



TOWN OF
VICTORIA PARK

Ordinary Council Meeting Agenda – 20 February 2024



WE'RE OPEN
VIC PARK

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 PM** on **Tuesday 20 February 2024** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer

15 February 2024

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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

Mayor	Cr Karen Vernon
Banksia Ward	Cr Claire Anderson Cr Peter Devereux Cr Peter Melrosa Cr Lindsay Miles
Jarraah Ward	Cr Sky Croeser Cr Jesse Hamer Deputy Mayor Bronwyn Ife Cr Daniel Minson
Chief Executive Officer	Mr Anthony Vuleta
Chief Operations Officer Chief Financial Officer Chief Community Planner	Ms Natalie Adams Mr Duncan Olde Ms Natalie Martin Goode
Manager Governance and Strategy Strategic Projects Manager Place Leader – Strategic Planning	Ms Bernadine Tucker Mr Pierre Quesnel Mr Jack Hobbs
Meeting Secretary Public liaison	Ms Felicity Higham Ms Alison Podmore

3.1 Apologies

3.2 Approved leave of absence

4 Declarations of interest

4.1 Declarations of financial interest

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

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

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

4.2 Declarations of proximity interest

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

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

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

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

4.3 Declarations of interest affecting impartiality

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

5 Public question time

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 Special Council meeting held on 18 December 2023
2. Confirms the minutes of the Ordinary Council meeting held on 12 December 2023.
3. Receives the minutes of the Access and Inclusion Working Group meeting held on 13 December 2023.
4. Receives the minutes of the CEO Recruitment and Performance Review Committee meeting held on 28 November 2023.
5. Receives the minutes of the Urban Forest Strategy Implementation Working Group meeting held on 27 November 2023.
6. Receives the minutes of the Audit and Risk Committee meeting held on 13 November 2023.

8 Presentation of minutes from external bodies

Recommendation

That Council:

1. Receives the minutes of the Metro Inner-South Joint Development Assessment Panel meeting held on 2 February 2024.
2. Receives the minutes of the Mindarie Regional Council meeting held on 30 November 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 Report - January 2024

Location	Town-wide
Reporting officer	Governance Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. Outstanding Council Resolutions Status Report - January 2024 [11.1.1 - 18 pages] 2. Completed Council Resolutions Report - January 2024 [11.1.2 - 20 pages]

Summary

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

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.

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.*

Discussion

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

The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 20 November 2023 to 31 January 2024. A status update has been included by the relevant officer/s.

Legal and policy compliance

Not applicable.

Financial implications

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

Risk management consideration

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

Engagement

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

Strategic alignment

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

Further consideration

Not applicable.

11.2 Independent Committee Member Payments

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Policy 025 Independent committee members - amended [11.2.1 - 4 pages]

Summary

Changes to the *Local Government Act 1995* now provide for independent committee members to receive meeting fees. An independent committee member is a committee member who is not an elected member or an employee of the local government. The Salaries and Allowances Tribunal has issued a Determination to allow for the payment of meeting fees to independent committee members. This report recommends that the independent committee members on the Audit and Risk Committee receive a meeting fee in line with the maximum provided by the Salaries and Allowances Tribunal Determination.

Recommendation

That Council:

1. Approves for the independent committee members on the Audit and Risk Committee to be paid the maximum meeting fee as prescribed by the Salaries and Allowances Tribunal.
2. Amends Policy 025 - Independent Committee Members, to reflect this payment as contained in Attachment 1.

Background

1. The *Local Government Amendment Act 2023* made a number of changes to the *Local Government Act 1995* as part of Tranche 1 of local government reform.
2. One of the changes was for independent committee members to receive meeting fees.
3. An independent committee member is defined as a committee member who is not an elected member or an employee of the local government.
4. On 3 November 2023, the Salaries and Allowances Tribunal (SAT) made a variation to the Local Government Chief Executive Officers and Elected members Determination. This variation sets the thresholds for the payment of meeting fees for independent committee members.
5. The Town, as a Band 2 local government, is now able to pay independent committee members a minimum of \$0 to a maximum of \$305 per committee meeting.
6. From 1 January 2024, local governments can now make payments to independent committee members for attendance at committee meetings in accordance with SAT's determination.

- Policy 025- Independent Committee Members, stipulates that independent committee members are not entitled to be paid fees for attending committee meetings or other meetings associated with their roles.

Discussion

- The Town has one established committee of Council, the Audit and Risk Committee.
- Council has appointed two external committee members to the Audit and Risk Committee at the Special Council Meeting held 30 October 2023, for a two-year term expiring on 18 October 2025.
- The Audit and Risk Committee meets quarterly.
- The SAT Determination provides a range for payments to independent committee members from \$0 to \$305 per meeting. It is recommended that independent committee members be paid the maximum fee payable.
- Policy 025– Independent Committee Members sets out the process for the appointment of independent committee members, their terms for holding office as an independent committee member, and the payment of fees and expenses. This policy states it does not permit meeting fee payments to independent committee members in accordance with section 5.100 of the *Local Government Act*. However, as this section of the Act has since been changed, the policy now requires an amendment. It is recommended that the policy reflect that independent committee members be paid the maximum fee as determined by SAT (as contained in Attachment 1).

Relevant documents

[Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023](#)

Legal and policy compliance

[Section 5.100 of the Local Government Act 1995](#)

Financial implications

Current budget impact	Sufficient funds exist within the current annual budget to address this recommendation.
Future budget impact	\$2,440 for independent committee members meeting fees will be included for consideration in the 2024/25 budget.

Risk management consideration

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

ICT systems/ utilities				
Legislative compliance	Incorrectly referencing a legislative provision in a policy creates compliance concerns	Low	Low	Treat the risk by amending the policy.
Reputation	Not paying independent committee members meeting fees when able to will affect the Towns reputation	Medium	Low	Treat the risk by paying a meeting fee
Service delivery	Not paying independent committee members meeting fees, when able to, for work undertaken on the Committee may affect service delivery	Medium	Medium	Treat the risk by paying a meeting fee.

Engagement

Not applicable.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Paying independent committee members meeting fees and amending the associate policy will promote accountability and good governance.

Further consideration

Not applicable.

11.3 November 2023 Policy Review

Location	Town-wide
Reporting officer	Coordinator Governance and Strategy
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Attachment 1 Policy 402 Extended Trading Permit Applications Licenced Premises [11.3.1 - 2 pages]2. Attachment 2 Policy 312 Transaction Card [11.3.2 - 7 pages]3. Attachment 3 Amended Policies [11.3.3 - 96 pages]4. Attachment 4 Policies for Review Only No Changes [11.3.4 - 43 pages]

Summary

A review of some of the Town's policies identified that some policies need amendment or revocation and some require review.

Recommendation

That Council:

1. Revokes Policy 402 Extended Trading Permit Application as contained at Attachment 1.
2. Revokes Policy 312 and adopts replacement Policy 312 Transaction Card as contained at Attachment 2.
3. Amends the following 11 policies as contained at Attachment 3:
 - Policy 211 Parklets and alfresclets
 - Policy 310 Leasing
 - Policy 052 Recording and Livestreaming
 - Policy 111 Commemorative Recognition
 - Policy 114 Community Funding
 - Policy 117 Business Grants
 - Policy 204 Improvement of Verges or Footpaths Adjacent to Commercial Properties
 - Policy 210 Free Trade Area
 - Policy 303 Debt Collection
 - Policy 331 Information Systems Security
4. Reviews the following 14 policies without amendment, as contained at Attachment 4:
 - Policy 005 Acting Chief Executive Officer
 - Policy 010 Information Disclosure
 - Policy 031 Annual Performance review for the Chief Executive Officer
 - Policy 054 Access to reserve funds through notices of motion
 - Policy 212 Graffiti removal management
 - Policy 254 Remnant native vegetation
 - Policy 255 Tree management
 - Policy 256 Mowing of street verges

- Policy 261 Sustainable events
- Policy 304 Disposal of surplus assets
- Policy 308 Financial hardships
- Policy 404 Fireworks events
- Policy 406 Temporary food businesses and itinerant food vendors
- Policy 451 Transitional use

Background

1. Policy 402 Extended Trading Permit Application – Licenced Premises was adopted on 20 August 2002. It was last reviewed and amended by Council on 12 April 2022.
2. Policy 312 Transaction Card was adopted on 19 March 2019. It was reviewed and amended by Council on 20 April 2021.
3. Policy 211 Parklets and Alfresclets was adopted on 18 June 2019. It was reviewed and amended by Council on 20 August 2019.
4. Policy 310 Leasing was adopted on 19 May 2020. It was reviewed and amended by Council on 12 April 2022.
5. Policy 052 Recording and Livestreaming was adopted on 9 June 2015. It was last reviewed and amended by Council on 20 April 2021.
6. Policy 111 Commemorative Recognition was adopted on 29 November 2005. It was last reviewed and amended by Council on 21 April 2020.
7. Policy 114 Community Funding was adopted on 17 December 2019. It was last reviewed and amended by Council on 12 April 2022.
8. Policy 117 Business Grants was adopted on 31 August 2021.
9. Policy 204 Improvement of Verges or Footpaths Adjacent to Commercial Properties was adopted on 12 August 1997. It was last reviewed and amended by Council on 15 December 2020.
10. Policy 210 Free Trade Area was adopted on 9 May 2017. It was last reviewed and amended by Council on 15 December 2020.
11. Policy 303 Debt Collection was adopted on 28 September 1999. It has undergone several amendments since that time and was last reviewed by Council on 13 December 2022.
12. Policy 331 Information Systems Security was adopted on 17 December 2019. It was reviewed and amended by Council on 20 April 2021.
13. The following policies were reviewed in line with the policy review cycle, and considered fit for purpose:
 - (a) Policy 005 Acting Chief Executive Officer
 - (b) Policy 010 Information Disclosure
 - (c) Policy 031 Annual Performance review for the Chief Executive Officer
 - (d) Policy 054 Access to reserve funds through notices of motion
 - (e) Policy 212 Graffiti removal management
 - (f) Policy 254 Remnant native vegetation
 - (g) Policy 255 Tree management
 - (h) Policy 256 Mowing of street verges
 - (i) Policy 261 Sustainable events
 - (j) Policy 304 Disposal of surplus assets
 - (k) Policy 308 Financial hardships
 - (l) Policy 404 Fireworks events
 - (m) Policy 406 Temporary food businesses and itinerant food vendors
 - (n) Policy 451 Transitional use

Discussion

14. It is proposed to revoke Policy 402 Extended Trading Permit Application – Licenced Premises. It has been identified that the Policy is of an administrative nature, outlining the Town's internal processes when assessing an application for an extended trading permit (ETP). Accordingly, it is considered that the Policy should be revoked and its content translated to an internal procedure. On average only one application for an ETP is received per annum.
15. It is proposed to revoke Policy 312 – Transaction Card and replace it with a new policy of the same name. This policy has been extensively rewritten to add credit limits by position, and to provide clear instructions on the issuing of cards and defining card holder responsibilities.
16. Policy 211 Parklets and Alfresclets has been amended to improve legibility, following the review of similar policies from other Local Governments. The majority of the proposed changes are to provide clarity on the definitions of Parklet, Alfresclet and Host. Additionally, they highlight the purpose of these spaces to enhance the streetscape amenity, be safe and accessible to all, and to clarify maintenance responsibilities.
17. Policy 310 Leasing has been substantially redrafted to make it more concise, easier to read, understand and interpret. Definitions have been added and improved, along with updated references to legislation, policies and strategies. It is proposed to amend the policy name to Policy 310 Leasing and Licensing to better reflect its content. Council resolution 235/2022 dated 15 November 2022 applied current Policy 310 – Leasing to the terms of new 5 year leases offered to 16 community related tenancies, with the addition of some enhancements (for example (1) introduction of market rent for government tenants which previously had paid peppercorn rents; (2) introduction of Social Impact Investment Process reporting to gather data as to community benefit and assist long term decisions on community facilities). The policy content has been revised to incorporate these additions. The reviewed policy does not substantially change tenant obligations, apart from the introduction of market rent for government tenants.
18. Policy 051 Agenda Briefing Forum, Concept Forum and Workshops has been amended to limit public participation during Agenda Briefing Forums to matters on the agenda. The time allotted for each public participation session has been aligned to legislation, to specify a minimum of 15 minutes, with extensions of time to be at the discretion of the Presiding Member.
19. Policy 052 Recording and Livestreaming has been amended to include video broadcasting and livestreaming of members of the public who ask questions or make statements during public participation times. This change will improve transparency and enable the public to gain a more complete understanding of the context of responses provided to questions.
20. Policy 111 Commemorative Recognition has been amended to include reference to Policy 103 Communications and Engagement, where applicable.
21. Policy 114 Community Funding has been amended to clarify eligibility criteria. Based on the Paxon internal audit report, the Ineligibility Criteria related to Elected Members (EMs) and staff members, and a relative of an EM / staff member has been updated in relevant programs to further clarify Eligibility Criteria. This definition has been taken from the Local Government Act 1995. Terms and conditions regarding eligibility have also been added to the application forms for relevant grant programs. Updates to the naming conventions of current community funding programs (paragraph 15) have been integrated. Officers are also progressing a more detailed review of the community funding policy over the coming months and will engage with EM's as part of this process. It is anticipated that a further revised Policy 114 will be presented to Council before the end of June 2024 for consideration.
22. Policy 117 Business Grants has been amended to remove the reference to COVID-19 Business Grants which are no longer delivered by the Town. The requirement for an annual review of business grant categories has also been amended to align with this policy's review cycle.

23. Policy 204 Improvement of Verges or Footpaths Adjacent to Commercial Properties has been amended to more clearly define and control material to be restricted from flowing across footpaths, to improve pedestrian safety and access.
24. Policy 210 Free Trade Area has been amended to include the value of Public Liability coverage to ensure that insurers provide appropriate cover to the business and so that applicants are not under-insured.
25. Policy 303 Debt Collection has been amended to include the method of using skip traces for the recover of outstanding rates and services charges. It also provides improved flexibility for two recovery actions in the policy to provide options of what action may be undertaken depending on the particular circumstance.
26. Policy 331 Information Systems Security has been amended to correct minor errors and to align with WA Government Cyber Security Policy.

Relevant documents

Not applicable.

Legal and policy compliance

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

Financial implications

Current budget impact	Not applicable.
Future budget impact	Not applicable.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			Low	
Environmental			Medium	
Health and safety			Low	
Infrastructure/ ICT systems/ utilities			Medium	
Legislative compliance	Not reviewing policies may lead to non-compliance with regulation.	Medium	Low	Treat the risk by conducting regular reviews of policies.
Reputation	Not reviewing policies to ensure they are fit for	Low	Low	Treat the risk by conducting regular reviews of policies.

	purpose may impact on the Town's reputation			
Service delivery	Not reviewing policies may impact service delivery	Low	Medium	Treat the risk by conducting regular reviews of policies.

Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	A policy workshop was held with elected members on 27/11/2023
Relevant staff	Relevant staff have provided feedback.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The regular review of policies promotes accountability and good governance

Further consideration

Not applicable.

12 Chief Community Planner reports

12.1 Review of Local Planning Policies: No.10 - Pedestrian Walkways, No.11 - Amusement Centres and No.20 - Design Guidelines for Developments with Buildings Above 3 Storeys

Location	Town-wide
Reporting officer	Place Leader – Strategic Planning
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	1. LPP 10 - Pedestrian Walkways [12.1.1 - 1 page] 2. LPP 11 - Amusement Centres [12.1.2 - 1 page] 3. LPP 20 - Design Guidelines for Developments with Buildings Above 3 Storeys [12.1.3 - 15 pages]

Summary

This report is to consider the review of Local Planning Policies (LPPs) 'No.10 Pedestrian Walkways', 'No.11 - Amusement Centres' and 'No.20 – Design Guidelines for Development with Buildings Above 3 Storeys'. The review of these LPPs has found that their content is either redundant or has been superseded by provisions contained in higher order planning instruments. The Town's Administration recommends that the policies be revoked by the Council.

Recommendation

That Council revokes Local Planning Policies 10 'Pedestrian Walkways', 11 'Amusement Centres' and 20 'Design Guidelines for Development with Buildings Above 3 Storeys' in accordance with Schedule 2, Part 2, Clause 6 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Background

1. The Vic Park Planning Program outlines the Town's plan for up-dating and maintaining a contemporary urban planning framework, based on the Local Planning Strategy. The program includes the development of Local Planning Scheme No.2, Precinct Structure Plans, Local Development Plans and Local Planning Policies (LPPs).
2. LPPs are important planning instruments, adopted by Council, that help the Town set clear expectations for development standards and provide direction to applicants on how the Town may exercise discretion in assessing development proposals.
3. The State Administrative Tribunal has determined that the age of an LPP has a direct relevance to the weight to be afforded to it therefore it is important that regular reviews of LPPs are undertaken to

ensure that they remain current, consistent with contemporary legislation and relevant to achieving the Town's strategic objectives.

4. The Local Planning Policy Review Sub-Program is an important component of the Vic Park Planning Program and provides strategic oversight and processes for the making, evaluation and management of the Town's LPPs.
5. In 2023, the Local Planning Policy Review Sub-Program included a high-level review of the Town's existing suite of 33 LPPs and found that approximately half have not been reviewed within the last 4 years.
6. The high-level review has identified several LPPs not reviewed for over 10 years as priorities for review.
7. The review of three (3) such LPPs 10 'Pedestrian Walkways', 11 'Amusement Centres' and 20 'Buildings above 3 Storeys' are the subject of this report.

Discussion

Review of Local Planning Policy 10 - Pedestrian Walkways (LPP 10)

8. LPP 10 was first adopted in 1998 with the purpose to "set out the standards to be applied in regard to the minimum width of arcades and pedestrian walkways to facilitate safe and convenient pedestrian movement throughout the Municipality".
9. LPP 10 contains arbitrary minimum widths for arcades and walkways and no further design guidance.
10. The policy has not been reviewed since its initial adoption in 1998.
11. The objectives of the policy remain relevant, however, the outcomes the policy aims to achieve are now more comprehensively covered by higher order and more contemporary planning guidance including:
 - Reducing Crime and Anti-Social Behaviour in Pedestrian Access Ways (Western Australian Planning Commission [WAPC] - 2009)
 - Safer Places by Design (WAPC - 2023)
12. Additionally, State Planning Policy (SPP) - 7.0 Design of the Built Environment (2019) and the consideration of development applications by the Town's Design Review Panel are now available to provide design guidance on suitable width for pedestrian access to shopping centres and arcades in response to local context.
13. LPP10 is not considered to contain any provisions of greater value than those already contained in the WAPC Guidelines and detracts from the Town's planning framework's overall legibility.
14. The Administration recommends that LPP10 be revoked.

