

minutes

Community Development Committee



Please be advised that a **Community Development Committee** Meeting was held at **5.30pm** on **Monday 4 December 2017** in Meeting Room 1 at the Administration Building, 99 Shepperton Road, Victoria Park.

A handwritten signature in black ink, appearing to read "A Vuleta".

ANTHONY VULETA
CHIEF EXECUTIVE OFFICER

5 December 2017

(To Be Confirmed 5 February 2018)

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1 OPENING

Cr V Potter opened the meeting at 5.30pm.

2 ATTENDANCE

Members:

Banksia Ward:

Cr J (Julian) Jacobs
Cr R (Ronhhda) Potter

Jarrah Ward:

Cr B (Bronwyn) Ife
Cr V (Vicki) Potter (Presiding Member)

Deputy Member:

Nil

Chief Operations Officer

Mr B (Ben) Killigrew

Chief Financial Officer

Mr N (Nathan) Cain

Manager Community

Ms K (Kaitlyn) Griggs

Manager Business Service

Mr L (Luke) Ellis

Secretary:

Mrs S (Susan) Fraser

Guests:

Nil

2.1 Apologies

2.2 Approved Leave of Absence

3 DECLARATIONS OF INTEREST

Declaration of Financial Interests

Nil

Declaration of Proximity Interest

Nil

Declaration of Interest affecting impartiality

Nil

4 CONFIRMATION OF MINUTES

RESOLVED:

Moved: Cr Jacobs

Seconded: Cr V Potter

That the Minutes of Community Development Committee Meeting held on 28 September 2017 be confirmed.

The Motion was Put and CARRIED (4 –0)
In favour of the Motion: Cr V Potter, Cr Jacobs, Cr Ife and Cr R Potter

RESOLVED:

Moved: Cr Ife

Seconded: Cr R Potter

That the Minutes of Community Development Committee Meeting held on 21 November 2017 be confirmed.

The Motion was Put and CARRIED (4 –0)
In favour of the Motion: Cr V Potter, Cr Jacobs, Cr Ife and Cr R Potter

5 TERMS OF REFERENCE

1. NAME

The name of the Committee shall be the Community Development Committee (the Committee).

2. AIMS AND OBJECTIVES

The strategic focus of the Committee is aligned to the Town's Strategic Community Plan. The purpose of the Committee is to contribute to the vibrant lifestyle of the Town.

2.1 Goals

The Committee will:

- Provide strategic leadership in the development and regular review of policies and strategies that are inclusive, empowering and build capacity for the Town of Victoria Park community.
- Develop strategic partnerships with stakeholders that promote social inclusion and wellbeing.
- Enable and encourage participation in community life.
- Promote a socially prosperous community.

(To Be Confirmed 5 February 2018)

2.2 Deliverables

The key deliverables of the Committee include:

- Annual review/update of policies, strategies and plans related to the key areas of focus;
- Community Needs Assessment and Analysis;
- Community Benefits Strategy;
- West Coast Eagles Community Benefits Strategy; and
- Public Health Plan.

2.3 Scope and Jurisdiction

The key focus areas of the Committee include:

- Aboriginal and Torres Strait Islander People;
- Aged;
- Community/Not for Profit;
- Disability;
- Community Safety;
- Multicultural;
- Recreation;
- Sport; and
- Youth.

2.4 Engagement

- The community shall be engaged by the Committee outside of the formal meeting regime as required and in accordance with Council's Public Participation Policy.
- Specific engagement strategies will be developed to address the Committee's key deliverables.
- The Committee may invite individuals and subject matter experts to attend a meeting of the Committee to provide expert advice where required.

2.5 Roles and Responsibilities

The Committee will:

- Be coordinated, collaborative and strategic in its approach to developing and reviewing policies and strategies;
- Ensure the Council is an advocate on community issues and needs;
- Be guided by the Town's Vision and Mission; and
- Be aligned to the Town's Strategic Community Plan.

3. MEMBERSHIP

The Committee will comprise a maximum of four (4) Elected Members being two (2) Elected Member representatives from each of the Town's two (2) wards with five (5) Elected Members being appointed in a hierarchical order as alternate deputy members except for the Chief Executive Officer Recruitment and Performance Review Committee whereby five (5) Elected Members are appointed being the Mayor and two (2) Elected members from each of the Town's two (2) Wards with four (4) Elected Members being appointed in a hierarchical order as alternate deputy members.

(To Be Confirmed 5 February 2018)

4. MEETINGS

The Committee shall convene in accordance with the annual adopted meeting schedule.

5. QUORUM

In accordance with Section 5.19 of the *Local Government Act 1995*, the quorum for a meeting of the Committee is at least 50% of the number of offices (whether vacant or not) of members of the Committee.

6. DELEGATED POWER

The Committee has no delegated power and all recommendations made are to be referred to Council for a decision.

7. GOVERNANCE

The Committee is governed by the provisions of the Town of Victoria Park Standing Order Local Law 2011 and the Local Government Act 1995 and

6 PRESENTATIONS

6.1 Petitions

Nil

6.2 Presentations (Awards to be given to the Town)

Nil

6.3 Deputations

Nil

7 METHOD OF DEALING WITH AGENDA BUSINESS

RESOLVED:

Moved: Cr Jacobs

Seconded: Cr Ife

That clause 6.10 *Speaking Twice* of the *Town of Victoria Park Standing Orders Local Law 2011* be suspended for the duration of this meeting.

The Motion was Put and

CARRIED (4 – 0)

In favour of the Motion: Cr Jacobs, Cr Ife, Cr V Potter and Cr R Potter

(To Be Confirmed 5 February 2018)

8 REPORTS**8.1 Proposed Lease of Drainage Sump at 6 Sunbury Road to Victoria Park Garden Association Inc.**

File Reference:	PR3756
Appendices:	No.
Attachments:	No.

Date:	14 September 2017
Reporting Officer:	T. McCarthy
Responsible Officer:	B. Killigrew
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That the lease of the drainage sump at 6 Sunbury Road to the Victoria Park Community Garden Association Inc. for use as a community garden be approved.

- A request to use the drainage sump at 6 Sunbury Road for a satellite community garden has been received.
- Recommend Council endorse the proposed lease and require a formal planning application.
- Recommend lease term to be five years plus a further five year option and rental to be \$2,000 per annum plus GST offset by a Council subsidy of \$1,999 per annum, effectively making rent \$1 per annum.
- That the Lease include a Development Clause for the Town to undertake a potential redevelopment in order to derive the highest and best use for the land should the opportunity arise.
- Council to delegate authority to the Mayor and the Chief Executive Officer to execute the lease document.

TABLED ITEMS:

- Letter from Victoria Park Community Garden Association Inc. agreeing to lease 6 Sunbury Road.
- Rental valuation report for 6 Sunbury Road.
- Environmental report to assess any potential environmental hazards at 6 Sunbury Road.

BACKGROUND:

In 2015 the Town was approached by the proponent, a resident who lives nearby 6 Sunbury Road (**the sump**), and requested to consider leasing the sump to the proponent in order that it could be used for the growing of fruit trees and vegetables on the site, and with a view to improving the general aesthetics of the site. After several discussions between the proponent and Town officers, the proponent decided to not pursue leasing the sump, principally because of the high cost of public liability insurance.

(To Be Confirmed 5 February 2018)

The proponent approached the Victoria Park Community Garden Association Inc., (**VPCGA**) and that body has agreed to request a lease of the sump and develop it in a manner similar to the development of the sump at 98 Rutland Avenue that has occurred.

