



TOWN OF
VICTORIA PARK

Ordinary Council Meeting Agenda – 15 August 2023



WE'RE OPEN
VIC PARK

Please be advised that an **Ordinary Council Meeting** will be held at **6:30 PM** on **Tuesday 15 August 2023** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Ms Natalie Adam - A/Chief Executive Officer
10 August 2023

Table of contents

Item	Page no
1 Declaration of opening	4
2 Announcements from the Presiding Member	4
3 Attendance.....	6
3.1 Apologies.....	6
3.2 Approved leave of absence	6
4 Declarations of interest.....	7
5 Public question time.....	8
5.1 Response to previous public questions taken on notice at the Agenda Briefing Forum meeting held on 1 August 2023.....	8
5.2 Public question time	9
6 Public statement time.....	9
7 Confirmation of minutes and receipt of notes from any agenda briefing forum.....	9
8 Presentation of minutes from external bodies	9
9 Presentations.....	9
10 Method of dealing with agenda business	9
11 Chief Executive Officer reports	10
11.1 Council Resolutions Status Report - July 2023	10
11.2 Council Meeting Dates 2024.....	13
11.3 Town of Victoria Park 30th Anniversary Celebration.....	17
11.4 Elected Member Superannuation	23
11.5 New delegation - Minor amendments to delegations and policies.....	28
11.6 July 2023 Policy Review.....	31
11.7 Policy Committee	35
11.8 CBP Quarterly Progress Report April - June 2023 (quarter 4).....	38
12 Chief Community Planner reports.....	49
12.1 Community Sport and Recreation Facilities Fund (CSRFF) - Small Grants Application - Victoria Park Carlisle Bowling Club Synthetic Green.....	49
12.2 Commemorative Recognition Application.....	56
13 Chief Operations Officer reports.....	61
13.1 McCallum Active Area - CSRFF Grant Application - 2024/2025 Round.....	61
13.2 Former Victoria Park Croquet Club site - Community Garden - Further report to notice of motion	66

13.3 Aqualife - Proposed lease terms for office.....	79
13.4 Lathlain Park Zone 1 - Approval to lodge Development Application	87
13.5 Edward Millen Park - Approval of detailed design	94
13.6 Macmillan Precinct Redevelopment - Masterplan Options to Progress	102
13.7 707-709 Albany Highway - Proposed grant of lease extension	108
13.8 355-357 Shepperton Road - Outcome of Public Consultation.....	115
14 Chief Financial Officer reports	122
14.1 Financial Statements - June 2023	122
14.2 Schedule of Accounts - June 2023	126
15 Committee Reports.....	129
16 Applications for leave of absence	129
17 Motion of which previous notice has been given	129
17.1 Equitable Parking Arrangements – Cr Jesse Hamer	129
18 Questions from members without notice.....	133
19 New business of an urgent nature introduced by decision of the meeting	133
20 Public question time.....	133
21 Public statement time.....	133
22 Meeting closed to the public.....	133
23 Closure.....	133

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

Ms Karen Vernon

Banksia Ward

Deputy Mayor Claire Anderson

Cr Peter Devereux

Cr Wilfred Hendriks

Cr Luana Lisandro

Jarraah Ward

Cr Jesse Hamer

Cr Bronwyn Ife

Cr Jesvin Karimi

Cr Vicki Potter

A/Chief Executive Officer

Mr Duncan Olde

A/Chief Operations Officer

Mr Pierre Quesnel

A/Chief Financial Officer

Ms Nana McIntosh

Chief Community Planner

Ms Natalie Martin Goode

Manager Governance and Strategy

Ms Bernadine Tucker

Manager Property Development and Leasing

Mr Paul Denholm

Coordinator Governance and Strategy

Ms Tracey Wilson

Secretary

Ms Felicity Higham

Public liaison

Ms Alison Podmore

3.1 Apologies

3.2 Approved leave of absence

Nil.

4 Declarations of interest

4.1 Declarations of financial interest

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

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

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

4.2 Declarations of proximity interest

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

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

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

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

4.3 Declarations of interest affecting impartiality

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

5 Public question time

5.1 Response to previous public questions taken on notice at the Agenda Briefing Forum meeting held on 1 August 2023

Vince Maxwell, Victoria Park

1. *Where did \$4.75 million of staff costs go (vacant position savings of \$3.75 million and unallocated funds of \$1 million)?*

It is unclear how the \$4.75 million was calculated. References in the public statement time to various numbers and costs are factually incorrect. Therefore, the \$3.75 million is not based on fact, and unsure what the "unallocated funds of \$1 million" refers to.

2. *On average there are 30 vacancies where have the salaries, super and oncosts for those positions gone?*

While the Town has had a high number of vacancies at various times of the year, this was not a constant 30 vacancies for the whole year. As previously stated, this has been made up in many areas by casual employees, for which the Town pays a loading.

3. *Can you confirm the additional payments of \$889.00 were paid to each elected member and \$1389.00 to the Mayor?*

The \$889 and \$1,389 referred to in the budget is the estimated reimbursements for various expenses that councilors or the mayor may incur on behalf of the Town (per Note 1 (a) Basis of Preparation). This is not an annual allowance, so it is different in nature to the meeting attendance and ITC allowance. The final amount will not be known until the annual report is complete and audited.

Oscar Foster, East Victoria Park

1. *Approximately how many Town staff live outside the Town, half or more?*

More than half: 78% live outside the Town.

2. *How effective would a 15-minute city be if the Town employed most of its staff from outside of the Town?*

The 15-minute city urban planning concept supports neighbourhoods that provide people with easy access to basic needs such as shops, schools, parks, leisure options, health care and employment opportunities within 15min when travelling by foot or bike. Adopting the principles of the 15-Minute City concept does not affect who is employed by the Town, however, may make working for the Town more attractive to people who can access it via walking or cycling.

Peter Smith, East Victoria Park

1. *Can I have clarification on the proposed homosexual gathering or party, a) if it's true and b) do ratepayers know what's going on and if not, can you drop flyers off to let them know?*

We have a range of annual events and arts activities, some of which are targeted to the LBGTQIA+ community. All events are promoted to the community via printed and digital materials.

5.2 Public question time

6 Public statement time

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

Recommendation

That Council:

1. Confirms the minutes of the Ordinary Council Meeting held on 18 July 2023.
2. Receives the notes of the Agenda Briefing Forum held on 1 August 2023.
3. Receives the notes of the Mindeera Advisory Group meeting held on 2 August 2023.
4. Receives the notes of the Urban Forest Strategy Implementation Working group meeting held on 17 July 2023.
5. Receives the notes of the Business Advisory Group meeting held on 28 June 2023.
6. Receives the notes of the Urban Forest Strategy Implementation Working group meeting held on 19 June 2023.
7. Receives the notes of the Access and Inclusion Group meeting held on 7 June 2023.

8 Presentation of minutes from external bodies

Recommendation

That Council:

1. Receives the minutes of the Metro Inner-South JDAP meeting held on 30 June 2023.

9 Presentations

9.1 Petitions

9.2 Presentations

9.3 Deputations

10 Method of dealing with agenda business

11 Chief Executive Officer reports

11.1 Council Resolutions Status Report - July 2023

Location	Town-wide
Reporting officer	Governance Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. Outstanding Council Resolutions Report - July 2023 [11.1.1 - 49 pages] 2. Completed Council Resolutions Report - July 2023 [11.1.2 - 7 pages]

Recommendation

That Council:

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

Purpose

To present Council with the Council resolutions status reports.

In brief

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

Background

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

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact

CL3 - Accountability and good governance.	The reports provide elected members and the community with implementation/progress updates on Council resolutions.
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Engagement

Internal engagement

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

Legal compliance

Not applicable.

Risk management consideration

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

Financial implications

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

Analysis

- 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 30 June 2023 to 27 July 2023. A status update has been included by the relevant officer/s.

Relevant documents

Not applicable.

11.2 Council Meeting Dates 2024

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council:

- Adopts the schedule of Agenda Briefing Forums and Ordinary Council Meetings for 2024, with all meetings being held from 6.30pm in the Town of Victoria Park Council Chambers, 99 Shepperton Road, Victoria Park 6100.

Month	Agenda Briefing Forum	Ordinary Council Meeting
January	No meeting	No meeting
February	6 February 2024	20 February 2024
March	5 March 2024	19 March 2024
April	2 April 2024	16 April 2024
May	7 May 2024	21 May 2024
June	4 June 2024	18 June 2024
July	2 July 2024	16 July 2024
August	6 August 2024	20 August 2024
September	3 September 2024	17 September 2024
October	1 October 2024	15 October 2024
November	5 November 2024	19 November 2024
December	26 November 2024	10 December 2024

- Gives local public notice of its meetings for the 2024 calendar year, in accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*.

Purpose

To set the meeting dates for Council meetings open to the public for the 2024 calendar year.

In brief

- The Town of Victoria Park Council has two meetings open to the public each month, the Agenda Briefing Forum and Ordinary Council Meeting.
- Council is required to set the dates for its public meetings and provide local public notice at least once each year.
- In 2023, the Agenda Briefing Forum was held on the first Tuesday of the month, and the Ordinary Council Meeting was held on the third Tuesday of the month.
- The schedule of meetings proposed for the 2024 calendar year follows a similar format that was adopted for 2023.

Background

1. Prior to 2018, Council held its briefing forum, known as the Elected Members' Briefing Session, and the Ordinary Council Meeting on the first and second Tuesday of the month respectively. This was changed to allow elected members more time to engage with the community before making decisions, and to allow the Town time to provide any further information requested to allow for informed decisions to be made.
2. At the Ordinary Council Meeting held on 13 November 2018, Council resolved to continue to hold a briefing forum, now known as the Agenda Briefing Forum, on the first Tuesday of the month and moved the Ordinary Council Meeting to the third Tuesday of the month.
3. The meeting schedule has followed this format since it was introduced for the 2019 calendar year.

Strategic alignment

Social	
Strategic outcome	Intended public value outcome or impact

CL2 Communication and engagement with community.	Whilst legislatively required, the setting and communicating of Council meeting dates provides the community with information on when decisions will be made and assists with planning their participation in meetings.
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Engagement

Not applicable.

Legal compliance

[Section 5.3 of the Local Government Act 1995](#)

[Regulation 12 of the Local Government \(Administration\) Regulations 1996](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk	Risk treatment option and
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		appetite			rationale for actions	
Financial	Not applicable.	Low				
Environmental	Not applicable.	Medium				
Health and safety	Not applicable.	Low				
Infrastructure/ ICT systems/ utilities	Not applicable.	Medium				
Legislative compliance	Non-compliance with the statutory requirement to set and advertise Council meeting dates.	Minor	Unlikely	Low	Low	TREAT risk by adopting meeting dates for 2023 and public notice given prior to January 2023.
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

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

Analysis

4. The schedule of meetings proposed for the 2024 calendar year follows a similar format that was adopted for 2023.
5. It is noted that Agenda Briefing Forums to be held on 5 March, 2 April, and 4 June 2024 also follow a long weekend however, as this is a three-day long weekend moving the meeting was not felt to be necessary.
6. Meetings dates proposed for December have been brought forward so they are further from the holiday period. This will mean that there will only be one week between the November Ordinary Council Meeting and December Agenda Briefing Forum.
7. It is recommended that Council set its meeting schedule for 2024 as detailed in the recommendation. Meetings will begin at 6.30pm on the listed date and be held in the Town of Victoria Park Council Chambers, 99 Shepperton Road, Victoria Park 6100.

8. The Town is required to provide local public notice of its Council meetings at least once each year, in accordance with regulation 12 of the *Local Government (Administration) Regulations 1996*. To do this, Council must adopt its schedule of Agenda Briefing Forums and Ordinary Council Meetings for 2024.
9. Following adoption of the meeting schedule, the Town will communicate all Council meeting dates through a public notice in the Perth Now Southern, on the Town's website, noticeboards and social media.

Relevant documents

[Policy 051 – Agenda Briefing Forum, Concept Forum and Workshops](#)

11.3 Town of Victoria Park 30th Anniversary Celebration

Location	Town-wide
Reporting officer	Communications Advisor
Responsible officer	Manager Stakeholder Relations
Voting requirement	Simple majority
Attachments	Not applicable.

Recommendation

That Council notes the below options/ideas will be considered for the Town's 30th anniversary celebrations:

- a. 30-year branding
- b. Event and activation branding
- c. Grow with us
- d. Business collaboration
- e. Supporting local business
- f. Top 30 lists
- g. Local History

Purpose

To provide Council with the options being considered for proposed initiatives, events and activations to celebrate the Town's 30-year anniversary.

In brief

- Themes for the Town's 30-year anniversary are "grow with the Town" and "learning from the past, focusing forward, still young". Themes align with our strategic community priorities, build awareness, encourage visitation and promote economic growth.
- The campaign will run during the 2024/25 financial year, commencing 1 July. Proposed initiatives will run at various times throughout the year.
- **30-year branding** – Develop a suite of '30-year celebration' branded materials to use across our initiatives, events, activations and around town during the year 2024/25, including a logo, street banners, dress street poles, websites and social media channels.
- **Event and activation branding** – Collaborate with the Community Development team to incorporate 30-year branding into staple Town events and days of significance. Examples:
 - Summer Street Party – 30 years of summer in Vic Park
 - International Women's Day – 30 women who inspired our Town
 - Youth Week – My goals for when I am 30
 - Reconciliation – Reflections on where we have come and where we are going.
- **Grow with us** – Collaborate with the Urban Forest Strategy team on a program allowing expecting parents to nominate a tree during planting season to be dedicated to their child born during the Town's 30th year. Families could also receive a plaque to be placed at tree site or be gifted with an at-home tree planting package. Nominations would open in February/March and planting would take place in July/August 2024.
- **Business collaboration** – There are many pubs and breweries who call Victoria Park home and help create a vibrant social scene. To boost visitation and tourism via a partnership with a brewery such as Boston Brewing Co to create a Victoria Park 30th Birthday celebration beer 'capturing the essence of Vic

Park in a bottle'. A similar approach could be applied to local suppliers of confectionary/chocolate/preserves to create a 'taste of Vic Park' themed product.