Review of Local Planning Policy 11 - Amusement Centres (LPP 11)

15. LPP 11 was first adopted in 1998 with the objective to "ensure that amusement centres are in harmony with surrounding buildings and land use activities".
16. LPP 11 contains guidance regarding the location and controls that the Council will consider in determining whether to grant development approval for an amusement centre. In summary, these considerations relate to whether the amusement centre is detrimental to character or harmony of the locality by reason of its: appearance, operation, environmental impact and the likelihood that it will generate behaviour offensive to others in the area.

17. The policy has not been reviewed since its initial adoption in 1998.
18. Amusement Centres (defined as 'Amusement Parlours' under the Town's local planning scheme) are a relatively rare land use that have generally evolved to form a portion of a more predominant land use such as a 'small bar' (for example Palace Arcade, Victoria Park) or being classified more widely under the 'recreation – private' land use.
19. The 'amusement parlour' land use has been subject to recent review (May 2023) by the Department of Planning, Lands and Heritage (DPLH) in progressing the State Governments 'Action Plan for Planning Reform'. The Action Plan aims to make local planning schemes more consistent and legible. The review of model land use terms recommends that the definition of 'amusement parlour' "is considered very narrow in scope and it could easily be integrated into the definition of 'recreation private" and should be deleted from local planning schemes. Notably, the WAPC has yet to decide on this recommendation.
20. The objectives of LPP 11 remain relevant, however, the need for such policy provisions have effectively been superseded by the Deemed Provisions of the Planning and Development (Local Planning Scheme Regulations) 2015, specifically Clause 67 – 'Matters to be considered by local government'. In determining a matter for development approval, the local government must give due regard to the development (summarised):
 - Meets the aims of the local planning scheme.
 - The local built form context and appearance of the development
 - The amenity of the locality including environmental, local character and social impacts of the development.
21. LPP 11 is not considered to contain any provisions of any greater value and detracts from the overall legibility of the Town's planning framework.
22. The Administration recommends that LPP11 be revoked.

Review of Local Planning Policy 20 – Buildings above 3 storeys (LPP 20)

23. LPP 20 was first adopted in 2004 with the objective to "facilitate appropriate design responses where there are pressures for more intensive development within the Town of Victoria Park".
 24. LPP 20 contains guidance regarding the Town's performance-based approach to achieve a higher design standard, requirements for thorough site and context analysis to be undertaken for any development proposal and for this to inform the design response.
 25. Further guidance is provided regarding performance criteria for matters including:
 - Site Planning;
 - Streetscapes;
 - Building Appearance and Neighbourhood Character Intent;
 - Private Open Space;
 - Communal Open Space and Publicly Accessible Space;
 - Resource efficiency;
 - Safety and Security;
 - Privacy;
 - On-Site Parking and Access; and
-

- Site Facilities;

26. The policy also provides guidance regarding the review of development above 3 storeys by the Town's independent Design Review Panel.

27. The policy has not been reviewed since its initial adoption in 2004.

28. The objectives of the policy remain relevant, however, the outcomes the policy aims to achieve are now more comprehensively covered by higher order and more contemporary planning guidance including:

- State Planning Policy 7.0 - Design of the Built Environment (SPP 7.0)

Adopted in 2019, SPP 7.0 is the lead policy that elevates the importance of design quality across the whole built environment and applies to all development applications. SPP 7.0 includes 10 principles that define 'good design' to inform design, review and decision making for development. The principles are Context and Character, Landscape Quality, Built form and Scale, Functionality and Build Quality, Sustainability, Amenity, Legibility, Safety, Community and Aesthetics

SPP 7.0 also establishes the framework for integrating design review as a part of the development evaluation process.

- State Planning Policy 7.3 - The Residential Design Codes (the R-Codes)

The R-Codes control the design of most residential development throughout Western Australia. Volume 1 – Single and Grouped Dwellings (generally applicable to development of 3 storeys and below) and Volume 2 – Apartments (generally applicable to development of 2 storeys and above) aim to address emerging design trends, promote sustainability, improve clarity and highlight assessment pathways to facilitate better development outcomes.

Similarly to LPP 20, the R-Codes Volume 2 (adopted in 2019) provides performance-based controls that apply qualitative performance criteria to evaluate proposals against desired outcomes and planning objectives as well as guidance for design review processes to facilitate performance evaluation to inform statutory planning decision making.

29. LPP 20 is not considered to contain any provisions of any greater value than what is contained within these higher order planning instruments and detracts from the overall legibility of the Town's planning framework.

30. The Administration recommends that LPP20 be revoked.

Conclusion

31. In view of the above, LPPs No.10, No.11 and No.20 are considered outdated and not of any significant value to the Town's Local Planning Framework. It is recommended that these LPPs be revoked by Council.

Relevant documents

- [State Planning Policy 7.0 - Design of the Built Environment](#)
- [State Planning Policy 7.3 - Residential Design Codes Volume 2 - Apartments](#)

Legal and policy compliance

32. The Planning and Development (Local Planning Schemes) Regulations 2015 at Schedule 2, Part 2, clause 6 does not require the revocation of a local planning policy to be advertised for public comment.

33. Should Council decide to revoke LPPs No.10, No.11, and No.20 a notice of revocation published within a local newspaper circulating within the Town is required to give effect to the revocation.

Financial implications

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

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable		Low	
Environmental	Not applicable		Medium	
Health and safety	Not applicable		Low	
Infrastructure/ ICT systems/ utilities	Not applicable		Medium	
Legislative compliance	Not applicable		Low	
Reputation	The Council refuse to endorse recommendation to revoke local planning policies reducing the legibility of the Town's local planning framework.	Low	Low	Treat - Provide clear information to Council on the purpose of proposed revocation of the LPPs. Accept the risk and act on any further instructions from the Council.
Service delivery	Not applicable		Medium	

Engagement

Internal engagement	
Stakeholder	Comments
Urban Planning	The revocation of the Policies is supported, noting that LPPs 10 and 11 have rarely, if ever, been applied to development applications, and in the case of LPP20 much of the content is now covered through State Planning Policy 7.0 and the R-Codes Volume 2.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The regular review of local planning policies improves the overall legibility of the planning framework.

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The regular review of local planning policies ensures that the local planning framework remains contemporary and aligned with the Town's strategic planning, urban design and development objectives.

Further consideration

Not applicable.

12.2 Community Funding Program Art, Sport and Sport Equipment Grants

Location	Town wide
Reporting officer	Community Development Officer – Grants, Donations and Administration
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	1. Attachment One Art Grants R2 2023-24 [12.2.1 - 5 pages] 2. Attachment Two Sport Grants R2 2023-24 [12.2.2 - 2 pages] 3. Attachment Three Sport Equipment Grants R2 2023-24 [12.2.3 - 1 page]

Summary

To provide Council with oversight of the Town's Art, Sport and Sport Equipment grant applications and assessments, with recommendations for Council endorsement.

- The Town's Vic Park Funding Program increases opportunities for local collaboration and partnership between the Town and community to deliver the Town's strategic objectives as per the Strategic Community Plan and address local priorities. There were residual funds from the first round of funding, so they were advertised in a second round. The following funding was available after the first round:
 - o Art grants \$13,761.00
 - o Sport grants \$8,640.00
 - o Sport equipment grants \$11,980.00
- The Vic Park Funding Program for Art and Sport and Sport Equipment grants opened on 16 October 2023. The Sport and Sport Equipment grants closed on 29 November 2023 and the Art grants on 24 November 2023.
- The Town received a total of 10 applications requesting a total of \$43,625.60 (cash) and \$2,275.00 (in-kind assistance):
 - o Seven Art grants totaling \$29,288.60
 - o Two Sports grants totaling \$9,795.00 and \$2,275.00 (In-Kind)
 - o One Sport equipment grant totaling \$4,542.00
- A review of applications by the Town's Community Fund Panels concluded four applications sufficiently met the criteria and are recommended for Council endorsement, comprising a total funding request of \$13,439.10:
 - o Two Art grants totaling \$7,473.60
 - o One Sport grants totaling \$4,830.00
 - o One Sport equipment grants totaling \$1,135.50 (25% of \$4,542.00)

Recommendation

That Council:

1. Endorses the following Arts and Sport and Sport Equipment grant applications:
Arts grants:
 - (a) Domenica Harrison: Vic Park Writer's Festival, \$5,000.00
 - (b) Vic Park Printmaking Group: The Next 10 Years, \$2,473.60Sport equipment grants:
 - (a) Victoria Park Junior Football Club: Still Kicking 2023 – new footballs, \$1,135.50 (25% of \$4,542.00)Sport grants:
 - (a) Carlisle and Victoria Park AFLW Ducks: Specialised Program for Injury Prevention and Football Development; \$4,830.00
2. In accordance with section 9.49A(4) of the Local Government Act 1995, Council authorise the following officer to sign the corresponding documents in alignment with Category Two documents in Policy 009 – Execution of Documents: Art, Sport and Sport Equipment Letter of Agreements – Manager Community.

Background

1. The Town acknowledges the significant role it plays in supporting the community through the provision of funding opportunities and the impact these opportunities can have within the community.
2. The Town's Policy 114 Community Funding aims to ensure the success and prosperity of the Town's community while ensuring transparency of funding decisions and accountability of those parties receiving funding.
3. The community funding program aims to increase the capacity of community groups, businesses, clubs and organisation's within the Town of Victoria Park, to implement projects, activities, and programs that enhance and promote community wellbeing, aligned to the Town's Strategic Community Plan.
4. In making a recommendation to Council the Community Funding Assessment Panel provides the following information to ensure Council can make informed and transparent decisions:
 - Details of all applications including title, project scope, amount of assistance applied for (ex GST), evaluation, and score.
 - The information provided is inclusive of successful and unsuccessful applications.
5. To ensure that the Community Funding Assessment Panel continues to be fit for purpose and remains meaningfully engaged, membership for the panel positions were recruited via expressions of interest and direct approaches to ensure appropriate skills, knowledge and experience could be applied to the assessment process.

Discussion

6. The Art, Sport and Sport Equipment grants were promoted across various platforms to reach target audiences.
 - The Town provided drop-in sessions with the Grants Administration Officer and Arts Development Officer for people considering applying for a grant. It was an opportunity for potential grant applicants to talk about their project and see if it was suitable for funding. A link was provided

where people could book directly, and it listed when the Grants Administration Officer and Arts Development Officer were available.

- One person attended an Art grant drop-in session and the Art Development Officer received three phone calls.
- Three people attended the Sport/Sport equipment grant drop-in sessions.

7. Art Grants

The Town's Art Grant Funding Assessment Panel consisted of the following Town officers:

- Coordinator Events, Arts and Funding
- Grants Administration Officer
- Arts Development Officer - substantive
- Arts Development Officer - acting

8. Applications were assessed individually and then reviewed in a formal panel meeting by the Town's Art Grants panel members, in line with Policy 114 Community Funding and the criteria outlined in the Vic Park Funding Program.

9. The Town's initial assessment questions are as follows:

- Eligibility
- Applicant details (organisation, auspice arrangements etc.)
- Project details (brief description, risks, locations, dates etc.)
- Assessment criteria questions.

10. The Town's assessment criteria questions are as follows:

Arts assessment criteria	Weighting per question per panel member
<p>Question 1: Project Overview and Creative Vision: Describe your proposed project in detail. What is the central concept or theme of your project? How does it align with the Town's Arts and Culture Plan?</p>	<p>Weighting 40%</p> <ul style="list-style-type: none"> • Five points per panel member • Total 5 points available
<p>Question 2: Community Engagement and Impact: How do you intend to engage and impact the Vic Park community through your project? Does the project provide learning outcomes, spark creativity or innovation, encourage dialogue on social issues, aid in wellbeing and/or provide aesthetic enhancement to a space?</p>	<p>Weighting 40%</p> <ul style="list-style-type: none"> • Five points per panel member • Total 5 points available
<p>Question 3: Relevant Experience: Please share your relevant experience managing similar projects and budgets.</p>	<p>Weighting 20%</p> <ul style="list-style-type: none"> • Five points per panel member • Total 5 points available
	<p>Total weighing for four questions = 100% Total score available = 15 points</p>

11. The Art funding attracted seven applications, with a requested total of \$29,288.60
12. It is recommended that Council endorse two applications for a requested funding total of \$7,473.60
13. Evaluation summaries related to all Art grant applications are provided in Attachment One.
14. The Town recommends the following Art grant applications for endorsement by Council:

Applicants	Project	Amount
Domenica Harrison	Vic Park Writer's Festival	\$5,000.00
Vic Park Printmaking Group	The Next 10 Years	\$2,473.60
Total		\$7,473.60

15. The Town does not recommend the following applications for endorsement by Council:

Applicants	Project	Amount
Brett Cowan	Urban Decay	\$2,000.00
Patricia Alessi	Creative engagement	\$5,000.00
Alyssa Curtayne	Professional Development	\$5,000.00
Andrew McDonald	Jam Trees on Fire/One Punch	\$4,815.00
Aron Attiwell	Short Film Funding	\$5,000.00
Total		\$21,815.00

16. Sport grants

The Town's internal Sport Grant Funding Assessment Panel consisted of Town officers:

- Manager, Infrastructure Operations
- Club Development Officer – Clubs, Events and Bookings
- Coordinator, Health and Fitness

Due to a disclosed conflict of interest, the Customer Relations Officer was removed from the Sport Grant Funding Assessment Panel.

17. Applications were assessed individually and then reviewed in a formal panel meeting by the Town's Sport Grants panel members, in line with Policy 114 Community Funding and the criteria outlined in the Vic Park Funding Program.
18. Applications were assessed individually and then reviewed in a formal panel meeting by the Town's Sport Grants panel members, in line with Policy 114 Community Funding and the criteria outline for the Vic Park Funding Program.

19. The Town's initial assessment questions are as follows:

- a. Eligibility
- b. Applicant details (organisation, auspice arrangements etc.)
- c. Project details (brief description, risks, locations, dates etc.)
- d. Assessment criteria questions.

20. The Town's assessment criteria questions are as follows:

Sports Grant Assessment Criteria	Weighting per question per panel member
Question 1: How does the project/initiative align with the Town's Strategic Community Plan 2022-32 objectives?	Weighting 40% <ul style="list-style-type: none"> • Five points per panel member • Total 15 points available
Question 2: What measures have you taken to ensure this initiative is suitable and inclusive of all members?	Weighting 25% <ul style="list-style-type: none"> • Five points per panel member • Total 15 points available
Question 3: How do you know the project is needed by the community (research, survey, time to upgrade)? How many people will benefit?	Weighting 25% <ul style="list-style-type: none"> • Five points per panel member • Total 15 points available
Question 4: Demonstrate the applicant's capacity to deliver proposed initiative within specified period.	Weighting 10 <ul style="list-style-type: none"> • Five points per panel member • Total 15 points available
	Total weighing for four questions = 100% Total score available = 60 points

21. The Sport grants attracted two applications with a total requested of \$9,795.00

22. It is recommended that Council endorse one application for a requested funding total of \$4,830.00

23. Evaluation summaries related to all Sport grant applications are provided in Attachment Two.

24. The Town recommends the following Sport Grant applications for endorsement by Council:

Applicants	Project	Amount
Carlisle and Victoria Park AFLW Ducks	Specialised Program for Injury Prevention and Football Development	\$4,830.00
Total		\$4,830.00

25. The Town does not recommend the following Sport applications for endorsement by Council:

Applicants	Project	Amount
Victoria Park Carlisle Southern Aquatic Swimming Club	Junior Coach Training and Development Opportunity: Club Longevity	\$4,965.00
Total		\$4,965.00

26. Sport Equipment Grants

The Town's internal Sport Equipment Grant Funding Assessment Panel consisted of Town officers:

- Manager, Infrastructure Operations
- Club Development Officer – Clubs, Events and Bookings
- Coordinator, Health, and Fitness

Due to a disclosed conflict of interest the Customer Relations Officer was removed from the Sport Equipment Grant Funding Assessment panel.

27. Applications were assessed individually and then received with a formal panel meeting by the Town's Sport Equipment Grants panel members in line with Policy 114 Community Funding and the criteria outlined in the Vic Park Funding Program.

28. The Town's initial assessment questions are as follows:

- Eligibility
- Applicant details (organisation, auspice arrangements etc.)
- Project details (brief description, risks, locations, dates etc)
- Assessment criteria questions

29. The Town's assessment criteria questions are as follows:

Sports Equipment Grant Assessment Criteria	Weighting per question per panel member
Question 1: What are you planning to purchase from the grant funding?	Weighting 20% <ul style="list-style-type: none"> • Five points per panel member • Total 15 points available
Question 2: Why are uniforms and equipment necessary? Please explain the need for the items.	Weighting 30% <ul style="list-style-type: none"> • Five points per panel member • Total 15 points available
Question 3: How does purchasing uniforms or equipment align with the Town's Strategic Community Plan 2022-32 objectives?	Weighting 40% <ul style="list-style-type: none"> • Five points per panel member • Total 15 points available
Question 4: Is the Sporting club located within the Town? If No. How does the Sporting Club service the Town of Victoria Park Sporting Club Community?	Weighting 10 <ul style="list-style-type: none"> • Five points per panel member • Total 15 points available

Total weighing for four questions = 100%
Total score available = 60 points

30. The Sport Equipment grant attracted one application with a total requested of \$1,135.50
31. It is recommended that Council endorse one Sport Equipment application for a requested funding total of \$1,135.50.
32. Evaluation summaries related to all Sport equipment grant applications are provided in Attachment Three.
33. The Town recommends the following Sport Equipment grant application for endorsement by Council:

Applicants	Project	Amount
Victoria Park Junior Football Club	Still Kicking 2023 – New footballs	\$1,135.50
Total		\$1,135.50 (25% of \$4,542.50)

Funding Administration

34. Subject to Council endorsement, successful Art, Sport and Sport Equipment applicants will be notified of the decision within five business days of the Council resolution.
35. If an applicant is not satisfied with the endorsed outcome, a complaint can be formally lodged via the Town's Customer Service Delivery Management Practice and complaints guidelines, within 14 days of notification. Information on how to lodge a complaint will be contained within the letter and outlined in the Vic Park Funding section on the Town's website.
36. The Town encourages previous unsuccessful applications to contact the Town for feedback to support future applications.
37. Successful Art, Sport and Sport Equipment grant applicants must complete the Town's acquittal reporting documentation within three months of the program or event's completion.
38. Decisions regarding funding or not funding grant applications are the responsibility of Council. Policy 009 Execution of Documents requires the execution of Grant Agreements for successful applications by the Chief Executive Officer. However, as the issue of Grant Agreements is a standard administration practice which utilises a standard template, this report requests the Council provide authorisation to the Manager Community to execute Grant Agreements in-lieu of the CEO as permitted under Clause 10 of Policy 009 Execution of Documents and 9.49A(4) of the Local Government Act, 1995.

