has a unique role and responsibilities for effective and sustainable integrated planning and reporting.
3. Integrated planning and reporting is a framework for local governments to:
  - (a) Articulate the community's vision, outcomes, and priorities
  - (b) Allocate resources to achieve the vision, striking a considered balance between aspirations and affordability
  - (c) Monitor and report progress.
4. The framework consists of the following "suite" of plans -

- (a) A Strategic Community Plan that clearly shows the community vision, strategic direction, long and medium term priorities and resourcing implications with a horizon of 10+ years.
  - (b) A Corporate Business Plan (CBP) that contains a four year delivery program, aligned to the Strategic Community Plan.
  - (c) Informing Strategies, consisting of the core Informing Strategies (LTFP, Asset Management Plans and Workforce Plan) and any other issues or area specific Town plans that inform the Strategic Community Plan and CBP. The Town currently has over 20 strategies, programs, and sub-programs, which will require yearly allocation of resources to implement.
5. The *Local Government (Administration) Regulations 1996* require each local government to adopt a Strategic Community Plan and a CBP.
  6. The LTFP is a 10 year rolling plan that informs the CBP in the activation of Strategic Community Plan priorities. The LTFP includes forecasts for the years accompanying the CBP. From these planning processes, annual budgets, that are aligned with strategic objectives, can be developed.
  7. The Town undertook its four yearly major review of the Strategic Community Plan during 2021. From that, a Corporate Business Plan was endorsed. A minor review of the CBP will be put to Council for adoption in December 2023.
  8. In recent years Council has adopted budgets that have resulted in decreases or low rate increases. The 2023/2024 budget was the first time the Council adopted the rates increase by near CPI.
    - (a) In the 2019/20 budget, Council did not change rates, with rates revenue of \$46,943,703.
    - (b) In the 2020/21 budget, Council decreased rates by 7.88%, with rates revenue of \$43,062,877.
    - (c) In the 2021/22 budget, Council increased rates by 0.88%, with rates revenue of \$44,322,879.
    - (d) In the 2022/23 budget, Council increased rates by 3.5%, with rates revenue of \$46,431,117.
    - (e) In the 2023/24 budget, Council increased rates by 5.9%, with rates revenue of \$48,993,287.
  9. Other documents have also informed the LTFP. This includes, but not limited to:
    - (a) Workforce Plan,
    - (b) Asset Management Plans,
    - (c) Urban Forest Strategy,
    - (d) Public Open Space Strategy,
    - (e) Local Planning Strategy,
    - (f) Economic Development Strategy,
    - (g) Intergrated Transport Strategy,
    - (h) Social Infrastructure Strategy,
    - (i) Works programs and sub-programs supporting many of these strategies,
    - (j) Economic commentary from third parties.

## Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably, and transparently for the benefit of the community.	The LTFP considers activities and initiatives the Town proposes to do over the next 10 years.

## Engagement

### Internal engagement

Stakeholder	Community feedback was given for the Strategic Community Plan.
Managers and Service Area Leaders	Managers and Service Area Leaders have had input into their operating budgets during the 2023/24 budget preparation, during which information was also gathered on LTFP. The Strategic Asset Advisory Group (SAAG), a staff working group with members from many areas of the Town (for example, Asset Management, Finance, Place Planning, and Community), considered the Town's asset base, strategic plans, asset renewal needs and other plans, with estimated costings on these elements informing the draft LTFP.
Elected Members	During the workshop for the draft 2024/25 LTFP, Elected Members were given a presentation on assumptions, and projected costs, with subsequent modelling distributed on various rating increases.

## Legal compliance

[Local Government \(Administration\) 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	Not endorsing the LTFP will mean the Council has not accepted a key informing plan under the IPR Framework.	Moderate	Likely	High	Low	TREAT risk by Endorsing the LTFP.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not endorsing the LTFP will mean limited funds to maintain and improve infrastructure assets.	Moderate	Possible	Medium	Medium	TREAT risk by Endorsing the LTFP.
Legislative compliance	Not applicable.				Low	



Reputation	There is a reputational risk if the LTFP is not endorsed.	Moderate	Unlikely	Low	Low	TREAT risk by Endorsing the LTFP.
Service delivery	Not applicable.				Medium	

## Financial implications

<b>Current budget impact</b>	Year 1 of the LTFP is in line with the adopted Annual Budget for 2023/24. As such, sufficient funds exist within the current annual budget to address this recommendation.
<b>Future budget impact</b>	This plan does not commit Council to any future Budget. The plan will be reviewed each year as part of the preparation of the draft Annual Budget and used to inform future budget decisions.

## Analysis

10. The LTFP has relied on a range of assumptions and provides the community and Council with information designed to inform workplace and asset management practices to meet strategic objectives.
11. The LTFP covers the financial years 2023/24 through to 2032/23 inclusive. The Town intends to review the plan annually to inform the preparation of each Annual Budget.

### Key characteristics in the LTFP

12. The rate model suggested is based on:
  - (a) Maintaining the current level for existing services (for example, Library Operations, Ranger Services), with no additional services planned. This includes no significant changes to employee numbers.
  - (b) Some allowance for operating initiatives, and/or costs known but not incurred each year, such as elections, and revaluation of rateable properties.
  - (c) Ability to undertake required asset maintenance for currently owned and managed assets.
  - (d) Some level of funding for strategic asset and capital initiatives, subject to external funding sources, potential loans, and asset sales. Many of these elements are unknown and/or currently have a high degree of uncertainty.
13. Rate increases are broken down into three phases.
  - (a) The first 3 years include a higher increase of 5.9%, and two years of 8%. The middle three years of modest increase of 5%, and the last four years will see a lower increase of 4%. All three phases are modelled to continue current services, and some level of additional investment in new strategic projects.
  - (b) The first 3 years (including the currently adopted budget) have rate increases of 5.9%, 8% and 8%. These increases are based on:

- (i) Current and anticipated higher inflation and cost escalation for 2 years, with year 3 seeing some return to lower inflation. However, the lag impact on materials and contracts, construction costs, and employee costs requires a third year of higher increase.
- (ii) Construction costs to remain or increase at the same level.
- (iii) Sufficient funding to allow asset maintenance and renewals.
- (iv) Allocation of some funding to strategic projects, and/or additional asset renewal or upgrade.
- (v) Drawing from the Town's reserves until year six.
- (vi) A loan of \$3.3 million for the Targeted Underground Power Program (TUPP), with repayments commencing year 5 and continuing for the life of the plan.