- **Supporting local business** – Through online news and social media we could spotlight local businesses who have been operating in the Town for the past 30 years, with the help of the Place Planning team. We would create an article/series of content in collaboration with businesses. This initiative would create awareness of long-standing operations and showcase the Town as a place to do business.
- **Top 30 lists** – Alongside the Economic Development Place Leader, generate a bank of content to share on our website and social media, with different themes such as '30 things to do in Vic Park', '30 must-see destinations in the town', 'top 30 restaurants', '30 pieces of street art to see'. This initiative will help support local businesses and bolster Victoria Park as a destination for people of all walks of life to enjoy – a dynamic place for everyone.
- **Local history** – In collaboration with our Local History Coordinator, curate a series of iconic images of Victoria Park (its people, Town staff, buildings, etc.) over the past 30 years. This would form part of a social media campaign, sharing images with 'fun facts' highlighting how much Victoria Park has grown and thrived over the years.

Background

1. The Victoria Park local government area was established in 1894, but in 1917 was absorbed into the Perth City Council. On 1 July 1994 that authority was restructured into four autonomous councils and Victoria Park once again became an independent municipality.
2. The Town will turn 30 in the 2024/25 financial year.
3. The occasion creates an opportunity to promote the Town's history through a range of initiatives, events and activations that celebrate the Town's achievements/growth and community which have shaped Victoria Park into what it is today.
4. The Town currently funds its signature event 'Summer Street Party'. This event shares similar community priorities and objectives, which include celebrating Victoria Park, engaging our community and supporting local business. Next year's anniversary is an opportunity to include this event in the celebrations.
5. Initiatives and activations proposed to mark the 30-year anniversary provide the Victoria Park community with the opportunity to learn about our history and celebrate our progress. All initiatives selected align with community priorities and represent diversity and inclusion in our Town.
6. Administration will rescope current communications activity in order to pay for the pre work required on the project.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Educated the community on the Towns history and celebrate progress.

Economic	
Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	To maximise opportunities for collaboration, encourage visitors to Town centres and build relationships between businesses and the

Environment

Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	To maximise community involvement and collaboration in tree planting and increase tree canopy. To encourage families to look after the trees that have been planted in honor of their children and watch the tree grow alongside them.

Social

Community Priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	Facilitate connections and relationships between people, groups and the Town.
S4 - Improving access to arts, history, culture and education.	Facilitate a vibrant and diverse program of initiatives that caters to the different community interests and groups. Showcase and promote local services.

Engagement

Internal engagement

Place Planning	Tree planting options to honor children due to be born in the Town in the 24/25 financial year. Economic development strategy and activity that could be delivered and potential partnerships.
Events, Arts and Funding	Ability to theme and brand existing events.

External engagement

Stakeholders	Boston Brewing Co.
Period of engagement	July 2023
Level of engagement	2. Consult
Methods of engagement	Meeting between the Town and Boston Brewing Co.
Advertising	Cold calling - directly approached Boston Brewing Co.
Submission summary	Interested in collaborating with the Town.
Key findings	Open to potentially brewing a beer that has the "essence of Victoria Park", to serve over the 24/25 financial year.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Preplanning would be carried out in this year financial budget 2023/24, required budget estimated \$25,000. Current financial budget constraint (\$480,000 budget cut).	Moderate	Possible	Medium	Low	TREAT – robust activation options provided for evaluation and provide elected members sufficient information in their decision-making process.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Not applicable.					
Reputation	Celebrating 30 years may be viewed as a frivolous engagement	Minor	Possible	Medium	Low	TREAT – scale back the number of initiatives and activities.
	Social impact associated with alcohol consumption and promotion.	Minor	Possible	Medium	Low	TREAT – only offer the product at participating venues and not as take away product. Work with potential collaborators to have low or no alcohol options. If required signage

						regarding responsible consumption.
Service delivery	Resources management, additional project.	Minor	Possible	Medium	Medium	TREAT – Scale of the campaign would reduce the communications resources available for other projects. Expectations would be managed.

Financial implications

Current budget impact	<ul style="list-style-type: none"> Preplanning will be carried out in this financial year. \$25,000 would be required this financial year to develop content for all proposed initiatives. This amount would be repurposed from the existing 2023-2024 communications budget. This will result in a descope of advocacy, Christmas and support communication activities for various teams.
Future budget impact	<ul style="list-style-type: none"> An additional \$30,000 would be required in the 2024-2025 budget to deliver advertising and promotional activities for all proposed initiatives. This amount is approximate and would be confirmed once all the pre-planning and work has been completed.

Analysis

- The Town's 30-year anniversary is on 1 July 2024.
- Notice of motion submitted by Mayor Karen Vernon at OCM on 16 May 2023. That Council requests the Chief Executive Officer to provide a report to Council by August 2023 regarding options for the Town to celebrate its 30th anniversary in 2024.
- The Stakeholder Relations team developed and assessed seven celebratory options based on budget constraints and resourcing capabilities.

Relevant documents

Not applicable.

Further consideration

At the Agenda Briefing Forum held on 1 August 2023, the following information was requested.

- Provide details on what is involved in the descope of \$25,000 from advocacy, Christmas and support activities and what it would mean.

A descoped version of Christmas/Chinese NY would be done by reusing Christmas closure videos, no budget support to destination campaigns, no Chinese New Year videos, limited printed materials.

A descoped version of Advocacy programming would have no video content and reduced external support.

Support activity descope would be no additional funds being available where a Council decision required a larger communications or engagement approach or where a business unit didn't budget to the communication scope expected by Council.

11. Provide information on the possibility of putting the 30th Anniversary budget into the 2024/25 financial year instead of the proposed hybrid solution, as the Town of Victoria Park 30th Anniversary falls in November 2024.

The campaign has been considered across the 30th year of the Town's existence from July 2024 – June 2025.

This would remove elements of the campaign eg Nominating a Tree as the planting season begins in June. The production time of a "celebration" beer could not be achieved. International Womens Day, Youth Week and Reconciliation week would all be missed.

12. Consider the possibility of not spending \$25,000 on branding but instead choosing an event or two so the money is not spent on a 12-month window.

This can be achieved with a different approach and tighter lead times.

11.4 Elected Member Superannuation

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council not progress elected member superannuation at this time.

Purpose

At the Council Meeting held Tuesday 18 July 2023, it was resolved that:

Council requests the Chief Executive Officer to provide a report to Council by August 2023 for Council to consider resolving to become an eligible governing body under the Taxation Administration Act 1953 (Cth) allowing the Town to make compulsory superannuation contributions to Elected Members.

This report addresses this resolution.

In brief

- At the Ordinary Meeting of Council meeting held Tuesday 18 July 2023, Council endorsed a Notice of Motion proposed by Mayor Karen Vernon, requesting a report be presented to the August 2023 Council meeting to allow Elected Members of the Town of Victoria Park to be paid superannuation.
- Payments to Elected Members are governed by the Salaries and Allowances Tribunal (Tribunal).
- Current Western Australian legislation does not entitle Elected Members to superannuation.

Background

1. The Tribunal sets the remuneration for a number of positions such as Members of Parliament, judicial officers, senior public sector officers, and local government CEOs and Elected Members.
2. The Local Government Chief Executive Officers and Elected Members Determination No 1 of 2023 from the Tribunal provides the current allowances payable to Elected Members.
3. The Town of Victoria Park has been determined to be a Band 2 local government.
4. The current payments to Elected Members are:

	Mayor	Deputy Mayor	Councillors
Annual meeting attendance fee	Min \$15,470 Max \$32,410	Min \$15,470 Max \$24,170	Min \$15,470 Max \$24,170
Mayor and Deputy Mayor allowance	Min \$16,000 Max \$65,915	Min \$4,000 Max \$16,479	

Information and Communication Technology allowance	Min \$500 Max\$3,500	Min \$500 Max\$3,500	Min \$500 Max\$3,500
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5. The Tribunal determines the minimum and maximum amount for each allowance.
6. The Council determines, by an absolute majority, what amount is payable to Elected Members.
7. On 20 June 2023, Council, by absolute majority, resolved that Elected Members would be paid the maximum allowance payable.
8. No allowance has been determined for Elected member superannuation.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	It is unclear whether using the Town’s financial resources for superannuation for Elected Members will provide public value or impact.
CL3 - Accountability and good governance.	It is unknown if superannuation payments to Elected Members will increase the number of Councillor nominations for a local government election.

Engagement

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

External engagement	
Legal advice	The Town sought legal advice on the process for elected member access to superannuation which has been included in this report.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council’s risk appetite	Risk treatment option and rationale for actions
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Financial	The Town has insufficient financial resources to pay for Elected Member superannuation	Minor	Possible	Medium	Low	TREAT risk by making provision for the payment through the annual budget process.
Environmental						
Health and safety						
Infrastructure/ ICT systems/ utilities						
Legislative compliance						
Reputation	Negative media coverage	Moderate	Possible	Medium	Low	Treat the risk by following amendments made to WA legislation for Elected Member superannuation
Service delivery						

Financial implications

Current budget impact	No funds are allocated within the annual budget to accommodate the \$37,363 cost of paying elected member superannuation this financial year.
Future budget impact	If elected member superannuation is supported, future budget allocations of approximately \$40,000 per year will be required.

Analysis

9. The former Minister for Local Government supported amendments to the Local Government Act 1995 that would enable Council members to receive superannuation. However, those amendments have not been included in the first tranche of local government reforms adopted by the WA Parliament (in May 2023). There is no firm indication when those amendments might be adopted.
10. In the absence of amendments to the Local Government Act, the Taxation Administration Act 1953 (Cth) allows for a local government to withhold an amount from salary, wages, commission, bonuses or allowances for the purpose of superannuation.
11. Using the Taxation Administration Act, the Council must make a unanimous resolution that the remuneration of Council members be subject to withholding under Part 2-5 (about Pay As You Go

withholding). The effect is to capture payments and benefits to Elected Members within the PAYG and fringe benefits tax (FBT) provisions.

12. The Council resolution must specify a day on which the resolution takes effect which must be within 28 days of the Council resolution.
13. The Town must give written notice of the resolution to the Taxation Commissioner within 7 days of the Council resolution being made.
14. That resolution would continue in force despite any change to the membership of the Council but the Council would have the power, at a later stage, to make another unanimous resolution cancelling the initial unanimous resolution.
15. If such a resolution is made, the Elected Members will be taken to be 'employees' for the purposes of PAYG withholding, superannuation guarantee and FBT.
16. The Town will be required to withhold tax from amounts it pays to Council members (including by way of allowances) from the date on which the resolution takes effect and remit it to the Australian Taxation Office.
17. The Town will then be obliged to provide payment summaries to all Elected Members and detailing the total of the payments made to them during the financial year together with the amounts withheld from those payments.
18. FBT rules are applicable to all benefits provided to Elected Members. The Town will therefore be required to determine the taxable value of all benefits provided to Elected Members, report the benefits in the annual FBT return, pay any FBT due on those benefits, and if applicable, if a reportable fringe benefit, report that on the payment summary issued to Elected Members. While the FBT regime does cover many areas, the most likely scenario for the Town is a possible FBT liability on parking and meals.
19. The Town would be required to provide superannuation coverage to its Elected Members in accordance with Commonwealth legislation, paying the minimum statutory superannuation contribution.
20. SGC (Compulsory Superannuation Guarantee) is currently 11% and will increase to 11.5% on 1 July 2024 and then 12% on 1 July 2025.
21. Based on the allowances currently paid to Elected Members, superannuation is expected to cost the Town an estimation of the following amounts over the next three years:

		2023-2024	2024-2025	2025-2026
		11%	11.5%	12%
Mayor	\$101,825	\$11,200.75	\$11,709.88	\$12,219.00
Deputy Mayor	\$44,149	\$4,856.39	\$5,077.14	\$5,297.88
Councillors x 7	\$193,690	\$21,305.90	\$22,274.35	\$23,242.80
TOTAL		\$37,363.04	\$39,061.36	\$40,759.68

22. There is currently no budget allowance for elected member superannuation payments.
23. Other matters that need due consideration is any other superannuation guarantee obligations, whether Elected Members have the ability to salary sacrifice, whether the Town's matching superannuation contribution applies and impacts, if any, to the Town's workers compensation insurance. Further, whether the Town's Enterprise Agreement becomes applicable to Elected Members.
24. Specialist taxation advice would need to be obtained to clarify these points if Council were to progress Elected Member superannuation. Clarification would be sought on any SGC due on the ICT Allowance.
25. As these matters remain unresolved, and there is currently no budget provision for Elected Members to be paid superannuation, it is recommended that Council not proceed under the Taxation Administration Act and instead, wait for the Minister for Local Government to make amendments to the Local Government Act 1995 for clarity.

11.5 New delegation - Minor amendments to delegations and policies

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Absolute Majority
Attachments	1. 1.1.32 Minor amendments to delegations and policies [11.5.1 - 1 page]

Recommendation

That Council approves Delegation 1.1.32 – Minor amendments to delegations and policies, as contained in Attachment 1.

Purpose

A new delegation is being presented to Council for approval to enable the CEO to make minor administrative amendments to Delegations and Policies.

In brief

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43. At present, all amendments to Delegations and Policies are presented to Council for endorsement including spelling and grammatical corrections, changes of position titles and references to legislation. It is proposed that minor amendments such as these be delegated to the CEO.

Background

1. Delegations are reviewed once every financial year in accordance with the Act. The Town also conducts an annual minor policy review of all policies in accordance with Policy 001 Policy Management and Development. Minor administrative amendments, such as updates to dates of documents, officer title changes, spelling, grammar and legislative references are made to delegations and policies through this process.
2. To ensure policies are kept updated as soon as practicable, it is suggested that minor administrative amendments be delegated to the CEO rather than being addressed through the annual review process.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Maintaining effective and practical delegations and policies ensures Council remains strategically focused.

CL3 - Accountability and good governance.	Updating delegations and policies as soon as possible ensures Council demonstrates accountability and good governance.
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Engagement

Internal engagement

Stakeholder	Comments
Relevant Officers	Provided comments and recommendations in this report

Legal compliance

[Section 5.42 of the Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.					
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Customer complaints.	Minor	Possible	Low	Low	Treat risk by putting in place appropriate delegation
Service delivery	Not having updated and current delegations and policies available for public viewing.	Minor	Possible	Low	Medium	Treat risk by putting in place an appropriate delegation

Financial implications

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

Analysis

3. It would be more efficient, and deliver better customer service, if minor administrative amendments to delegations and policies occur through a delegation to the CEO.
4. Administrative amendments can occur as soon as they are identified resulting in delegations and policies being as current as practicable.
5. A delegation to the CEO will lessen the burden on Councillors in making minor amendments to delegations and policies.
6. A new delegation has been provided in Attachment 1.