Relevant documents

[Policy 009 Execution of Documents](#)

[Policy 114 Community Funding](#)

Legal and policy compliance

Not applicable.

Financial implications

Current budget impact	The following amounts were remaining funds from the first round of funding within the 2023-24 budget:				
	<ul style="list-style-type: none"> • Art grants \$13,761.00 • Sport grants \$8,640.00 • Sport equipment grants \$11,980.00 				
	Grants 23/24	Allocated Funding	Round 1 Allocated	Round 2 Allocated	Remaining Funds
	Art Grant	\$30,000.00	\$16,239.00	\$7,473.60	\$ 6,287.40
	Sport Grant	\$20,000.00	\$11,360.00	\$4,830.00	\$ 3,810.00
Sport Equipment Grant	\$20,000.00	\$ 8,020.00	\$1,135.50	\$10,844.50	
Total	\$70,000.00	\$35,619.00	\$13,439.10	\$20,941.90	
Future budget impact	Based on the financial value of the grants recommended for approval by Council in this report, and the amount of \$20,941.90 would be remaining.				
	As part of the Mid Year Budget Review process, \$5,000 will be proposed for retention to curate a Town led Grants Expo and a Grants video, aimed at promoting and raising awareness of the Community Grants Program, with the remaining unused funds returned to consolidated revenue.				
Future budget impact	Not applicable – allocated funds will be expended in the 2023/24 budget.				

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Loss of funds if successful programs/events are cancelled or do not deliver on intended purpose.	Moderate	Low	TREAT – Acquittal process to be well organised and monitored.
	Conditions are put on letter of	Moderate	Low	TREAT – Letter of agreement states date of expenditure and monitored
		Moderate		

	agreement regarding date of expenditure. Event bookings, permits and forms not approved.		Low	Event Management advice and coordination process explained and monitored
Environmental	Not applicable			
Health and safety	Not applicable			
Infrastructure/ ICT systems/ utilities	Not applicable			
Legislative compliance	Not applicable			
Reputation	Negative public perception towards the Town should applications not be funded	Minor	Low	TREAT – Transparent application and approval process with rationale and feedback to unsuccessful applicants
Service delivery	Not applicable			

Engagement

Internal engagement	
Stakeholder - Assessment Panels	Art Funding Assessment Panel Sport and Sports Equipment Funding Assessment Panel
Engagement	Consultation and management of grant administration Consultation and panel evaluation

External engagement	
Stakeholders	All community
Period of engagement	Art, Sport and Sport Equipment Grants opened for applications 16 October 2023. Art Grants close 24 November 2023 and Sport and Sport Equipment Grants close 29 November 2023.
Level of engagement	1. Inform
Methods of engagement	Town's website Town's social media platforms – Facebook and Town's e-newsletters

	Direct email Grant drop-in sessions
Advertising	Town's website Town's social media platforms – Facebook and Town's e-newsletters Direct email Grant drop-in sessions
Submission summary	Seven art grant submissions received Two sport grant submissions received One sport equipment grant submission received
Key findings	Art grant program: Two submissions are recommended for Council endorsement Five submissions are not recommended for Council endorsement Sport grant program: One submission is recommended for Council endorsement One submission is not recommended for Council endorsement Sport equipment grant program: One submission is recommended for Council endorsement

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Funds are managed with full, accurate and timely disclosure of financial information relating to the Council. Town grants funds are maximised by seeking the greatest possible benefit to the community within the available monetary resources.

Economic	
Community Priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	To connect businesses, community groups, and residents to gain a strong sense of place by activating public spaces and local activity centres to gain an inclusive, engaged and empowered community.

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

Social	
Community Priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	Funds used for organisation's to facilitate an inclusive community through local celebrations including food markets, local

	performances from culturally diverse artists, multicultural art exhibitions, sporting events and storytelling.
S4 - Improving access to arts, history, culture and education.	To support local organisation's and individuals to deliver services and initiatives that encourage awareness of arts, history, culture and education.

Further consideration

Not applicable.

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

Location	Town-wide
Reporting officer	Place Leader – Strategic Planning
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 Draft LP S 2 Schedule of Submissions [12.3.1 - 62 pages] 2. Attachment 2 Draft LP S 2 Scheme Text (Advertised Version) [12.3.2 - 72 pages] 3. Attachment 3 Draft LP S 2 Scheme Map (Advertised Version) [12.3.3 - 1 page] 4. Attachment 4 Draft LP S 2 Schedule of Scheme Text and Map Modifications [12.3.4 - 20 pages] 5. Attachment 5 Draft LP S 2 Submissions Analysis and Recommendations Report [12.3.5 - 30 pages] 6. Attachment 6 Draft LP S 2 Other Modifications Report [12.3.6 - 15 pages] 7. Attachment 7 - Modified draft LP S 2 Scheme Text (with Tracked Changes) [12.3.7 - 81 pages]

Summary

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

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.

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.
8. At the 12 December Ordinary Meeting of Council, the Council passed a procedural motion to defer a decision on LPS2 to allow for an Elected Member workshop held on 30 January 2024 to:

"to enable all elected members to have more time to consider both the impact of the proposed draft Local Planning Scheme No.2 as well as the submissions that have come from the recent lengthy community consultation and the recommended modifications that the Town staff now say should be introduced as a result of that communication from the public consultation period."

Discussion

Response to submissions

9. 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.
10. 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.
11. 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).
12. 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

13. 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).
14. 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.

Next Steps

15. 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.
16. Should Council wish to support additional modifications to LPS2 to include clauses that address matters such as Tree Preservation on Private Land or any other matter then the WAPC may, in reviewing the Scheme, make recommendations to the Minister that:
- a. the modified clauses be removed and for the Scheme to be assessed without them (no time implications);
 - b. the modified clauses represent a major change, and that the Town should be directed to re-advertise the Scheme (a 6 – 12 month approximate delay);
 - c. LPS2 should be approved inclusive of the modified clause (no time implications).
- Of the actions available to the WAPC, the Administration is of the view that (a) is by far the most likely outcome in this scenario.
17. Should the Council wish to defer a determination of LPS2 to enable working on further clauses (and potential supporting policy work) for matters such as Tree Preservation of Private Land then this is likely to a minimum of 5 months to complete and would include:
- a. Research, context analysis and analysis of existing related Town policies including Local Planning Policy 39 – Tree Planting and Retention.
 - b. Workshops with Elected Members to inform scheme or policy content.
 - c. Engagement with the Urban Forest Strategy Implementation Working Group.

- d. Engagement with other local governments pursuing scheme amendments to preserve trees on private land.
 - e. Engagement with the Western Australian Local Government Association.
 - f. Engagement with the Department of Planning, Land and Heritage.
 - g. Seeking independent legal advice to inform the manner and form of potential scheme clauses.
 - h. Preparation of preliminary options and recommendations for the local planning framework response (whether that be local planning policy, scheme provisions or other mechanisms).
 - i. Internal engagement with affected service areas including Urban Planning and Compliance officers.
 - j. Community engagement and public advertising. For a local planning policy (minimum 21 days) or scheme modification (minimum 60 days) in accordance with LPP37 Community Consultation on Planning Proposals.
18. Should the Council defer a decision, a request for a further extension to the consideration period must be submitted to the WAPC to comply with the Regulations.
19. It is important that Council carefully consider the following information while considering the matter of Tree Preservation on Private land and a related modification to LPS2.
- a. The WAPC are unlikely to support bespoke provisions in a Scheme for tree preservation when they are considering only Model Scheme provisions. Therefore, a modification to the Scheme regarding tree preservation is likely to be unsuccessful at this time.
 - b. Tree preservation on private land is a complex consideration in the context of State and Town objectives relating to growth, development and densification. Any provisions within the Scheme need to be carefully considered and balanced against the range of priorities of the Town, and our context as an inner city community in Perth. A modification from Council might not have been subjected to the procedural rigour necessary to be contemplated as a Scheme provision (including community engagement).
 - c. If Council were to defer LPS2 to allow the necessary time to apply the rigour mentioned above, then this could result in a lengthy delay to LPS2. TPS1 is an old Scheme. There are community members, prospective developers, businesses and investors who are waiting for a modernised LPS2 to inform investment decisions within the Town. A deferral of LP2 represents a reputational risk to the Town.
 - d. 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 able to be contemplated via a discrete piece of work that could result in a future amendment to LPS2, a planning policy or some other mechanism or initiative. A separate piece of work could occur concurrent to LPS2 being submitted to and assessed by the WAPC. The estimated timeframe for this piece of work would be for a Local Planning Policy (if that was deemed an appropriate mechanism) to be completed (prepared, advertised and adopted by Council) within approximately 6 months and a Scheme Amendment (if considered necessary) to be completed (prepared, advertised and supported by Council for submission to the WAPC) within approximately 8 months.

Relevant documents

[Local Planning Strategy](#)

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

Legal and policy compliance

20. 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.
21. 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

22. 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.
23. 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.
24. 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.
25. The documents to fulfill these requirements are contained in the attachments to this report.

Financial implications

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

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable		Low	
Environmental	Not applicable		Medium	

Health and safety	Not applicable	Low	
Infrastructure/ ICT systems/ utilities	Not applicable	Medium	
Legislative compliance	The WAPC or Minister for Planning requires major changes to LPS2	Low	Accept the risk and act on any further instructions from the WAPC and/or Minister for Planning
	Council decides to defer a decision relating to LPS2 to undertake further work in relation to tree preservation provisions.	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 meeting its legislative timeframes in the further considerations portion of this report.
Reputation	The Council refuses to endorse LPS2 or require major alternative modifications.	Low	Treat - Provide clear information to Council on proposed modifications to LPS2. Accept the risk and act on any further instructions from the Council
	Council decides to defer a decision relating to LPS2 to undertake further work in relation to tree preservation provisions.	Low	Treat – Provide a clear overview of the rationale to not include tree preservation provisions and the impact deferring LPS2 would have on the Town's reputation in the further consideration section of this report.
Service delivery	Not applicable	Medium	

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	<p>Community Drop in Sessions</p> <ul style="list-style-type: none"> • Session 1 – Online (Wednesday, 24 May 2023, 5:30pm – 7:00pm) • Session 2 - Town of Victoria Park Admin Building (Saturday, 27 May 2023, – 11:00am-1:00pm) • Session 3 - Online - Real estate and property industry (Friday, 2 June 2023, 1:00pm-2:00pm) • Session 4 - Online (Wednesday, 7 June 2023, 5:30pm – 7:00pm) • Session 5 - Town of Victoria Park Library (Saturday, 10 June 2023, 11:00am-1:00pm) <p>Phone calls and counter enquiries.</p> <p>Your thoughts engagement platform.</p>
Advertising	<ul style="list-style-type: none"> • ~10,500 letters sent to landowners and occupiers. • Southern Gazette – One public notice (4 May 2023) and four newspaper adverts (1 June, 22 June, 6 July, 20 July 2023). • Town media – Monthly news article on the Town’s website, business e-news, multiple social media posts. • 14 notices sent to local government agencies and surrounding local governments. • Scheme text, maps and other relevant documents are available at the Town’s administration centre and Library.
Submission summary	<p>198 submissions were received comprising:</p> <ul style="list-style-type: none"> • 191 community submissions (167 lodged via YourThoughts and 24 submissions via direct email/letter). • 7 State Government agency submissions.

	<p>Of the 191 community submissions received:</p> <ul style="list-style-type: none"> • 85% (163) were from submitters who own or occupy property within the Town. • 15% (28) were from submitters who did not have a prescribed connection to the Town.
Key findings	<p>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.</p> <p>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.</p>

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

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.

Further consideration

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

Car yard land use

26. 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?

27. 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

28. 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?
29. 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.
30. 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?
31. Answer: The Administration has 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.
32. 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?
33. 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

34. 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?
35. 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.
36. 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.
37. 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.

LPS2 Workshop with Elected Members

38. On 30 January 2024 the Administration held a workshop with Elected Members to provide further information and explore LPS2 matters of interest with Council including preferred approaches and next steps to progress the local planning framework in response to each matter.

12.4 Operating Subsidies 2024 - 2026 - Round One

Location	Town-wide
Reporting officer	Community Development Officer – Grants, Donations and Administration
Responsible officer	Chief Community Planner
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Attachment One - Operating Subsidies 2024 - 2026 [12.4.1 - 9 pages]2. Attachment Two - Victoria Park Community Centre - Theory of Change and Program Logic [12.4.2 - 2 pages]3. Attachment Three - Connect Victoria Park - Theory of Change and Program Logic [12.4.3 - 5 pages]4. Attachment Four - Victoria Park Centre for the Arts - Theory of Change and Program Logic [12.4.4 - 3 pages]

Summary

To provide Council with oversight of the Town's three-year operating subsidy applications and assessments for Council consideration.

- Operating subsidies are made available to support the ongoing operating capacity of service providers operating within the Town to deliver a range of programs, services, events, and partnerships, that align with the Town's strategic outcomes to enhance the quality of life of the community.
- Applications for the Operating Subsidy applications were open from 23 October and closed on 1 December 2023.
- The Town received Operating Subsidy applications from four organisations with a combined value of \$302,300 excluding GST and \$1,200.00 (in-kind).

Recommendation

That Council:

1. Endorses the following Operating Subsidy applications for a three-year period commencing on 1 July 2024, with cash payment and in-kind (plus Perth CPI applied for years two and three):
 - a) Victoria Park Community Centre - \$100,000 excluding GST;
 - b) Connect Victoria Park - \$100,000 excluding GST;
 - c) Victoria Park Centre for the Arts - \$98,800 excluding GST and \$1,200 (In-Kind).

Background

1. The Town recognises that community health and wellbeing is influenced by numerous factors, including social connectedness, a sense of belonging, a place where people have meaningful and accessible opportunities to participate in the arts, culture, education and to celebrate heritage.

2. As the tier of government closest to community, local government plays a significant role in shaping and supporting the overall health and wellbeing of the community. This is achieved through a collective impact approach of working in collaboration with the local groups, volunteers, service providers and other stakeholders.
3. Operating subsidies are to support the ongoing operating capacity of the Town’s service providers to deliver a range of programs, services, events, and partnerships, which enhance the community’s quality of life.
4. At the 7 December 2021 Concept Forum, elected members provided input into future focus themes for operating subsidies to guide the prioritisation of applications to be more aligned with local government core business.
5. Based on this feedback, the following Primary and Secondary focus areas were integrated into the 2022-23 Operating Subsidy application process:
 - a. Primary
 - Youth development/services
 - Seniors/aged
 - Arts and culture
 - Community safety
 - b. Secondary
 - LGBTQI+
 - Multicultural

The primary theme of “Community Safety” was added in 2023 in response to the MARKYT Community and Wellbeing Scorecard that indicated the community’s strong prioritisation of safety.

6. Complementing these themes were the addition of the following strengths-based criteria:
 - a. Community engagement and social connection
 - b. Capacity building and skill development
 - c. Supporting system identification, alignment, and improvement, and
 - d. Seeks collaboration and partnering.
7. The Town currently provides operating subsidies to the following groups:

Organisation	Amount	Timeframe
Connect Victoria Park Incorporated	<ul style="list-style-type: none"> • Three-year operating subsidy • \$75,000 + Perth CPI annually • Contract extension endorsed November 2020 • Financial assistance contributing to staffing costs and direct program delivery for the wider community. 	Contract ends 30 June 2024

Harold Hawthorne Community Centre Incorporated	<ul style="list-style-type: none"> • Three-year operating subsidy • \$99,040.00 and \$960 (In-Kind) • Financial assistance to deliver underpinned programs and activities and events. Also build new collaborations and partnerships with other providers and services to deliver projects focused on health and overall wellbeing of seniors, culturally diverse and LGBTQ+ groups. • Peppercorn lease 	Contract ends 30 June 2025
Victoria Park Centre for the Arts	<ul style="list-style-type: none"> • Three-year operating subsidy • \$104,000 + Perth CPI annually • Financial assistance to contribute to keeping the Centre functioning, and to continue employing a part-time professional team. • Peppercorn lease 	Contract ends 30 June 2024
Victoria Park Community Centre Incorporated	<ul style="list-style-type: none"> • Three-year operating subsidy • \$85,000 + Perth CPI annually • Financial assistance to support VPCC to deliver programs, support and services to the local community. • Peppercorn lease 	Contract ends 30 June 2024

Discussion

8. To assist the ongoing monitoring, review and management of Town's Operating Subsidies, agreement holders are required to provide six and twelve month reports, as well as annual financials to the Town. These reports and associated findings are reviewed and discussed at structured engagement sessions.
9. Key aspects of the reports include:
 - Partnerships initiated
 - Activities delivered (outputs)
 - Outcomes arising from activities, aligned with the Strategic Community Plan
 - Operating capacity during the period
 - Trends identified
 - Issues identified
 - Case study (de-identified)
 - Other funding – secured / changes
 - Anything the Town can support / help with
 - Completion checklist

- 12 month financials

10. Applications for Operating Subsidies were open from 23 October to 1 December 2023.
11. Additional relevant and reasonable questions were received by the organisation's during the application process. These questions were dealt with and answered by the Grants Officer with support from the Manager Community, when needed.
12. The Town delivered an Operating Subsidies Information Session on 9 November 2023. The workshop provided participants with information on eligibility, evaluation criteria, application process, application tips and how to demonstrate social impact.
13. The Town received four Operating Subsidy application submissions with a total request of \$302,750 and \$750 In-Kind excluding GST.
14. The application requires the completion of four parts:
 - a. Eligibility
 - b. Application Details (organisation, auspice arrangements)
 - c. Project details; and
 - d. Assessment Criteria as outlined in the table below.
15. The Operating Subsidy application form was aligned with the Town's Strategic Community Plan outcomes and consisted of four questions with a maximum score of five points per question. With four panel members scoring across the four assessment criteria with a maximum score of 80 available per application. The final weighted score for the complete application was out of 100%.

16. The Town's assessment criteria questions are as follows:

Assessment criteria questions	Weighting per question per panel member
<p>Question 1 – Demonstrated evidence-based need (25% weighting)</p> <p>1.1. Planned Initiatives What initiatives do you specifically aim to deliver, as a result of receiving an operating subsidy? What will you have capacity to deliver due to receiving an operating subsidy that you would not normally be able to?</p> <p>1.2. Theme Which are the primary and or secondary priority themes you are addressing?</p> <p>1.3. Purpose Why does your service/offering exist</p> <p>1.4. Client Profile What information can you provide about the demographics of the clientele who use your services? For example: age, gender and whether they are residents of the Town of Victoria Park.</p> <p>1.5. Service Gap/Duplication Is your service a duplication of a service that already exists in the community? If so, in what ways? If it is a duplication, please outline how your service / initiative addresses a specific priority theme not being met by others.</p> <p>1.6. Secondary Data Are there other secondary data sets to support the need for your service in the local community? For example: from the ABS, Profile ID, Town of Victoria Park Demographics and Statistics, State and Federal Government, AEDC, Health and Wellbeing indicators, industry specific research /modelling.</p> <p>1.7. Design and Evaluation Have you undertaken human centered-design and development evaluation (consultation and engagement with stakeholders in program design, monitoring and evaluation) to enhance your focus of approach? If so, what did this tell you?</p>	<p>Total score available is five per panel member = 20 points total</p>
<p>Question 2 – Alignment to Strategic Community Plan (25% weighting)</p> <p>2.1. Top Three Outcomes Please identify the top three outcomes of the Town's Strategic Community Plan that your service / approach will deliver upon.</p> <p>We understand that you will more than likely achieve more than three outcomes. However, to ensure proportionate, consistent and comparable</p>	<p>Total score available is five per panel member = 20 points total</p>

reporting and acquittals, you will be required to acquit against the three you select, should you be successful.