(c) The middle 3 years of 5% are based on:

- (i) A return to historic inflation rates of closer to 3%, and a slowdown in construction cost escalation.
- (ii) Sufficient funding for asset renewal.
- (iii) Continuation of strategic projects, and initiation of new projects if funding allows.
- (iv) A \$3.3 million service charge for residents in the TUPP area, based on similar funding models for previous underground power projects in the Town.

(d) The last 4 years of 4% increase are based on:

- (i) Return to RBA target inflation CPI rate of 2-3%, and corresponding reduction in cost escalation for the Town.
- (ii) Funding of ongoing asset renewal.
- (iii) Continuation of strategic projects.
- (iv) Replenishment of reserves, after a drawdown on reserves for the first six years of this plan.

#### 14. Non-rating Income.

(a) Local governments are heavily reliant on rating income.

(b) Fees and charges for the use of Town facilities and services are the second highest source of income. No significant change is predicted to the facilities and services offered, and the fees charged for existing services.

(c) Service charges can only be levied for specific uses. For the Town, this is primarily underground power, the proceeds of which are used for the cost of the upgrade. These funds cannot be used for other purposes.

(d) Interest income is highly dependent on the prevailing interest rate at the time, and the balance of funds invested.

(e) Operating and non-operating grants are dependent on the particular program and grant conditions, particularly for non-operating/capital grants. The assumption in the plan for \$2 million p.a. non-operating grants is a conservative estimate. As various grant programs are announced, the Town will seek funding for projects that may fit the criteria of any grant program on offer at that time.

#### 15. Use of reserve funds

(a) Reserve funds are drawn down in the first six years of the LTFP to assist in funding capital works projects. Only in the last four years of this plan have the reserves replenished.

(b) The Town currently has over 20 reserves for various purposes and restrictions on the use of those funds.

#### 16. Use of debt funding

(a) New loans are proposed for Edward Millen parkland development (currently endorsed in the 2023/24 budget), and TUPP. The Town will have capacity for further borrowings if required.

(b) Loans can only be secured against rates income.

- (c) Subject to analysis and endorsement, some portions of unfunded projects may be funded by borrowings, however, this has not been included in the plan.
17. The plan includes operating initiatives sourced from various plans and strategies.
- (a) A significant portion of years one to seven of this funding is for Climate Emergency Plan implementation, being \$418,550 in year one, and between \$1.1m and \$1.47m for years two to seven.
- (b) Biannual council election costs are planned in year 1 and thereafter every two years.
- (c) Three yearly rates valuation costs are planned in year 3 and thereafter every 3 years.
18. The plan as shown has a high cost of Unfunded Projects.
- (a) These projects have been sourced by reviewing all plans, strategies and programs, and estimated cost allocated. However, each specific project, yearly budget and funding model is still required to undergo detailed costings, subject to Council review, relevant community consultation and approval.
- (b) This rating model's intent is to allow some funding to be allocated to these projects. The municipal funding shown as 'Available funding for unfunded projects and additional asset renewal' is not sufficient to progress these projects alone.
- (c) Funding options for significant projects will be reviewed when progressing various projects. This may be borrowing of funds, asset sales, use of reserves, and grant funding.
- (d) A number of these projects may be eligible for third party funding, such as State or Federal government grant programs. For this LTFP, no third party funding has been assumed at this point in time.
19. Sensitivity Analysis
- (a) The plan is a long term view on the financial projections of the Town to continue to fund services and maintain and improve assets.
- (b) While Annual Budget is considered and adopted by Council each financial year, changes in the short term can have longer term compounding impacts over the 10 years of the plan. For example:
- (i) All other assumptions remain the same, a 7.5% rate increase in year 2 compared to an 8% increase has a cumulative \$2.9 million impact, being a reduction in rates income.
- (ii) Likewise, a 7% increase in year 2, instead of an 8% increase, will have a cumulative \$5.8 million difference, being a reduction in rates income.
- (c) Rates growth is the increase in total number of rateable properties within the Town. A review of the past 10 years indicated an average growth of 1% per annum. This growth rate has been applied to the plan.
- (d) The rating model increase is equally applicable to all current differential rating categories. Council is required to adopt the rates to be levied, and the Annual Budget, according to the Local Government Act and associated Regulations.
20. The LTFP 2023/24 to 2032/33 is recommended to Council as an informing plan to assist in the consideration of the draft Annual Budget for 2024/25, advancement of key projects, and longer term asset and asset planning.

## Relevant documents

Not applicable.

## Further consideration

At the Agenda Briefing Forum held on 28 November 2023 the following information was requested:

21. Provide further details on the costs referred to in point 17 starting at \$418,550 to \$1.47m.
22. The below represents a breakdown of the major costed actions for the remaining years of the Climate Emergency Plan (where budget is not already allocated as part of other existing plans and strategies).