Relevant documents

[Register of Delegations and Sub-delegations](#)

11.6 July 2023 Policy Review

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	1. Policies attachments 03.08.23 [11.6.1 - 34 pages]

Recommendation

That Council:

1. Amends the following two policies as contained in Attachment 1:
 - Policy 011 Elections
 - Policy 101 Governance of Council Advisory and Working Groups
2. Deletes the expiry date from the Terms of Reference for the following Advisory and Working Groups and extends their external membership until October 2024:
 - Hockey Working Group
 - Access and Inclusion Advisory Group
 - Mindeera Advisory Group
 - Urban Forest Strategy Implementation Group
 - Business Advisory Group
3. Adopts the following two new policies as contained in Attachment 1:
 - Policy 027 Legal Representation for Elected Members and Employees
 - Policy 028 Fraud, Corruption and Misconduct Control
4. Revokes Policy 104 Customer Service Delivery and replaces it with new Policy 104 Managing Complaints and Customer Behaviour as contained in Attachment 1.
5. Revokes the following two policies:
 - Policy 001 Policy Management and Development
 - Policy 053 Meeting of Electors

Purpose

A review of some of the Town's policies identified that some policies need amendment or revocation and that two new policies should be adopted. This report addresses the findings of the review.

In brief

- A review of Policy 011 Elections and Policy 101 Governance of Council Advisory and Working Groups have identified a number of amendments are necessary.
- As Policy 101 Governance of Council Advisory and Working Groups is recommended to be amended, it is also recommended that Council endorses the external membership of these groups continue until October 2024 to align with the proposed amendments.
- A governance review has also identified that two new policies should be adopted. These are Policy 027 Legal Representation for Elected Members and Employees, and Policy 028 Fraud, Corruption and Misconduct Control.

- Policy 104 Customer Service Delivery was considered to need major amendments. As such, it is recommended that this policy be revoked and replaced with a new Policy 104 Managing Complaints and Customer Behaviour.
- Two policies were also considered to be unnecessary are being recommended for revocation. These are Policy 001 Policy Management and Development, and Policy 053 Meeting of Electors.

Background

1. Policy 011 Elections was adopted on 20/07/2021 and reviewed and amended on 12/04/2022. Since that time, there have been legislative changes to the *Local Government Act 1995* that impacts on this policy.
2. Policy 101 Governance of Council Advisory and Working Groups was approved on 19/05/2020 and amended in April 2021 and 2022. The current policy provides for each group to have an end term, rather than an end term of the membership of these groups.
3. The Town does not currently have a policy in place that provides guidance on the provision of legal advice to Elected Members and staff. Policy 027 Legal Representation for Elected Members and Employees seeks to correct this void.
4. The Town does not have a policy that addresses possible fraud, corruption and misconduct within operations. Therefore, Policy 028 Fraud, Corruption and Misconduct Control is presented for adoption.
5. Policy 104 Customer Service Delivery was approved on 19/09/2017 and then amended twice in 2019 and again in 2022. The review revealed that there were major amendments needed to this policy. Therefore, rather than making these significant changes in this document, it is recommended to revoke this policy and replace it with a new Policy 104 Managing Complaints and Customer Behaviour.
6. Policy 001 Policy Management and Development was adopted on 21/05/2019 and has been amended three times since. This policy is considered unnecessary and is being presented for revocation.
7. Policy 053 Meeting of Electors was adopted on 19/11/2019 and subsequently amended in 2021 and 2022. This policy is considered unnecessary and is being presented for revocation.

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.

Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	A policy workshop was held with elected members on 24/07/2023
Relevant staff	Relevant staff have provided feedback.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial					Low	
Environmental					Medium	
Health and safety					Low	
Infrastructure/ ICT systems/ utilities					Medium	
Legislative compliance	Not reviewing policies may lead to non-compliance with regulation.	Moderate	Possible	Medium	Low	Treat the risk by conducting regular reviews of policies.
Reputation	Not reviewing policies to ensure they are fit for purpose may impact on the Towns reputation.	Minor	Unlikely	Low	Low	Treat the risk by conducting regular reviews of policies
Service delivery	Not reviewing policies may impact service delivery.	Minor	Unlikely	Low	Medium	Treat the risk by conducting regular reviews of policies.

Financial implications

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

Analysis

- Amendments to Policy 011 Elections. At the Council meeting held 18 April 2023, Council resolved to defer a review of Policy 011 Elections until changes to the *Local Government Act 1995 (Act)* and associated regulations were implemented regarding an election caretaker period. Some of those changes have now been Gazetted. Therefore, it is recommended to amend the definition of caretaker period within the policy to align with the new definition within the Act.
- Amendments to Policy 101 Governance of Council Advisory and Working Groups. Changes have been made to this policy to remove a 'Term' referring to the term of the working or advisory group and

instead referring to how long members can remain on the advisory or working group. At present, the current policy permits a Councillor and a community group member to continue on these groups until the group expires. Memberships for Councillors on many local government groups coincide with an ordinary local government election and therefore, it is suggested to amend this policy so that elected members membership on these groups is for 2 years in line with the elections. It is also suggested that external members on these groups be appointed for a two-year term in the alternate year of local government elections. This will make it more transparent for members of the community wanting to know when an advisory and working group vacancy will occur. It is also suggested to implement a maximum timeframe for memberships on these groups. A maximum 3 consecutive 2 year-term has been proposed.

10. New Policy 027 legal Representation for Elected members and Employees. The Act provides protection from actions in tort against elected members and employees. Many local governments have adopted policies to assist Council in determining when it is appropriate to pay legal representation costs and as such, it is considered prudent for the Town to adopt a similar approach given the legal actions that have commenced against elected members and employees across the local government sector.
11. New Policy 028 Fraud, Corruption and Misconduct Control. At its meeting held 21 September 2021 (item 15.5 refers), Council received an internal audit into the integrity, fraud and corruption detection activities at the Town. As part of the recommendations associated with the internal audit, a new fraud, corruption and misconduct policy has been developed to continue the maturity of the Town's overarching approach to mitigating possible fraud, corruption and misconduct risks within its operations.
12. Revoke Policy 104 Customer Service Delivery and replace it with Policy 104 Managing Complaints and Customer Behaviour. The existing policy advises employees, Council and the community on how the Town delivers its customer service. The new policy includes this information along with definitions, the Town's complaint management processes, how we deal with anonymous complaints, the review processes, and ways to deal with customer behaviour.
13. Policy 001 Policy Management and Development is being recommended for revocation. The policy is considered not to be fit for purpose and unnecessary. Policy review oversight can be incorporated within other established mechanisms like the Audit Committee.
14. Revoke Policy 053 Meeting of Electors. At the Council meeting held 18 July 2023, Council resolved that Policy 053 be presented to the Policy Workshop for discussion. At that workshop, it was highlighted that the Act that regulated the meetings of electors. As such, this policy is considered unnecessary and recommended to be revoked.

Relevant documents

Not applicable.

11.7 Policy Committee

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Absolute majority
Attachments	1. Policies attachments [11.7.1 - 34 pages]

Recommendation

That Council resolves to abolish the Policy Committee, and those matters relating to policy and requiring a Council decision be referred directly to Council.

Purpose

This report recommends that the Policy Committee be abolished.

In brief

- On 17 September 2019, Council resolved to investigate the establishment of a Policy Committee.
- On 11 November 2019 the first Policy Committee was held.
- The Policy Committee met 2 times in 2019, 11 times in 2020, 8 times in 2021, 5 times in 2022 and twice so far in 2023.

Background

1. On 17 September 2019, a Policy Review Workplan for 2019-2020 was presented to Council for endorsement.
2. During debate on the item, an amendment was resolved by Council for the CEO to investigate the establishment of a Policy Committee as part of the Council's committee structure and a draft Terms of Reference for the Policy Committee be presented to Council by October 2019 for the Council's consideration.
3. At a Special Council Meeting held 29 October 2019, Council resolved to establish a Policy Committee.
4. Under the Policy Committee's Terms of Reference, the purpose was:
"In line with the *Local Government Act 1995*, the purpose of the Policy Committee (the Committee) is to support Council in fulfilling its responsibility under section 2.7(2)(b) in determining its policies".
5. The Terms of Reference stipulated that:
"The role of the Committee is to provide guidance and assistance to Council in fulfilling its legislative responsibilities in relation to the following key areas:
 - (1) Making recommendations to Council on proposed policies as a result of the policy development, review or evaluation process.
 - (2) Recommend to Council an annual work plan for policy review, development and/or evaluation in accordance with Policy 001 Policy Management and Development".
6. All Councillors were appointed to the Policy Committee.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Abolishing the Policy Committee and using other established mechanisms such as Council and the Audit Committee will make better use of the Towns resources.

Engagement

Internal engagement	
Stakeholder	Comments
Elected Members	Elected Members were consulted at the Policy Workshop held 24 July 2023.
Staff	Relevant staff were consulted.

Legal compliance

Part 5, Division 2 of the [Local Government Act 1995](#).

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial					Low	
Environmental					Medium	
Health and safety					Low	
Infrastructure/ ICT systems/ utilities					Medium	
Legislative compliance					Low	
Reputation					Low	
Service delivery	Having a Policy Committee may delay the adoption of amendments or the implementation of new policies.	Minor	Rare	Low	Medium	Treat the risk by abolishing the Policy Committee and have reports come direct to Council.

Financial implications

Current budget impact	Abolishing the Policy Committee will provide savings in the catering and staff overtime budgets.
Future budget impact	Abolishing the Policy Committee will provide future savings.

Analysis

7. The Policy Committee was designed to make recommendations to Council on proposed policies as a result of the policy development, review or evaluation process. However, all Elected Members are appointed to the Committee meaning Elected Members are considering the same items twice. As such, a recommendation by the Policy Committee to Council is effectively the Council making a recommendation to Council. As such, the Policy Committee cannot really be seen as assisting Council.
8. It would be more effective if policies were presented directly to Council as stakeholders will not have to wait for a Policy Committee meeting and instead, the item can be considered in a timely manner at a monthly meeting Ordinary Council Meeting.
9. Abolishing the Policy Committee will also make better efficiencies of the Towns resources. Efficiencies will be made by saving staff time and resources in developing and distributing a Policy Committee Agenda, compiling Minutes and then replicating those items in a subsequent report to Council. There will also be financial savings in relation to catering and staff overtime.
10. The Terms of Reference of the Policy Committee is also to make recommendations to Council on an annual workplan for policy review. However, as there are no external members appointed to this Committee, there is no external oversight on the appropriateness of any workplan.
11. A policy review process would be better if oversighted by the Towns Audit Committee which has two external members as Committee members.
12. The meeting frequency of the Policy Committee has been in decline over the last three years.
13. The Policy Committee represents an unnecessary and costly layer of decision-making that adds little value to the Town of Victoria Park.
14. Based on the above, it is recommended the Policy Committee be abolished and all policy items be presented directly to Council.

Relevant documents

Not applicable

11.8 CBP Quarterly Progress Report April - June 2023 (quarter 4)

Location	Town-wide
Reporting officer	Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Mid Year Report Community Benefits Strategy Jan June 2023 Waaliti Foundation [11.8.1 - 7 pages]2. Mid Year Report Community Benefits Strategy Jan June 2023 West Coast Eagles [11.8.2 - 25 pages]3. Annual action status overview 22/23 [11.8.3 - 1 page]4. Council Report - Q 4 reporting by Exception-2023-07-26-101630 [11.8.4 - 15 pages]5. 2022 2023 - Q 4 - Quarterly Report - Five-year capital works program including the Annual Strategic [11.8.5 - 8 pages]

Recommendation

That Council receives the quarterly written progress reports, for April – June 2023 relating to the:

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

Purpose

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

In brief

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

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

Background

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

That Council requests that the Chief Executive Officer:

1. *Develops an Annual Strategic Project Summary for 2019/2020, containing a summary of the projects that are aligned to strategic outcomes in the Strategic Community Plan 2017-2027.*
2. *Presents the 2019/2020 Annual Strategic Project Summary for adoption at the September Ordinary Council Meeting.*
3. *Presents to Council, commencing from the October Ordinary Council Meeting, quarterly written progress reports on the actions, projects and outcomes within the Town’s following plans and strategies:*
 - a. *Corporate Business Plan*
 - b. *2019/2020 Annual Strategic Project Summary*
 - c. *5 Year Capital Works Program*
 - d. *Economic Development Strategy 2018 – 2023*
 - e. *Urban Forest Strategy*
 - f. *Reconciliation Action Plan*
 - g. *Disability Access and Inclusion Plan*
 - h. *Community Benefits Strategy*

2. At the Ordinary Council Meeting on 20 July 2021, Council resolved:

That Council:

1. *Receives the community consultation results for the draft Climate Emergency Plan.*
2. *Endorses the Climate Emergency Plan 2021 – 2031.*
3. *Instructs the Chief Executive Officer to include the Climate Emergency Plan in the Quarterly progress reports to council, commencing in the next quarter for 2021.*

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

Strategic alignment

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

Engagement

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

Legal compliance

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

Risk management consideration

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

	not being met.	where expectations are not being met.
Service delivery	Not applicable.	Medium

Financial implications

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

Analysis

- Written progress reports will enable the Council to oversee the Town's performance and allocation of the Town's finances and resources. They will also help to inform the community about the Town's progress in relation to the plans and strategies.
- These reports on the actions, projects and outcomes, for the plans and strategies listed in the Council resolution, have been attached to this report. Further commentary for each report has also been included below.
- The format of attachment 11.2.1 CBP Quarterly progress report (April – June 2023) is different from the format previously provided to council because the Town has implemented a new corporate reporting system called Cascade, which provides more advanced reporting methods.