VPCGA has previously entered into lease agreements with the Town. In June 2009 Council endorsed the development of the first community garden in the Town at Read Park. In December 2011 Council endorsed the development of the sump at 98 Rutland Avenue as a community garden and food forest. Both of these sites are leased to VPCGA.

DETAILS:

The initial proposal for the sump was for the proponent to beautify the site and develop it into a productive garden with fruit and nut trees and vegetable crops such as potatoes and pumpkins. The proponent intended to landscape the site in such a way so as to allow access to the produce and to allow people to enjoy the garden environment.

The proponent initially sought to negotiate a lease with the Town, but following negotiations the proponent engaged VPCGA who subsequently agreed to become the lessee and for the site to be operated as a community garden in the manner of the existing community gardens at Read Park and more particularly the community garden at 98 Rutland Avenue. VPCGA has members from diverse demographic backgrounds with a wide range of skills, including project management and design, permaculture, horticulture, building and legal skills and has successfully managed the community gardens at Read Park and 98 Rutland Avenue for a number of years.

The sump is owned in fee simple by the Town and is currently used for the disposal of stormwater runoff from the surrounding catchment area. It will continue to be used for that purpose and the Town will retain full access for drainage maintenance purposes and peak storm events. The land is described as Lot 150 on Diagram 8472 and the whole of the land contained in Certificate of Title Volume 1015 Folio 843.

All sumps in the Town have an opportunity to contribute to the Town's Land Asset Optimisation Strategy. This strategy was prepared by Hester Property Solutions and provided to the Town of Victoria Park in January 2014. The LAOS is a priority project for the Town that will aim to deliver revenue diversification and generate whilst enabling redevelopment proposals and act as a catalyst for regeneration or redevelopment of the Towns land assets.

Legal Compliance:

VPCGA is an incorporated body and it is envisaged that the lease will reflect the terms and conditions of the existing leases for the community gardens at Read Park and 98 Rutland Avenue.

Disposal by lease of the property to VPCGA would be an exempt disposition under section 3.58 of the *Local Government Act 1995*. Regulation 30 (2) of the *Local Government (Functions and General) Regulations 1996* states:

(To Be Confirmed 5 February 2018)

- (2) A disposition of land is an exempt disposition if—
- (a) the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and—
 - (i) its market value is less than \$5000; and
 - (ii) the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;
 - or
 - (b) the land is disposed of to a body, whether incorporated or not —
 - (i) the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and
 - (ii) the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions

Policy Implications:

Policy ADM8 Leasing Policy. The proposed lease will be in compliance with the aims and objectives of Policy ADM8.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Risk that VPCGA will not fulfil its obligations under the lease.	Low	Unlikely	Low	<ul style="list-style-type: none"> a) If there are breaches of the lease, notices to comply will be issued. b) Continued breaches of the lease will result in a recommendation to Council to cancel the lease.

Strategic Plan Implications:

The development of another successful community garden will contribute to the Town's vision of a *Vibrant Lifestyle* and be in tune with the Town's stated environment mission in the Strategic Community Plan 2017-2032 "*To promote sustainable, liveable, healthy and green places for everyone.*"

Community Engagement

The community has not yet been engaged regarding the proposed lease of the sump and its proposed use as a community garden. If Council approves the proposed lease, it will be subject to VPCGA obtaining planning approval for the site to be used as a community garden prior to commencing any development of the site. The planning approval process will include a public consultation process.

Financial Implications:Internal Budget:

There is no specific allocation in the Town's 2017/2018 budget for this project. Costs will be borne by VPCGA and any costs attributable to the Town will be minor.

It is proposed that the rent will be \$2,000 (excluding GST and outgoings) per annum, payable by the Victoria Park Community Garden Association Incorporated, which will be offset by The Town of Victoria Park providing an annual rental subsidy of \$1,999 to the Victoria Park Community Garden Association Incorporated. A similar method of fixing rental charges was approved by Council when considering the rental charges applied to the lessees at the Lathlain Place community facility. The charging of rent as assessed by a licensed valuer and then subsidising that rent by an equivalent subsidy less \$1 provides full transparency in financial reporting and allows full disclosure of the amount of subsidy provided to various lessees of Council properties.

Total Asset Management:

Advice from the Town's Street Life sub-program is that the proposed community garden will not adversely impact on the capacity of the drainage sump. Issues regarding soil contaminants, access to the stormwater discharge points, erosion control and ongoing site maintenance have been addressed.

Transfer of the bulk of the maintenance obligations of this site from the Town to VPCGA will deliver minor operational savings. It is hoped that this site will replicate the success of Read Park and 98 Rutland Avenue as community garden sites and will be a further catalyst for the activation and regeneration of other similar drainage sumps within the Town and deliver a mutual benefit to the community and Council.

Land Asset Optimisation Strategy

The Land Asset Optimisation Strategy (LAOS) was adopted by Council in September 2013 as follows:

1. *The Land Asset Optimisation Strategy dated September 2013 prepared on behalf of the Town of Victoria Park by Hester Property Solutions Pty Ltd be acknowledged; and*
2. *Any proposal in respect to Council owned or controlled property will be considered by Council on a case by case basis, with reference to the Land Asset Optimisation Strategy September 2013, Council's Strategic Community Plan and Long Term Financial Plan.*

The Town's Property Development Manager has advised, in respect to LAOS, "that the subject property 6 Sunbury Road forms part of a larger strategic landholding scenario which may present rationalisation and value add opportunities for the Town into the foreseeable future." The lease is proposed to be for a term of five years, with an option for a further term of five years at the Lessor's (i.e. the Town) option. It will therefore be a Council decision and not VPCGA's option or decision to exercise the second five year term. The lease document will also contain a redevelopment clause which states that in the event of the Town wishing to redevelop the site to a significant degree, the lease can be terminated by the Town giving six month's written notice to the Lessee (VPCGA).

Sustainability Assessment:External Economic Implications:

VPCGA will be encouraged to source external funding to cover the cost of regeneration of the site and establishment of fruit trees and vegetable garden beds.

Social Issues:

The proposal to develop a community garden at the sump will afford an opportunity for members of the community to cultivate and grow a variety of flora including food crops, especially members who live in apartments and high rise developments where available outdoor open space is minimal. The garden will provide a community space for learning, social interaction, cultural exchange and a sense of community ownership and pride.

Cultural Issues:

As with the existing Read Park and 98 Rutland Avenue community gardens, residents from a diverse range of cultures and backgrounds are expected to make use of the community garden.

Environmental Issues:

The conversion of drainage sumps to community-type gardens has numerous environmental benefits, including being a food source for humans and natural habitat for numerous fauna. Generally the cultivation of green spaces delivers benefits such as thermal insulation and temperature modification, humidification of the air, filtration of polluted air, interception of rainfall and reduced water runoff, reduced soil erosion, shade and cooling, carbon dioxide and oxygen exchange, visual and noise screening etc.

Because of the potential liabilities associated with any contamination of the site, in particular any presence of asbestos, a qualified environmental analyst was engaged to carry out an assessment of the site to identify any past or present contamination of the site that may represent a constraint to the repurposing of the site from a stormwater sump to a community garden. The report prepared by Site Environmental and Remediation Services (SERS) is tabled. The Conclusions and recommendations within the report are:

I) *Conclusions*

Following the recent Preliminary Site Investigation, one potential source of contamination was identified that was considered to pose a potential risk to site users (Asbestos Containing Materials on surface soils). It was recommended as part of that investigation the collection and analysis of Cementous fragments to determine the presence of asbestos. Subsequently all observed Potential Asbestos Containing Materials and Asbestos Containing Materials have been removed from the site and soil samples have been collected and analysed. No soil impacts from Asbestos fibre in excess of the assessment criteria were observed.