Action	Total	Assumptions	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
Measure CO2 emissions annually and monitor progress against emissions reduction targets	\$ 90,000.00		10000	10000	10000	10000	10000	10000	10000
Consider rewarded exemplary local practice for local environmental initiatives that focus on carbon reduction outcomes	\$ 9,000.00		1000	1000	1000	1000	1000	1000	1000
Enable the distribution of community information (including rates) through digital platforms to reduce paper and postage	\$ 9,000.00		1000	1000	1000	1000	1000	1000	1000
Ensure that the catering and materials for all community events preference minimal waste and low carbon food (e.g. use local produce, vegetarian and vegan options).	\$ 80,000.00		10000	10000	10000	10000	10000	10000	10000
Conduct a revision of the Climate Emergency Plan in 2023, 2027 and 2030 to reassess actions, progress and include additional actions where required	\$ 30,000.00		10000		10000		10000		
Install energy monitoring / quality management system for council buildings	\$ 40,000.00			40000					
By 2030, transition all existing appliances for major facilities to improved efficiency within 1.5 stars from the highest available utilising the EER rating.	\$ 80,000.00	\$10k per facility	10000	10000	10000	10000	10000	10000	10000
By 2030, transition all council owned existing streetlights to LED (or similar energy efficiency technology)	\$ 990,000.00	198 lights. Cost is \$5K/fitting (due to traffic management)	106250	106250	106250	106250	106250	106250	106250
By 2030, transition all existing park lights to utilise either LED (or similar energy efficiency technology)	\$ 1,188,000.00	297 lights. Cost is slightly less at \$4K/fitting	175,000	175,000	175,000	175,000	175,000	175,000	175,000

By 2030, transition all existing council owned car parking lights utilise either LED (or similar energy efficiency technology)	\$ 608,000.00	152 lights. Cost is slightly less at \$4K/fitting	93750	93750	93750	93750	93750	93750	93750
Implement FOGO to all households by 2025	\$ 3,610,000.00	\$710k for 2025, then \$580k for remaining years		710000	580000	580000	580000	580000	580000
Transition 20% of all light vehicles to electric by 2025, if price projections continue to meet affordability parameters	\$ 473,000.00				473000				
Transition 50% of all light vehicles to electric by 2030, if price projections continue to meet affordability parameters	\$ 1,178,000.00					235600	235600	235600	235600
In the establishment of electric vehicle charging infrastructure, ensure at least 50% of energy used to charge electric vehicles is sourced from renewable energy	\$ 36,000.00	Assumes 6 stations delivered		6000	6000	6000	6000	6000	6000
Provide community education on their household energy use, including: · Energy efficiency and usage · Performance during heatwave events · Energy audits	\$ 5,000.00		500	500	500	500	500	500	500
Provide the community information on the value and benefit of switching to fuel efficient cars	\$ 5,000.00		500	500	500	500	500	500	500
Provide regular information to encourage and promote active transport use	\$ 5,000.00		500	500	500	500	500	500	500
Carbon offset all air travel	\$ 400.00	4 flights per annum.	50	50	50	50	50	50	50
Appropriate purchase of carbon offsets to achieve the net zero emissions target by 2030.	\$ 100,000.00								100000
		<b>TOTAL</b>	<b>\$418,550.00</b>	<b>\$1,164,550.00</b>	<b>\$1,477,550.00</b>	<b>\$1,230,150.00</b>	<b>\$1,240,150.00</b>	<b>\$1,230,150.00</b>	<b>\$1,330,150.00</b>

## 14.2 Finance Statements - October 2023

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Finance
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statements - October 2023 [14.2.1 - 24 pages]

### Recommendation

That Council receives the financial statements for October 2023, as included in the attachment, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996.

### Purpose

To present the statement of financial activity reporting on the revenue and expenditure for the period ending 31 October 2023.

### In brief

- The financial activity statement report is presented for the month ending 31 October 2023.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information for 30 June 2023 as shown in this report is not yet confirmed and is yet to be approved by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended 30 June 2023.

### Background

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

#### Revenue

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

#### Expense

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

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

#### Period variation

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

**Primary reason(s)**

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

**End-of-year budget impact**

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

**Strategic alignment**

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To 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.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	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

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



## **Analysis**

4. The Financial Statements – October 2023 complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that the Financial Statements – October 2023 be accepted.

## **Relevant documents**

Not applicable.

## 14.3 Schedule of Accounts - October 2023

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Finance
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Payment Summary - October 2023 [ <b>14.3.1</b> - 8 pages] 2. Credit Card Transactions - October 2023 [ <b>14.3.2</b> - 2 pages]

### Recommendation

That Council:

1. Receives the accounts for October 2023, as included in the attachment, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.
2. Receives the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.
3. Receives the accounts for September 2023, as included in the credit card transactions attachment, pursuant to Regulation 13A of the *Local Government (Financial Management) Regulations 1996*.

### Purpose

To present the payments made from the municipal fund and payments by employees via purchasing cards for the month ended October 2023.

### In brief

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

### Background

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

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn	608910	\$823.50
Creditors – EFT Payments		\$4,168,809.66
Payroll		\$1,258,938.74
Bank Fees		\$34,611.55
Corporate MasterCard		\$9,903.25
<b>Total</b>		<b>\$5,473,086.70</b>

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 – Communication and engagement with the community	The monthly payment summary listing of all payments made by the Town during the reporting month from its municipal fund and trust fund provides transparency into the financial operations of the Town
CL3 – Accountability and good governance.	The presentation of the payment listing to Council is a requirement of Regulation 13 & 13A of <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 Schedule of accounts.	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily and monthly reconciliations are completed. Internal and external audits.

Financial	Fraud or illegal transactions	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	Not accepting schedule of accounts 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.
Reputation	Not applicable.					
Service Delivery	Not applicable.					