2.2. How will Outcomes be Achieved Using Strengthen Based Approaches

How will you address and or integrate one or more of the following strength-based elements into your initiative / approach as you achieve these outcomes?

- community engagement and social connection;
- capacity building and skill development;
- supporting system identification, alignment and improvement;
- seeking out collaboration and partnering.

2.3. Evidence of Past Outcomes

Please provide evidence of past outcomes achieved at an individual and/or community level that aligned with our Primary or Secondary Themes, and how they were measured.

2.4. Theory of Change and Program Logic

Have you created a Theory of Change and Program Logic to help you demonstrate an alignment to the Town’s Strategic Outcomes?

2.5. Monitoring Evaluation / Evidence of Past Outcomes

Do you have monitoring, evaluation and outcome measurement processes in place? If so, provide details as to how you will collect data for the Annual Outcome Report.

2.6. Staff Capacity to Measure Outcomes

Provide evidence of the skill set, capabilities and capacity of staff to measure outcomes.

Question 3 – Value for Money (25% weighting)

3.1. Service Provision

How many people (approximately) will benefit from your service / initiative within a 12-month period?

3.2. Value for Money

Have you calculated the cost per participant for your service (total service cost divided by number of people accessing your offering/services)?

3.3. Role/Salary Wage Assessment

If you are seeking funds to cover salaries please provide examples of similar positions, an average wage for such positions and an explanation of why the role/salary is required.

3.4. Service Location

Is this initiative/service located within the Town? Yes/No

3.5. Cost to Clients

Is the initiative/service free for the community? Yes/No

Total score available is five per panel member = 20 points total

<p>If you charge a fee, how does this compare to other like services?</p> <p>3.6. Relative Cost of Program If you are seeking funds for an ongoing program, provide examples of similar programs and operational costs.</p> <p>3.7. Volunteer Contribution You may like to consider including the number of volunteers and accumulative hours engaged in your service / initiative over the previous 12-month period, or their estimated level of involvement.</p>	
<p>Question 4 – Governance (25% weighting)</p> <p>4.1. Board of Management Provide details of the Board of Management structure and core areas of expertise.</p> <p>4.2. Staff Capacity Provide details of staff skills, experience, and capabilities in delivering proposed activities outlined within the Operating Subsidy.</p> <p>4.3. Risk mitigation Details of risk mitigation</p> <p>4.4. Strategic Plan Have you attached your current Strategic Plan?</p> <p>4.5. Financials Have you attached Financials for the previous two years?</p> <p>4.6. Other Evidence Attach any other evidence of relevance to demonstrate a capacity to effectively and safely deliver your service / approach.</p>	<p>Total score available is five per panel member = 20 points total</p>
<p>Total weighting for four questions = 100%</p>	<p>Total score available = 80 points</p>

17. The Town’s internal assessment panel consisted of four Town Officers:

- a. Chief Community Planner
- b. Manager Community
- c. Coordinator Community Development
- d. Manager Property Development and Leasing

18. Applications were assessed individually utilising a defined assessment matrix with descriptions and rating scale to guide the assessor with appropriate scoring. Then applications were reviewed within a formal panel meeting in line with Policy 114 Community Funding and the criteria outline for the Town’s Operating Subsidy funding program. On average, it took the Community Funding Assessment Panel members between one to two hours per application to assess individually, with a subsequent one-hour panel meeting.

19. Evaluation summaries related to all Operating Subsidies applications, recommended, and not recommended, are provided in Attachment One.

20. The Town recommends the following tabled applications for endorsement by Council:

Operating Subsidy Funding Recommendations

Applicants:	Project	Amount
Victoria Park Community Centre Incorporated	Vic Park Community Centre Operations	\$100,000
Connect Victoria Park Incorporated	Connect Victoria Park Village Hub	\$100,000
Victoria Park Centre for the Arts Incorporated	Victoria Park Centre for the Arts	\$98,800 \$1,200.00 (In-Kind)
Total		\$298,800 \$1,200.00 (In-Kind)

21. The Town does not recommend the following table applications for endorsement by Council:

Operating Subsidy Funding Not Recommended

Applicants:	Project	Amount
Perth Cricket Club	Coordination of Youth Cricket Programs	\$3,500.00
Total		\$3,500.00

Relevant documents

[Policy 114 Community Funding](#)

Legal and policy compliance

Not applicable

Financial implications

Current budget impact	Not applicable
Future budget impact	<p>Endorsement of this recommendation requires three-year operational subsidy commitment in future budget, starting 1 July 2024.</p> <p>Current supported operating subsidies with future budget implications include:</p> <ul style="list-style-type: none"> - Harold Hawthorne Community Centre = \$99,040 and \$960 (In-Kind) per annum x three years (ending 30 June 2025).

Total estimated commitment for 2024/25 \$397,840 excluding GST and \$2,160 (In-Kind) inclusive of current and recommended operating subsidies.

As per Policy 114 Community Funding, the Town will allocate up to 1% of rates revenue to support delivery of the operating subsidies funding program. The current and total recommended operating subsidies amount falls within the 1% ratio.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Service providers not delivering outlined support to community	Moderate	Low	TREAT - by ensuring fair and equitable application and reporting process guided by Policy 114 Community Funding. Continue to work in partnership with service providers in relation to the operating subsidy and social outcomes measurements.
Environmental	Not applicable			
Health and safety	Not applicable			
Infrastructure/ ICT systems/ utilities	Not applicable			
Legislative compliance	Service providers not meeting agreed legislative requirements	Moderate	Low	TREAT – by sighting relevant documentation within the application process and including contractual agreement. Six and twelve month reports provided by successful organisations, accompanied by quarterly stakeholder meetings.
Reputation	Negative public perception towards the Town should applications not be funded	Moderate	Low	TREAT – by transparent approval process. Managed by outline funding platform and Council endorsement. Town funding panels ensure fair and equitable application process guided by Policy 114 Community Funding.
Service delivery	Not applicable			

Engagement

Internal engagement

Stakeholder	Operating Subsidy Funding Assessment Panel
Engagement	Consultation and management of grant administration Consultation and Panel review and evaluation

External engagement	
Stakeholders	All Community
Period of engagement	23 October to 1 December 2023
Level of engagement	1. Inform
Methods of engagement	Town's website Town's social media platforms – Facebook and Town's e-vibe e-newsletter Direct email to previous grant recipients Direct email to not-for-profits and social enterprises on the Town's Community Service Database Operating Subsidy Information Session
Advertising	Town's website Town's social media platforms – Facebook and Town's e-vibe e-newsletter Direct email to previous grant recipients Direct email to not-for-profits and social enterprises on the Town's Community Service Database
Submission summary	Four applications were submitted to the Town for evaluation
Key findings	After detailed panel assessments and discussions had occurred, it was determined that three subsidy application submissions met the Town's criteria and are recommended for endorsement. Perth Cricket Club application did not align with the primary objectives outlined in the operating subsidy criteria or questions asked in the application.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Funds are managed with full, accurate and timely disclosure of financial information relating to the Council. Town grant funds are maximised by seeking the greatest possible benefit to the community within available monetary resources.

Economic	
Community Priority	Intended public value outcome or impact

EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	To connect businesses, community groups, and residents to gain a strong sense of place by activating public spaces and local activity centres to gain an inclusive, engaged and empowered community.
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Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Protect and enhance the natural environment by environmental sustainability, conserve and support the creation of more green space and shaded areas in the Town.

Social	
Community Priority	Intended public value outcome or impact
S1 - Helping people feel safe.	Creating an environment and offering support that instills a sense of security and well-being in the community.
S2 - Collaborating to ensure everyone has a place to call home.	Funds are used to work collaboratively with governments, support services and community organisations to coordinate an effective response to ending local homelessness.
S3 - Facilitating an inclusive community that celebrates diversity.	Funds used for organisations to facilitate an inclusive community through local celebrations including food markets, local performances from culturally diverse artists, multicultural art exhibitions, sporting events and storytelling.
S4 – Improving access to arts, history, culture and education.	To support local organisations and individuals to deliver services and initiatives that encourage awareness of arts, history, culture and education.

Further consideration

Not applicable.

12.5 Access and Inclusion Terms of Reference for endorsement

Location	Town-wide
Reporting officer	Coordinator Community Development
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	1. 202312 Access and Inclusion Advisory Group Terms of Reference [12.5.1 - 3 pages]

Summary

- The Access and Inclusion Advisory Group is seeking endorsement of the terms of reference for the group as included in Attachment 1.
- On 13 December 2023 the Access and Inclusion Advisory Group meeting was held, and the draft terms of reference were presented and discussed.
- The group agreed to the Terms of Reference with no changes.

Recommendation

The Council endorses the updated Terms of Reference for the Access and Inclusion Advisory Group as per attachment.

Background

1. New Elected Members were appointed to the Access and Inclusion Advisory Group at the Special Council Meeting on 30 October 2023.
2. Policy 101 Governance of Council Advisory and Working Groups states that within three months of new members being appointed, the Chief Executive Officer, with agreement from members of that group, is required to present a group's proposed terms of reference to Council for adoption.
3. On 13 December 2023 the Access and Inclusion Advisory Group met and agreed to the proposed terms of reference (Attachment 1).

Discussion

4. On 13 December 2023 the Access and Inclusion Advisory Group met. One of the items discussed was the adoption of the draft terms of reference.
5. The members approved the document to go to February 2024 OCM for final endorsement.

Relevant documents

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

Legal and policy compliance

Not applicable.

Financial implications

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

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial			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	Access and Inclusion Advisory Group does not adhere to the terms of reference, resulting in project / consultation delays and potential service delivery implications.	Low	Medium	TREAT risk by adopting revised terms of reference to guide the group member's role and function.

Engagement

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

External engagement	
Stakeholders	Access and Inclusion Advisory Group members
Period of engagement	6 December 2023 to 13 December 2023
Level of engagement	2. Consult
Methods of engagement	The draft terms of reference were included with the meeting agenda for pre reading. The document was discussed at the 13 December 2023 Access and Inclusion Advisory Group meeting.
Advertising	Not applicable.
Submission summary	Not applicable.
Key findings	The group agreed to the terms of reference.

Strategic alignment

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

Further consideration

Not applicable.

12.6 Urban Forest Strategy Implementation Working Group - Revised Terms of Reference

Location	Town-wide
Reporting officer	Place Leader (Urban Forest)
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Urban Forest Strategy Implementation Working Group - Terms of Reference (Proposed) [12.6.1 - 3 pages] 2. Urban Forest Strategy Implementation Working Group - Terms of Reference (Current) [12.6.2 - 3 pages]

Summary

The Urban Forest Strategy Implementation Working Group (UFSIWG) Terms of Reference are due for revision. The review has resulted in an update on the group’s term of operation and adjustments to the meeting frequency.

Recommendation

That Council endorses the updated Terms of Reference for the Urban Forest Strategy Implementation Working Group as per attachment.

Background

1. The UFSIWG was formed in December 2019 and meet monthly to support the delivery of the program.
2. The UFSIWG is not a decision-making body. It collaborates with Town staff and suggest ideas and techniques, however its main role is the provision of advice and recommendations on various proposals which helps inform operational decisions and program delivery by staff.
3. On the 27 November 2023 the UFSIWG met and reviewed the draft of the revised Terms of Reference. The amendments were supported by the UFSIWG and subsequently the Terms of Reference are presented to Council for determination.

Discussion

4. The current version of the Terms of Reference states the UFSIWG ceases on 31 December 2022. As the UFSIWG is not associated with a project with a finite time of operation but rather an ongoing program, the terms have been updated to be open-ended
5. In 2023 the UFSIWG advised that the terms be updated to clarify the term of membership and the number of terms each member was able to sit. The UFSIWG was interested in ensuring the term of the councillors occurs in alternate years to the community members to preserve knowledge in the UFSIWG.
6. To date the UFSIWG has been meeting monthly. The frequency of meetings was also considered and bi-monthly meeting frequency considered more appropriate. Should the Terms of Reference be endorsed, the UFSIWG would transition to a bi-monthly meeting arrangement.

Relevant documents

[Terms of Reference UFS IWG 24.](#)

Legal and policy compliance

[Policy 101 Governance of Advisory Groups](#)

Financial implications

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

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not Applicable		Low	
Environmental	Not Applicable		Medium	
Health and safety	Not Applicable		Low	
Infrastructure/ ICT systems/ utilities	Not Applicable		Medium	
Legislative compliance	Not Applicable		Low	
Reputation	Not Applicable		Low	
Service delivery	Not endorsing the Terms of Reference means the group will lack clarity around membership terms and expectations regarding time commitments to the UFSIWG, reflecting poorly on the Town's ability to collaboratively work with its community.		Medium	TREAT risk by adopting an updated Terms of Reference

Engagement

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

External engagement	
Stakeholders	Urban Forest Implementation Working Group
Period of engagement	N/A
Level of engagement	Collaboration
Methods of engagement	The draft terms of reference were included in the meeting agenda for the group's 27 November 2023 meeting. This draft was collaboratively reviewed during the meeting. An amended version was circulated and consensus reached on the final version.
Advertising	NA
Submission summary	NA
Key findings	Several amendments were made.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	An updated Terms of Reference with group term and membership information ensures the continuity of the UFSIWG and provides a clear understanding of the time commitment for participating members.

Further consideration

Not applicable.

12.7 Urban Forest Strategy Implementation Working Group - Proposed New Working Group Members

Location	Town-wide
Reporting officer	Place Leader (Urban Forest)
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	1. UFS IWG 2023 06 EOI Assessment Matrix Master [12.7.1 - 1 page]

Summary

This report is to seek endorsement of new members of the Urban Forest Strategy Implementation Working Group (UFS IWG), replacing two community members that stepped down from the group in 2023.

Recommendation

That Council appoints the following persons to the community members positions of the Urban Forest Strategy Implementation Working Group:

- Jeff Engledow
- Asile Wong

Background

1. The UFS IWG was initiated in October 2020 with the primary objective to provide advice and recommendations to guide the detailed planning process of delivering the UFS program.
2. In March 2023 two (2) of the community members stepped down from their positions therefore leaving two vacancies to be filled.
3. The UFS IWG Terms of Reference states the group is to comprise of:
 - a. Six (6) community members;
 - b. Three (3) elected members; and
 - c. Six (6) Town officers.
4. In March 2023 an Expression of Interest (EOI) commenced to appoint two (2) community members to the UFS IWG.
5. Interested community members were required to complete an online form which asked for contact details, professional skills, and relevant qualities relevant to the UFS IWG.
6. The selection criteria for candidates were made available on the Town’s website.
7. The Town asked candidates to demonstrate they were:
 - a. A local resident of the Town;
 - b. An active member of the community;
 - c. Experienced or had expertise relevant to the Urban Forest Strategy and program;
 - d. Able to advocate and align with the principles of the Urban Forest Strategy and Program; and
 - e. Able to commit to the time and effort required from joining the group (attendance of monthly meetings)
8. The EOI was widely promoted through social media.
9. The EOI closed on 13 April 2023. Six (6) Applications were received.

10. Interviews were held on the 11 May 2023. Three (3) of the candidates attended their scheduled interviews. Following the interviews two (2) candidates were selected by the panel.
11. At the 6 June 2023 Agenda Briefing Forum, a report was put to Council for endorsement of the new members however it was identified at that time that the UFS IWG working groups Terms of Reference were outdated and would need to be updated prior to the new member endorsement. This report was removed from the agenda as Governance undertook a review of Policy 101- Governance of Council Advisory and Working Groups. An updated Policy 101 was determined by Council at the August 2023 OCM. The appointment of community members was further delayed by the election period; however, Administration is now seeking to finalise the UFSIWG membership.

Discussion

12. A panel of three (3) Town staff assessed the EOI against the position criteria. The candidates were shortlisted as per the results in Attachment 1. The top four (4) candidates were considered against each other and in relation to the existing composition of the UFS IWG. To help with the panel's assessment of the applicants it was deemed necessary to hold interviews and seek further information from the applicants.
13. The successful applicants were scored against the position criteria, with a close score between applicants it was decided by the panel to interview the four highest scoring applicants.
14. Through the interview process there was a clear distinction between applicants that have an ongoing commitment and engagement with the program to date. Although one applicant scored lower in the criteria, the interview process resulted in them being a preferred candidate.
15. At the time of interviews one applicant did not attend. However, the panel were satisfied that the interviewed candidates capability to fill the roles.

Relevant documents

See scoring and matrix criteria attached.

[Policy 101 Governance of Council Advisory and Working Groups - Victoria Park](#)

Legal and policy compliance

Not applicable.

Financial implications

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

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable.		Low	
Environmental	Not applicable.		Medium	

Health and safety	Not applicable.	Low
Infrastructure/ ICT systems/ utilities	Not applicable.	Medium
Legislative compliance	Not applicable.	Low
Reputation	Appointed members do not understand their role or responsibilities as a member of the UF IWG	Possible Low TREAT risk by clearly outlining the requirements of an advisory group member as per Policy 101 and the Urban Forest Implementation Working Group Terms of Reference.
Service delivery	Not applicable.	Medium

Engagement

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

External engagement	
Stakeholders	Local Community
Period of engagement	23 March – 13 April 2023
Level of engagement	2. Inform
Methods of engagement	Online web form located on dedicated Urban Forest Working Group webpage for all interested community members to complete and submit. The webpage included information on the criteria and desired characteristics.
Advertising	Social Media: <ul style="list-style-type: none"> • One LinkedIn Post • 2 x Facebook posts Direct contact with Active Community Members
Submission summary	6 applications received; 4 applicants were selected for interview
Key findings	22 applicants selected

Strategic alignment

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

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

Further consideration

Not applicable.

12.8 Urban Forest Program - Transfer of Funds from Reserves to enable Full Program Delivery

Location	Town-wide
Reporting officer	Place Leader (Urban Forest)
Responsible officer	Manager Place Planning
Voting requirement	Absolute majority
Attachments	Nil

Summary

To consider and approve the transfer of funds from the Urban Forest reserves to enable delivery of a full planting season program. The allocated reserve funds will enable the delivery of a full Urban Forest program in the 2023/24 financial year, achieving the urban forest outcomes and delivering on the strategies actions.