II) *Recommendations*

Given the historical contamination at the site SERS recommends monitoring of the site to ensure additional contamination does not occur and to ensure the perimeter of the site is secure. In the case that additional contamination at the site in the form of Asbestos Cement Material fragments on surface soils is observed SERS recommends additional assessment and removal works as required. Based on the results of this investigation SERS recommends no further works at this time.

(To Be Confirmed 5 February 2018)

In accordance with the SERS recommendation, the site will be monitored at regular intervals to ensure that there are no hazardous contaminants at the site.

COMMENT:

The proposed lease is for five years from 1 January 2018 to 31 December 2022, with the option of a further five year term at the Lessor's option. This would provide security of tenure for VPCGA until 31 December 2027, and will allow Council, at the end of the five year lease period, the opportunity to review ongoing tenure beyond December 2022. The recommended amount of rent payable of \$2,000.00 (excluding GST) per annum minus an annual rental subsidy of an amount of \$1.00 less than the annual rental, for the duration of the lease term is recommended after consideration of:

- The rent that VPCGA has been hitherto paying at the other community garden sites;
- The term of the lease;
- The financial position of VPCGA and its ability to generate income in order to meet rent payments;
- The value of the sump as a community garden facility for the community; and
- The rental valuation of the sump as determined by a licensed valuer.

The option of a further five year term in favour of the Lessor is recommended. The granting of a five year lease with an option of a further five year term at the Lessor's option will allow Council to review the lease conditions at the end of the initial five year term.

A valuation carried out in September 2017 of the site by a licensed valuer determined that the current market rental, excluding outgoings and GST, for the sump proposed to be leased to VPCGA as \$1,500 to \$2,000 per annum exclusive of outgoings and GST. In arriving at the rental valuation, the licensed valuer stated in the valuation report that in concluding his assessment he took a number of factors into consideration and stated that:

The subject property is on a quiet street, and being a drainage sump would in our opinion have limited appeal in the market particularly as the Town has access rights for retaining stormwater drainage rights hence we believe the value would lie well below the levels of rentals detailed above.

Owing to the nature of the site and the drainage issues we believe a nominal rental of between \$1500 and \$2000 per annum is all that could be expected from the community garden group seeing them as caretakers of the site and hopefully enhancing it.

For valuation purposes we have adopted the rental value of \$1,500 to \$2,000 per annum including outgoings.

The valuation report provided by Pember Wilson & Eftos – Property Consultants Valuers, is tabled.

Whilst the factors listed above as having been taken into consideration in determining a recommendation on the amount of rent to be paid are valid, and the current financial position of VPCGA and its ability to generate income is recognised, it also needs to be recognised that VPCGA has never previously paid any meaningful rent on the Read park or 98 Rutland Avenue community gardens.

(To Be Confirmed 5 February 2018)

Council, should it wish, can determine an amount of rent to be paid by VPCGA which may be at variance to the amount recommended. Whatever the amount of rent endorsed by Council, it should not be considered as a precedent to be followed when leasing of other Council facilities comes under consideration. The circumstances of VPCGA are such that it is a not-for-profit organisation and it is run by community volunteers. It has no significant income and relies principally on donations from individuals and local businesses. A community dividend is provided in the form of the provision of access for a wide variety of the community predominantly in the general areas of Lathlain, Carlisle and Victoria Park to a community garden.

Under the terms of the proposed lease, VPCGA will be responsible for the payment of any electricity charges, water usage charges and waste removal charges. VPCGA has not previously been charged water service charges (water rates), Council rates, or the Emergency Services Levy (ESL) for the Read Park and 98 Rutland Avenue community gardens.

The table below provides an indication of what is recommended that VPCGA not be charged for as outgoings in the lease of the sump, in accordance with similar leases. Dollar values have not been assigned to the potential outgoings as there is no determined Gross Rental Value for the property determined by the Valuer General for rating purposes because the property is not rated, being owned by the Town.

OUTGOING	VALUE	PROPOSED TO BE ON-CHARGED
Council Rates	Not determined.	No
ESL	Not determined.	No
Water Rates	Not determined.	No

The sump is currently used by the Town for stormwater drainage disposal. It is a fenced site and access is only by a locked gate at the street entry to the sump. If Council approves the proposed lease, the sump will continue to be used by the Town for stormwater disposal. VPCGA will have possession of the site and will provide access to members of VPCGA. The public will not have unrestricted access to the sump and individuals will need to become members of VPCGA should they wish to participate in the community garden activities at the sump.

CONCLUSION:

It is recommended that Council approve leasing the drainage sump at 6 Sunbury road, Victoria Park, to the Victoria Park Community Garden Association Inc. for a term of five (5) years from 1 January 2018 to 31 December 2022, with the option of a further five year term at the Lessor's option.

ACTION:

The Chief Operations Officer to include additional information to the report regarding actual and in-kind support provided to the VPCGA across the Town prior to presentation to Council.

(To Be Confirmed 5 February 2018)