## Financial implications

### Current budget impact

Sufficient funds exist within the annual budget to address this recommendation.

## **Analysis**

6. 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](#)

## 15 Committee Reports

### 15.1 Terms of Reference - Audit and Risk Committee

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Terms of Reference - 2023 [ <b>15.1.1</b> - 3 pages]

#### Recommendation from the Audit and Risk Committee:

That the Audit and Risk Committee recommends that Council adopts the Audit and Risk Committee's Terms of Reference as contained in attachment 1, subject to the deletion of Items 2.6 (1) (c) and (d).

#### Purpose

The Terms of Reference for the Audit and Risk Committee are recommended for adoption.

#### In brief

- Terms of Reference provide officers with guidance on the type of reports that are eligible to be submitted to the Audit and Risk Committee.
- The Terms of Reference also provide Committee Members with a clear understanding of the Audit and Risk Committee's objectives, areas of responsibility and structure.
- The Terms of Reference were last reviewed and amended by Council on 15 February 2022.

#### Background

1. Under the *Local Government Act 1995*, a local government must have an Audit Committee.
2. The Town has an Audit and Risk Committee with the responsibility to:
  - support Council in fulfilling its governance and oversight responsibilities in relation to financial reporting, internal control structure, risk management systems and external audit functions and ethical accountability.
  - critically examine the audit and management reports from external audits, and ensure that the Town appropriately implements any actions.
  - receive and review reports and make recommendations to Council.
3. The Town's Audit and Risk Committee is made up of four (4) Elected Members and two independent Members.

4. Following the local government elections of 2023, two new Members have been appointed by Council to the Audit and Risk Committee. As such, the Terms of Reference for this Committee are to be endorsed with a recommendation that they be adopted by Council.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Adoption of the Terms of Reference for the Audit and Risk Committee promotes accountability and good governance.

## Engagement

Not applicable.

## Legal compliance

Section 5.8 of the *Local Government Act 1995* [Local Government Act 1995 - \[07-ag0-00\].pdf \(legislation.wa.gov.au\)](#)

Local Government (Audit) Regulations 1996. [Local Government \(Audit\) Regulations 1996 - \[02-k0-00\].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	N/A				Low	
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	Not having a Terms of Reference for the Committee may be viewed as poor governance.	Minor	Unlikely	Low	Low	
Service delivery	N/A				Medium	

## Financial implications

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

## Analysis

1. The Terms of Reference were last reviewed and amended by Council on 15 February 2022.
2. The Terms of Reference should be reviewed in line with the appointment of Elected Members and independent Committee Members to the Audit and Risk Committee following the local government elections.
3. The Terms of Reference have been reviewed with suggested updates to reflect the inclusion of quarterly corporate business planning for the Audit and Risk Committee.
4. It is recommended that the Audit and Risk Committee request Council to adopt the amended Terms of Reference.

## Relevant documents

Not applicable

## Further consideration

Not applicable



## 15.2 Audit Update Report

<b>Location</b>	Town-wide
<b>Reporting officer</b>	{Manager Governance and Strategy}
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL - Audit Update Report [15.2.1 - 4 pages]</li> <li>2. CONFIDENTIAL - Audit Dashboard [15.2.2 - 1 page]</li> </ol>

### Recommendation from the Audit and Risk Committee:

That the Audit and Risk Committee recommends that Council receives the Audit Update Report for September 2023 as contained in Attachment 1.

### Purpose

The Audit and Risk Committee recommends that Council receives the Audit Update Report for October 2023 as contained in Attachment 1. The update on actions relates to the Internal audits in accordance with the internal audit plan approved In September 2021.

### In brief

The following audits have been completed within the Town:

- ✓ Conflicts of interest
- ✓ Gifts
- ✓ Integrity
- ✓ Fraud and corruption
- ✓ Employment practices
- ✓ The misuse of assets and resources
- ✓ Regulation 17: System and procedures review
- ✓ Community Grants funding
- ✓ Information Security
- ✓ Procurement.

### Background

1. The 2021-2022 Internal Audit Program was adopted by Council on 16th August 2022.
2. The below audit is currently still in progress as per the 21/22 audit plan and will be reported on at the next Audit and Risk Committee meeting:
  - Records Management.

### Strategic alignment

#### Civic Leadership

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

## Engagement

Internal engagement	
Stakeholder	Comments
Business Units	Managers providing responses and supporting documentation to the internal auditors

## Legal compliance

[LOCAL GOVERNMENT ACT 1995 \(austlii.edu.au\)](http://austlii.edu.au)

[LOCAL GOVERNMENT \(AUDIT\) REGULATIONS 1996 \(austlii.edu.au\)](http://austlii.edu.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	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	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative	Not adopting an	High	Likely	High	Low	Treat risk by

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

## Financial implications

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

## Analysis

3. The Information Security has identified 7 improvement opportunities
4. The procurement audit has identified 9 improvement opportunities.
5. This has been updated in Cascade and will be reported on going forward (as per attachment 1).

## Relevant documents

Not applicable.

## Further consideration

Not applicable.

### 15.3 Procurement Final Internal Audit Report

<b>Location</b>	Town-wide
<b>Reporting officer</b>	{Manager Financial Services}
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. ToVP Procurement Internal Audit Review - Final [15.3.1 - 16 pages]

#### Recommendation from the Audit and Risk Committee:

That the Audit and Risk Committee recommends that Council:

- notes the final Procurement internal audit report as contained in Attachment 1;
- requests the CEO to review the final internal procurement audit report following further input from the auditors.

#### Purpose

To inform Council of the outcomes of the Procurement audit.

#### In brief

- The audit of Information Security was completed in October 2023.