Recommendation

That Council:

1. Approves \$205,000 expenditure budget for the Urban Forest Program to deliver a full planting season program in the 2023/2024 financial year. The expenditure is broken down to the sub-programs as:
 - a. \$75,000 to the Victoria Park Green Basins sub-program
 - b. \$41,000 to the Urban Centre Greening sub-program
 - c. \$62,000 to the Vic Park Leafy Streets sub-program
 - d. \$27,000 the Urban Ecosystem sub-program
2. Approves the transfer of \$205,000 from Urban Forest Strategy reserve.

Background

1. The Urban Forest program to date has been allocated a capital budget of \$585,000 each year. This amount is then divided up across the Urban Forest sub-programs to deliver on the outcomes of the Urban Forest Strategy.
2. In the 2023/24 council budget process, it was decided that funds to the value of \$380,000, would be allocated to the Urban Forest Program capital projects. This is \$205,000 less than the usual planting season budget. To ensure a full planting season can be delivered, the administration is requesting the balance \$205,000 be accessed from the Urban Forest reserve fund.

Discussion

In order to deliver a full Urban Forest program for the 2023-2024 financial year, the balance of funds from reserves is required for works to be delivered.

Relevant documents

Not Applicable

Legal and policy compliance

Section 6.8 of the Local Government Act 1995 (Expenditure from municipal fund not included in annual budget) states –

1. A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government;
 - or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the Mayor or president in an emergency.

* Absolute majority required.

(1a) In subsection (1) —

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.

(2) Where expenditure has been incurred by a local government —

- (a) pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and
- (b) pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.

Financial implications

Current budget impact	There has not been enough funding allocated within the current budget to complete what has historically been a full planting season in the Town of Victoria Park. It is requested the following funding is provided from reserve and allocated to the following Urban Forest sub-programs: <ul style="list-style-type: none">• Transfer of \$75,000 to the Victoria Park Green Basins sub-program• Transfer of \$41,000 to the Urban Centre Greening sub-program• Transfer of \$62,000 to the Vic PARK Leafy Streets sub-program• Transfer of \$27,000 to the Urban Ecosystem sub-program
Future budget impact	Not applicable

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Nil	High	Low	
Environmental	Nil		Medium	

Health and safety	Nil	Low	
Infrastructure/ ICT systems/ utilities	Nil	Medium	
Legislative compliance	Nil	Low	
Reputation	Damage to reputation and integrity of the UFS if a full program is not delivered	Low	Allocate a fully funded program.
Service delivery	Funds are accessed but aren't fully spent within the financial year.	Medium	Program plan developed with expected expenditure to reduce the potential for this to occur.

Engagement

Internal engagement	
Urban Forest Working Group	The Urban Forest Strategy Implementation Working Group has confirmed their preference for the Town to deliver a full planting season program by accessing the necessary reserve funds

Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The UF program has been delivering on the community priorities via the UF sub-programs with these aiming to improve the natural environment through endemic plantings, tree planting, education and knowledge building.
EN4 - Increasing and improving public open spaces	The UF sub-programs deliver projects which directly improve the amenity of the public open spaces through delivery of UF and Public Places Program (PPP).

Further consideration

Not applicable.

12.9 Commemorative Recognition

Location	Victoria Park
Reporting officer	Local History Coordinator, Library Services Manager
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Attachment 1 Commemorative Recognition Application Renaming Duncan Street Reserve [12.9.1 - 3 pages]2. Attachment 2 Biographical Research Notes Regarding Sister Martin Kelly RSM MBE [12.9.2 - 3 pages]3. Attachment 3 Renaming Duncan Street Reserve Victoria Park [12.9.3 - 1 page]4. Attachment 4 Detailed Report Duncan Street Reserve Commemorative Renaming 15 October 2023 To 13 Nove [12.9.4 - 6 pages]5. Attachment 5 Duncan Street Reserve Commemorative Recognition Renaming Dunc (2) [12.9.5 - 49 pages]6. Attachment 6 Comments from Community Consultation - Name change not supported respondents [12.9.6 - 3 pages]7. Attachment 7 Comments from Community Consultation - Respondents who support name change [12.9.7 - 4 pages]8. Attachment 8 Descendant of H G Duncan - Correspondence (Private Info Redacted) [12.9.8 - 1 page]

Summary

To seek the Council's endorsement of the application from the Historic Victoria Park Inc (HVP) in the renaming of Duncan Street Reserve posthumously to honour former resident of the Town, Sister Martin Kelly RSM MBE.

Recommendation

That Council:

1. Approves the application for Commemorative Recognition of Sister Martin Kelly MBE by the renaming of Duncan Street Reserve to Sister Kelly Park, as in the application received from Historic Victoria Park Inc Sub recommendation.
2. Authorises the CEO to formalise the renaming of Duncan Street Reserve to Sister Kelly Park through liaison with Landgate.

Background

1. A Commemorative Recognition application has been received from Historic Victoria Park Inc (HVP) for the posthumous recognition of former resident of the Town of Victoria Park, Sister Martin Kelly RSM MBE. See attachment 1.

2. The application was assessed by the Coordinator Local History, in liaison with relevant internal and external stakeholders, and is deemed to have met the criteria as per Town Policy 111 - Commemorative Recognition.
3. Landgate has provided informal approval for the use of a double-barreled name when it comes to naming parks where this provides clarity and a direct community link. Landgate also provided two suggested naming conventions in addition to the two received by the applicant.
4. The Town undertook community engagement for a three-week period to determine the level of community support for a proposed name change, and related options. The Town also found descendants of Hugh George Duncan to inform them of the proposed change and to seek their support to change the name of Duncan Street Reserve.
5. As a result of this feedback and alignment with relevant guiding documents, this report seeks Council endorsement for a change of name from Duncan Stret Reserve to Sister Kelly Park.

Discussion

6. A nominee must meet the selection criteria for a large memorial as per Policy 111 - Commemorative Recognition.
7. An assessment of the application has been undertaken in line with Policy 111 Commemorative Recognition.
8. Duncan Street Reserve has been identified by the applicant as the park to be considered for renaming.
9. The park was chosen due to its proximity to the childhood home of Sister Martin Kelly at 33 Sunbury Road Victoria Park. Further information highlighting Sister Kelly's achievement, see attachment 2.
10. Commemorative Recognition Application was submitted to OCM 15 August 2023.
11. Council resolved to endorse formal community consultation of the proposed renaming of Duncan Street Reserve to honour Sister Martin Kelly RMS MBE as outlined in the Commemorative Recognition Application received from Historic Victoria Park Inc. Council Resolution (180/2023).
12. Town officers developed an appropriate community consultation process to seek feedback from the community regarding the proposed name change from 23 October to 13 November 2023.
13. The Town received 65 responses resulting from community engagement. Further information and community comments are outlined in the External Engagement section and in attachment 4.
14. As a result of this feedback and alignment with relevant guiding documents, this report seeks Council endorsement for a change of name from Duncan Stret Reserve to Sister Kelly Park.

Relevant documents

[Policy 111 Commemorative Recognition](#)

Legal and policy compliance

[Section 26](#) and [26A](#) of the *Land Administration Act 1997*

[Policies and Standards for Geographical Naming in Western Australia 01.2017](#)

Financial implications

Current budget impact

Sufficient funds exist within the annual budget to create a new standard sign for the park should support for renaming be endorsed.

Future budget impact

There are potential minor future budget impacts related to maintenance and cleaning of signage (if required due to bore water stains).

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable.			
Environmental	Not applicable.			
Health and safety	Not applicable.			
Infrastructure/ ICT systems/ utilities	Not applicable.			
Legislative compliance	Failure to meet obligations established under the Land Administration Act 1997 may result in legal challenges to any decision made.	Minor	Low	TREAT - Adhering to the Land Administration Act 1997 will increase the likelihood of a favourable outcome from Landgate
Reputation	Failure to observe Policy 111 Commemorative Recognition and associated Management Practice may create unrealistic and unsustainable community expectation for future Commemorative Recognition Applications.	Minor	Low	TREAT - All Commemorative Recognition applications adhere to Policy 111 Commemorative Recognition and associated Management Practices.
Service delivery	Not applicable.			

Engagement

Internal engagement	
Stakeholder	Comments
Operational Functional Area	Duncan Street Reserve is not a Crown reserve and does not have a Landgate assigned Reserve Number. It is freehold land owned by the Town. As it is not Crown land the term "Reserve" should not be used and the correct feature

	class (or generic) under Part 5.1.2 of the <i>Policies and Standards for Geographical Naming in Western Australia</i> is the feature class of "Park."
Place Planning	Place Planning supports the renaming of parks and reserves through the commemorative recognition policy and is supportive of the engagement approach undertaken being in alignment with Policy 103 Communication and Engagement. Place Planning are therefore supportive of the officer's recommendation.

External engagement	
Stakeholders	Residents, local businesses, direct descendants of Hugh George Duncan
Period of engagement	<p>Town officers developed an appropriate community consultation process to seek feedback regarding the proposed name change from 23 October to 13 November 2023.</p> <p>Town officers used several channels to locate direct descendants of Hugh George Duncan including social media, Ancestry.com and West Australian newspaper 'Can you help' column. Five direct descendants were found including one granddaughter, one grandson, 1 great granddaughter and two great grandsons. Their written correspondence indicating their support to change Duncan Street Reserve to honour Sister Martin Kelly is included in Attachment 3 and 8.</p>
Level of engagement	2. Consult
Methods of engagement	<p>Consultation included:</p> <ul style="list-style-type: none"> • Your Thoughts community engagement page • Letters to properties in the area bounded by Harper Street, Kitchener Avenue, Gresham Street and Shepperton Road
Advertising	<ul style="list-style-type: none"> • Towns website • Social media posts • E-newsletter item • On-site sign at park • Posters at Library and Administration
Submission summary	<p>The Town received 65 responses to the community consultation survey. From the 65 responses resulting from community engagement.</p> <ul style="list-style-type: none"> • 16 preferred no change to park name • 16 preferred Peggy Kelly Park • 25 preferred Sister Kelly Park • 4 preferred Martin Kelly Park • 4 preferred Kelly Park <p>Of the 16 who preferred no name change there was a preference:</p> <ul style="list-style-type: none"> • Four suggested to acknowledge an Indigenous woman

	<ul style="list-style-type: none"> • Three did not like the association with a religious order <p>Further details from the consultation are included in Attachments 4 & 5.</p> <p>Direct descendants of Hugh George Duncan feedback (granddaughter and great grandson of Hugh George Duncan) supported name change however they highlighted they did not want the name of Duncan Street to be changed. Written correspondence (redacted of identifying details) indicating their support to change Duncan Street Reserve to honour Sister Martin Kelly is included in Attachments 3 and 8.</p>
Key findings	<p>Key findings from the community consultation survey includes diverse views including:</p> <ul style="list-style-type: none"> • People who oppose the renaming of the park suggested that the Town consider changing the name to recognise an Indigenous woman or other member of Indigenous community <ul style="list-style-type: none"> ○ <i>I would prefer the Town to push for indigenous names instead</i> ○ <i>Our indigenous community members are significantly under represented and our recognition of country should extend to changing place names</i> • Other people who opposed the proposed new name did not want any recognition of a person with a religious background and felt it was out of step with the rest of the multicultural community who live in the Town. <ul style="list-style-type: none"> ○ <i>I am hesitant to support name changes associated with the Catholic Church given history continues to show many atrocities from their 'moral leaders'.</i> ○ <i>Sister Kelly has received her accolades, I am against religiously named playspaces for kids</i> • People who support the renaming to Peggy Kelly Park indicated the name was appropriate for that park <ul style="list-style-type: none"> ○ <i>I think that this is an appropriate way for her to be remembered locally</i> ○ <i>I am fully supportive of the name change in recognition of the great humanitarian work done by Sr Peggy Kelly</i> • People who prefer Sister Kelly Park indicated the name was appropriate. <ul style="list-style-type: none"> ○ <i>I think naming this park Sister Kelly Park not only honours one of our local female hero's but also acknowledges her vocation</i> <p>Further details from the consultation are included in Attachments 6 & 7.</p>

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Inform and engagement with residents and descendants of Hugh George DUNCAN regarding the proposed change

Social	
Community Priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	Recognition of the contribution prominent women have made to the community, creating a sense of pride and belonging.

S4 - Improving access to arts, history, culture and education.	Raising awareness and appreciation of the contribution that women have made to the community.
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Further consideration

At the Agenda Briefing Forum held on 6 February 2024 the following information was requested.

15. Approximately 55 hours of staff time was required to compile a response for the proposed renaming of Duncan Street Reserve. This includes time taken to assess and research to ensure the nominee meets criteria of Policy 111, external consultation including locating and liaising direct descendants of Hugh George Duncan, and internal collaborations.
16. New park signage related to this item would be at Town expense, due to Town preferred signage specifications. Estimated cost \$500. Any other costs such as a plaque providing information about how the park received its name, like that placed in Alec Bell Park, would be the responsibility of the applicant.

13 Chief Operations Officer reports

13.1 1-5 Sussex Street & portion of 248 Gloucester Street, East Victoria Park - Proposed lease to the Department of Communities

Location	East Victoria Park
Reporting officer	Manager Property Development and Leasing
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Extract from Nov 2022 OCM 13 1 1 Lease Register and Proposed Terms [13.1.1 - 1 page]2. Heads of Terms for 1-5 Sussex St [13.1.2 - 3 pages]3. Heads of Terms for Portion of 248 Gloucester Street [13.1.3 - 3 pages]

Summary

For the Council to consider the proposed final lease terms as outlined in *Attachments 2 and 3*, for the purposes of entering into two (2) leases for the Children and Community Services Ministerial Body.

Recommendation

That Council:

1. Authorises the Chief Executive Officer to finalise new leases based on the terms in attachments 2 and 3 at a rent of \$1 per annum for a five-year term (with a tenant option for a five year further term) for a portion of 248 Gloucester Street, East Victoria Park and 1-5 Sussex Street, East Victoria Park, to the Children and Community Services Ministerial Body.
2. Authorises the Chief Executive Officer to execute as a deed each of the leases referred to in 1 above.

Background

1. The Children and Community Services Ministerial Body of the Department of Communities Western Australia (the 'DOC'), lease from the Town a portion of 248 Gloucester Street, East Victoria Park and 1-5 Sussex Street, East Victoria Park (the Premises) for the purposes of a Childcare Centre and a Community Centre.
2. These leases have been on a peppercorn basis since the Town inherited the Premises from the City of Perth in 1994. The leases have been holding over as monthly tenancies since January 2007 and April 2013, respectively.
3. The premises at 1-5 Sussex Street, East Victoria Park are sub-licensed from the DOC to Billabong Community Early Learning Centre, who are a not-for-profit organisation that is community-based and has been operational since 1985.
4. The part of 248 Gloucester Street, East Victoria Park is sub-licensed from the DOC to the Victoria Park Community Centre, who use the place for community building activities and programs.

5. Council Resolution 235/2022 dated 15 November 2022 included authorisation to enter into new lease agreements for each of the premises at a rent of \$1 per annum for up to five years, and to align the lease terms with Policy 310 – Leasing. The agreement includes sub-licensing by DOC to the existing long standing occupiers Victoria Park Community Centre and Billabong Childcare Centre.
6. The relevant extracts from Item 13.1 Community Leases Holding Over - Council Resolution 235/2022 are as follows:
 - "1. *Authorises the Chief Executive Officer to enter into new lease agreements with the Lessees currently holding over for the applicable Premises noted as 'Peppercorn', 'Subsidised', or 'Peppercorn: Government Lease' in the column headed 'Rent Type' in Attachment 1 and with the following Key Terms:-*
 2. *Agreement Type: Lease.*
 - a. *Term: up to five (5) years.*
 - b. *Further Term: None.*
 - c. *Rent: as set out in the column headed 'Proposed Annual Rent for New Lease (excluding GST)' in Attachment 1, and being either peppercorn or subsidised.*
 - *Rent Review: CPI increase on each anniversary of commencement.*
 - *Commencement Date: Upon execution of the agreement by both parties.*
 - *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).*
 - *Maintenance: The Tenant is responsible for non-structural and preventative maintenance. The Landlord may, in its absolute discretion, undertake repair and maintenance (subject to availability of funds) in accordance with Asset Management Plans and such other factors as may be considered by the Landlord to be reasonable and/or necessary.*
 - *Sub-licence: Prior written consent, in accordance with Head Agreement and subject to the Town being satisfied with the terms and conditions of any sublicense agreement.*
 - *Permitted Use: In accordance with planning and zoning and in line with the Tenant's operational use/s.*
 - *Operating Hours: hours to be within applicable planning and legislative parameters.*
 - *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.*
 - *Special Conditions:*
 - (i) *Town of Victoria Park Redevelopment Clause.*
 - (ii) *No guarantee is provided as to the availability the continued availability of the premises after the end of the Term or the availability of any operating subsidy.*
 - (iii) *(Sub-clause not relevant).*
 - *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*
 3. *(Clause not relevant)*
 4. *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 Lessee for the applicable Premises and apply the Town's Common Seal.*

5. (Clause not relevant)"

7. Attachment 1 is an extract of the Attachment 1 to Council Resolution 235/2022 dated 15 November 2022, that specified the rent of \$1.00 per annum plus GST to continue for the new leases of the Premises, as well as sub-licensing by DOC to the existing long standing occupiers Victoria Park Community Centre and Billabong Childcare Centre.
8. In the course of preparing lease documents to give effect to Council Resolution 235/2022 dated 15 November 2022, the DOC have sought a number of revisions to the lease terms. The most notable of which is that the new leases at a rent of \$1 per annum for a five year term also contain an option in favour of the DOC for a five year further term, also at a rent of \$1 per annum.
9. Attachments 2 and 3 contain the proposed lease terms sought by DOC. The proposed lease terms are substantially in alignment with Council Policy 310 Leasing.

Discussion

10. The proposed terms in Attachments 2 and 3 are the result of extended negotiations with DOC to secure lease terms aligned with Council Resolution 235/2022 and Policy 310 Leasing.
11. DOC have sought to impose additions and detailed revisions to the new lease, such as:-
 - a. A Further Term Option of 5 years. Whilst this is outside of the parameters of Council Resolution 235/2022 dated 15 November 2022, it is compliant with Policy 310 Leasing.
 - b. Acknowledgment of DOC being exempt from Council Rates, given they are a government agency providing a public service.
 - c. Eliminating the requirement for a CPI increase, given the nature of the peppercorn rental agreement.
 - d. Lessor acknowledging the Lessee self-insures for General Liability Insurance and workers' compensation cover.
 - e. Including a 3-month termination notice to be implemented into the lease. This notice period was a request from DOC, to align the sub-tenant's termination notice period with their agreement with the Town. This is an extension of the notice period within the current holding over tenancy agreement that granted the Lessee provide one month's notice.
12. Council authorisation will be required in order for the Town to grant the proposed leases to the DOC on the terms sought by DOC.
13. It is recommended that Council approve the proposed lease terms in Attachments 2 and 3. This will allow the leases to be entered into on updated terms substantially in accordance with Policy 310 Leasing.