RESOLVED:**Moved: Cr Iffe****Seconded: Cr Jacobs****That:**

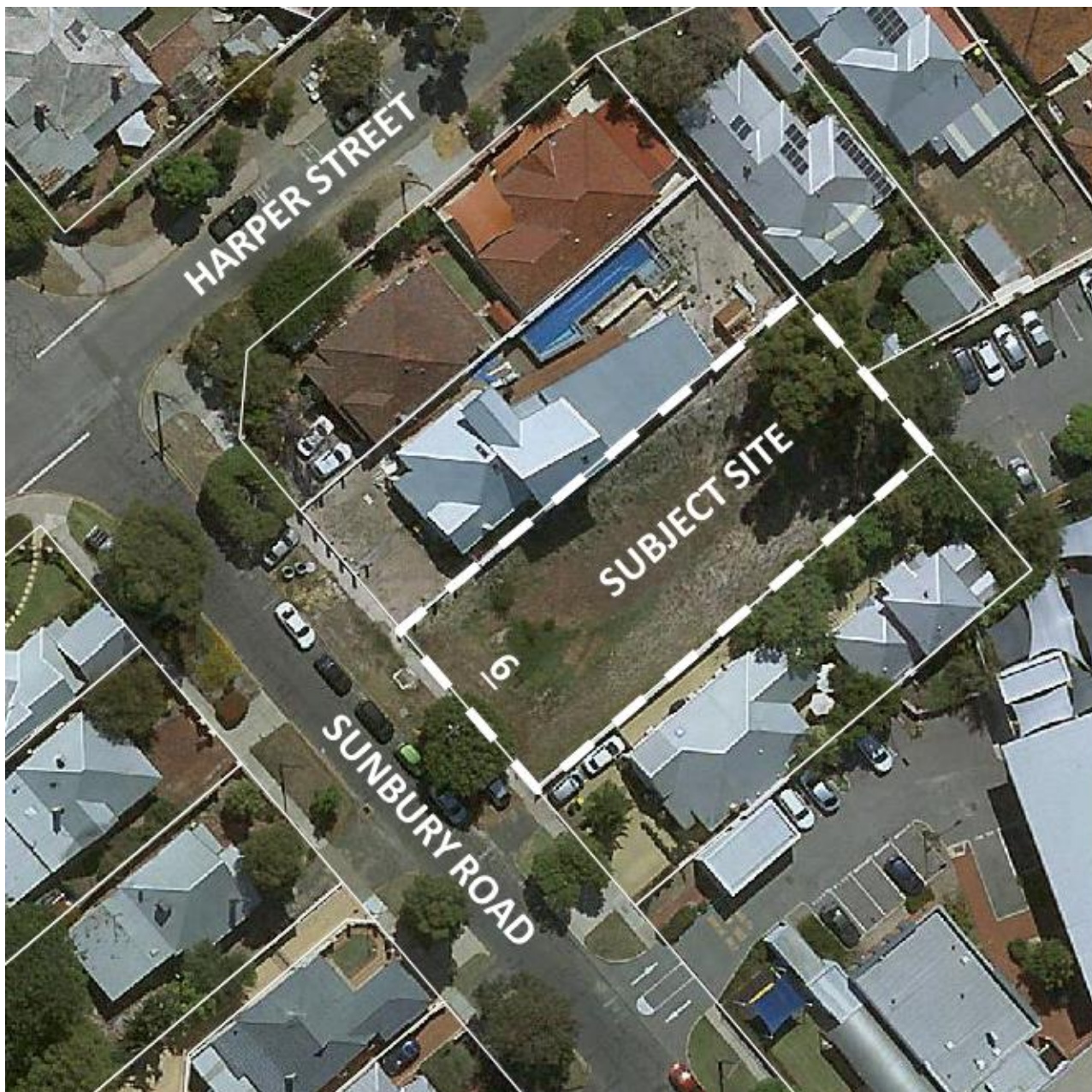
1. **The drainage sump at 6 Sunbury Road, Victoria Park, be leased to the Victoria Park Community Garden Association Incorporated for a term of five (5) years, with a further five (5) year option in favour of the Lessor, commencing 1 January 2018 and concluding on 31 December 2022, subject to-**
 - 1.1 **The Lessee providing to the Town its audited Financial Statements for the 2016/2017 financial year, and each subsequent financial year for the duration of the Lease;**
 - 1.2 **The rent is to be \$2,000 (excluding GST and outgoings) per annum, payable by the Victoria Park Community Garden Association Incorporated, which will be offset by The Town of Victoria Park providing an annual rental subsidy to the Victoria Park Community Garden Association Incorporated of \$1,999;**
 - 1.3 **The Town of Victoria Park providing an annual rental subsidy equal to the rent amount as contained in the in the Lease, less one dollar (\$1);**
 - 1.4 **That the annual rental subsidy be formally recognised by the Victoria Park Community Garden Association Incorporated as a financial contribution by the Town to the operation of the organisation;**
 - 1.5 **The Victoria Park Community Garden Association Incorporated suitably acknowledging the financial contribution and assistance of the Town of Victoria Park, including using the Town's logo (where approved) and statements on advertising, publications and the like to the effect of "proudly supported by the Town of Victoria Park";**
 - 1.6 **The Victoria Park Community Garden Association Incorporated is required to obtain planning approval from the Town of Victoria Park for the development and use of the drainage sump at 6 Sunbury Road, Victoria Park, as a community garden, subject to a public consultation process, prior to commencing any development of the drainage sump site; and**
 - 1.7 **The proposed lease document containing clauses that give the Town the right to continue to use the drainage sump for drainage purposes and give the Town the right to enter the leased area at any time without the giving of notice should it be necessary to carry out urgent drainage repairs or maintenance.**
 - 1.8 **The proposed lease document containing a redevelopment clause which states that in the event of the Town wishing to redevelop the site to a significant degree, the lease can be terminated by the Town giving six month's written notice to the Lessee.**

- The Mayor and the Chief Executive Officer be authorised to execute the lease document for the lease of the drainage sump at 6 Sunbury Road, Victoria Park, to Victoria Park Community Garden Association Incorporated.**

The Motion was Put and

CARRIED (4 – 0)

In favour of the Motion: Cr V Potter; Cr Ife; Cr R Potter; and Cr Jacobs.



(To Be Confirmed 5 February 2018)

8.2 Proposed Lease of Office and Storage Space at Leisurelife Centre to Perth Basketball Association Inc.

File Reference:	CMS/14/0005~09
Appendices:	No
Attachments:	No

Date:	27 October 2017
Reporting Officer:	T. McCarthy
Responsible Officer:	B. Killigrew
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council approves the lease of office and storage space at Leisurelife Centre to Perth Basketball Association for the term 1 December 2017 to 30 June 2019.

- Existing lease expired 30 June 2015.
- Perth Basketball Association Inc. has occupied office space at Leisurelife Centre for several years.
- Perth Basketball Association Inc. has requested a new lease of the subject site.
- Perth Basketball Association Inc. has been a suitable tenant in the time that it has been located at the Leisurelife Centre.

TABLED ITEMS:

- Valuation for rental purposes of office and store room space at Leisurelife Centre.

BACKGROUND:

For several years the Perth Basketball Association Inc. (PBA) has occupied office space at the Leisurelife Centre in East Victoria Park. The occupancy agreement had up until 2012 been a letter of agreement signed by PBA and previous managers of Leisurelife. In 2012 Council approved a 12 month lease of office space at the Leisurelife Centre to PBA, and in 2013 Council approved a further 12 month lease of office space at the Leisurelife Centre to PBA. In 2014 Council approved a further 12 month lease of office space at the Leisurelife Centre to PBA. That lease expired 30 June 2015 and PBA currently occupies the premises under the provisions of the holding over clause in the lease agreement.

PBA has indicated that it would not be able to agree to a lease of any longer term than two (2) years. The reason given for requiring a lease term of two (2) years or less is that the members of the PBA Board serve no more than a two (2) year term and PBA does not want the lease term to be of longer duration than the Board members' terms.

Clause 11.2 of the existing lease states:

11.2 Holding Over

*If the Lessee remains in possession of the Premises after the expiry of the Term with the consent of the Lessor the Lessee will be a monthly tenant of the Lessor at a monthly rent equivalent to one twelfth of the aggregate of the rent payable upon the expiry of the Term which would be payable by the Lessee if an extension of the Term had been granted at the expiry of the Term and otherwise on the same terms and conditions as this Lease (except **clause 3.2**).*

DETAILS:

PBA occupies office space of approximately 25m² in area. The occupied area is within the confines of the Leisurelife facility and there is no direct access from the exterior of the building.

Legal Compliance:

The proposed new lease of the premises to PBA would be an exempt disposition under Section 3.58 of the *Local Government Act 1995* and advertisement of the proposed lease is therefore not required.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* defines those dispositions which are exempt dispositions and excluded from the application of Section 3.58 of the *Local Government Act 1995*. Regulation 30 states:

30. *Dispositions of property excluded from Act s.3.58*
- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
 - (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the **transferee**) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
 - or
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

In this instance as PBA falls into the category described in Regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*, the proposed disposition is therefore an exempt disposition.

(To Be Confirmed 5 February 2018)

As the proposed lease to PBA is considered an exempt disposition under Regulation 30 of the *Local Government (Functions and General) Regulations 1996*, it is not necessary to advertise the proposal or obtain a valuation from a licensed valuer to determine commercial rental valuation. Notwithstanding that there is no legislated requirement to obtain a valuation to determine the rental valuation of the subject property, in accordance with the principles outlined in Policy ADM8 – Leasing Policy, a valuation has been obtained from a licensed valuer and the annual rental has been assessed as \$4,000.00 (plus GST).

Policy Implications:

Policy ADM8 - Leasing Policy. The proposed lease will be in compliance with the aims and objectives of Policy -ADM8.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Failure of Lessee to meet rent payment obligation.	Moderate.	Low	Low	Action to recover outstanding rents.