#### Background

- The Procurement audit was included in the 2022-2023 internal audit program adopted by Council in September 2021.
- Auditors were engaged to complete the audit focusing on the appropriateness and effectiveness of the Town's systems and procedures in relation to procurement.
- The final report is attached.

#### Strategic alignment

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

#### Engagement

Internal engagement	
Stakeholder	Comments

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

## 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	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	No applicable					
Reputation	Not refining management practices to address audit findings could result in reputational risk to Council and the Town.	Moderate	Likely	High	Low	Treat risk by adopting an internal program with a focus area on high-risk financial processes and activities.
Service delivery	Not reviewing procurement systems and	Moderate	Likely	High	Medium	TREAT risk by adopting an internal program

procedures can lead to a disruption or delays to services.

with a focus area on high-risk financial processes and activities.

## Financial implications

### Current budget impact

Sufficient funds exist within the annual budget to address this recommendation.

### Future budget impact

Not applicable.

## Analysis

4. The audit identified 9 risks (2 high, 4 medium and 3 low).
5. The audit actions above will be addressed in accordance with management comments and completed by the agreed target date.
6. All internal audit actions summarising the status of the findings will be updated in Cascade and provided to the Audit and Risk Committee for review.

## Relevant documents

Not applicable

## Further consideration

Not applicable

## 15.4 Information Security final internal audit report

<b>Location</b>	Town-wide
<b>Reporting officer</b>	{Manger Technology and Digital Strategy}
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. CONFIDENTIAL - Information Security Final Audit Report [ <b>15.4.1</b> - 14 pages]

### Recommendation from the Audit and Risk Committee:

That the Audit and Risk Committee recommends that Council notes the Information Security final audit report.

### Purpose

To inform Council of the outcomes of the Information Security audit

### In brief

- The review's objective was to give a report to management and the Committee on the status of the implementation of actions arising from the Office of the Audit General's (OAG) report in 2021 on Information Security.
- The audit on Information Security was completed in October 2023

### Background

1. The audit on Information security was included in the 2022-2023 internal audit program adopted by Council in September 2021.
2. Auditors were engaged to complete the audit focusing on the appropriateness and effectiveness of the Town's systems and procedures in relation to information security, and to assess the status of AG actions identified in 2021.
3. The final report is attached.

### Strategic alignment

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

## Engagement

### Internal engagement

Stakeholder	Comments
Technology and Digital Strategy	Provided the information requested and comments on the audit report.
C-Suite	The report was presented to C-Suite for noting.

### 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 cannot 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	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not reviewing ICT systems and procedures can lead to a disruption to services.	Moderate	Likely	High	Medium	TREAT risk by Adopting an internal program with a focus area on high-risk financial processes and activities.
Legislative compliance	Not applicable.				Low	
Reputation	Not refining	Moderate	Likely	High	Low	Treat risk by



	management practices to address audit findings could result in reputational risk to Council and the Town.	Adopting an internal program with a focus area on high-risk financial processes and activities.
Service delivery	Not applicable.	

## Financial implications

<b>Current budget impact</b>	Sufficient funds exist within the budget
<b>Future budget impact</b>	Not applicable

## Analysis

4. The audit identified 7 risks (2 significant and 5 Moderate)
5. All open matters identified will be addressed in accordance with management comments and completed by the agreed target date.
6. All internal audit actions summarising the status of the findings will be updated in Cascade and provided to the Audit and Risk Committee for review.

## Relevant documents

Not applicable.

## Further consideration

Not applicable.

## 15.5 Process for Reporting on Audit Outcomes

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Governance Coordinator
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Audit Function Dashboard from Cascade [ <b>15.5.1</b> - 1 page]

### Recommendation from the Audit and Risk Committee:

That the Audit and Risk Committee recommends that Council:

- Approves that the External and Internal Audit Outcomes be added to the Town's Cascade System and provide the reports generated from the Cascade system for each audit outcome to the Audit and Risk Committee on a quarterly basis; and
- Approves the future projects progress through the Cascade system as a result from audit finding learnings.

### Purpose

To advise Council on the method and timing of reporting External and Internal Audit Outcomes and the process for creating future projects through the Cascade system.

### In brief

- Advise Council on the new process for reporting on external and internal audit outcomes through Cascade system as requested by Council.
- Advise Council on the quarterly reporting timings for audit outcomes.
- Advise Council the new future projects process.

### Background

1. At the 21 March 2023 Council Meeting Council resolved to:
  - (a) Request the Chief Executive Officer to present a report to the Committee by 13 November 2023 outlining a process for the Town's future reporting against any outcomes from any audits (external and internal audits) and a separate process for developing future projects based upon the learnings from the said audit findings.
2. The current process of reporting against audit outcomes has been a program of works schedule provided to the Audit and Risk Committee since February 2022.
3. The Audit and Risk Committee discussed that the current schedule did not provide sufficient information and at times the justification for date changes was not clear.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Ensure that audit outcomes are addressed and responded to in a timely manner.
CL3 - Accountability and good governance.	Ensure audit outcomes are accounted for and address risk associated with the outcomes. If Audit outcomes are not completed on time with clear justification must be made to the Audit and Risk Committee and the Council.

## Engagement

Not applicable.

## Legal compliance

Functions of audit committee [regulation 16 of the Local Government \(Audit\) Regulations 1996](#) including guiding and assisting local government in carrying out the local government’s function in relation to audits conducted Part 7 of the *Local Government Act 1995* (the Act).

## 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 adopting the process would result in the continuation of the current process for audit outcomes that may result in audit outcomes not being followed up, completed in adopted timeframe	Possible	Moderate	Medium	Low	TREAT risk by adopting the new processes for audit outcomes in Cascade system.