Relevant documents

Not applicable.

Legal and policy compliance

Policy 310 – Leasing

Local Government Act 1995

Financial implications

Current budget impact

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

Future budget impact

The proposed leases will secure the transfer of general maintenance and upkeep responsibility for the buildings to the tenant for the duration of the new leases, as well as the Town's ability to recover outgoings from the tenant.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
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.	High	Low	Treat risk by ensuring both premises are leased to DOC in accordance with Policy 310 Leasing.
Environmental	Not applicable.		Medium	
Health and safety	Not applicable.		Low	
Infrastructure/ ICT systems/utilities	Not applicable.		Medium	
Legislative compliance	Not applicable.		Low	
Reputation	Potential reputational risk given the long-standing leasing and occupancy of the Premises by stakeholders, which provide the services of managed Community and Childcare Centres.	High	Low	Treat risk by supporting the lease terms sought by the DOC as stakeholder.
Service delivery	Not applicable.		Medium	

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are contained within the report
Manager Community	<p>Endorse support for the proposed approach / recommendation.</p> <p>Services offered from within the properties in question are highly valued by the community more broadly, and by Town's Community Development teams. The provisions outlined in the proposed approach will likely support the maintaining and or potentially expanding the level of service provided from these facilities which will likely increase their social impact overall.</p>

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Both new leases will include appropriate up to date terms and have terms aligned with the Towns policies.

Economic	
Community Priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	By extending these leases, the existing long standing community service providers will be provided with tenure to enable them to continue providing services to the community and connect people to the local area.

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.	Ensuring that these Town assets continue to be available to the public ensures assistance is provided to the community that supports inclusion and diversity principles.

Further consideration

Not applicable.

13.2 47 Planet Street, Carlisle - Outcome of the community engagement in regard to the offer for the purchase and development of the Towns landholding

Location	Carlisle
Reporting officer	Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Your Thoughts Survey Analysis - 47 Planet Street, Carlisle [13.2.1 - 10 pages] 2. 20 June 2023 Report - Council Resolution 128/2023 [13.2.2 - 11 pages] 3. 47 Planet Street boundary area [13.2.3 - 1 page]

Summary

Following receipt by the Town of an unsolicited bid for the freehold property at 47 Planet Street, Council resolved at the 20 June 2023 Ordinary Council meeting that there be engagement with the local community regarding the future of the property, 47 Planet Street, Carlisle, and for a report to be provided to a future Council meeting as to the outcome of the community engagement.

Recommendation

That Council:

1. Authorises the Chief Executive Officer to enter non-binding discussions with the potential buyer regarding the unsolicited offer of sale for the property at 47 Planet Street, Carlisle, to explore the feasibility of a sale by the Town or the grant by the Town of a long lease, including:
 - a. the potential buyer's financial and other capability;
 - b. the structure of a transaction; and
 - c. how the transaction terms can address the wide range of feedback received from the Town's public consultation process, including what existing amenities can be retained and how a development would minimise impact on neighbouring properties.
2. Requests the Chief Executive Officer to provide a report to a future Council meeting as to the outcome of the discussions referred to in 1 above.

Background

1. 47 Planet Street, Carlisle is freehold land transferred from the City of Perth to the Town of Victoria Park on 3 April 1995.
2. The site is zoned 'Local Centre' under the Town's Town Planning Scheme No. 1 (TPS 1) with land uses expected to serve the day-to-day needs of local residents. A supermarket ('Shop' land use) is a use of the site that is capable of approval under TPS 1.
3. The site has a land area of 1052m² and consists of a mix of infrastructure and amenities, which include the following:
 - a. Surfaced car park with 17 parking space and 1 ACROD parking space;
 - b. 7 Light poles;

- c. 6 Large trees;
 - d. 30m² public toilets and bathroom amenities block which is open 06:00-18:00pm each day;
 - e. Upgraded bore infrastructure;
 - f. 2 Electricity Meters;
 - g. 1 Water Meter;
 - h. Garden beds at the base of the trees on the Northwest side of the side;
 - i. A small section of the public walkway paving completed by the Town in the Archer/Mint Streetscape in November 2022.
4. An unsolicited bid of \$1,100,000 excl GST on freehold land owned by the Town of Victoria Park was received on 17 February 2023 for 47 Planet Street, Carlisle. The offer was made on the basis that it is subject to the Town approving the development of an IGA supermarket on site.
 5. The Town subsequently obtained a valuation from a licensed valuer. The valuer determined on 8 March 2023 that the site was worth \$1.1million.
 6. *Attachment 2* is a report that was presented at the June 2023 Ordinary Council Meeting and the Council Resolution 128/2023 concluded: -
"That Council:
 1. *Endorse the Chief Executive Officer to engage with the local community regarding the future of the property, including retention of the existing car park and a sale and development for the purposes of grocery retail, by inviting comment, including advertisement on the Towns website.*
 2. *Requests the Chief Executive Officer to provide a report to a future Council meeting as to the outcome of the community engagement referred to in 1 above."*
 7. Following the closure of the Council caretaker period, the community engagement phase began on 2 November 2023 and concluded on 29 November 2023, with the intention of allowing at least a four-week period for the community to consider the proposal and provide feedback.
 8. The engagement with the local community consisted of a news item post on the Town's website, a Your Thoughts page with an attached survey, a mailing process to surrounding residents and businesses that included a QR code linked to the survey, and a post on the Town's social media platforms inviting feedback. All avenues of communication directed the community to complete the survey on the Town's website or to provide feedback in other alternative ways, such as calling and speaking with the Town's officers to provide feedback, attending a library computer to provide feedback or complete the survey, or requesting a survey be mailed out.
 9. The mailing process covered the road coverage area within Roberts Road, Beatty Avenue, Lion Street, and Weston Street. The intention of this process was to notify and gather feedback from residents, non-occupier owners, and businesses that lived within the vicinity of 47 Planet Street, Carlisle.
 10. The community survey in Attachment 1 included questions relating to the use of the site, information about the respondent, and the value of the property to the community.
 11. The community survey gathered 1076 respondents online and a further 17 emails or phone calls from residents wishing to express their views about the proposal.
 12. The Land Asset Optimisation Strategy 2022 recommendation is that the site is retained in its current format with a view to any future opportunity for disposal or development, in accordance with the Town's adopted Integrated Transport Strategy (2022) and Parking Management Plan (2022) following the adoption of the final LPS2.
 13. The site is subject to the Town's [Parking Management Plan \(2022\)](#) and [Integrated Transport Strategy \(2022\)](#).
 14. The planning framework for Carlisle Town Centre is being updated in the new draft Local Planning Scheme No. 2 (LPS2) which recommends a density code of RAC4 (up to 3 storeys).

Discussion

15. The survey results highlighted some important considerations for the future use of the parking lot for the proposed development as a grocery retail site.
16. The success of the survey was outlined in Question 2 of Attachment 1, which reflects that 96.46% of respondents advise that they had visited Carlisle Town Centre within the last month.
17. The details of Question 3 in Attachment 1 focused more closely on the use of the carpark, and the results showed that it is more likely to have never been used by a respondent, compared to a respondent that did use the 47 Planet Street site within the last month.

How often do you use the car park at 47 Planet Street?	
Within the last month	28.6%
Never	39.4%

18. Question 5 in Attachment 1 revealed that over 50% of respondents emphasised the significance of car parking at 47 Planet Street to access nearby businesses or attractions by indicating it is 'somewhat important' or 'very important' to the property's usage.

How important is it for you that car parking is provided at 47 Planet Street to access nearby businesses or attractions?	
Very Important	30.4%
Somewhat Important	21.7%
Not Important	45.2%
Uncertain	2.7%

19. Questions 6 and 7 in *Attachment 1* were in relation to the importance of the toilets and amenities at 47 Planet Street. The results highlight that 73.1% of respondents indicated that the toilet and related amenities site has never been used. However, 43.5% of participants expressed that is somewhat or particularly important for these facilities to be implemented if the site is utilised for another purpose.
20. Question 8 of *Attachment 1* prompted a strong answer for respondents who expressed a heightened likelihood of visiting the Carlisle Town Centre more frequently if there were an additional grocery store option in the area.

Would you visit the Carlisle Town Centre more frequently if there was an additional grocery store option such as an IGA?	
Visit more frequently	61.8%
Visit somewhat more frequently	16.0%
Unlikely to visit more frequently	12.4%

Visit less frequently	6.5%
Unsure	3.3%

21. Question 9 of *Attachment 1* received significant majority support for alternative uses of the site outside of parking hours, such as markets, food trucks and events. A considerable 76.3% of responders were in favour of this idea. A small 11.3% did not support the idea and 12.4% remained uncertain. However, implementing such activities may pose challenges since the current car park lacks restrictions or barriers throughout the day, which may hinder the potential setup of food trucks and events.
22. The online survey responses to Question 10 of *Attachment 1* expressed a majority support from the community for a grocery retail site at 47 Planet Street. From the collective 1076 online survey respondents and the combined 17 emails and phone calls, the results are presented below:

Supporting the sale for the proposed development as a grocery retail site: (1093 respondents)	
Yes (732 respondents)	66.97%
No (320 respondents)	29.28%
No Preference (41 respondents)	3.75%

23. The survey results contained 15 respondents who operate a business within the Carlisle Town Centre along Archer Street. These results revealed that 8 respondents are not in favour of the sale of the carpark for a grocery retail site development, as opposed to 7 respondents supporting the sale. The feedback section within the survey from these respondents highlighted the following points:
- An IGA would invite extra foot traffic for all businesses on the strip. Archer Street is an important thoroughfare between suburbs, and this would benefit the residents of Carlisle.
 - The car park is essential, and the removal would cause a chaotic parking issue. It always appears to be at capacity throughout the whole day. An IGA would be better placed at the empty lot across from the Carlisle Hotel, bringing vibrancy to the area and being in an ideal location close to the new railway station being constructed.
 - The street is very quiet and not active at all. All businesses on the strip would benefit from a supermarket development. Parking is tricky, but with good planning, the site is ideal for a supermarket to activate the area.
 - Parking spaces are already limited for business workers and customers. It is essential it is retained as a public car park.
24. The final question in the online survey asked respondents to share additional thoughts about the current site. The responses received provided the following feedback insight into various concerns and preferences:
- Limited parking on Archer Street, with some time limits being as short as 30 minutes, which is deemed insufficient;
 - The significance of the current carpark for accessing local restaurants and businesses, raising concerns about the potential negative impact if car bays were removed;
 - The uncertainty as to whether or not the proposed development will include parking bays within the overall design;
 - The desire for a local grocery store within walking distance in the Carlisle Town Centre;

- e. An enthused desire for a supermarket, but with the condition that additional public parking must be provided, preferably underground or on the rooftop if this is an option;
 - f. The concerns that the size of a proposed IGA would not be adequate if the development is only on the 47 Planet Street site;
 - g. The suggestion of developing an IGA at 44 Planet Street or 176 Rutland Avenue as potentially more suitable sites for an IGA. These lots, however, are not owned by the Town;
 - h. The desire for more community events on the site or at Koolbardi Park, including markets and live music;
 - i. Concerns about potential traffic, congestion and noise issues affecting nearby residents. Related to this is an additional concern expressed that it may transpire that loading areas for the grocery retail store might be located adjacent to the neighbouring properties;
 - j. Concerns regarding the loss of mature trees on the site;
 - k. The replacement cost and location of the bore, which also facilitates reticulation to the planters and street trees on Archer Street.
25. The additional comments within the survey highlighted the importance of the current car park for the area because there is already limited parking for nearby businesses and restaurants.
26. The survey highlights a favoured response for a local supermarket at 47 Planet Street, however, a large concern within the survey comments noted that parking is essential to be incorporated if the site is developed, and extra parking be provided for the additional traffic that a supermarket would bring to the area.
27. The existing bore located on the site is a critical service component to the streetscape and newly installed planter boxes within the area. This could prove difficult to relocate if the site is disposed and is likely to need to be retained (with access rights in favour of the Town) in the event of a sale or ground lease.
28. *Attachment 3* shows an aerial view of the site. The lot boundary area outlines that the northern and western boundaries encroach into the existing pathway on Archer Street and a small triangular-shaped portion of the pathway at the corner of Archer Street and Planet Street. This may require the Town to redesign the pathway if a development occurs.
29. Analysis of the main options identified is as follows: -
- a. **Option 1:** Proceeding with non-binding negotiations with the proposed buyer can provide the Town will additional information regarding the development and its potential design. This option could provide an opportunity to explore solutions to the feedback gathered by the Town and the community, including (but not limited to):-
 - (i) Parking and how many bays can be retained for public use;
 - (ii) The layout of the proposed development, its impact on surrounding properties and how this can be mitigated through design and mitigation such as walls or other acoustic measures;
 - (iii) Services provided within the development, including replacement for the public amenity building and scope for public access;
 - (iv) How many trees will be removed and scope for replacement;
 - (v) Any sustainability measures that the proposed buyer can incorporate within the proposed development, for example, solar panels, green wall/roof and electric car charging points;
 - (vi) Can the existing bore be retained or relocated elsewhere within the site;
 - (vii) The potential buyer's financial and other capability;
 - (viii) The structure and commercial terms of a transaction, including an option/sale, agreement for lease/long lease and what level of ongoing controls can be accommodated by the proposed buyer.

Pursuing option 1 could provide the Council with useful information to enable it to weigh up whether the proposed transaction and development of the site would be appropriate.

- b. **Option 2:** Reject the offer and do not proceed any further. The Town will continue to provide and maintain the existing car park, public toilet, and other amenities. The approximate expenditure for the Town is continued annual expenditure of \$11,000 per annum. The car park provides important car bays for businesses nearby and Archer Street already has limited parking options. The Town does not charge for paid parking in this carpark as the occupancy threshold of 85% has not been exceeded, as per the requirement of the Parking Management Plan. The bore is a critical asset to the Town as it currently services newly installed planter boxes and landscape as part of the streetscape project.
 - c. **Option 3:** Proceed with existing unsolicited offer. The valuation provided to the Town of Victoria Park commented that "there is evidence in the market where adjoining owners have demonstrated a willingness to pay over and above market value." The value of the unsolicited bid is \$1,100,000 excl GST is in line with the Towns valuation. If the offeror could already reach an agreement to purchase neighbouring lot(s), the Towns site would be more valuable to them. The Town has however had no input into the terms of the existing offer, which is unsolicited and has been set by the buyer. The existing offer does not address the existing amenities on the site and whether any of those amenities will be retained, replaced, or mitigated in the proposed development. This option is not recommended.
 - d. **Option 4:** An open market sale by public tender may provide a risk that the most active buyer in the market is the bidder who approached the Town. There may be little competition from other buyers if the bidder has control over neighbouring properties with the intention of developing this property. However, if the demand to purchase is high, it could be beneficial, and competition may increase the selling price. If the choice is to redevelop the site, this is a good option for the Town to consider.
 - e. **Option 5:** Town to acquire the entire development site with Ground Lease to developer for a grocery retail development – This is likely to be impractical to achieve given that the Town would likely be required to purchase the adjoining lot, which is owned by a third party, and both lots may need to be amalgamated. This option would also be complex and expensive for the Council to pursue, and its feasibility will require funds to be placed on the budget to finance any required acquisition of the third-party property. This option is not recommended.
 - f. **Option 6:** Alternative uses of the site outside of parking hours, such as markets, food trucks and events. This could be progressed through an EOI to establish interest from operators who would consider this to be viable in terms of community interest and commercial potential. Should the Council wish to investigate the feasibility of a development of the site, this option is perhaps best not pursued at this stage.
30. The results from the community engagement period regarding the development of a grocery retail store on this site indicate that 66.97% of the community members who participated in the survey are in favour of the proposal. However, there are important considerations outlined in this report that would require attention in relation to the development:
- a. **Parking Provision and Adjacent Site:** Clarification is needed on the provision for parking in the proposed development and if the adjacent site will be part of the development, as the current site may not be big enough to accommodate a local grocery store.
 - b. **Retention or Replacement of Infrastructure:** The report highlights the crucial need to address options for retaining or replacing existing infrastructure, including the lighting, garden beds, and the water bore. These are important considerations that must be resolved if the Town plans to negotiate the sale of the land.

- c. **Public Toilet Facilities:** It is important to determine if there is intention to retain the existing public toilet facilities or if the proposed development will include this provision.
- d. **Tree Removal and Compensation:** More clarification is required to understand if the sale and development would result in the removal of trees, or if the design incorporates trees. If the tree removal is unavoidable, compensation for the loss by planting new trees elsewhere in the local area and/or on-site, with a view to seek a net gain in tree cover and biodiversity.
- e. **Traffic and Congestion Concerns:** There is expressed concern about the potential impact on traffic and congestion, particularly with the removal of car bays from an area that is already limited in parking spaces.

Relevant documents

Not applicable.

Legal and policy compliance

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

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

[Section 1.7 of the Local Government Act 1995](#)

Financial implications

Current budget impact	<p>The option chosen by Council will determine the budget requirements, as shown below:</p> <ul style="list-style-type: none"> a. Option 1 – Enter into non-binding discussions with the potential buyer to gather more information about the development, design, and overview and exploring the possibility of a sale or a long lease. b. Option 2 – The Town to retain the site in its current form as public parking, toilet and other amenities and is responsible for its upkeep and asset replacement. c. Option 3 – Allow the sale of land on the offered price and terms of \$1,100,000 or the equivalent of an updated improved valuation price. d. Option 4 – Open Market Sale e.g. by public tender. e. Option 5 – Ground Lease f. Option 6 – An EOI for alternate uses of the site outside of parking hours, such as markets, food trucks and events <p>Sufficient funds exist within the annual budget to undertake all options.</p>
Future budget impact	<p>The option chosen by Council will determine the future budget requirements, as shown below:</p> <ul style="list-style-type: none"> a. Option 1 – Entering into non-binding discussions with the potential buyer will not change the future budget. b. Option 2 – The Town is still obligated to maintain and repair the property without a sale or long lease. c. Option 3 – Accepting the market valuation for the site. d. Option 4 – Open Market Sale by public tender may invite a higher purchase price than the open market valuation and potentially a different use for the site.