Strategic Plan Implications:

The disposition by lease of the subject property will be in accordance with the asset management plans referred to in the *Strategic Community Plan 2017-2032*.

Financial Implications:Internal Budget:

Revenue of \$4,000.00 (plus GST) per annum is anticipated to be generated by the proposed new lease.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The provision of an office base for the activities of PBA is an important part of PBA's role in providing organised basketball sporting opportunities for the community.

Cultural Issues:

Nil

Environmental Issues:

Nil

(To Be Confirmed 5 February 2018)

COMMENT:

The proposed lease is for one year and seven months from 1 December 2017 to 30 June 2019. It contains provision for the lease to be terminated, with adequate notice being given to PBA, in the event that the premises are redeveloped. Previous lease terms had been of shorter duration due to the possibility that the premises may have been considered for redevelopment in the short term.

The recommended amount of rent payable, \$4,000.00 (plus GST) per annum, has been determined by a licensed valuer. PBA has indicated agreement to pay the assessed rent with an annual rent review increases of three per centum (3%). PBA has been hitherto paying annual rental of \$2,418.87 (plus GST), which had not been assessed by a licensed valuer. The amount had been agreed many years ago between PBA and previous centre managers at Leisurelife, with an annual indexed increase. The proposed rental reflects the current market value and PBA has agreed to pay the proposed rental.

CONCLUSION:

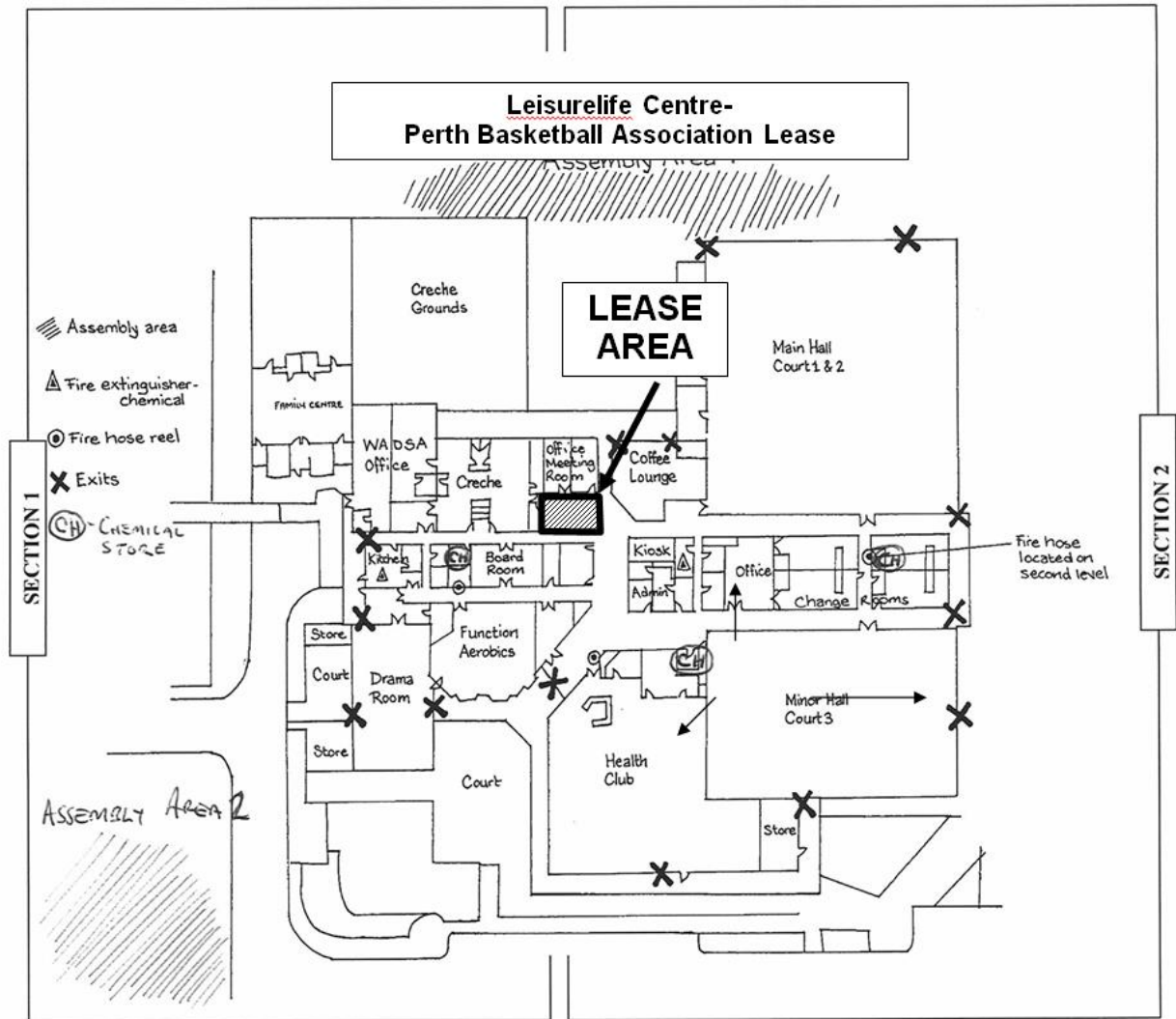
PBA has been a responsible tenant at Leisurelife for many years and the proposed new lease is considered a continuation of its long standing occupancy arrangement.

RESOLVED:**Moved: Cr Jacobs****Seconded: Cr R Potter****That:**

- 1. Council approves the leasing of portion of the premises at Leisurelife Centre currently occupied by the Perth Basketball Association Inc. to the WA Perth Basketball Association Inc. for the term commencing 1 December 2017 and concluding 30 June 2019 with rent set at \$4,000.00 annum (plus GST) with an annual rent review increase of three per centum (3%) applicable on each anniversary of the commencement date of the lease.**
- 2. A redevelopment clause be included in the lease such that the lease can be terminated by the Lessor by the giving of six months' notice in the event that the property is to undergo substantial redevelopment.**
- 3. The Mayor and the Chief Executive Officer be authorised to execute any documentation necessary in order to implement the lease.**

The Motion was Put and**CARRIED (4 – 0)****In favour of the Motion: Cr V Potter; Cr Ife; Cr R Potter; and Cr Jacobs.**

(To Be Confirmed 5 February 2018)



(To Be Confirmed 5 February 2018)

8.3 Proposed Lease of Office and Storage Space at Leisurelife Centre to WA Disabled Sports Association Inc.

File Reference:	CMS/14/0005~09
Appendices:	No
Attachments:	No

Date:	26 October 2017
Reporting Officer:	T. McCarthy
Responsible Officer:	B. Killigrew
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council approves the lease of office and storage space at Leisurelife Centre to WA Disabled Sports Association for the term 1 December 2017 to 30 June 2022.

- Existing lease expired 30 June 2015.
- WA Disabled Sports Association Inc. has occupied office space at Leisurelife Centre for several years.
- WA Disabled Sports Association Inc. has requested a new 5 year lease of the subject site.
- WA Disabled Sports Association Inc. has been a suitable tenant in the time that it has been located at the Leisurelife Centre.

TABLED ITEMS:

- Valuation for rental purposes of office and store room space at Leisurelife Centre.

BACKGROUND:

For several years the WA Disabled Sports Association Inc. (WADSA) has occupied office space at the Leisurelife Centre in East Victoria Park. The occupancy agreement had up until 2012 been a letter of agreement signed by WADSA and previous managers of Leisurelife. In 2012 Council approved a 12 month lease of office space at the Leisurelife Centre to WADSA, and in 2013 Council approved a further 12 month lease of office space at the Leisurelife Centre to WADSA. In 2014 Council approved a further 12 month lease of office space at the Leisurelife Centre to WADSA. That lease expired 30 June 2015 and WADSA currently occupies the premises under the provisions of the holding over clause in the lease agreement.