Corporate Business Plan

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

Strategic outcome	Total actions	No. of actions completed	No. of actions overdue	No. of actions on track
Social	53	38	15	0
Environment	82	71	11	0
Economic	20	18	2	0
Civic Leadership	79	56	20	3

- Actions not completed within the reporting quarter are as per attachment 11.8.5

2022/2023 Annual Strategic Project Summary

9. The status of projects from the Annual Strategic Project summary are as follows.

Total projects	No. of projects on track	No. of projects complete	No. of projects delayed
17	10	1	6

Five Year Capital Works Program

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

Total projects	Works in Progress	Not yet started	Complete	Deleted project
75	47	14	9	5

Economic Development Strategy 2018 – 2023

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

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

Outcome	Total actions	No. of actions completed	No. of actions in progress	No. of actions not started
Pathway 1: Leadership	4	2	2	0
Pathway 2: Identity	2	0	2	0
Pathway 3: Local to Global Connections	5	1	2	2
Pathway 4: Smart Town- Digital Innovation	7	0	5	2
Pathway 5: Creating an Enabling Business Environment	8	1	6	1

Pathway 6: High Value Precincts	6	5	1	0
Pathway 7: High Value Sectors	18	1	14	3
Total	50	10	32	8

Urban Forest Strategy

13. The Urban Forest Strategy (UFS) Implementation Action Plan (IAP) outlines 41 actions required to achieve the six strategic outcomes defined in the UFS over a 5-year period. The UFS was adopted by council in September 2018 and the IAP in September 2019.
14. The summary table below represents the number of actions progressed and completed since the adoption of the IAP.

Outcome	No. of actions completed	No. Of actions in progress	No. Of Actions on going	No. Of Actions not started
Strategic Outcome 1 Plant and protect sufficient trees by 2020 to achieve the 20% tree canopy target as supported by Council.	2	6	6	1
Strategic Outcome 2 Maximize community involvement and collaboration in its implementation.	2	2	4	2
Strategic Outcome 3 Increase tree diversity, whilst favoring local endemic and West Australian species that also support wildlife.	2	0	1	0
Strategic Outcome 4 Maintain high standard of vegetation health.	1	1	4	0

Strategic Outcome 5 Improve soil and water quality.	1	2	0	0
Strategic Outcome 6 Improve urban ecosystems.	0	1	2	2

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

Reconciliation Action Plan

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

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

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

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

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

- Submission of the Innovate RAP to Reconciliation Australia, with feedback from Mindeera Advisory Group and Elected Members integrated into draft prior to submission.
- Engagement with Mindeera Advisory Group regarding a number of key projects occurring in the Town.

Disability Access and Inclusion Plan

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

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

Category	No. of actions completed /ongoing	No. of actions in progress	No. of actions not started
Goal 1: Customer	4	2	0

Experience - Services and Events			
Goal 1: Customer Experience - Information	2	2	3
Goal 1: Customer Experience - Quality Customer Service	1	1	3
Goal 2: Physical Access - Building and Facilities	4	2	2
Goal 3: Active Citizenship - Complaints	0	0	4
Goal 3: Active Citizenship - Public Consultation	2	0	3
Goal 4: Employment	4	1	0
Goal 5: Governance and Impact	4	1	0
Total 45	21	9	15

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

- a. Access and Inclusion Advisory Group continues to support and advise project management and internal stakeholders on inclusive design and planning elements.
- b. Access and Inclusion Plan was officially launched on 2 June 2023. This coincided with the launch of the accessible versions of the plan, including Braille, Easy English and Audio.

Climate Emergency Plan

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

24. The Climate Emergency Plan aims to:

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

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

Category	No. of actions completed	No. of actions in progress/ongoing	No. of actions not started
1 Embed a low carbon culture	1	6	0
2 Reduce emissions of facilities and assets	0	9	0
3 Reduce waste emissions	0	3	0
4 Switch to low carbon and renewables	3	4	0
5 Respond to immediate climate change impacts	0	7	0
6 Support and educate our community	3	8	0
7 Support and educate our businesses	3	7	0
8 Offset residual emissions	0	1	0

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

- a. Sustainability Workshop series held in partnership with Switch Your Thinking:
 - Wonderful World of Worms – April 12
 - How Much Does It Really Cost? An Introduction to Product Life Cycle Assessment – 10 May
 - Planning Your Electrification Transformation – 21 June.
- b. Evacuation/Emergency Response Plans for all Town facilities.
- c. Electric Vehicle infrastructure installed at the administration building. Two electric vehicles purchased.
- d. Funding mechanisms: Grant funding from ARENA for the Electric Vehicle infrastructure at the administration building. Further funding being sought from Wastesorted and Lotterywest for community program at Juniper Rowethorpe.

- e. The feasibility of transitioning the Aqualife gas boiler to an alternative energy source has been investigated.
- f. Investigate the viability of a community battery for storage of renewable power: The Town is submitting an Expression of Interest for the ARENA Community Battery. Potentially five batteries being installed across Aqualife, Admin, Leisurelife, Depot, Library.
- g. Climate Impact Reporting methodology developed and endorsed.

Community Benefits Strategy

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

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

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

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

Program	No. of actions completed/ongoing	No. of actions in progress	No. of actions not started
Youth Engagement Program	3	3	0
Healthy Relationship Awareness	5	2	2
Supporting Local Community Organisations	6	1	0
Recreational groups and sports club development	2	4	0

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

Relevant documents

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

[Economic-Development-Strategy](#)

[Urban-Forest-Strategy](#)

[Reflect-Reconciliation-Action-Plan-2018-2022](#)

[Climate Emergency Plan](#)

[Disability Access an Inclusion Plan](#)

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

Further consideration

At the Agenda Briefing Forum meeting held on 1 August 2023, the following information was requested.

31. Provide information on how much room community batteries take up and where do they go.

Each battery requires an area of roughly the size of a standard half sea container or 20 foot sea container. They are normally installed near a building. The nominated locations are the Town's Administration Building at 99 Shepperton Rd, Leisurelife off Kent St, Library off Sussex St, Aqualife off Somerset St and the Town's depot at 199 Star St.

12 Chief Community Planner reports

12.1 Community Sport and Recreation Facilities Fund (CSRFF) - Small Grants Application - Victoria Park Carlisle Bowling Club Synthetic Green

Location	East Victoria Park
Reporting officer	Place Leader (Strategic Planning)
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	Attachment 1 – CSRFF Small Grant Application Form Attachment 2 – CSRFF Small Grant LG Assessment Sheet Attachment 3 – CSRFF Policy and Procedures 1. Attachment 1 - CSRFF Small Grants Application Form [12.1.1 - 10 pages] 2. Attachment 2 2023-2024 CSRFF Small Grants - LG Project Assessment Sheet [12.1.2 - 10 pages] 3. Attachment 3 - CSRFF Policies and Procedures [12.1.3 - 31 pages]

Recommendation

1. That Council do not support an application for a Small Grant of \$136,500 from the Community Sporting and Recreational Facilities Fund (CSRFF) for a synthetic bowling green at the Victoria Park Carlisle Bowling Club at this point in time for the following reasons:
 - a. The project is not identified as a priority in the Town's Corporate Business Plan, Social Infrastructure Strategy or Asset Management Plan.
 - b. The financial feasibility of the project has not been tested through the Town's Long-Term Financial Plan or a budget review process as preferred by Council Policy 222 Asset Management.
 - c. It would be more appropriate to consider funding this project through the review of the Town's Long-Term Financial Plan and Mid Year Budget Review leaving sufficient time to lodge a CSRFF application for the February 2024 grant round if required.
2. That Council reconsider the financial feasibility of the project through the Long Term Financial Plan, and if supported and prioritised, allocating funds in the Mid Year Budget Review in February 2024.

Purpose

For Council to consider a request from the Victoria Park Carlisle Bowling Club (the Club) for the Town of Victoria Park to apply for a Community Sporting and Recreational Facilities Fund (CSRFF) Small Grant to fund portion of an upgrade to a synthetic bowling green (Green B) and for the Town to fund the remainder of the project cost which is estimated at \$273,000 in total.

In brief

- The CSRFF is administered by the Department of Local Government, Sport and Cultural Industries (DGLSC) to provide financial assistance to community groups and Local Government Authorities (LGAs) to develop basic infrastructure for sport and recreation. The Department has increased funding this year, and Small Grant funds are capped at 50% of the project cost to a maximum of \$200,000.
- The CSRFF process requires LGAs to assess, rank, prioritise and submit application forms to the DLGSC upon approval of the Council. This holds even if the Town is the applicant and if only one application is proposed.

- At the February 2023 Ordinary Council meeting the Mayor raised a Notice of Motion (Item 17.1) requesting the CEO to report on the feasibility of funding an all-weather cover and synthetic bowling green at the Club to allow consideration of Council funding the project in the 2023-2024 budget.
- At the May 2023 Ordinary Council meeting the Council resolved (103/2023) to receive a report into the feasibility of funding an all-weather cover and synthetic bowling green at the Club, and requested the Chief Executive Officer to report back to Council no later than September 2023 to provide an update in relation to funding the synthetic green only following adoption of the new Long Term Financial Plan.

Background

1. The purpose of the CSRFF grant program is to provide financial assistance to community groups and local government to develop basic infrastructure for sports and recreation. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity through the rational development of good quality, well-designed and well-utilised facilities.
2. The upgrade of sports surfaces to synthetics is an item that can be considered under CSRFF.
3. CSRFF Small Grant applications are likely to consider the following:
 - a. If there is an established need for the project and community input into the proposal.
 - b. The value of the project ie. impact on physical activity; increase in membership and who benefits (noting any increases in non-playing social or darts/golf members are not considered).
 - c. The capacity of the Club to fund ongoing operation and maintenance.
 - d. Financial commitments from either the Town and/or the Club to fund at least 50% of the project and to possibly create a sinking fund for the replacement of the turf at the end of its useful life.
 - e. The implications and timing of future redevelopment of the Macmillan Precinct and potential removal of the Club from the precinct.
4. In 2023, the Small Grant CSRFF can fund up to 50% of the total project cost to a maximum of \$200,000 per application. Depending on the number of worthy applications, the CSRFF may offer less than 50% of the total project cost. As part of the application process, the applicant (ie. The Town) is required to advise CSRFF if they were offered less than 50% funding, would the applicant be prepared to fund the remainder of the project cost or not.
5. The Club has two grass greens. The proposal is to convert one green (Green B) from grass to synthetic turf.
6. The cost of the Club's preferred surface is \$210,000 (excluding GST, and subject to fuel levies and changes in material costs). As such, to estimate the total project cost for the purposes of a CSRFF application, the total cost of the project is calculated as the cost of the preferred surface quote with an additional 30% cost escalation/contingency. As such, the estimated total cost of the project is \$273,000. Should a CSRFF application be made for 50% of total project cost, then the application would be seeking funding of \$136,500.
7. The Club advises the benefits of a synthetic green are:
 - a. increased playing window into winter months and potentially all year round.
 - b. ability to increase membership – estimated at an additional 10 pennant members (from 90 to 100 pennant members) and an additional 50 social bowlers (from 150 to 200 social bowlers).
 - c. ability to increase club revenues through increased membership and bowling activity, in particular corporate and barefoot bowling, pennant competitions, carnivals.

8. The Club advises they are not able to make a financial contribution to the project but would endeavor to seek other grant funding and/or sponsorship to contribute to the cost of the project.
9. The Club advises they might consider making a contribution to the cost of the project if a non-interest loan were available from the Town.
10. The Club advises they are able to make a contribution to a future asset replacement fund (ie. sinking fund).

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Expenditure is based on consideration of – demonstrated need, extent of community benefit, value for money, funding priorities.
CL3 – Accountability and good governance.	The community can comment on proposed changes to the budget.

Environment	
Community Priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	Improved facilities assist with retaining and attracting more people to active recreation with flow-on health and social benefits, and potential for increased club revenues.

Engagement

Internal engagement	
Strategic Assets Advisory Group (SAAG)	<p>The Town’s internal capital planning and funding advisory group (SAAG) considered the previous feasibility report on a synthetic bowling green in April 2023. The group advised:</p> <ul style="list-style-type: none"> • The project constitutes a major upgrade project and should be tested through the Town’s Long-Term Financial Plan review. • Consider requiring one-third funding contribution across CSRFF, the Club and the Town, rather than 100% funding from the Town.
Finance	<p>Finance supports consideration of unfunded projects through a formal budget process where possible, such as the Mid Year Budget Review.</p> <p>Finance do not support no or low interest loans to community groups. Instead, community groups should be able to support any financial contribution to a project through existing savings via Club revenue and/or fund raising.</p>
Project Management Office (PMO)	<p>Further investment in the Bowling Club facilities should ideally be linked to the upcoming Staging and Funding Strategy for the Macmillan Precinct. Expenditure on an asset risks becoming a” regret spend” if the initial stages of redevelopment in the Macmillan precinct occur before the end of the expected life of the turf.</p>

External engagement

Victoria Park Carlisle Bowling Club	The Club was engaged during preparation of the previous feasibility report presented to Council in May 2023. A meeting was held with the Committee to understand their needs and potential for financial contribution, and multiple phone calls and emails were exchanged between Town staff and the Club's representative to add and clarify information following the meeting. The Club has recently raised some concerns about some of the information in the May 2023 feasibility report, and these would be addressed with the Club should an application proceed.
Department of Local Government, Sport and Cultural Industries	The Department was engaged during preparation of the previous feasibility report presented to Council in May 2023. The Department advised – CSRFF requires detailed justification (ie. needs/feasibility assessment), applicants need to comment if they're prepared to fund the balance of project costs, CSRFF would consider the implications of proposals to redevelop the Macmillan precinct and investment in infrastructure in this location given the life of synthetic turf can be up to 15 years.

Legal compliance

11. Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Funding this project would result in reallocation of funds from project and programs funded under the 2023-2024 budget.	Moderate	Almost Certain	High	Low	TREAT this risk by deferring consideration of funding the project through a formal budget process such as Mid Year Budget Review where the impact of this decision can be properly assessed and where there may be spare funds available that reduces the need to reallocate from other projects/program.
Environmental	Not applicable.				Medium	Not applicable.

Health and safety	Not applicable.				Low	Not applicable.
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	Not applicable.
Legislative compliance	Not applicable.				Low	Not applicable.
Reputation	Funding this project through an ad hoc decision outside a formal budget process, could be seen as unfair by other groups with infrastructure upgrade needs.	Moderate	Possible	Medium	Low	TREAT this risk by deferring consideration of funding the project through a formal budget process such as Mid Year Budget Review.
	Requesting funds from CSRFF for a project that has marginal impact on increasing club membership, may impact the Town's reputation with CSRFF.	Moderate	Possible	Medium	Low	TREAT this risk by ensuring any application looks a multiple benefits and value beyond simply membership numbers.
	Not funding the project may damage the relationship between the Victoria Park Carlisle Bowling Club and the Town.	Moderate	Possible	Medium	Low	TREAT this risk by clearly articulating how this project can be contemplated in the Long Term Financial planning process and, if supported and prioritised, the funds allocated in the Mid-Year Budget Review.
Service delivery	Not applicable.				Medium	Not applicable.