- e. Option 5 – Providing the Town with a potential annual income.
- f. Option 6 – If it is intended for the Town to operate markets, food trucks and events itself rather than through the grant of a licence to a head operator, there may be a need to make future budget allocations to cover the Town’s operating costs and expenses.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	The proposed sale of the land would generate income for the Town that could contribute to future projects.	Moderate	Low	TREAT risk by ensuring Council receives legal advice and additional guidance from internal engagement and Council
Environmental	The loss of trees and natural environment within the Town owned car park if the disposal were to proceed	Moderate	Medium	TREAT risk by ensuring specific environmental conditions of tree replacement is in place if the land is disposed.
Health and safety	Not applicable			
Infrastructure/ ICT systems/ utilities	Not applicable			
Legislative compliance	Failure to comply with <i>Local Government Act 1995</i> if the Town wishes to dispose of the land.		Low	TREAT risk by ensuring processes is in accordance with the <i>Local Government Act 1995</i> .
Reputation	Potential reputational risk if the Town accepts or declines the offer made, including the risk that the Town is seen as unwilling to approve of a local supermarket at the proposed site.	Moderate	Low	TREAT risk by further investigating scope for the transaction and development to occur, subject to the incorporation of measures to address the feedback obtained by the Town.
Service delivery	Not applicable			

Engagement

Internal engagement	
Stakeholder	Comments
Manager Strategic Waste, Environmental and Asset Management	<p>We think this proposal has merit. There are numerous factors that need to be considered with this proposal, such as potential negative feedback if the public toilet is removed. The Town currently has a maintenance obligation for this public toilet and car park. The proposed development would need to provide adequate parking. The car park provides parking primarily for the café and surrounding businesses on Archer Street, most of which have no onsite parking for customers. It is predicted that a number of trees of decent size would need to be removed, which would be considered as a potential loss to the Town.</p>
Strategic Projects Manager	<p>This proposal aligns with the Archer Streetscape Improvement Plan endorsed by Council. A future grocery store in the current location of the carpark will complete the streetscape upgrade completed in December 2022 to create a pedestrian focused precinct.</p> <p>Additionally, the Town intends to complete the rest of the streetscape works between Mars and Raleigh as part of the capital works budget FY24/25, strengthening the Town Centre character.</p> <p>From an infrastructure perspective, the existing bore is critical for the Town as it currently services newly installed planter boxes and landscape as part of the streetscape project. It will also be important as part of the next stage of the bike lane. Any impact would require a relocation of the bore at the expense of the successful applicant.</p>
Place Leader	<p>Some community members have expressed a need for better access to food including fresh fruit and vegetables. They shared through survey (Unwrap Archer Street event Dec 2022) and in person, that food options are hard to access (distance, crossing a busy road), and closer options are expensive. From a Place perspective, the proposal for commercial use at this site has potential to contribute towards a more activated transport-oriented development in the Carlisle Town Centre.</p>
Manager Development Services	<p>Over a number of years, as part of the Town's approval for the use/development of other commercial properties along Archer Street, there has been a reliance upon the public car park at No. 47 Planet Street to support the use/development and any proposed parking shortfalls. Any intent to remove/sell this public car park would remove the availability of this parking for nearby businesses and could attract concern from both business operators and their patrons.</p> <p>Should Council consider there is merit in progressing with the sale, there may be opportunity for the loss of public car parking to be addressed through a condition of any sale requiring a specified number of car bays to be provided</p>

Internal engagement

for general public use as part of the redevelopment of the site, separate to the parking requirement for the new development. This would be similar to that which occurred as part of the sale of Town owned land at No. 355-357 Shepperton Road.

It is noted that the offer received by the Town relates to the use of the site as a supermarket. It is important to clarify that any land sale process is separate to the statutory planning approval process. While a supermarket ("Shop' land use) is a use of the land that is capable of approval under the Town's Town Planning Scheme No. 1, any support from Council to progress the land sale should not be construed as the Town's support for a development application for a supermarket, as this will be determined through a separate statutory process.

Coordinator Parking and Rangers

The sale or lease of 47 Planet Street for development is **not** supported by Parking. Currently, the site is used as an off-street carpark, being utilised by customers, staff and delivery trucks servicing the commercial establishments. Removal of this capacity will see vehicles displaced into the immediate residential area.

Data obtained in June 2023 shows occupancy is within the target range (65%-85%) for 6 hours of each day, indicating the parking resources is actively utilised.

Infringement and CRMS data highlights issues already present in the area, which are likely to escalate in the event parking bay capacity is reduced.

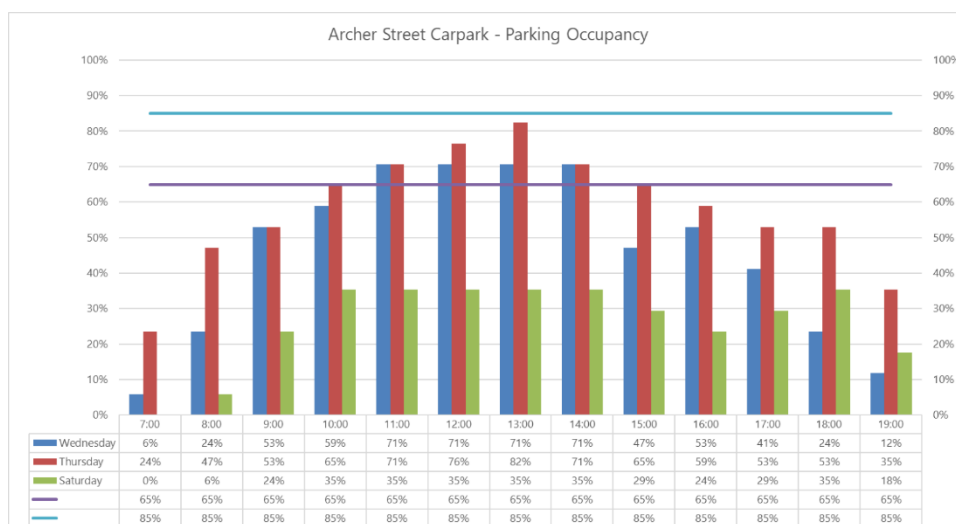
INF (FY 21-22 and 22-23)

- 93% of infringements issued in the area (Bishopsgate Street, Planet Street, Mars Street) were safety-related (driveway obstruction, footpath, no stopping/parking) while
- 7% for timed parking-related offences

CRMS (FY 21-22 and 22-23)

- 33% driveway obstruction,
- 27% footpath,
- 3% no stopping,
- 13% obstruction
- 7% cycling and 7% verge parking w/sign posted.

Internal engagement



A review of Local Planning Policy No.23 - Parking has just been initiated, which will consider the merits of reducing or removing on-site parking requirements for businesses. Given the choice, where businesses elect not to provide on-street parking, greater pressure on on-street parking will likely result. If implemented, it is anticipated the reduction in parking bay capacity is likely to lead to a rise in complaints from customers of local businesses and resource burden required to monitor and address.

External engagement

Stakeholders	Residents and Businesses
Period of engagement	4 Weeks from 2 November 2023 to 29 November 2023
Level of engagement	<ul style="list-style-type: none"> Town website post; Your Thoughts post including a survey; Social Media platforms; Mail out area was in between: Roberts Road – Beatty Avenue – Lion Street – Weston Street 1147 letters in a mail out process to the surrounding area residents and an additional 569 letters to non-occupier owners within the mail out area.
Methods of engagement	Written submissions and a survey
Advertising	Town website, posters, social media.
Submission summary	<u>1076 Online Survey Contributions</u> <ul style="list-style-type: none"> 723 Support the sale (67.2%)

External engagement	
	<ul style="list-style-type: none"> • 312 Do not support the sale (29%) • 41 have no preference (3.8%) <p>17 Phone call or email submissions:</p> <ul style="list-style-type: none"> • 9 - Support the sale (53%) • 8 - Do not support the sale (47%) <p>Combined Total: 1093 respondents resulting in:</p> <ul style="list-style-type: none"> • 732 Support the sale for the purpose of a grocery retail store (66.97%) • 320 Do not support the sale for the purpose of a grocery retail store (29.28%) • 41 Have no preference regarding the sale (3.75%)
Key findings	<p>The external engagement resulted in a favoured response for the supported sale for the purpose of a grocery retail store. The results are presented below: 66.97% are in favour of the proposal. 29.28% are against the proposal. 3.75% have no preference.</p> <p>The feedback received from the community also highlighted areas of concern which are explained within this report. These areas are important factors for the Town to also consider.</p>

Strategic alignment.

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Communicating and engaging efficiently with the community towards certain proposals aims to deliver outcomes that are desired by the community

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling livability through planning, urban design and development.	The results of the engagement period allow community feedback to assist in plans and development projects within the precinct.

Social	
Community Priority	Intended public value outcome or impact
S2 - Collaborating to ensure everyone has a place to call home.	Extensive engagement with the community to ensure that the Town can continue to provide essential services to support everyone

Further consideration

At the Agenda Briefing Forum held on 6 February 2024 the following information was requested.

31. Provide advice on whether the proponent was made aware of LPS2 and potential changes to the zoning as a result of this.

The proponent has not made the Town aware of their knowledge regarding LPS2 and the potential changes to the zoning. Therefore, it is uncertain whether the proponent has knowledge of this information.

32. Provide information on any development applications submitted or proposed for a grocery store in the area.

A development application has been received for the use of the site at No. 44 Planet Street as a supermarket. This application is currently under assessment.

13.3 Lathlain Park Redevelopment Project - Zone 1 Approval of Publication of a Business Plan

Location	Lathlain
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. LPRP Zone 1 - Business Plan Rev 5 [13.3.1 - 20 pages] 2. Attachment 1 - PFC Key Terms [13.3.2 - 6 pages] 3. Attachment 2 - Key Terms - WCE Partial Surrender of Lease and Construction Licence [13.3.3 - 10 pages] 4. Attachment 3 - Site Plan - WCE Partial Surrender of Lease and Construction Licence [13.3.4 - 1 page] 5. Attachment 4 - Lathlain Zone 1 Funding Analysis [13.3.5 - 23 pages] 6. Attachment 5 - Development Application plans [13.3.6 - 19 pages]

Summary

The Lathlain Precinct Redevelopment Project – Zone 1 is a major construction and development project that is to be undertaken by the Town. The value of the development to be constructed and the ancillary land transactions is above the threshold amount for a major land transaction for a local government authority therefore Section 3.59 of the Local Government Act applies, and a business plan must be published so public comment can inform the decision of the Council to proceed.

- A business plan meeting the requirements of Section 3.59 has been prepared for this purpose and approval is sought to publish it for a six-week public comment period prior to seeking council endorsement of the business plan itself.
- The Business Plan is based on several assumptions that officers have confidence will be resolved prior to seeking approval to proceed with the major land transaction described in the Business Plan at the April 2024 Ordinary Council Meeting.

Recommendation

That Council:

1. Approves the publication of the business plan at attachment 13.2.1 in line with Section 3.59 of the *Local Government Act 1995*, for the development of the Lathlain Precinct Redevelopment Project Zone 1.
2. Notes that the business plan process is independent of a decision to increase the Town’s funding contribution to the project.

Background

1. The Lathlain Precinct Redevelopment Project (LPRP) is a large-scale revitalisation project that has already transformed the suburb of Lathlain.
2. Of the 7 LPRP zones, only the area known as Zone 1 remains for redevelopment. This area includes the current grandstand and football facility owned by the Town and leased to the Perth Football Club (PFC).

3. In March 2020, Council endorsed the Zone 1 project mandate due to the existing facilities' dilapidated nature and to assist in the advocacy to secure additional funds required to complete the development.
4. In November 2020, Council resolved to list Zone 1 for consideration in the Long-Term Financial Plan, nominating an indicative amount of \$5 million.
5. Funding contributions have been secured from the Federal Government (\$4m excl. GST), State Government (\$4m excl. GST), West Coast Eagles ground lease contribution (\$1m excl. GST) and Western Australian Football Commission (\$200,000 excl. GST). Funding agreements between the Town and the Federal and State governments have been executed.
6. In August 2021, council endorsed the Vision and Aspirations and the development of four high level concept designs ranging from low intervention to high intervention. The concept options phase and then the design development phase were completed in collaboration with the project's stakeholders and the Lathlain Park Advisory Group and was guided by regular elected member decision making.
7. A Development Application was lodged with the Town in October 2023 with public comment closing on December 8, 2023. At a Special Council Meeting on December 18, 2023 Council endorsed the recommendation for approval of the Development Application. The Development Application was then submitted to the Western Australian Planning Commission (WAPC) on 21 December for final determination at the Statutory Planning Committee meeting on 30 January 2024. The approval of the Development Application by the WAPC will be required for the Development to proceed.
8. During 2023, the Town and the PFC undertook an advocacy campaign to seek additional external funding to address the shortfall in capital to deliver the Development. The Town is awaiting the outcome of additional funding requests. The business plan has been prepared on the basis that this joint campaign manages to secure additional external funding of approximately \$6 million for the purposes of the Development.
9. During 2023 the Town was in negotiation with the PFC over future lease terms following completion of the Development. At the Ordinary Council Meeting in May 2023 draft heads of terms were endorsed that define the parameters for a future lease with the PFC within the Community and Football facility.
10. At the December 2023 OCM, draft key terms were endorsed for the partial surrender of an approximately 217m² area of the West Coast Eagles (WCE) lease that the proposed development encroaches upon.

Discussion

11. The Business Plan provides a summary of the LPRP Zone 1 development and explores:
 - a. The expected effects on the provision of services by the Town,
 - b. The expected effects on the provision of services by the West Coast Eagles and the Perth Football Club,
 - c. The expected financial effect on the Town
 - d. The expected impacts if the project is delayed or not delivered
 - e. The expected effect on matters referred to in the Town's current Corporate Business Plan and Strategic Community Plan
 - f. The Town's ability to manage the undertaking or performance of the development.
 12. The business plan must be published for 6 weeks to obtain public comment prior to Council's consideration of the approval of the business plan. This business plan approval is required before the execution of a contract with a construction contractor to deliver the works. It is proposed the business plan is published for public comment from 21 February to 2 April 2024.
 13. The Commonwealth Government funding of this project requires its completion by the end of 2025. Funding milestones leading to this completion date require the construction stage of the project to commence by mid 2024.
 14. The proposed public comment period allows approval to be sought at the April 2024 OCM. Final negotiation and execution of a construction contract can follow this April decision and a May start to site works can be possible. The expected 18-month construction period will then meet Commonwealth Government Funding completion requirement of the end of 2025.
-

15. As it is a requirement that the business plan occurs before a decision is made to proceed with the development, several assumptions are required to be made to publish the Business Plan in February. The business plan assumes the following:
 - a. That an Agreement for Lease can be successfully negotiated with the PFC that is aligned with the lease parameters endorsed by council at the May 2023 OCM.
 - b. That the Town and the PFC's joint advocacy efforts in 2023 can successfully achieve approximately \$6 million of additional external funding.
 - c. That the West Coast Eagles board will approve the Partial Surrender of Lease and Construction License as per the key terms approved by council at the December 2023 OCM.
 - d. That the replacement of the existing telecommunications leases with a new lease on a single pole top location can be achieved and will be of a similar value to the existing leases resulting in a minimal financial effect to the Town.
 - e. That the construction contract will be of a similar cost to the latest quantity surveyor estimate received.
 - f. That the remaining funding shortfall following confirmation of assumption e) above is sourced, but no decision has been made by the Town as to whether it will or will not contribute to any funding shortfall.
 - g. That a satisfactory development approval can be obtained from the WAPC.
 - h. That the Town receives a tender for goods and services comprising the construction works that the Town wishes to accept.
16. Officers have confidence that sufficient progress has been made that assumptions b) and c) can be achieved (and assumptions a) and d) sufficiently progressed) prior to the April 2024 ABF and OCM when approval of the business plan will be sought.
17. It is the aim to have a construction contract for consideration at the April 2024 OCM. This will provide an improved understanding of the construction cost and the accuracy of assumption e).
18. Assumptions f), and h) are at the discretion of council and have not previously received Council approval or guidance.
19. Assumption g), at the time of writing, is under review by the WAPC with an outcome expected prior to the April 2024 OCM.
20. A funding analysis has been completed by economic consultants Urbis and is included as an attachment to the business plan and this report. The strategy is based upon several options and scenarios and with a financial analysis conducted on each.
21. The Business Plan describes the Funding Analysis Option 2 (Ground Lease) and scenario 5 (additional funding obtained of \$6 million). This scenario explores the possibility of the remaining funding gap is bridged with a loan of \$3.632 million and provides the annual servicing amount and total interest for loan terms of 10 and 20 years. This business plan is considered to be the best available means for the council to consider proceeding with the development within the current constraints.
22. The Funding Analysis includes an analysis of the potential built form (and potential gross lettable area) and uses of the created development site. In the context of the current market, an estimated valuation of a ground lease is provided and, in option 2 this ground lease income is used to offset the loan repayments. The Funding Analysis estimates the potential net ground lease amount as \$186,900 per annum with a rental increase provision of 3%.
23. Under Option 2 (ground lease offset) and Scenario 5 (\$3.632m loan) annual repayments after the ground lease offset are estimated at \$264,100 (10-year term) or \$88,100 (20-year term).
24. Officers are aware of several aligned Commonwealth Government grant opportunities that will open in the first portion of 2024. It is the intent to apply for these grants to avoid the loan scenarios included in the business plan. It should be noted that information on one of these grants (Play Our Way Women's Sports Grants) has been received and the Australia Wide pool of funding for both facilities and equipment is \$200 million with grants of between \$50,000 and \$1.5 million available.

25. The impacts if the project is delayed or not delivered is described in the Business Plan. The description includes:
 - a. The lost opportunity for external funding to assist in full renewal of a major Town asset.
 - b. The continued degradation, and reduction in value to facility users and the local community.
 - c. The somewhat abortive outcome of the Town’s current investment in the project, estimated at \$800,000 in staff time and consultancy fees since the adoption of the project mandate 4 years ago.
 - d. The opportunity cost of missing the chance to complete the broader Lathlain Precinct Redevelopment Project and the realisation of the full benefits of a revitalised precinct.
26. The Business plan provides a positive overall assessment of the proposal based on it:
 - a. Utilising external funding sources to address a large-scale asset risk;
 - b. Completing a long-term, precinct level revitalisation project by delivering the final stage of the activity centre.
 - c. Supporting the achievement of objectives within the Strategic Community Plan, and delivering a project specifically identified in the Strategic Community Plan;
 - d. Supporting the Town's capacity to deliver services and facilities (including particularly sporting and social infrastructure);
 - e. Having expected positive impact on the local economy of the area; and
 - f. Facilitating the continuation of a historical use of the site;
27. The Town will give Statewide public notice of this Business Plan by publishing on the Town’s website and social media platforms on 21 February 2024, through notice in the West Australian Newspaper on 23 February 2024 and by posting the notice on the notice boards at the Town’s Administration Office and Town library. Copies of the Business Plan will be made available from Customer Services at the Administration Building and on the Town's website.
28. Submissions will be presented to Council in April 2024 with a report seeking a decision on the Business Plan.