Clause 11.2 of the existing lease states:

11.2 Holding Over

*If the Lessee remains in possession of the Premises after the expiry of the Term with the consent of the Lessor the Lessee will be a monthly tenant of the Lessor at a monthly rent equivalent to one twelfth of the aggregate of the rent payable upon the expiry of the Term which would be payable by the Lessee if an extension of the Term had been granted at the expiry of the Term and otherwise on the same terms and conditions as this Lease (except **clause 3.2**).*

(To Be Confirmed 5 February 2018)

DETAILS:

WADSA occupies office space of approximately 220m² and two small storage areas totalling approximately 35m² in area. The occupied areas are within the confines of the Leisurelife facility and there is no direct access from the exterior of the building.

Legal Compliance:

The proposed new lease of the premises to WADSA would be an exempt disposition under Section 3.58 of the *Local Government Act 1995* and advertisement of the proposed lease is therefore not required.

Regulation 30 of the *Local Government (Functions and General) Regulations 1996* defines those dispositions which are exempt dispositions and excluded from the application of Section 3.58 of the *Local Government Act 1995*. Regulation 30 states:

30. *Dispositions of property excluded from Act s. 3.58*
- (1) *A disposition that is described in this regulation as an exempt disposition is excluded from the application of section 3.58 of the Act.*
 - (2) *A disposition of land is an exempt disposition if —*
 - (a) *the land is disposed of to an owner of adjoining land (in this paragraph called the transferee) and —*
 - (i) *its market value is less than \$5 000; and*
 - (ii) *the local government does not consider that ownership of the land would be of significant benefit to anyone other than the transferee;*
 - or
 - (b) *the land is disposed of to a body, whether incorporated or not —*
 - (i) *the objects of which are of a charitable, benevolent, religious, cultural, educational, recreational, sporting or other like nature; and*
 - (ii) *the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions;*

In this instance as WADSA falls into the category described in Regulation 30(2)(b)(i) of the *Local Government (Functions and General) Regulations 1996*, the proposed disposition is therefore an exempt disposition.

As the proposed lease to WADSA is considered an exempt disposition under Regulation 30 of the *Local Government (Functions and General) Regulations 1996*, it is not necessary to advertise the proposal or obtain a valuation from a licensed valuer to determine commercial rental valuation. Notwithstanding that there is no legislated requirement to obtain a valuation to determine the rental valuation of the subject property, in accordance with the principles outlined in Policy ADM8 – Leasing Policy, a valuation has been obtained from a licensed valuer and the annual rental has been assessed as \$13,750.00 (plus GST).

Policy Implications:

Policy ADM8 - Leasing Policy. The proposed lease will be in compliance with the aims and objectives of Policy -ADM8.

(To Be Confirmed 5 February 2018)

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Failure of Lessee to meet rent payment obligation.	Moderate.	Low	Low	Action to recover outstanding rents.

Strategic Plan Implications:

The disposition by lease of the subject property will be in accordance with the asset management plans referred to in the *Strategic Community Plan 2017-2032*.

Financial Implications:Internal Budget:

Revenue of \$13,750.00 (plus GST) per annum is anticipated to be generated by the proposed new lease.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The provision of an office base for the activities of WADSA is an important part of WADSA providing the opportunity for the disabled in the community to participate in sporting activities that they might not otherwise have access to.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The proposed lease is for four years and seven months from 1 December 2017 to 30 June 2022. It contains provision for the lease to be terminated, with adequate notice being given to WADSA, in the event that the premises are redeveloped. Previous lease terms had been of shorter duration due to the possibility that the premises may have been considered for redevelopment in the short term.

(To Be Confirmed 5 February 2018)

The recommended amount of rent payable, \$13,750.00 (plus GST) per annum, has been determined by a licensed valuer. WADSA has indicated agreement to pay the assessed rent with an annual rent review increases of three per centum (3%). WADSA has been hitherto paying annual rental of \$19,615.32 (plus GST), which had not been assessed by a licensed valuer. The amount had been agreed many years ago between WADSA and previous centre managers at Leisurelife, with an annual indexed increase. The proposed rental reflects the current market value and WADSA has agreed to pay the proposed rental.

CONCLUSION:

WADSA has been a responsible tenant at Leisurelife for many years and the proposed new lease is considered a continuation of its long standing occupancy arrangement.

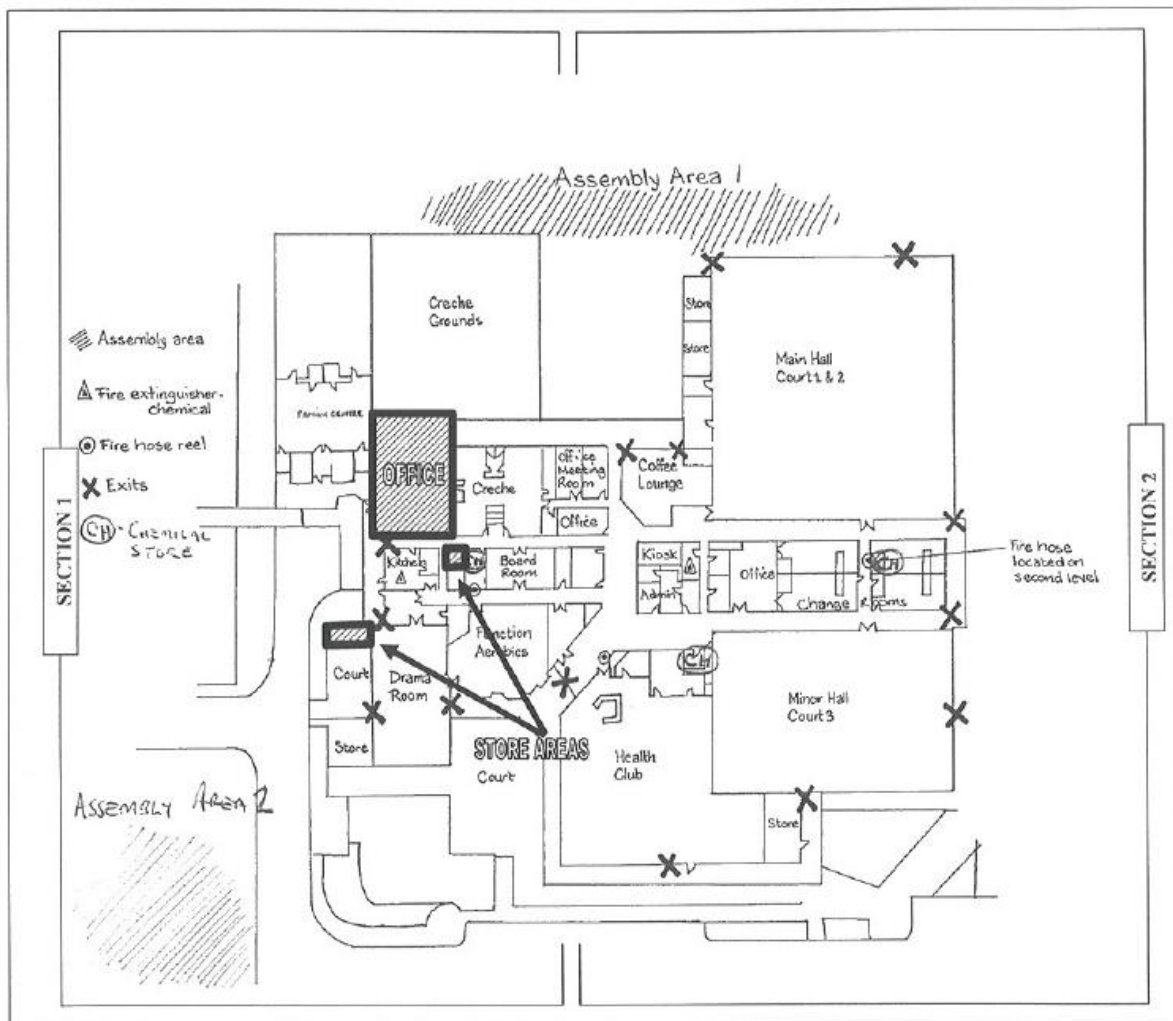
RESOLVED:**Moved: Cr Jacobs****Seconded: Cr R Potter****That:**