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
	without clear justification.					
Reputation	Not adopting the process may result in the Town's reputation being exposed to negative media exposure as the result of non-compliance.	Possible	Minor	Medium	Low	TREAT risk by adopting the new processes for audit outcomes in Cascade system.
Service delivery	Not applicable				Medium	

## Financial implications

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

## Analysis

4. The following steps detail the process of including Audit action items into the Cascade system for quarterly reporting to the Audit and Risk Committee.
  - a) The final audit report received by the Town will be forwarded to Governance and Strategy for population into the Cascade system.
  - b) All risks will be added into the system under the Audit Action plan report.
  - c) All actions will be populated into Cascade with an action owner assigned.
  - d) Due dates will be attached to each action item.
  - e) The Cascade system generates automated reminders to managers to provide progress updates.
  - f) Managers are responsible for reporting their progress on the audit action on a quarterly basis.
  - g) The resulting report will be presented to the Audit and Risk Committee and the Ordinary Council meeting. The report will list all outstanding action items (those items behind and overdue).
  - h) All actions that have been achieved or that are in progress will be attached to the report in the form of dashboard report (please see attachment).
  - i) The dashboard report will show the percentage of items completed, behind, overdue and on track. It will also provide details for each business unit and the Town generally.

## Relevant documents

Not applicable.

## 5. 15.6 Quarterly Risk Management Report

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. July 2023 Risk Management Framework [<b>15.6.1</b> - 14 pages]</li><li>2. Risk Management Working Group Minutes 24 August 2023 [<b>15.6.2</b> - 2 pages]</li><li>3. Risk Management Working Group Minutes 26 July 2023 [<b>15.6.3</b> - 3 pages]</li><li>4. Risk Management Working Group Minutes 9 October 2023 [<b>15.6.4</b> - 2 pages]</li><li>5. Risk Management Working Group Minutes 18 September 2023 [<b>15.6.5</b> - 2 pages]</li><li>6. CONFIDENTIAL - Strategic Risk Register June 2023 [<b>15.6.6</b> - 15 pages]</li></ol>

### Recommendation from the Audit and Risk Committee:

That the Audit and Risk Committee recommends to Council that it:

1. Notes the actions undertaken by the Town in relation to the management of operational and strategic risks.
2. Notes the Strategic Risk Register in confidential attachment 1.
3. Notes that one significant and two high risks will be added to the Operational Risk Register

### Purpose

This report provides information to the Audit and Risk Committee on the management of the Town's risks.

### In brief

- A Risk Management Working Group has been established to review and report on the Town's Risks.
- The Risk Management Working Group has met four times since July 2023.
- The operational and strategic risk registers have been reviewed.
- This report provides information on the work undertaken with these reviews.

### Background

1. The Town of Victoria Park has a suite of documents to manage and guide the Town's actions in response to risk management. This includes Policy 004 Risk Management, a Risk Management Framework and Management Practice, and a strategic and operational risk register.
2. In line with good risk management principles, all high and significant risks are reported to the Audit and Risk Committee.

3. Policy 004 Risk Management was last reviewed and amended on 13 December 2022, the Risk Management Framework was revised by Council on 18 July 2023 and the Risk Management Practice was last reviewed and amended in March 2023.
4. In July 2023, C-Suite approved the implementation of a Risk Management Working Group (RMWG) comprising 10 staff across the four Directorates with responsibility to:
  - Identify, evaluate and document potential operational risks.
  - Identify and document the appropriate measures which are in place to control identified risks.
  - Assess the effectiveness of risks control measures (for efficiency and effectiveness) using reliable sources of information regarding both the potential consequences and likelihood of an event occurring as per the AS/NZ ISO 31000:2018 methodology.
  - Identify priority risk treatment areas and make recommendations in relation these to C-Suite via formalized reporting mechanisms
  - Review all High and Extreme risks and make recommendations to C-Suite via formalized reporting mechanisms.
5. The RMWG is to meet at least quarterly with the Minutes from meetings, along with any recommendations being proposed, being presented to C-Suite for endorsement. C-Suite endorsements and decisions relating to risk management will then be included in a quarterly report to the Audit and Risk Committee.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Improves risk management and compliance systems.

## Engagement

Internal engagement	
Stakeholder	Comments
Risk Management Working Group	The Risk Management working group has reviewed the operational risk register
C-Suite	C-Suite have reviewed the work of the Risk Management Working Group
Council	Council have been engaged through a risk management workshop

## Legal compliance

Not applicable.

## Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level	Council's risk	Risk treatment option and
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		score	appetite	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 having a coordinated and robust risk management system will impact on service delivery	Moderate	Possible	Medium	Medium	Treat the risk by providing regular reports on the Towns risk management

## Financial implications

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

## Analysis

6. To help facilitate a coordinated and structured approach to risk management, C-Suite endorsed the formation of the RMWG comprising 10 members representing the four different Directorates at the Town.
7. The RMWG updates the Town's Risk Registers and has responsibility for identifying and monitoring risks and assists in developing and recommending treatments for agreed priority risks.
8. Since its commencement in July, the RMWG has met four times and has undertaken the following:
  - Reviewed the operational risk register.
  - Has developed a new operational risk register template that is aligned to the Strategic Risk Register.
  - Has reviewed the risk categories and identified appropriate risk events.
  - Has commenced a review of the risk scores for each event.