Financial implications

Current budget impact

There are no funds in the 2023-2024 budget to fund a synthetic green at the Club.

Should the Council support the project, the CSRFF application requires a budget

	<p>allocation for the project of at least 50% of total project which is \$136,500. If the assessment of the application resulted in a CSRFF allocation of an amount less than 50%, CSRFF requires formal position from the Council on whether they would make up the shortfall. This information is required to be submitted with any application.</p> <p>Should the Council support the project, Administration will need to remove budget from other items in the current 2023-2024 budget, or extract funds from a reserve.</p> <p>Should Council support the project, an absolute majority vote is required for a budget allocation.</p> <p>Should Council support the project, the Town would monitor the availability of other grant programs to supplement the project.</p>
<p>Future budget impact</p>	<p>Should the Council support the project, the following future budget impacts might arise:</p> <ul style="list-style-type: none"> • There is potential for a condition on the CSRFF funding to create an asset renewal fund (ie. Sinking fund) to collect funds for replacement of the turf at the end of its useful life (between 10-15 years). • All costs for operating, maintaining and insuring (for damages) the synthetic turf would be the responsibility of the Club, under a variation and extension of the Lease. • Notwithstanding the above point, the Town might require funds to support asset maintenance should the Club's finances not permit.

Analysis

12. Putting aside the feasibility of the Council's ability to fund the project and whether it is a funding priority, there is benefit to the Club in constructing a synthetic green as it would assist the Club's ability to raise revenue, and it would have a positive impact on increased physical activity.
13. If Council supported the project but were likely to commence redevelopment of the Macmillan precinct before the end of the synthetic turf asset life, this could negatively impact on the CSRFF assessment of the grant and could be regarded as under-valuing the original capital investment in the project.
14. According to Council Policy 222 Asset Management, decisions regarding capital upgrades should be reviewed and prioritised by the SAAG. SAAG considered the proposal in April 2023 and recommended to defer a decision on the funding priority for a turf to the update of the Long-Term Financial Plan, and to work with the Club in support of a future contribution to the capital expenditure from the Club. SAAG again considered the proposal during the 2023-2024 budget preparation and the proposal did not meet any criteria for inclusion in the budget, the criteria being – safety, legislation and compliance, critical asset preservation, OCM resolution and alignment with strategic plans.
15. If Council supported the project, the source of funds for this project are not clear and would need to be considered by the Administration through a holistic review of the 2023-2024 budget that is currently being carried out due to the reduction in rates income which occurred as per Council Resolution 131/2023 at the 20 June 2023 Ordinary Council meeting. Funding a synthetic green would require funds to be diverted from other projects and programs. Reallocation of \$136,500 to fund 50% of the

project is a relatively significant amount when compared to the amounts already assigned to other projects and programs.

16. If Council supported the project, allocation of funds through an ad hoc decision may be considered by other Clubs as an unfair and inequitable approach to funding recreation and community infrastructure.
17. It is recommended that a decision regarding funding this project be made through a formal budget process such as the Mid-Year Budget Review in December 2023 to enable holistic consideration of the financial feasibility of the project and availability of spare funds to avoid removing funds from committed projects and programs that were identified through the 2023-2024 budget. Consideration of funds for this project via the Mid-Year Budget Review will also enable consideration of the longer-term recreation and social infrastructure funding priorities in the upcoming Long-Term Financial Plan update due in December 2023.
18. If Council decided to support the project in the Long Term Financial Plan update in December 2023, funds could be allocated through the Mid Year Budget Review in February 2024 with sufficient time to lodge a CSRFF application in February 2024 which requires construction to be complete and funds acquitted by June 2025. This would also provide more time for the Town to organise resources to project manage the Tender for suppliers and construction. However, this may also have an impact on any timing of the Macmillan precinct redevelopment.
19. Should the Council support the project at any point, this would trigger the need for a variation and possible extension to the Club's lease to assign responsibility to the Club for all maintenance, repairs and insurances for the turf.
20. It should be noted that the Town does not currently have a Recreation and Social Infrastructure Facilities Reserve to fund future infrastructure needs and major upgrades, and this may be a worthwhile consideration through the update of the Long-Term Financial Plan.

Relevant documents

21. [Council Policy 22 Asset Management](#), Clause 6 Capital Planning states – To ensure informed decisions are made in relation to any major renewal, acquisition and/or upgrade to an asset, all capital projects are reviewed and prioritised with cross-functional oversight from SAAG and guided by the following key principles:
 - a. *To ensure informed decisions are made in relation to any major renewal, acquisition and/or upgrade to an asset, all capital projects are reviewed and prioritised with cross-functional oversight from SAAG, and guided by the following key principles:*
 - b. *a. Renew assets before acquiring new assets where possible, if considered more cost effective over the life of the asset;*
 - c. *b. Rationalising assets that are no longer used or do not provide the necessary level of service required to sustainably deliver the intended service for which the asset was originally acquired;*
 - d. *c. All future works are aligned to the objectives of Strategic Community Plan, considered in the Long Term Financial Plan and are delivering on the priorities within the Corporate Business Plan, Place Plans and Asset Management Plans;*
 - e. *Policy 222 Asset management Page 4*

12.2 Commemorative Recognition Application

Location	Duncan Street Reserve, Victoria Park
Reporting officer	Local History Coordinator, Library Services Manager
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	1. 23001 - Browne, Neville - LM - Renaming a Park or Reserve [12.2.1 - 51 pages] 2. Biographical Research Notes Regarding Sister Martin Kelly RSM MBE by Coordinator Lo [12.2.2 - 3 pages] 3. Map [12.2.3 - 1 page]

Recommendation

That Council endorse formal community consultation of the proposed renaming of Duncan Street Reserve to honour Sister Martin Kelly RSM MBE as outlined in the Commemorative Recognition application received from Historic Victoria Park Inc.

Purpose

For Council to consider a request 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, and commence community consultation.

In brief

- 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.
- The application was assessed by the Coordinator Local History.
- The application meets the criteria set out in the Town's Policy 111 Commemorative Recognition.
- 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.
- The Town would now like to commence community engagement to determine if this is supported by the local community.

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.
2. A nominee is required to meet the selection criteria for a large memorial as per Policy 111 Commemorative Recognition.
3. An assessment of the application has been undertaken in line with Policy 111 Commemorative Recognition.

4. Duncan Street Reserve has been identified by the applicant as the park to be considered for renaming. The park was chosen due to its proximity to the childhood home of Sister Martin Kelly at 33 Sunbury Road Victoria Park.

Strategic alignment

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.

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	<p>Place Planning supports the renaming of parks and reserves through the commemorative recognition policy. However, local parks and reserves are significant community assets and places for social connection and recreation that are used by a range of community groups. Therefore, broad community input is considered essential prior to the renaming of community assets.</p> <p>Place Planning acknowledge the references included in the application, noting that this small sample may not be reflective of all local community park users. Because of this, Place Planning are supportive of the proposed renaming being subject to an appropriate level of community engagement under Policy 103 Communication and Engagement.</p> <p>Duncan Street Reserve plays a significant role as a place for locals to meet and interact. There is active community-led interest in improving the park's quality which has led to the forming of a community group lobbying for infrastructure improvements. Given current community interest in the park, renaming the park without prior engagement with residents and nearby businesses could impact Council's ongoing relationship with the local community.</p> <p>Place Planning acknowledges that Policy 111 Commemorative Recognition also allows for other commemorative memorial, such as plaques, fountains, trees, statues or public art as per Policy 111, which Council may also wish to consider.</p> <p>Place Planning therefore considers that any proposed renaming be subject to</p>

formal community engagement as per Policy 103, including letters to surrounding landowners/residents, to allow Council's consideration of the views of the local community when determining whether to support the proposed renaming of Duncan Street Reserve.

Other engagement

Stakeholder	Comments
Landgate	Landgate were contacted to seek preliminary support for the use of a double-barreled name for the park, based on their Policies and Standards for Geographical Naming in Western Australia 01.2017.

Legal compliance

Section 26 and 26A of the [Land Administration Act 1997](#)
Policies and Standards for Geographical Naming in Western Australia 01.2017

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.					
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Failure to meet obligations established under the Land Administration Act 1997 may result in legal challenges to any decision made.	Low	Low	Low	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	Low	Low	Low	Low	TREAT - All Commemorative Recognition applications

	associated Management Practice may create unrealistic and unsustainable community expectation for future Commemorative Recognition Applications.	adhere to Policy 111 Commemorative Recognition and associated Management Practices.
Service delivery	Not applicable.	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to appropriate a new standard sign for the park should support a renaming be supported post engagement.
Future Budget Impact	There are potential minor future budget impacts related to maintenance and cleaning of signage (if required due to bore water stains).

Analysis

5. Duncan Street, for which the park is currently named, was named for the fourth Mayor of the Municipality of Victoria Park, Hugh George DUNCAN (1870-1935). Changing the name of the park currently known as Duncan Street Reserve would not detract from Mr Duncan or his family, as there is recognition associated with the naming of Duncan Street.
6. The nominee grew up in the Town and attended St Joachim's School (now part of Ursula Frayne Catholic College) from 1939 to 1947 before taking religious orders with the Sisters of Mercy, and teaching in two schools in the Town of Victoria Park.
7. The nominee was widely acclaimed for her dedication, strength, compassion and advocacy on the part of orphans. She worked tirelessly to improve the living conditions and care of children and was known across Western Australia for her work. She was awarded an MBE in 1979 for her work on behalf of children.
8. Section 1.4 Commemorative names (p. 12) of *Policies and Standards for Geographical Naming in Western Australia* states that "A commemorative name applied to local parks and recreational reserves may use the first name and surname of a person; although, it is preferred that only the surname is used."
9. The received application form provided two options by which the nominee's name could be used to rename the park. The two names are Martin Kelly Park or Peggy Kelly Park.
10. Landgate provided informal support of the nominated names in the application and added two other names they would also be supportive of which include Kelly Park and Sister Kelly Park.
11. Sister Martin Kelly, whilst having a building named in her honour in Wembley in 1989, has no known pieces of geographic nomenclature in Victoria Park or anywhere else in Western Australia.
12. An assessment of how Sister Martin Kelly met the criteria of Policy 111 Commemorative Recognition was undertaken by the Town's Local History Coordinator.

13. The application included more than the recommended four references from residents, including local members Kate Doust, Hannah Beazley, Ursula Frayne Catholic College and other members of the community (as included in Attachment 1).
14. Sister Martin Kelly also qualifies for inclusion on the Prominent Women in the History of the Town of Victoria Park List.
15. During research to verify the credibility of the application nothing was identified that would bring the nominee's character into disrepute.
16. Based on the information provided and assessment undertaken by the Town, Officers recommend Council consider the renaming of Duncan Street Reserve to honour Sister Kelly Park and commence formal community engagement to understand local resident support. This engagement may consider one of the other three names supported in principle by Landgate as per above as an alternate.
17. Should Council endorse the renaming of the park to proceed to consultation, community engagement on all re-naming options would include:
 - a) Your Thoughts community engagement page
 - b) Letters to properties in the area bounded by Harper Street, Kitchener Avenue, Gresham Street and Shepperton Road
 - c) Website notice
 - d) Social media posts
 - e) E-newsletter item
 - f) On-site sign at park
18. As a part of the community consultations, information would be provided detailing how Sister Kelly significantly contributed towards the development of the Town of Victoria Park.
19. Community consultation would include all four names identified as appropriate for the park, as well as an option to not support a name change, as below:
 - a) Martin Kelly Park
 - b) Peggy Kelly Park
 - c) Kelly Park
 - d) Sister Kelly Park
 - e) No change to park name

Relevant documents

[Policy 111 Commemorative Recognition](#)

13 Chief Operations Officer reports

13.1 McCallum Active Area - CSRFF Grant Application - 2024/2025 Round

Location	Victoria Park
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple Majority
Attachments	1. Appendix 1 li OC Grant Design July 2023 [13.1.1 - 1 page]

Recommendation

That Council supports submitting a \$1,000,000 grant application to the Department of Local Government, Sport and Cultural Industries (DLGSC) through the Community Sport and Recreation Facilities Fund (CSRFF) for the McCallum Park Active Area project.

Purpose

To seek Council supports for the Town to submit a Community Sport and Recreation Facilities Fund (CSRFF) grant application to the Department of Local Government, Sport and Cultural Industries (DLGSC) by 30 September 2023.

In brief

- The CSRFF, which is administered by the Department of Local Government, Sport and Cultural Industries (DLGSC), provides financial assistance to community groups and Local Government Authorities (LGA) to develop basic infrastructure for sport and recreation, capped at one-third of the total infrastructure cost (excluding GST).
- LGAs are required to review, rank, prioritise and submit CSRFF grant applications to DLGSC upon approval by Council.
- McCallum Park Active Area has been endorsed as an Advocacy Priority for the Town.
- The Town, if successful, will be able to provide its two-thirds project contribution from the Federal Investing in Our Communities Grant valued indicatively at \$2.5million. This could allow the Town to seek up to \$1.25million however the current scope supports an application of \$1,000,000
- The CSRFF application is a heavily revised version of that previously submitted with a very clear funding pathway and a reduction of the required CSRFF Grant amount from \$2,000,000 to \$1,000,000.
- The revised scope ensures that the core Skating and Pump Track with all ages' activation of the McCallum Active Area are still achieved and that other non-essential elements have been preserved as a future stage that can be undertaken in the future.
- The timing of construction will align with the opening of the new Causeway Pedestrian and Cyclist Bridge and will ensure that the area will be a vibrant regional destination.