1. **Council approves the leasing of portion of the premises at Leisurelife Centre currently occupied by the WA Disabled Sports Association Inc to the WA Disabled Sports Association Inc for the term commencing 1 December 2017 and concluding 30 June 2022 with rent set at \$13,750.00 annum (plus GST) with an annual rent review increase of three per centum (3%) applicable on each anniversary of the commencement date of the lease.**
2. **A redevelopment clause be included in the lease such that the lease can be terminated by the Lessor by the giving of six months' notice in the event that the property is to undergo substantial redevelopment.**
3. **The Mayor and the Chief Executive Officer be authorised to execute any documentation necessary in order to implement the lease.**

The Motion was Put and**CARRIED (4 – 0)****In favour of the Motion: Cr V Potter; Cr Ife; Cr R Potter; and Cr Jacobs.**

(To Be Confirmed 5 February 2018)

Leisurelife Floor Plan Showing Premises



(To Be Confirmed 5 February 2018)

8.4 Proposed Lease of Office Space at Leisurelife Centre to Agility Rehabilitation

File Reference:	CMS/14/0005~09
Appendices:	No.
Attachments:	No.

Date:	23 November 2017
Reporting Officer:	T. McCarthy
Responsible Officer:	B. Killigrew
Voting Requirement:	Simple Majority

Executive Summary:

Recommendation – That Council approves the lease of office space at Leisurelife Centre to Agility Rehabilitation for a two year term from 1 January 2018 to 31 December 2019 with an option for a further two year term.

- Existing lease expired 30 April 2016 and Agility Rehabilitation has requested a new lease of the subject site.
- Agility Rehabilitation has occupied office space at Leisurelife Centre since 2014 and has been a suitable tenant in the time that it has been located at the Leisurelife Centre.
- The proposal to lease 25.2m² of office space at Leisurelife Centre to Agility Rehabilitation will be advertised in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*.
- Agility Rehabilitation, the exercise physiologist requesting a further lease of office space at Leisurelife, provides services to users of the facilities at Leisurelife, plus to members of the general public.

TABLED ITEMS:

Nil

BACKGROUND:

At its Ordinary Meeting held 11 February 2014, Council resolved:

“That Council advertises, in accordance with the requirements of Section 3.58 of the Local Government Act 1995, the proposal to lease 25.2m² of office space at the Leisurelife Centre, Kent Street, East Victoria Park, to Agility Rehabilitation for use as exercise physiology consulting rooms, for a term of 2 years at a rental of \$100.00 per week, with an annual rent increase of 3%.”

The lease approved by Council at its meeting held 11 February 2014 expired 30 April 2016 and Agility Rehabilitation (Agility) currently occupies the premises under the provisions of the holding over clause in the lease agreement.

(To Be Confirmed 5 February 2018)

Clause 10.2 of the existing lease states:

10.2 Holding Over

*If the Lessee remains in possession of the Premises after the expiry of the Term with the consent of the Lessor the Lessee will be a monthly tenant of the Lessor at a monthly rent equivalent to one twelfth of the aggregate of the rent payable upon the expiry of the Term which would be payable by the Lessee if an extension of the Term had been granted at the expiry of the Term and otherwise on the same terms and conditions as this Lease (except **clause 2.2**).*

DETAILS:

Agility occupies office space of approximately 25.2m² in area. The occupied area is within the confines of the Leisurelife facility and there is no direct access from the exterior of the building.

Legal Compliance:

Any disposition of Council owned land, either by lease or sale, must be carried out in accordance with Section 3.58 of the *Local Government Act 1995*.

The proposal to lease the subject office space to Agility Rehabilitation for a two year term with an option for a further two year term will be advertised in accordance with Section 3.58 of the *Local Government Act 1995*, which requires that a proposal to dispose of property by lease must be advertised by the giving of local public notice for no less than two weeks. If, on giving local public notice of the proposed lease, any submissions are received by the specified closing date, the matter will be referred back to Council and the submissions received will be put before Council for consideration.

Policy Implications:

Policy ADM8 - Leasing Policy. The proposed lease will be in compliance with the aims and objectives of Policy -ADM8.

Risk Management Considerations:

Risk & Consequence	Consequence + Rating	Likelihood = Rating	Overall Risk Analysis	Mitigation/Actions
Failure of Lessee to meet rent payment obligation.	Moderate.	Low	Low	Action to recover outstanding rents.

Strategic Plan Implications:

The disposition by lease of the subject property will be in accordance with the asset management plans referred to in the *Strategic Community Plan 2017-2032*. (CL6, CL10).

Financial Implications:Internal Budget:

Revenue of \$5,720.00 (exclusive of GST) per annum is anticipated to be generated by the proposed new lease.

Total Asset Management:

The time period for the lease and option is short and ensures flexibility for the Town of Victoria Park if the management of the facility changes in the medium term.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The presence of an exercise physiologist at the Leisurelife Centre improves the amenity of the facility by providing an extra service for both users of the Leisurelife facilities and the general public.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The proposed lease is for two years from 1 January 2018 to 31 December 2019. It will contain provision for the lease to be terminated, with adequate notice being given to Agility, in the event that the premises are redeveloped. The previous lease term of two years had been set bearing in mind that there was a possibility that the premises may have been considered for redevelopment in the short term.

The recommended amount of rent payable, \$5,720.00 (plus GST) per annum, has been determined by a licensed valuer. Agility has indicated agreement to pay the assessed rent with an annual rent review increase of three per centum (3%). Agility has been hitherto paying annual rental of \$5,516.68 (plus GST), which had been determined by a licensed valuer and approved by Council.