Legal and policy compliance

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

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

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

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>Passing of this recommendation will result in the publishing of the business plan for public comment prior to seeking a determination on whether to approve the business plan and proceed with the development. Therefore, this recommendation itself will not result in future budget impact, however progressing the development will.</p> <p>The future financial impact of the development is outlined in the Business Plan and in the analysis section of this report.</p>

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	If elements of the business plan change significantly and a new business plan is required, the contingent delays could risk achieving external funding milestone and having the funding withdrawn.	High	Low	TREAT risk by ensuring actions progressing the project are aligned with the content of the business plan.
Environmental	Not Applicable		Medium	
Health and safety	Not Applicable		Low	
Infrastructure/ ICT systems/ utilities	Not applicable		Medium	
Legislative compliance	Ensure compliance with Section 3.58 & 3.59 of the Local Government Act 1995.	Low	Low	TREAT risk by advertising the transactions as required by the Act
Reputation	Publishing a business plan that is based on assumptions could raise community expectations, that if not met cause reputational damage.	High	Low	TREAT risk by Making clear to the community the assumptions of the business plan and discussing them in the council report and the business plan itself. The Public comment webpage will also highlight the assumption and the need to seek public comment prior to their complete resolution.
Service delivery	If this business plan is not published in February, the ability to achieve complete replacement of the facility is placed at risk along with the improvement and expansion of the services provided by the site.	High	Medium	TREAT risk by Publishing a Business Plan in February that is based on several assumptions with the intent of gaining surety of the assumptions prior to a decision to approve the business plan.

Engagement

Internal engagement	
Stakeholder	Comments
Property Development and Leasing	The Property Development Team have collaborated on the creation of the business plan and several elements of its content e.g. PFC lease formulation, West Coast Eagles partial lease surrender
Strategic Assets	The Coordinator Strategic Assets collaborated on the creation of the Business Plan and elements of its content e.g. PFC Lease Formulation, Asset management consideration and current grandstand condition reviews.
Place Planning	Place Planning have been frequently updated with progress of the project as a key deliverable of the Social Infrastructure Program.
Finance	The Finance team and Chief Financial Officer have been involved in various portion of the content of the Business Plan.

Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling livability through planning, urban design and development.	The project delivers a development that completes a precinct level revitalisation. The project will further enhance the use and experience of Lathlain Park, its facilities and its surrounding environment. This development will be of social, economic and amenity value to the local community
EN5 - Providing facilities that are well-built and well-maintained.	The project involves replacing a poor-condition Town-owned facility with a contemporary, high-quality facility that enables improvement and expansion of the services delivered from the site.

Further consideration

To clarify the fact that the business plan process is independent of a decision of council to increase the Town's financial contribution to the project, changes have been made to the business plan and this council report since the Agenda Briefing Forum.

To add this clarity the recommendation now includes point 2:

2. *Notes that a decision to increase the Town's funding contribution to the project is independent of the business plan process.*

Other changes to this council report are:

- Assumption f) at point 15f in this report has been changed. It previously stated: *"That the Town assumes responsibility for the remaining funding shortfall following confirmation of assumption e) above."*
- The Assumption g) from the ABF report has been removed. It previously stated: *"That the repayments of any required loan associated with assumption f) will be partially offset by a ground*

lease of the future development site created following the demolition of the existing grandstand building.”

- Items 18 and 19 have been changed to reflect the updated lettering of the assumptions.
- Item 21 has been changed. It previously stated: *“The Business Plan proposes the Funding Analysis Option 2 (Ground Lease) and scenario 5 (additional funding obtained of \$6 million). This scenario proposes the remaining funding gap is bridged with a loan of \$3.632 million and provides the annual servicing amount and total interest for loan terms of 10 and 20 years. This business plan is considered to be the best available means for the council to consider proceeding with the development within the current constraints.”*

The changes to the business plan are:

- Change to assumption f) as described above and removal of assumption g).
- Change to the funding table on page 13 with the wording in row 12 changing from *“Sources to fund the shortfall”* to *“Possible sources to fund the shortfall”* and the wording in row 13 changing from *“This funding is not yet secured or committed, but will need to be considered by Council as part of this process”* to *“This funding is not secured or committed”* .
- Under the Expected Financial Effect on the Local Government section of the plan additional wording is included. Paragraph 8 is changed from *“If the additional \$6 million is not secured, then the development will not proceed.”* to *“If the additional \$6 million and the additional \$3.6 million are not secured, then the development as proposed in this business plan will not proceed.”*
- Under the Expected Financial Effect on the Local Government section of the plan additional wording is included. Paragraph 9 removes the wording *“The business plan proposes that the Town assumes responsibility for the remaining \$3.632 million shortfall”* and adds the wording *“The above table identifies the Town as a possible source of the funding shortfall in the amount of \$3.6 million. No decision has been made by the Town to cover all or any of the \$3.6 million shortfall. A separate budget related process outside of this business plan will need to take place before the Town decides to or not to cover all or any of the \$3.6 million shortfall. So, for the purposes of this business plan the Town’s contribution to the funding shortfall may be anywhere between \$0 and \$3.6 million. A decision by the Town to proceed with this business plan is not a decision by the Town to fund all or any of the \$3.6 million shortfall. It may be possible for the Town to borrow the \$3.6 million and an...”*

14 Chief Financial Officer reports

14.1 Budget Review - 2022/23 final carry forward projects and surplus allocation

Location	Town-wide
Reporting officer	Manager Strategic Accounting
Responsible officer	Chief Financial Officer
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none">1. Estimated Carry Forward Projects - For the year ending 30 June 2024 [14.1.1 - 1 page]2. Final Carry Forward Projects - For the year ending 30 June 2024 [14.1.2 - 1 page]3. Statement of Financial Activity by Nature - For the year ending 30 June 2024 [14.1.3 - 1 page]

Summary

To seek approval from Council to adjust the 2023/24 Annual Budget.

Recommendation

That Council:

1. Approves the final carry forward projects detailed in Attachment 14.1.2.
2. Approves Option 2 for the transfer to reserve from the 2022/23 surplus detailed in Table 1 at Item 7.
3. Approves the proposed revised budget as detailed in Attachment 14.1.3.

Background

1. When the Town's 2023/24 Annual Budget was adopted by Council on 20 June 2023, the Town's 2022/23 actual balances were presented as estimated forecasts and subject to final adjustments.
2. The Town has completed the 2022/23 Annual Financial Statements and has confirmed the final position of surplus or deficit at the end of year.

Discussion

3. The Town has completed the 2022/23 Annual Financial Statements and adjusted the figures for the final projects to be carried forward.
4. The estimated figures for the projects to be carried forward at the time of the 2023/24 Annual Budget adoption was \$1,700,278. The list of the estimated carry forward projects can be found in Attachment 14.1.1.
5. The final figures for the projects to be carried forward to the 2023/24 financial year is \$3,170,901. The list of the final carry forward projects can be found in Attachment 14.1.2.

6. After confirming the final carry forward projects, the Town has an additional \$4,231,372 to be allocated in the 2023/24 Annual Budget. The surplus was result of many elements, the most significant of which are:
- (a) Grants subsidies and contributions: receiving 2023/24 financial assistance grant in advance in June 2023.
 - (b) Materials and contracts: delays in finalising the IT hardware and photocopier leasing contacts and less spend on Town-wide consultancy than budgeted.
7. In terms of allocating the surplus within the 2023/24 Annual Budget, the Town identified the budget adjustments in the following table.

Table 1

Reason	Item	Amount to be adjusted (\$)
Additional funding requests	Archer Mint Streetscapes	100,000
	Albany Highway Precinct Plan: Victoria Park Town Centre	122,000
	Burswood Road - Reserve Cost Sharing	128,500
Adjustments of revenue and expenditure associated advanced grants received	Youth Action Plans (expenditure)	13,500
	2023/24 Financial Assistant Grant (revenue)	1,280,605
Change in revenue recognition associated with prior year adjustments	Service Charge	949,805
Option 1 Transfer to reserve	Plant & Equipment	122,852
	Information Technology Renewal	450,000
	Urban Forest Strategy	450,000
	Roads Renewal	614,110
Option 2 Transfer to reserve	Plant & Equipment	122,852
	Lathlain Park	1,514,110

Relevant documents

Not applicable

Legal and policy compliance

[Section 6.8 of the Local Government Act 1995](#)

Financial implications

Current budget impact	<p>Adjustment to the carry forward projects and allocation of surplus will enable more assets and service deliveries within the 2023/24 financial year.</p> <p>Variations to the adopted annual budget, as contained within the attachments, will form a new revised budget once adopted.</p>
Future budget impact	Not applicable.

Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Financial loss that may or may not be managed within the existing budget and may or may not impact a program or service.	Unlikely	Low	TREAT risk by ensuring stringent analysis and reconciliation is conducted to present the balanced budget.
Environmental	Not applicable.			
Health and safety	Not applicable.			
Infrastructure/ ICT systems/ utilities	Not applicable.			
Legislative compliance	Not applicable.			
Reputation	Not applicable.			
Service delivery	Disruption to a service or major project in progress that may result in delays to delivery.	Unlikely	Medium	TREAT risk by ensuring stringent analysis and reconciliation is conducted to present the balanced budget.

Engagement

Not applicable.

Internal engagement

Stakeholder	Comments
Service Area Managers	All Service Area Managers were consulted and reviewed 2022/23 capital and operating projects to input the final carry forward projects information.

Strategic alignment

Civic Leadership

Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Budget review is conducted frequently to ensure the budget is reflective of the community's current needs.
CL3 - Accountability and good governance.	Accurate presentation of the budget is reflective of the community's current needs.

Further consideration

At the Agenda Briefing Forum held on 6 February 2024 the following information was requested.

8. Provide details about the additional funding request of \$122,000 for the Albany Highway Precinct Plan.
 - The Albany Highway Precinct Plan (AHPSP) was awarded via Tender to Hatch Roberts Day with a total contract value of \$591,000:
 - Stage 1 - \$141,000 (completed)
 - Stage 2 - \$305,000 (2/3 complete)
 - Stage 3 - \$144,000 (not yet started)
 - Communications & Advertising costs associated with all three stages is approximately \$30,000 additional to the Hatch Roberts Day contract amount listed in the Stages above.
 - AHPSP is currently within Stage 2, with remaining stages anticipated to be completed this Financial Year.
 - The entire 2023/2024 OPEX Request for AHPSP was for approximately \$240,000, being the estimated remaining cost to complete Stages 2 & 3 in 2023/24. This \$240,000 included a carry forward component (funds not expended in 22/23) and a new OPEX budget request.
 - The FY23/24 Budget awarded to AHPSP ended up being only \$118,000 (being the adjusted carry forward amount only and not the total OPEX request to complete the consultancy contract and communications). The adjusted carry forward budget of \$118,000 has been used to fund the project so far in 2023/24.
 - The remaining \$122,000 which was left out of the 23/24 Operating Budget is now being requested to complete the project as per the original OPEX request for FY23/24 (in addition to the adjusted carry forward amount)
9. Officers are recommending that reserve transfers as shown in option 2 be endorsed. This will reduce possible future borrowings and/or external funding requirements for the Lathlain Precinct project. With current interest rates being relatively high, interest costs are a project cost that needs consideration.

14.2 Schedule of Accounts - November 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Payment Summary - November 2023 [14.2.1 - 8 pages] 2. Credit Card Transactions - November 2023 [14.2.2 - 2 pages]

Summary

Council is required to confirm payments made from the municipal fund and payments by employees via purchasing cards each month, under Section 13 and 13A of the Local Government (Financial Management) Regulations 1996. The information required for Council to confirm the payments made is included in the attachment for the month ended 30 November 2023.

Recommendation

That Council:

1. Receives the accounts for November 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 November 2023, as included in the credit card transactions attachment, pursuant to Regulation 13A of the Local Government (Financial Management) Regulations 1996.

Background

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

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

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$4,095,926.65
Payroll		\$1,274,427.65
Bank Fees		\$12,428.02
Corporate MasterCard		\$12,068.99
Total		\$5,394,851.31

Discussion

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

Relevant documents

Not applicable.

Legal and policy compliance

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

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

[Procurement Policy](#)

Financial implications

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

Risk management consideration

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

Strategic alignment

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

CL3 – Accountability and good governance.

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

14.3 Finance Statement November 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Statements - November 2023 [14.3.1 - 24 pages]

Summary

To present the statement of financial activity reporting on the revenue and expenditure for the period ending 30 November 2023.

Recommendation

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

Background

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

Revenue

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

Expense

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

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

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

Discussion

- The Financial Statement – 30 June complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that the Financial Statement – November 2023 be accepted.

Relevant documents

Not applicable.

Legal and policy compliance

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

Risk management consideration

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

Financial implications

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

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.

Strategic alignment

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

14.4 Schedule of Accounts- December 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Payment Summary - December 2023 [14.4.1 - 8 pages] 2. Credit Card Transactions December 23 [14.4.2 - 2 pages]

Summary

Council is required to confirm payments made from the municipal fund and payments by employees via purchasing cards each month, under Section 13 and 13A of the Local Government (Financial Management) Regulations 1996. The information required for Council to confirm the payments made is included in the attachment for the month ended 31st December 2023.

Recommendation

That Council:

1. Receives the accounts for December 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 December 2023, as included in the credit card transactions attachment, pursuant to Regulation 13A of the Local Government (Financial Management) Regulations 1996.

Background

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

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

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$6,376,734.02
Payroll		\$1,884,409.56
Bank Fees		\$15,400.56
Corporate MasterCard		\$6,276.55
Total		\$8,282,820.69

Discussion

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

Relevant documents

Nil.

Legal and policy compliance

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

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

[Procurement Policy](#)

Financial implications

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

Risk management consideration

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

Strategic alignment

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

CL3 – Accountability and good governance.

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

14.5 Finance Statement December 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Statements - December 2023 [14.5.1 - 24 pages]

Summary

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

Recommendation

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

Background

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

Revenue

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

Expense

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

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

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

Discussion

- The Financial Statement – 30 June complies with the requirements of Regulation 34 (Financial activity statement report) of the Local Government (Financial Management) Regulations 1996. It is therefore recommended that the Financial Statement – December 2023 be accepted.

Relevant documents

Not applicable.

Legal and policy compliance

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

Risk management consideration

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

Financial implications

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

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.

Strategic alignment

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

15 Committee Reports

16 Applications for leave of absence

17 Motion of which previous notice has been given

17.1 Planning for Protection of Trees on Private Property - Mayor Karen Vernon

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

Motion

That Council requests the Chief Executive Officer to:

1. Upon gazettal of Town of Victoria Park Local Planning Schem 2, immediately initiate a Scheme Amendment to achieve tree protection on private property through the insertion of clauses into Schedule A: Supplemental Provisions to the Deemed Provisions providing requirements for the need to make development applications to remove trees from private property.
2. immediately commence preparation of a Local Planning Policy for the protection of trees on private property and the management of a Significant Tree Register;
3. hold a workshop with elected members about points 1 and 2 above;
4. bring a report back to Council in May 2024 as to progress of points 1 and 2 above.

Reason

Our Strategic Community Plans since 2017 have placed a high priority on the preservation and enhancement of the Town's tree canopy, which was mapped in 2016 as one of the lowest in the metropolitan area at barely 10%.

Since then, Council adopted its first Urban Forest Strategy in 2018 which supports the retention of trees and the creation of a green and shaded Town. The UFS specifically identifies development of mechanisms for protecting existing trees so that fewer trees are lost during development, reducing the heat island effect and increasing our tree canopy over.

In 2021, Council adopted its first Climate Emergency, of which the Urban Forest Strategy is a significant enabling and complementary strategy.

Local governments, including the Town are working hard to increase canopy on public land investing heavily in street trees and planting in parks and natural areas. However, canopy continues to dwindle with the majority of tree loss is occurring on private land.

Despite the endeavours over recent years of many Councils (including ours) to support regulation of mature trees on private land, these efforts have been hampered by a lack of support at a State Government level.

Recently the City Nedlands and City of South Perth were refused permission for Scheme Amendments that would have introduced the requirement to obtain development approval from the local government for the removal of large canopy trees on private land in relatively low residential density areas. This is highly disappointing and contrary to a commitment to addressing climate change and increasing urban tree canopy.

Despite the high level of support for tree protection demonstrated through community consultation on LPS2, recent decisions suggest that inclusion of tree protection measures in this adoption of LPS2 will not be acceptable. It is therefore proposed that immediately upon gazettal the Town initiate the process of a Scheme Amendment to pursue such protections in this adoption of LPS2 will not be acceptable. It is therefore proposed that immediately upon gazettal the Town initiate the process of a Scheme Amendment to pursue such protections in lower density areas of the Town.

Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Leadership on our Urban Forest Strategy goals.

Officer response to notice of motion

Location	Town-wide
Reporting officer	Place Leader – Strategic Planning
Responsible officer	Chief Community Planner
Voting requirement	Simple majority
Attachments	Nil

Officer comment

1. The Administration notes the intent of the Notice of Motion and confirms that the requests can be accommodated within the delivery of the Town's Vic Park Planning Program.
2. Prioritising the preparation of the requested local planning policies and scheme amendment for tree protection on private land and the management of a Significant Tree Register may result in delays in progressing other local planning policy reviews.
3. A Concept Forum to discuss tree preservation on private land with Elected Members is currently scheduled for the 27 February 2024. This initial forum will provide an overview of the planning instruments subject to the Notice of Motion and how these instruments can (and cannot) be utilised to regulate trees on private land. A further workshop with Elected Members focusing on the content and detail of the scheme amendment and local planning policies can be held as required.

Legal compliance

The scheme amendment and local planning policies subject of the notice of motion must be prepared in compliance with the requirements of the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Scheme) Regulations 2015*.

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	There are risks to using the planning framework to preserve trees including the potential for trees to be removed on private land in anticipation of incoming regulation	Moderate	Possible	Medium	Medium	ACCEPT – consider risk in preparation of scheme and policy instruments. Prepare communication and engagement plan to mitigate risk.

Health and safety	Not applicable					Low
Infrastructure/ ICT systems/ utilities	Not applicable					Medium
Legislative compliance	The WAPC or Minister for Planning do not support or require major changes to the scheme amendment.	Minor	Likely	Medium	Low	ACCEPT the risk and ensure that the preparation of the scheme amendment and local planning policies comply with requirements of the Act and Regulations.
Reputation	Not applicable					
Service delivery	Resource management - the number of planning projects resulting from the notice of motion will affect resources available for completing other planning projects.	Moderate	Possible	Medium	Medium	TREAT – Re-allocation of resourcing required and delay other projects as required to complete actions.

Financial implications

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

Relevant documents

Not applicable.

- 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**
- 23 Closure**