Background

1. At the 16 June 2020 OCM, Council approved the McCallum Park Active Area Concept Report, listed the detailed design for consideration in the 2020/21 Annual Budget and listed an indicative amount of \$1.6 million for consideration in the Council's revised Long-Term Financial Plan.
2. The Town has since completed the detailed design to 85% to enable an application to the Department of Biodiversity, Conservation and Attractions (DBCA).
 - (a) Development approval is required by the DBCA as the project site is located within the Swan River Development Control Area.
 - (b) Once approval is granted, the Town will finalise the 100% design and specifications, including addressing any conditions listed as part of the DBCA approval.
3. The development of key messaging, strategic communications and an advocacy plan to assist the attraction of funding and support to deliver the project was developed alongside the detailed design.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Ensuring that the Town's financial resources are enhanced through advocacy for community outcomes

Environment	
Community Priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces	New and upgraded facilities, keeping them well maintained, modern, and fit for purpose to allow for 'all-ages' community use

Engagement

Internal engagement	
Stakeholder	Comments
Community Development	Advice and assistance in the CSRFF process
SAAG	Endorsement for the prioritisation of the CSRFF Application
Place Planning	Collaboration on the revised design to enhance the natural environment whilst achieving the reviewed proposal

External engagement	
Stakeholders	Comments
	The Concept Design and Masterplanning that support the proposal had an extensive community consultation process previous noted in June 2021

Other engagement	
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DLGSC	Officers have discussed the proposed grant submission with DLGSC as part of the application process. DLGSC expressed their appreciation for the initial contact and look forward to the application. Further confirmation on the Federal grant has also been received.
West Cycle	Support letters will be provided
Various Skateboarding	Previous Letters of Support for the proposed design have been provided

Legal compliance

Not applicable

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Insufficient funds exist within the annual budget and LTFP to fully deliver the project scope.	Moderate	Likely	High	Low	TREAT risk by the advocacy and external Grant applications as well as a value engineering exercise to ensure that the budget matches funding guidelines.
Environmental	The impact from construction has an adverse impact on the river environment.	Moderate	Possible	Medium	Medium	TREAT risk by ensuring the project has a construction environmental management plan.
Health and safety	Not Applicable				Low	
Infrastructure/ ICT systems/ utilities	Not Applicable				Medium	
Legislative compliance	The area is now bounded by the Perth Parking Management Area and well as the Swan and Canning Planning Control	Minor	Likely	Medium	Low	TREAT risk by ensuring all approvals are obtained for the project.

	Area.					
Reputation	Continuing disruption of McCallum Park is extended beyond the current bridge works.	Moderate	Likely	High	Low	TREAT risk by aligning the construction periods to have a finish date the same as the bridge to allow for a full reopening.
Service delivery	Additional maintenance effort due to additional assets.	Moderate	Almost Certain	High	Medium	TREAT risk by the development of a full asset plan for this new asset and minimise duplication of expenses wherever possible.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	The submission is still linked to the successful Investing in Our Communities Grant application for \$2.5 million. If this is not successful, this application will be withdrawn as the cost to deliver would require a large amount of as-yet unapproved Municipal funding. The outcome of that liOC Grant application will be known <i>before</i> CSRFF is submitted.

Analysis

- The CSRFF program aims to increase participation in sport and recreation, emphasising physical activity, by providing financial assistance to community groups and local governments to develop basic infrastructure for sport and recreation.
 - The maximum grant offered for standard grant applications is one-third of the total estimated project cost (excluding GST) up to a maximum of \$2 million.
 - The DLGSC will assess the total eligible cost of each project (excluding GST) from the information provided as part of the application process.
 - State Government funding for any project cannot exceed two-thirds of the total project cost.
 - Applicants must be either a local government or a not-for-profit sport, recreation or community organisation incorporated under the WA Association Incorporation Act 2015
- The Town will be applying for the 2023/24 funding year to align with the construction of the Main Roads WA Causeway Pedestrian and Cycling Bridge project (MRWA Bridge).
- The MRWA Bridge project is estimated to commence in 2022/23 and continue through 2023/24. The early construction will have impacts on the McCallum Park Active Area site. Therefore it is proposed that the construction of the Active Area is aligned with the delivery of the bridge to reduce impacts on either project.

4. As part of the concept development stage, an opinion of probable cost (OPC) was estimated at approximately \$7.5 million for the project, which has been subject to further revision.
5. The Town has revised the design and specifications to reduce the scope to achieve a scope of \$3.5million
 - (a) The scope is scalable from a base scope of \$2.5 million - which is the basis of a Federal Investing In Our Communities Grant invitation.
 - (b) The scope can then be optimised to incorporate all key scope items in an ideal Scope of \$3.5 million, with the additional \$800,000 being the subject of this CSRFF Application.
6. The CSRFF Forward Grant 2024/25 is subject to the successful outcome of the Federal Grant application.
7. A confirmation has been received from DLGSC that Federal funding can be the Town's required contribution as it isn't State funding which is limited to a total of 66% within the eligibility criteria.
8. The outcomes of the liOC Federal Grant are to be notified as of the end of October 2023. If this grant application is unsuccessful, the CSRFF application will not be submitted or immediately withdrawn as the project does not currently have additional Municipal funds available to complete the base scope.

Relevant documents

Not applicable

13.2 Former Victoria Park Croquet Club site - Community Garden - Further report to notice of motion

Location	Burswood
Reporting officer	Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Presentation for Town of Victoria Park-compressed [13.2.1 - 20 pages]2. Asbestos Survey Report [13.2.2 - 16 pages]3. Assets Building Valuation Report [13.2.3 - 1 page]4. Heritage impact statement [13.2.4 - 34 pages]5. Structure Relocation [13.2.5 - 36 pages]6. Table of questions and responses [13.2.6 - 1 page]7. Extract LAOS - Council approved [13.2.7 - 5 pages]

Recommendation

1. That further to the recommendation in the Land Asset Optimisation Strategy adopted by Council on 13 December 2022, Council continues to pursue a Business Case for the former Victoria Park Croquet Club property at Rushton St.
2. That further to 1 above, the Council does not negotiate a temporary lease or licence agreement for the Perth History Association Inc or other third party to use the former Victoria Park Croquet Club property at 31 Rushton St, Burswood.

Purpose

To report as to the outcome of investigations into the feasibility of granting a temporary lease or licence agreement to the Perth History Association Inc to use the former Victoria Park Croquet Club property at Rushton St, Burswood and details on alternative options.

In brief

- Further to a notice of motion and Council resolution 133/2023, 20 June 2023, the Town has investigated the feasibility of granting a temporary licence to the Perth History Association Inc (PHA) to use the former Victoria Park Croquet Club property at Rushton St, Burswood (the Property) and opportunities for PHA to collaborate with local groups, businesses and community to occupy the space.
- Officers have met at the Property with PHA and corresponded with representatives of PHA.
- The report provides a report back, further to the requirements of Council resolution 133/2023, 20 June 2023.
- In addition, an outline is provided as to further options for the Property.

Background

1. PHA is a not-for-profit association registered with the Australian Charities and Not-for-Profits Commission. PHA has presented a proposal for a temporary License Agreement for the use of the Town's Property previously occupied by the Victoria Park Croquet Club at Rushton St Burswood for the purpose of establishing a productive gardening training program.

2. PHA operates with 15 paid staff and the assistance of more than 100 community volunteers. They utilise funding from various sources, including Work for the Dole (WFTD) programs funded by the Federal Government which make payments to PHA for hosting training participants who undertake gardening and restoration works, significantly reducing the costs of the works.
 3. With 20 participants undertaking restoration and maintenance internships, and 20 participants undertaking garden internships, PHA would generate around \$140,000 of training revenue to offset the operational costs of wages, materials, tools and equipment that would be utilised in the operations of the community garden, ensuring the projects will operate on a cost neutral or cash-flow positive basis.
 4. PHA has significant expertise in running training programs, including research, heritage building restoration and maintenance, and the establishment and maintenance of productive and ornamental gardens. Current projects include:
 - (a) Sloans Cottage in Leda - a former farmhouse that PHA is managing for the City of Kwinana as a productive vegetable garden and local history research hub;
 - (b) Pensioner Guard Cottage and Residence, Bassendean - a historic property gifted to PHA by the Town of Bassendean for restoration and establishment of a museum and productive vegetable garden;
 - (c) Wilkinson's Homestead in Gosnells - a large productive vegetable garden occupying the rear of the City of Gosnells' owned Wilkinson Homestead Museum;
 - (d) Midland Worker's Cottages - a 3,300sqm property with two heritage worker's cottages PHA is managing for the City of Swan, restoring the houses, and establishing productive gardens.
 5. The aims of the PHA training program are:
 - (a) To create an abundant and productive organic garden space using low-technology strategies.
 - (b) To provide a program that gives participants confidence and skills in growing, harvesting and processing their own organic food and bush tucker using permaculture and organic gardening principles. The focus will be on Regenerative agriculture systems. These are holistic farming systems that, among other benefits, improve water and air quality, enhance ecosystem biodiversity, produce nutrient-dense food, and store carbon to help mitigate the effects of climate change.
 - (c) To use gardening activities to provide meaningful engagement and build community for participants.
 6. Their proposal to the Town involves:
 - (a) The Association contributing to the costs of renovating and maintaining the building, establishing, managing and maintaining the productive vegetable gardens and running the training program;
 - (b) the Town contributing the land via a license agreement;
 - (c) the opportunity for local community members to be involved in all aspects of the project.
 7. Further to a notice of motion at the 20 June 2023 Ordinary Council Meeting, the Council resolved as follows by Council resolution 133/2023: -
 8. Investigate the feasibility of granting a temporary licence agreement to the Perth History Association Inc to use the former Victoria Park Croquet Club site at Rushton St, Burswood, for a community productive garden and associated training program and activities;
 9. Liaise with the Perth History Association Inc to establish how they propose to collaborate with local groups, businesses and individuals on their proposal for the croquet club site.
 10. Provide a report to Council for consideration by August 2023.
 11. The Town contacted PHA with details of the Council's Policy 310 - Leasing, which provides a policy framework for the terms and basis of leases and licences granted by the Town.
-

12. Clarification was sought as to whether PHA was seeking to lease or licence the Property in accordance with Council Policy 310 – Leasing and if not, what terms were sought by PHA by way of departure from Council Policy 310 – Leasing.
13. PHA requested to view the Property and its condition. A meeting took place at the Property with a PHA representative on 4 July, including access to the interior of the buildings.
14. In addition, the Town’s building asset condition report for the Property was made available to PHA.
15. A summary of the outcome of various correspondences and the meeting with PHA is provided in a table (attachment 6).

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	To ensure accountability, transparency, and compliance, all of which are important for the Town

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

Engagement

Internal engagement	
Property	Comments are contained within the report.
Community	<p>PHA are:</p> <ul style="list-style-type: none"> • seeking at least a 3–6-year lease commitment • would require minor (unspecified) financial support from the Town • the proposal would not be as viable if the buildings located on the site were removed (especially the clubhouse) • once the main building has been repaired to a safe and habitable standard other community groups/not for profits groups could use the space after hours <p>Some investment is needed to make the buildings, especially the toilet facilities, accessible to all and suitable for occupancy.</p>
Strategic Projects	<p>Consideration to be given to the potential removal and relocation of structures from the site. Transport routes should be kept clear of any future gardens.</p> <p>Strategic Projects is exploring relocation options and removal of structures as per LAOS (Land Asset Optimisation Strategy).</p> <p>Key site identified for relocation falls within Metronet project (indicative locations detailed within Metronet DA package)</p>
Environment	Establishing a community garden, in principle, would benefit from a community connection and Grow It Local perspective, and potentially for environmental education purposes.

	<p>However, the longevity of the garden is a consideration. Given the input needed to establish the garden, there is a potential reputational risk to the Town with the dissolution of the garden.</p>
<p>Place Planning</p>	<p>The Property is currently zoned "Office-Residential" in TPS1 and is proposed as an equivalent model scheme text "Mixed Use" zone under draft LPS2. The intent of the current and proposed zones is to facilitate the redevelopment of properties to medium to higher-density mixed commercial and residential uses as per the current provisions of Local Planning Policy 22 Development Standards for the Causeway Precinct. In this sub-precinct, currently, LPP22 permits development from 2-4 storeys. The Town's Local Planning Strategy (May 2022) proposes a review of LPP22 through the preparation of a Burswood South Precinct Structure Plan.</p> <p>The scope of the Town's Social Infrastructure Strategy (April 2022) did not include provision for community gardens; however, it does suggest the Town support the provision of floorspace to support the community services / NGO sector. There are no specific actions relating to this Property (as it is a former community venue). However, it is in the Burswood South-Victoria Park local hub investigation area, meaning there is a potential need for local community space to support community activity. No specific sites for community space in Burswood South were identified in the Strategy. Instead, sites would be investigated as opportunities arose (for example, community space in new apartments) or when Town resources become available to undertake a planned approach to community space provision (i.e., with the review of LPP22/new precinct plan). There appears to be a sufficient supply of community space in the wider area, and future space is coming online soon (Perth Football Club, Read Park Container). Should the Town make the former clubrooms available for community service, it is recommended that the space be made available for general community use where possible, and the cost burden for general community use was outside of Council's budget responsibility (i.e., the same arrangement as the Read Park container).</p> <p>There is potential for relocation of the former croquet club buildings to a site identified and future-proofed (i.e., service connections available) in the new METRONET public open space. As detailed in the planning report submitted by ALUA as part of the Development Application #2 submission, the possible new location for the former croquet club building would be to the east of the proposed new Oats Street station car parking area (on the eastern side of Oats Street). An extract of the landscaping plans was provided in the planning report, which indicatively shows where the building could be accommodated. ALUA and the Town are investigating the feasibility of this proposal. If relocation of the croquet club building to the METRONET public open space does go ahead, ALUA will work in consultation with the Town to redesign the identified space in greater detail.</p>

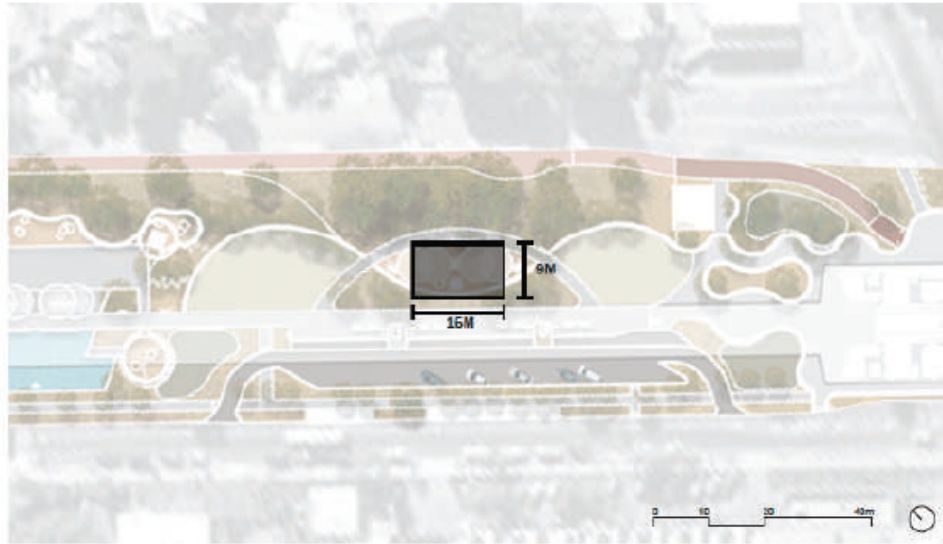


Figure 15. Indicative potential location for the former Victoria Park Croquet Club

The location of the former croquet clubrooms in this location may fill a potential gap in community space in the Carlisle Hub, as noted in the Social Infrastructure Strategy (Part B pg. 49, although a proper assessment of need and consideration of existing supply (i.e. Aqualife, Harold Hawthorne Hall) should be considered.