9. Future meetings of the RMWG will be continuing with this major review process of the operational risk register with reporting on the progress to C-Suite and the Audit and Risk Committee.
10. The Strategic Risk Register last underwent a major review in 2019 when the Risk Management Framework was also reviewed. In December 2022, further amendments to the Strategic Risk Register were recommended and in July 2023, Council adopted an amended Strategic Risk Register and updated the controls and treatment action.
11. On 10 October 2023, a strategic risk workshop facilitated by RSM Australia was held with Councillors. At this workshop, the existing risk categories and events were reviewed. At that workshop, Councillors requested a further workshop with RSM to finalise this Strategic Risk Register review.
12. The actions by the Town in relation to risk management are now presented to the Audit and Risk Committee for noting.
13. The Town has also had two internal audits completed - the Information Security Final Internal Audit Report and the Procurement Audit.
14. The Information Security Final Internal Audit Report identified one open significant risk finding. This is discussed in a separate report attached to this agenda.
15. The Procurement Audit identified two high risks findings. These are also discussed in a separate report to this agenda.
16. The Audit and Risk Committee are requested to note that the significant and high risk findings from these two audits will be included in the operational risk register.

## **Relevant documents**

[Policy 004 Risk Management](#)

Risk Management Framework

## **Further consideration**

Not applicable.

## 15.7 Quarter 1 Progress Report (1 July 2023 - 30 September 2023)

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Q1 Reporting by Exception. [<b>15.7.1</b> - 8 pages]</li><li>2. Annual Action Status Overview 22/23 [<b>15.7.2</b> - 1 page]</li><li>3. 2023-2024 Capital Works Program including Strategic projects [<b>15.7.3</b> - 9 pages]</li></ol>

### Recommendation from the Audit and Risk Committee:

That the Audit and Risk Committee recommends that Council notes the quarterly progress reports for the period 1 July 2023 – 30 September 2023, relating to the:

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

### 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 and a selection of strategies and plans. 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
  - h. Community Benefits Strategy

2. 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 progress reports to council, commencing in the next quarter for 2021.

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

## Strategic alignment

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

## Engagement

Internal engagement	
Stakeholder	Comments
Operations	Operations coordinate the progress reports for the 2019/2020 Annual

	Strategic Project Summary and Five-Year Capital Works Program.
Governance and Strategy	Operations coordinate the progress reports for the 2019/2020 Annual Strategic Project Summary and Five-Year Capital Works Program.
Place Planning	Place Planning coordinates the progress reports for the Economic Development Strategy 2018 – 2023 and Urban Forest Strategy.
Community Development	Community Development coordinates the progress reports for the Reconciliation Action Plan, Community Benefits Strategy and Disability Access and Inclusion Plan.
Environment	Environment coordinates the progress reports for the Climate Emergency Plan

## Legal compliance

[LOCAL GOVERNMENT ACT 1995 - SECT 2.7](#)

## 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
Service delivery	Not applicable				Medium	

## Financial implications

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

## Analysis

- Written progress reports will enable the Council to oversee the Town's performance and allocation of the Town's finances and resources. They will also help to inform the community about the Town's progress in relation to the plans and strategies.
- The Corporate Business Plan for financial year 23/24 will be approved by Council in December 2023, *per resolution 145/2023 That consideration of the Corporate Business Plan be deferred until the Long-Term Financial Plan is presented to Council. This is to enable the Corporate Business Plan to be updated with financial information.* For this reason, the report will reflect progress against actions from the 22/23 Corporate Business Plan.
- These reports on the actions, projects, and outcomes, for the plans and strategies listed in the Council resolution, have been attached to this report. Further commentary for each report has also been included below.

### Corporate Business Plan

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

Strategic outcome	Total actions	No. of actions completed	No. of actions overdue	No. of actions on track
Social	53	49	4	0
Environment	82	73	9	0
Economic	20	20	0	0
Civic Leadership	81	67	9	5

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

### 2022/2023 Annual Strategic Project Summary

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

Total Projects	No of projects on track	No of projects complete	No. of projects delayed
17	10	2	5

## Five Year capital works program

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

Total project	Works in progress	Not yet started	Complete	Deleted projects
81	32	37	12	

## Economic Development Strategy 2018-2023

11. 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.

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

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

## Urban Forest Strategy:

13. The Urban Forest Strategy (UFS) Implementation Action Plan (IAP) outlines 41 actions required to achieve the six strategic outcomes defined in the UFS over a five year period. The UFS was adopted by council in September 2018 and the IAP in September 2019.

14. The summary table below represents the number of actions progressed and completed since the adoption of the IAP.

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

### Reconciliation Action Plan:

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

16. 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.

17. The status of actions from the Reconciliation Action Plan are as follows.

Category	No of actions completed	No of actions in progress/ongoing	No of actions not started
Relationships	14	3	1
Respect	32	3	1
Opportunities	14	3	3
Tracking and progress	2	2	0

18. This quarter, the key progress highlights of the Reconciliation Action Plan included:

- a) Conditional endorsement of the Innovate RAP by Reconciliation Australia on 13 September 2023.
- b) Mindeera Advisory Group met on 2 August 2023 regarding a number of key projects occurring in the Town.
- c) Successful recruitment of new Community Development Officer – Reconciliation, with candidate commencing 2 October 2023.

### Disability Access and Inclusion Plan

19. The Town's Access and Inclusion Plan was adopted by Council in December 2022 and is a legislative requirement for all local governments.