CONCLUSION:

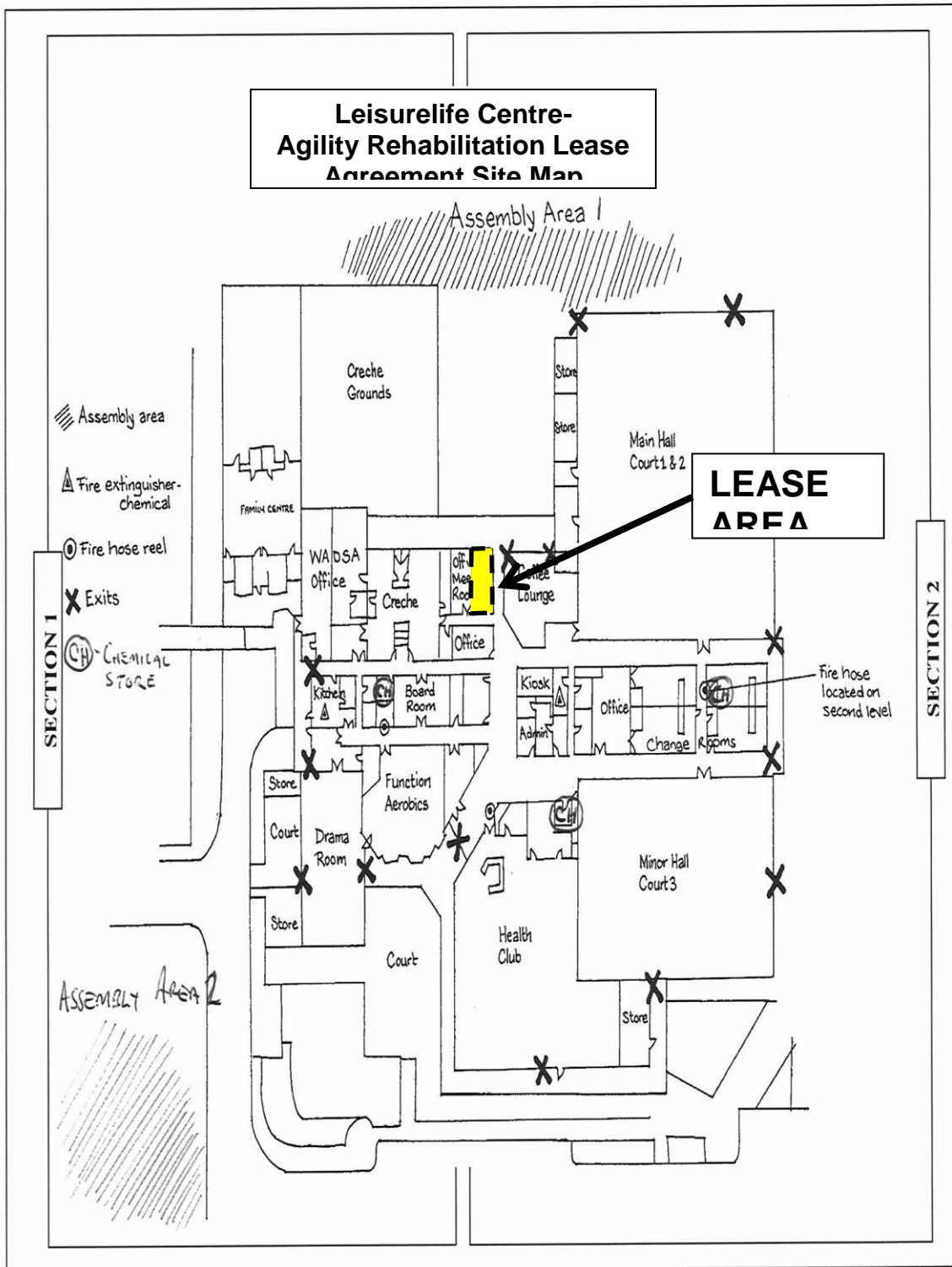
Agility has been a responsible tenant at Leisurelife since 2014 and the proposed new lease is considered a continuation of its current occupancy arrangement.

RESOLVED:**Moved: Cr Ife****Seconded: Cr R Potter****That:**

1. Council approves the leasing of 25.2m² of office space at the Leisurelife Centre, Kent Street, East Victoria Park, to Agility Rehabilitation for use as exercise physiology consulting rooms, for a term of two years from 1 January 2018 with an option of a further two year term, at a rental of \$5,720.00 (excluding GST) per annum, with an annual rent review increase of three per centum (3%) applicable on each anniversary of the commencement date of the lease, subject to the requirements of Section 3.58(3) of the Local Government Act 1995.
2. A redevelopment clause be included in the lease such that the lease can be terminated by the Lessor by the giving of six months' notice in the event that the property is to undergo substantial redevelopment.
3. In the event that any submissions are received in response to the local public notice of the proposed disposition of the subject site, in the manner prescribed and within the time specified for the making of any submission, the matter be referred back to Council for consideration of any submissions received, in compliance with Section 3.58(3) of the Local Government Act 1995.
4. In the event that no submissions are received in response to the local public notice of the proposed disposition of the subject site, the Mayor and the Chief Executive Officer be authorised to execute on behalf of the Town the lease document for the lease of the subject site.

The Motion was Put and**CARRIED (4 – 0)****In favour of the Motion: Cr V Potter; Cr Ife; Cr R Potter; and Cr Jacobs.**

(To Be Confirmed 5 February 2018)



9 WORKSHOP TOPICS AND PRESENTATIONS

9.1 Aquatics Update

The Manager Business Service, Luke Ellis provided the Community Development Committee with an Aquatics up-date.

Action:

Cr Potter to speak with the President of Victoria Park Swimming Club to suggest that the presentation to the Community Development Committee be postponed to allow the established process of exploring the Commercial Viability project outcomes with the Aqualife Clubs to be completed

9.2 Town of Victoria Park – Pop Up Hive.

The Manager Community, Kaitlyn Griggs provided the Community Development Committee with an overview of the 'Pop up Hive' concept.

Action:

The Manager Community, Kaitlyn Griggs to:

- Explore the costing of minor works to increase accessibility to the building;
- Provide a further update to the Community Development Committee at the next meeting.

9.3 Review of the Community Development Committee Terms of Reference.

Elected Members reviewed the Community Development Committee Terms of Reference (ToR) aligning to the Town's 'Strategic Community Plan', 'Corporate Business Plan' and inclusion of the 'Cultural Plan' and 'Reconciliation Action Plan'.

The Manager Community, Kaitlyn Griggs left the meeting at 6.25pm and returned at 6.27pm

Action:

The Chief Financial Officer will create a ToR document aligned across all committees for circulation to Elected Members and discussion.

10 MOTION FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

(To Be Confirmed 5 February 2018)

11 NEW BUSINESS OF AN URGENT NATURE

Cr V Potter suggested that the May and October meetings of the Community Development Committee could be held off-site allowing the community to attend.

Action:

Community meetings to be added as an Agenda item for the February 2018 Community Development Committee meeting.

12 REQUEST FOR REPORTS FOR FUTURE CONSIDERATION

Forthcoming Agenda Items	
Reports	
West Coast Eagles Community Benefit Strategy	Late 2018
Community Development Strategy	June 2018
Workshop Topics	
Review of Policy GEN2 – Banners, masts and flagpoles – use of	February 2018 Manager Stakeholder Relations to be invited to the 5 February 2018 meeting.
Connect Victoria Park Village Hub Project	February 2018 - Bi-Monthly Update
Homelessness Policy and Update	February 2018 Cr's R Potter and Ife to meet with community service providers and provide the committee with findings.
Community Development Meetings: community involvement	February 2018
Safer Neighbourhoods Plan	February 2018 Progress Report
Disability Access and Inclusion (DAIP)	February 2018 Progress Report
Healthy Vic Park Plan	February 2018 Progress Report
Aboriginal Engagement Strategy Group	February 2018 Progress Report
Reserve Hire Fees for Juniors	March 2018
West Coast Eagles Community Benefit Strategy	Bi-Monthly Update
Volunteering Draft Policy	Early 2018
CCTV Partnership Project (Town's CCTV Incentive Scheme)	Update TBC
Community Grants Program	Update TBC
Presentations / Deputations	
Asset Based Community Development	TBC
President – Victoria Park Swimming Club	Postponed

13 CLOSURE

There being no further business, Cr Potter closed the meeting at 7.05pm.

I confirm these Minutes to be true and accurate record of the proceedings of the Committee.

Signed:

Cr Vicki Potter
Presiding Member

Dated this: Day of

2018