The scope of the Town's Public Open Space Strategy (2019) did not include the provision of community gardens; however, the provision of gardens and their intrinsic social and recreational values would align with the Strategy's principles.

External engagement

Perth History Association

See attached the group's initial submission and table of correspondence. No further details were received at the time of drafting this report.

Legal compliance

[Section 3.58 Local Government Act 1995](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The loss of the Town's ability to achieve significant revenue from this Property should the Town grant a licence to a third party.	Severe	Likely	High	Low	TREAT risk by not encumbering the Property with any lease, licence or other third party right.

Environmental	Not applicable					
Health and safety	<p>Granting a lease or licence of a property which is currently not fit for occupancy</p> <p>Building works around Pavilion may involve asbestos</p>	Severe	Likely	High	Low	<p>TREAT risk by not granting a lease or licence for the Property</p> <p>Asbestos management plan to be followed or a licensed asbestos company tasked with removing prior to any occupancy</p>
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Any disposal of Property must comply with Section 3.58 of the Local Government Act	Moderate	Possible	Medium	Low	TREAT risk by either complying with the Act or not disposing of the Property.
Reputation	<p>Both the current condition of the Property and the risk of loss of future significant income present reputational risks to the Town.</p> <p>If allowing a temporary licence for the use of a garden, the damage to the Towns reputation would be high when the occupant is requested to vacate the Property for repurposing</p> <p>It is best practice to advertise for expressions of interest to allow</p>	Moderate	Possible	Medium	Low	TREAT risks by finalising complex assessment of relocation feasibility of heritage building as a matter of urgency, to inform a decision to be made by Council on the future of the Property and by not granting a licence or other occupancy right to any third party.

	the entire community an equal chance to submit a proposal for to the Property					
Service delivery	Loss of potential income from the Property may reduce future returns to finance other Town projects.	Severe	Possible	High	Medium	TREAT risk by not encumbering the Property with any lease, licence or other third party right

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	If a licence or other arrangement is granted over the Property, this will risk the loss of significant income to the Town, with a loss of significant funding for future budgets.

Analysis

16. The former Croquet Club building is in poor condition, contains asbestos and is subject to a Town local heritage listing. This is a sensitive building in many respects.
17. Currently, the Town spends \$6,000 a year maintaining the grounds and buildings.
18. The Property contains multiple structures, as detailed in a November 2022 Heritage Impact Statement.
 - (a) Clubroom Pavilion
 - (b) Croquet Equipment Store
 - (c) Toilets
 - (d) Mowing Shed
 - (e) Shade structures
19. Asbestos can be managed in accordance with the Asbestos Management Plan. The estimated cost to remove all asbestos from the Property is approx. \$15,000. Most of the asbestos on the Property is contained in the Clubroom Pavilion.
20. The buildings can be considered as not fit for occupancy (or at best, fitness for occupancy is questionable) and in this regard require work before a community group can use the buildings.
21. The following works should be considered to ensure the buildings are fit for occupancy, including but not limited to:
 - (a) Management of Asbestos in accordance with the asbestos management plan.
 - (b) Electrical rewire and upgrade electrical switchboard as recommended by the Towns electrician. Which would be managed differently depending on how the asbestos is 'managed.'
 - (c) Repair/replace the roof and guttering is required as advised by a roofing inspection and specialist in September 2021.
 - (d) Removal of boards to windows and replacement of broken glass due to vandalism

- (e) Some timber rafters and beams are showing signs of permanent sag, and some splitting requires replacement, as noted through the STATS report.
 - (f) Work to ensure the building is accessible for all in line with the Towns Access & Inclusion Plan 2022-2027.
22. It will require a substantial investment of time and funds by the Town or a community group to make it suitable for community use.
23. The following options have been investigated by the Towns officers and are available for the Council's review:

Option 1 – Negotiate with PHA for a temporary lease or licence

24. Lease and licences granted by the Town are subject to Council Policy 310 – Leasing, which to date has been strictly applied by the Council when making decisions as to the leasing and licensing of properties and the terms of leasing and licensing documentation.
25. The Town has liaised with PHA with a view to establishing whether PHA seeks a lease or licence on terms in accordance with Council Policy 310 – Leasing or whether the PHA seeks a lease or licence on another basis. As of the date of preparing this report and notwithstanding a number of follow-ups from Town officers, the applicant has not clarified its position in this regard. A summary is provided in Attachment 6.
26. It has been established from PHA that the following proposed lease/licence terms are sought:-
- a. Lease or licence fee of \$1 per annum;
 - b. PHA would accept a general obligation to collaborate with local groups, businesses, and individuals, during PHA Inc operating from the property.
 - c. Permitted use of "community garden and ancillary use of the buildings including community purposes and tearoom".
27. PHA's position regarding a significant number of other lease/licence terms usually required by the Town under Policy 310 – Leasing remains unclear as noted in Attachment 6.
28. There have been a number of other enquiries seeking leasing or licencing of this Property, all of which have been declined.
29. The Property is highly valuable and as detailed in Option 3, has the potential to attract significant capital receipt for the Town.
30. If the Property is leased or licensed to a third party on an interim basis, there is the risk of this becoming permanent, as significant financial and volunteer effort will be required to establish a community garden with associated social benefits at the Property. A subsequent implementation of the Council's under the Land Asset Optimisation Strategy (2022) to consider a business case for the Property (with potential of securing a significant capital receipt from the Property) may be opposed by those who invest into such an interim use. In this regard, PHA have been requested to confirm that undertakings can be given to the Council that no adverse statements will be made to the media in the event of (or in anticipation of) the Town terminating the lease/licence whether through effluxion of time or by way of application of the redevelopment clause. No such confirmation has been forthcoming from PHA, as at the date of preparation of this report.

31. Whilst a temporary lease or licence to PHA is not a recommended option, a table is provided with an analysis of opportunities and challenges for elected members to weigh up in making a determination as to what the Council wishes to do.

Opportunities	Challenges
The proposed temporary community garden will have social benefit.	If/when the community garden is decommissioned to allow the landowner to develop the land for its the ultimate purpose, there is likely to be negative community sentiment to the removal of the garden given the community attachment that has been built-up.
It might be possible for the land and buildings to be maintained at a lower cost to the Town than it is currently (\$6,000pa), if PHA is agreeable.	The Property is in poor condition. Putting the Property back into active use of the Property may give rise to requests or need for repair or maintenance by the Town. The Town has sought confirmation from PHA that no financial or other assistance is sought from the Town in connection with the Property, improvements and buildings and that all repair/maintenance will be the tenant/licensee's responsibility. PHA has not, as at the date of preparing this report, provided this confirmation.
Improved appearance of land due to it being occupied.	Making good the land when the use as a community garden ends
Occupancy may deter vandalism, Increased surveillance and activation of land due to it being occupied and used.	Community interest to sustain the garden
PHA has relevant experience handling similar projects.	Other local community groups may benefit from the use of the Property. There have been other enquiries seeking to lease or license the Property.
	The Property can be developed for commercial and residential use
	Establishing a community garden would take a lot of funds, time (including volunteers), and effort.
	To offer it to one group who has shown interest over all the other groups operating within the Town may show the community that the group has been favored over others.

	No detailed proposal has been received addressing the Towns questions from the email 27 June detailed in attachment 6.
	<p>The Town would want the successful applicant to agree to a clause drafted by the Town's lawyers (to try and mitigate risk) and including the following: -</p> <ol style="list-style-type: none"> 1. prohibiting the tenant/licensee and its representatives/agents from making adverse statements to the media in the event of (or in anticipation of) the Town terminating the lease/licence whether through effluxion of time or by way of application of the redevelopment clause; 2. requiring the tenant/licensee to ensure that all volunteers, employees and others engaged in connection with the project confirm awareness that the Property is highly valuable, that early termination is a possibility and undertake not to make adverse statements to the media as per (1) above.
	Parking for users – Some on street, how much would be required?

Option 2 - Advertise for Expressions of interest for interim use of the Property

32. Compared to Option 1, this option provides other interested parties the opportunity to apply for the opportunity to utilise the property for community purposes. Much the same analysis as is stated under Option 1 is likely to apply to this option. This option 2 is also not recommended.
33. Whilst a temporary lease or licence is not a recommended option, a table is provided with an analysis of opportunities and challenges for elected members to weigh up, in making a decision as to what the Council wishes to do.

Opportunities	Challenges
The Town has received many enquiries about vacant land and properties from the community.	For any group to establish a garden or other community engaged group at the Property would take a considerable amount of funds, time, and effort.
Groups already located within the Town that have established themselves within the community have been looking for more space to expand their ventures and add extra levels to the services they offer	The negative impact on the Towns reputation with the local community could be substantial when vacant possession is sought by the Town for the purposes of redevelopment.

<p>Each application would be assessed equally using the Towns Qualitative Criteria</p>	<p>Application process is quite substantial. If the Town were to advertise a consideration would need to be made on the details of what each proponent must consider when making an application;</p> <ul style="list-style-type: none"> • Policy 310 • Length of lease/licence • Rent offered • If any financial or other assistance is sought from the Town • How they may consider engaging with the local community • The condition in which they expect the Property to be handed to them
<p>Increased surveillance and activation of land</p>	<p>It would be advisable to require the successful applicant to agree to a clause drafted by the Town's lawyers and including the following: -</p> <ol style="list-style-type: none"> 1. prohibiting the tenant/licensee and its representatives/agents from making adverse statements to the media in the event of (or in anticipation of) the Town terminating the lease/licence whether through effluxion of time or by way of application of the redevelopment clause; 2. requiring the tenant/licensee to ensure that all volunteers, employees and others engaged in connection with the project confirm awareness that the Property is highly valuable, that early termination is a possibility and undertake not to make adverse statements to the media as per (1) above.

Option 3 – Continue to investigate the feasibility of substantial income generation from the Property further to the Council approved Land Asset Optimisation Strategy adopted by Council on 13 December 2022

34. A revised Land Asset Optimisation Strategy was adopted by Council on 13 December 2022 (the LAOS 2022).
35. An assessment of the former Victoria Park Croquet Club property at 31 Rushton St, Burswood (the Property) is contained on pages 41- 45 of the LAOS (2022), the relevant extract of which is available in attachment 7. This notes a wide range of factors, including that the Property is:
 - a. A cleared property with minor vegetation to the south-eastern boundary. There is approx. 16.5% tree canopy (over 3m);

- b. Subject to a Town heritage listing (Identified on Local Heritage Survey place #076 (previously place #VP52) Victoria Park Croquet Club, Category 2, the significance of values (historical, social and associations) is 'Considerable'); Attachment 4
 - c. Best suited for mixed commercial and residential use due to its strategic location on a primary road, having good access and connectivity to recreational and commercial activities and other urban amenities. If the Property is developed for commercial uses, then no public open space is required. However, if the Property is developed for residential, then a contribution (cash-in-lieu) for open space may be preferable over an allocation of land for open space.
 - d. Highly valuable to the Town as a freehold property with development potential.
36. The LAOS (2022) includes the following under recommendation/implementation: - "That a Business Case is presented to Council to consider its options for this property."
 37. A proposed Business Case was presented to elected members at the Concept Forum held on 26 July 2022 (the Concept Forum).
 38. The Business Case included options for the future of the Property with and without retention of the former Croquet Club building. It was evident that the Property is likely to attract a significantly higher financial return to the Town without the former Croquet Club building.
 39. At the Concept Forum, elected members requested an estimate/feasibility of the relocation cost to the former Croquet Club building to an alternative location.
 40. In summary, the former Croquet Club building is in poor condition, contains asbestos and is subject to a Town heritage listing. This is a sensitive building in many respects, and the requested estimate/feasibility of the cost of relocation is a complex, ambitious, and somewhat exceptional project.
 41. At this stage, the following comments are provided on the relocation or preservation of the former Croquet Club buildings.
 - (a) Relocation
 - (b) Any structure containing asbestos will need full removal prior to relocation
 - (c) Relocation of the Clubroom Pavilion will involve the following:
 - (d) Assessment of final location and access (Metronet site is one of the preferred sites)
 - (e) Main Roads HVO permits
 - (f) Main Roads HVO traffic warden
 - (g) Western Power over height load escort/line lift
 - (h) Loading and unloading at new location
 - (i) Restumping at new location
 - (j) Internal structural works
 - (k) Remedy of wall deflections (Structural Engineer required)
 - (l) Relocation of Croquet Equipment Store – to be determined
 - (m) The Town will be required to provide all details on the new site, finished floor levels, vegetation trimming along the transport route, all building and planning approvals.
 - (n) Any relocation of structures will impact the local heritage for the site and likely planning approval will be required
 - (o) The remaining structures on the Property should be removed along with Main Pavilion relocation.
 42. Original costings received in September 2022 were estimated at \$300,000 for a relocation and refurbishment (like for like) inclusive of restoration works, roof structure repair, asbestos removal, Electrical, Plumbing and site works.
 43. The Town can reduce these costs by engaging contractors early and commencing pre-relocation works.
 44. Pre-relocation works will reduce the Town's risks of scope creeping at final destination.