20. The status of actions from the Access and Inclusion Plan are as follows.

Category	No. of actions completed/ongoing	No of actions in progress	No of actions not started
Goal 1: Customer Experience - Services and Events	4	2	0
Goal 1: Customer Experience - Information	2	4	1
Goal 1: Customer Experience - Quality Customer Service	2	1	2
Goal 2: Physical Access – Building and Facilities	2	3	3
Goal 3: Active Citizenship - Complaints	0	0	4
Goal 3: Active Citizenship –	2	0	3



Public Consultation			
Goal 4: Employment	4	1	0
Goal 5: Governance and Impact	4	1	0
<b>Total</b>	<b>20</b>	<b>12</b>	<b>13</b>

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

- a) Access and Inclusion Advisory Group continues to support and advise project management and internal stakeholders on inclusive design and planning elements, with the last meeting held 4 September 2023.
- b) Annual report sent to Department of Communities in July 2023.
- c) Internal education of access and inclusion requirements continues, with presentation at SALT meeting in July 2023 to engage Service Area Leads in understanding requirements and legislation.
- d) Town contribution to a Seniors Week celebration in collaboration with Connect Vic Park and Harold Hawthorne scheduled for November 2023.
- e) Construction on accessible toilets at Town admin building completed September 2023.

## Climate Emergency Plan

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

23. 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.

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

Category	No of actions completed	No of actions in progress/ongoing	No of actions not started
1 Embed a low carbon culture	2	9	2
2 Reduce emissions of facilities and assets	0	10	0
3 Reduce waste emissions	0	4	0
4 Switch to low carbon and renewables	3	4	0
5 Respond to immediate	0	7	0

climate change impacts			
6 Support and educate our community	3	8	1
7 Support and educate our businesses	3	7	1
8 Offset residual emissions	0	1	0

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

- a) The Town has undertaken data collection to determine carbon reduction since the Town began implementing of the Climate Emergency Plan in 2021. Concurrent to this is a revision of the Climate Emergency Plan (CEP) to reassess actions, progress and include additional actions where required. The data analysis and CEP review is currently with the consultant.
- b) Implementing an education program re: FOGO to improve waste segregation by residents to avoid recyclables and organics entering landfill. Home composting workshops held August 2023. Garage Sale Trail program initiated.
- c) Liaising with Switch Your Thinking to establish an education and behaviour change program for the Town's staff focused on energy savings and efficiency.
- d) Power Purchase Agreement (PPA) – tariffs under the existing PPA renegotiated with Synergy. This will save between 4%-19% across our current facility accounts covered under the PPA, based on our current usage.
- e) Investigated potential mechanisms for funding local climate change action.

## Community Benefits Strategy

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

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

- a) Program 1: Youth Engagement, delivered by Waalitj Foundation to focus on engaging young people in constructive local activities and support parents with older children and adolescence.
- b) Program 2: Healthy Relationship Awareness, delivered by West Coast Eagles and focuses on domestic violence awareness and prevention.
- c) Program 3: Supporting Local Community Organisations, delivered by West Coast Eagles the program function is to support four not-for-profit groups or community groups over the first five years of CBS.
- d) Program 4: Recreational Groups and Sports Club Development, delivered by West Coast Eagles who aid with strategic planning, governance, structures, constitutions, long term planning and other club related management issues.

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

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

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

- a) Perth Rodgers Cup – SOAR Session in Waalitj Classroom – On 12 July 2023, a WCE staff member hosted the Perth Demons Rogers Cup team in the Waalitj Classrooms to present the WCE SOAR program. SOAR is a youth wellbeing series specifically for girls, which is a program that is delivered to organisations and clubs all around the state.
- b) Town of Victoria Park Bookmark Launch - On 10 August 2023, the Town of Victoria Park Library launched bookmarks that featured West Coast Eagles AFLW players Krystel Petrevski and Aisling McCarthy. The players made an appearance at the Library to surprise a group of young kids and local residents from the town. The players both read children’s books to the group that included diversity and inclusion content.
- c) Kensington PCYC After School Program - WCE Community Officer and AFL player Tom Cole ran two sessions at Kensington PCYC as part of the After School Program. The sessions included a football clinic with over 40 kids between the ages five and ten. This was an important initiative to engage with the disengaged youth of the Town of Victoria Park to promote physical activity and create a sense of community for the children.
- d) Walking Footy Curtain Raiser -WCE hosted the first ever Walking Footy Curtain Raiser at Optus Stadium prior to the Round 18 WCE v Richmond match on 16th July. The Town of Victoria Park team played against a team comprised of participants from our Southwest regional walking footy program. It was a great reward for effort for the participants to enjoy the program on Optus Stadium
- e) WADSA - All Abilities recreation program is run in 10-week blocks throughout the year, providing opportunities for participants to join in a range of activities from 10-pin bowling to orienteering. So far in 2023, WCE past players have participated in 21 sessions, including a variety of fun activities and continue to strengthen their relationships with WADSA participants.
- f) Vic Park Raiders - Throughout August, the Victoria Park Raiders Football Club were given two full access tours to Mineral Resources Park, which were hosted by AFL players Josh Rotham and Liam Duggan. The group were also given the opportunity to participate in a Q&A session throughout the tour and ask the players about their training schedules, recovery, diet, and game day routines.
- g) Ken Wyatt Cup - Ken Wyatt Cup – Thursday 31 August 2023 – Round robin carnival held on MRP Oval 1 and 2 involving over 100 First Nations high school girls from the Waalitj Deadly Sista Girlz schools’ program.

## Relevant documents

[Corporate-Business-Plan-2022-2027](#)

[Economic-Development-Strategy](#)

[Urban-Forest-Strategy](#)

[Reflect-Reconciliation-Action-Plan-2018-202](#)

[Climate Emergency Plan](#)

[Disability Access an Inclusion Plan](#)

[Community-Benefits-Strategy-2019-2024](#)

- 16 Applications for leave of absence**
- 17 Motion of which previous notice has been given**
- 18 Questions from members without notice**
- 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 CEO Remuneration Entitlements 2023/24**
    - 22.1.2 CEO Annual Performance review 2023/24 - Selection of External Facilitator**
  - 22.2 Public reading of resolutions which may be made public**
- 23 Closure**