45. Other Preservation Measures:
- (a) Remove and store all structures in preparation for potential land disposal
 - (b) Remove asbestos - \$15,000 inc gst.
 - (c) Removal of all structures – \$54,000 excl gst.
 - (d) Removal of all structures with salvageable items such as timber and roof cladding to be retained for potential future uses - \$65,000 excl gst.
 - (e) An archival record should be prepared if the structures were to be demolished.
46. Whilst there is scope for an interim use of the Property to be implemented whether through Option 1 or 2 and in conjunction with Option 3, the processes of implementing option 1 or 2 will divert resources away from implementation of a business case for Option 3 and further risks that significant capital receipt is lost to the Town, with associated loss of opportunity for the Council to reinvest a significant capital receipt into the community. Valuation information is that the proceeds of a sale of the Property will be approximately \$4,500,000 – \$6,000,000. In comparison with pursuing Option 3 only, Options 1 and 2 therefore have a very low level of financial feasibility.

Relevant documents

Leasing Policy 310

13.3 Aqualife - Proposed lease terms for office

Location	East Victoria Park
Reporting officer	Property Development and Leasing Officer
Responsible officer	Property Development and Leasing Manager
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Aqualife Office Key Terms [13.3.1 - 3 pages] 2. Floor- Plan- Sketch- Aqualife- Office- Suite-42- Somerset- Street- East- Victoria- Park (4) [13.3.2 - 1 page] 3. Location Plan Aqualife Centre [13.3.3 - 1 page] 4. Practitioner agreement [13.3.4 - 6 pages]

Recommendation

That Council:

1. That Council approves the lease to Jessica Kennedy of the Aqualife office located at 42 Somerset Street, East Victoria Park, on terms set by the Town's lawyers, including: -
 - (a) Agreement Type: Lease
 - (b) Term: 5 years, with a tenant break clause after 1 year.
 - (c) Further Term: None.
 - (d) Land: 25m² portion of 42 Somerset Street, East Victoria Park Lot 331 on Plan 63589 Certificate of Title Volume 2798 Folio 118
 - (e) Rent: \$3,000 per annum + GST
 - (f) Rent Review: CPI increases on each anniversary date of commencement.
 - (g) Outgoings: The Tenant is responsible for all outgoings which (in accordance with Policy 310 Leasing) shall be all operating/running costs, including but not limited to: (i) Refuse collection; (ii) Emergency services levy; (iii) Water rates; (iv) Council rates; and (v) All utilities related to their use (e.g. electricity, gas, water, telecommunications.) (vi) building and landlord insurances.
 - (h) 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.
 - (i) Assignment – only on conditions set by the Town's Chief Executive Officer including prior written consent of the Town.
 - (j) Subletting – the Tenant may sublet or grant access to the premises without the Town's prior written consent on conditions set by the Town's Chief Executive Officer to practitioners for the purposes of the Permitted Use. Practitioners utilising the room will be required to provide relevant certifications and complete the online contractor induction for the Leisurelife facilities. The Tenant has supplied a draft practitioner agreement template that appears as Attachment 13.3.4, which the Lessor approves in advance as part of the lease. The Tenant will pay reasonable costs for the Lessor's lawyers to review and if applicable amend this template to the satisfaction of the Chief Executive Officer.
 - (k) Permitted Use: Allied Health services, including acupuncture, massage, and other complementary health services and/or therapies.

- (l) Operating Hours: Proposed hours are in line with the Centre and lease requirements.
 - (m) Insurance: The Tenant is responsible for \$20M Public Liability Insurance (and workers compensation cover should this be a legal requirement for the Tenant's business or use of the property), with ability for Lessor to review as reasonably required from time to time.
 - (n) Signage: The Lessor consents to proposed fit out included in submission received. Any further works or fit out will require the prior written consent from the Lessor, and the Tenant will provide a design concept and location map for consideration.
 - (o) Alterations, Works and Fit Out: Prior written consent from the Lessor required. Tenant has provided concept and design plans. Any agreed fit out and alterations made to the space within this lease, including installation of a hand wash basin and curtain rails, to remain in place at the end of the lease.
 - (p) Special Conditions:
 - (i) The Lease will include a redevelopment clause, whereby if the Town wishes to significantly redevelop the site the lease can be terminated by the Town giving six (6) months written notice to the Lessee to vacate the premises and the same written notice to the Lessee will indicate that the lease will be terminated six (6) months from the date of notice;
 - (ii) No guarantee is provided as to the availability of any operating subsidy or of continued availability of the premises after the end of the Term.
 - (iii) Town of Victoria Park to install hand washing basin inside the premises at the Lessor's expense in compliance with Tenants confirmation of AHPRA requirements for acupuncture clinics.
 - (iv) The design and specification to be agreed with the tenant in advance. The Town's responsibility for specifying the hand washing basin shall be limited to implementing the design and specification provided by the tenant.
 - (v) Leisurelife Management to provide access cards for other therapists ensuring it is within proposed Leisurelife centre hours, and reasonable access, in common with other staff and users of the facility, for practitioners and clients to parking, toilets and the reception seating area.
 - (vi) Tenant to pay legal costs associated with the lease.
2. That the Chief Executive Officer be authorised to advertise the proposed lease disposal of the office at Aqualife by way public notice pursuant to section 3.58 of the Local Government Act 1995 and to enter into the lease, subject to no submissions being received.
 3. That the Chief Executive Officer be authorised to negotiate and execute the lease documentation on the advices of the Town's lawyers, including any amendments to the terms that are considered reasonable and necessary in the opinion of the Chief Executive Officer.

Purpose

The purpose of this report is for Council to consider revised lease terms for Jessica Kennedy to lease the 25m² office space at Aqualife located at 42 Somerset Street, East Victoria Park.

In brief

- Council authorised at the 13 December 2022 Ordinary Council Meeting to the lease of a 25m² office space within Aqualife to Jessica Kennedy.
- During the negotiations, it was established that Jessica Kennedy requires to sublet the office space to other practitioners for the purposes of the permitted use and that the ability to sublet is required to be without the Town's prior written consent for each instance of subletting to an individual practitioner (Subletting Requirement). Officers considered this to be a departure from Policy 310 Leasing. Officers

have sought to negotiate an increase in the rental on the basis that this detailed point is considered to have potential commercial value. Jessica Kennedy has declined this request.

- Jessica Kennedy has offered a rent of \$3,000 per annum plus GST. A valuation review of the office space was completed in June 2023, and reported the market rental value at \$5,200 per annum plus GST plus outgoings.
- This report recommends that Council accept the Subletting Requirement, subject to the conditions set by the Chief Executive Officer and to the Town's lawyers reviewing the practitioner agreement provided by Jessica Kennedy.

Background

1. The Town is the freehold owner of the Premises located at 42 Somerset Street, East Victoria Park (Aqualife), which provides community recreational services
2. The legal description of the land at Aqualife is Lot 331 on Plan 63589 Certificate of Title Volume 2798 Folio 118. The land is reserved for Parks and Recreation under the local Town Planning Scheme No. 1.
3. At the Ordinary Council Meeting held 13 December 2022, Council authorised the Chief Executive to begin negotiations with Jessica Kennedy by a way of lease for the 25m² office space within Aqualife, and the following terms were approved: -
 - (a) '1. Authorises the Chief Executive to negotiate with Jessica Kennedy to lease the office at Aqualife located at 42 Somerset Street East Victoria, on terms set by the Town's lawyers, including the following key terms:-
 - a) Land: An approximately 25m² portion of 42 Somerset Street, East Victoria Park being Lot 331 on Plan 63589 Certificate of Title Volume 2798 Folio 118.
 - b) Term: 1 year.
 - c) Further Term: 4 years.
 - d) Rent: \$3,000.00 per annum plus GST.
 - e) Rent Review: CPI increase on each anniversary date of commencement.
 - f) Commencement Date: Upon execution of the agreement by both parties.
 - g) Outgoings: The Tenant is responsible for all outgoings which (in accordance with Policy 310 Leasing shall be all operating/running costs, including but not limited to: (i) Refuse collection; (ii) Emergency services levy; (iii) Water rates; (iv) Council rates; and (v) All utilities related to their use (e.g. electricity, gas, water, telecommunications.) (vi) building and landlord insurances.
 - h) 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.
 - i) Assignment or Subletting: Prior written consent, in accordance with Lease Agreement and subject to the Town being satisfied with the terms and conditions of any sub agreement. Any practitioner subletting the premises will be required to provide relevant certifications.
 - j) Permitted Use: Allied Health services, including acupuncture, massage and other complementary health services and/or therapies.
 - k) Proposed hours are in line with the Centre and lease requirements.
 - l) Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover, with ability for Lessor to review as reasonably required from time to time.
 - m) Signage: The Lessor consents to proposed fit out included in submission received (and indicated in this report). Any further works or fit out will require the prior written consent from the Lessor and the Tenant will be required to provide a design concept and location map for consideration.
 - n) Alterations and Fit-out works: Prior written consent from the Lessor required. Tenant to provide

concept and design plans. Any agreed fit out and alterations made to the space within this lease, including installation of a hand wash basin and curtain rails, to remain in place at the end of the lease.

o) Special Conditions: Subject to the Town of Victoria Park Council approval. Town of Victoria Park Redevelopment Clause. No guarantee is provided as to the availability of any operating subsidy or of continued availability of the premises after the end of the Further Term. Town of Victoria Park to install hand washing basin inside the premises in compliance with AHPRA requirements for acupuncture clinics (Infection prevention and control guidelines for acupuncture practice, AHPRA). The design and specification to be agreed with the tenant in advance. The tenant to pay landlord legal costs.

p) Lease terms to be set by the Towns lawyers and to incorporate such minor variations or amendments to key terms (a) – (o) as may be agreed by the CEO.

2. Authorises the Chief Executive Officer to negotiate minor variations or amendments to the key terms.

3. Authorises the Chief Executive Officer to advertise the proposed disposal of the office at Aqualife by way of lease by public notice pursuant to section 3.58 of the Local Government Act 1995 and subject to negotiating a lease agreement acceptable to the Town.

4. Authorises the Chief Executive Officer and the Mayor to execute all documents necessary to give effect to a lease between the Town of Victoria Park and Jessica Kennedy for the office at Aqualife Café and apply the Town's Common Seal, provided that no submissions are received pursuant to 3 above'

4. Negotiations with Jessica Kennedy established the Subletting Requirement, which differs from the terms to Council Resolution (259/2022). Council approval is required to authorise revised terms to address the Subletting Requirement.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	A lease in line with Town policies will deliver a sustainable financial outcome for the Town.

Economic	
Community Priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	A lease within Aqualife will provide further activation of the Centre, additionally support the community, and connect people and places to the new service.

Environment	
Community Priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	Occupying the vacant office will provide the community with an additional service provider that can be of activate the Aqualife facility.

Social	
Community Priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	A lease for this space will support the activation of the Centre and provide the community with an opportunity to use this service provider.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are provided within this report.
Manager Community	Proposed use is conducive to enhancing community wellbeing.
Manager Place Planning	The Social Infrastructure Strategy (adopted April 2022) encourages multi-functional facilities that facilitate a diverse level of services, including co-location of community support services
Manager Business Services	The Town's Leisure Facilities are supportive of this report to lease the space and have been involved during the evaluation process.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Failure of Lessee to meet rent and lease obligations	Minor	Unlikely	Low	Low	TREAT risk by ensuring lease covers the Town with the possibility of debt recovery action.
Environmental	Not applicable.					
Health and safety	Not applicable.					
Infrastructure/ ICT systems/ utilities	Not applicable.					

Legislative compliance	Failure to comply with s3.58 of the <i>Local Government Act 1995</i>	Minor	Unlikely	Low	Low	TREAT risk by following the disposal of property process in accordance with s3.58 of the <i>Local Government Act 1995</i> .
Reputation	Leaving the office space empty can impact the appeal and image of the Aqualife facility.	Moderate	Likely	High	Low	TREAT risk by ensuring a tenant is occupying the office space
Service delivery	Failure to secure a suitable Lessee to meet community expectations.	Moderate	Possible	Medium	Medium	TREAT risk by securing a suitable Lessee to ensure service provision for the community.

Financial implications

Current budget impact	While the Aqualife office has remained vacant, The Town currently does not receive any revenue from this space.
Future budget impact	If the Aqualife office is leased, it will have little to no impact on budget requirements. It will provide the Town with a small amount of leasing revenue through rent and outgoings. It is possible that adding a tenant to this vacant space could attract more customers and increase revenue growth for the Aqualife facility.

Analysis

5. The proposal by Jessica Kennedy involves leasing office space at Aqualife and subletting it to other practitioners, which presents slightly different terms compared to the previous Council Resolution (259/2022) that was approved on 13 December 2022.
6. The office space is vacant, measures 25m² and is ideally suited for proposed allied health services.
7. The proposed rent for this office space is \$3,000 per annum, plus GST plus outgoings, which is lower than the value determined in the Valuation Review completed in June 2023. The office space was valued at \$5,200 per annum, plus GST and outgoings.
8. The proposed lease is expected to contribute to the activation of the Aqualife facility. The office space has been vacant for a number of years, and it has proven difficult to find a Tenant to occupy the space.
9. The proposed lease agreement has a 5-year term with a tenant break clause allowing termination after the first year.
10. Jessica Kennedy's business model includes subletting to other practitioners without employing staff directly. It will be required for the Town's lawyers to review the practitioner agreement and make

necessary amendments to ensure that the proposed Subletting Requirement is operated to the Town's satisfaction.

11. Officers have sought to negotiate an increase in the rental on the basis that the Subletting Requirement is a detailed point that is considered to have potential commercial value. As noted above, Jessica Kennedy has rejected this. Having regard to the following, it is considered that it may be appropriate to proceed with the proposed rent for this office space is \$3,000 per annum, plus GST plus outgoings:-
 - a. The space is currently empty and makes no monetary or other service/social contribution to the Aqualife facility;
 - b. The proposed lease will generate some income to the Town by way of rent plus a contribution (proportionate to the size of the space);
 - c. The permitted use proposed has social value in that it is complimentary to the Aqualife facility and conducive to enhancing community wellbeing;
 - d. The proposed lease for the permitted use could attract more customers and increase revenue growth for the Aqualife facility;
 - e. Commercial value realised by the tenant through subletting and increased use of the space may feed into the benefits listed above for the Aqualife facility and customers;
 - f. Fairly intensive marketing was required in order to attract a compatible tenant for the facility, with limited interest shown.
12. Jessica Kennedy will be responsible for obtaining appropriate insurance, including public liability insurance and workers' compensation if deemed necessary from the Town's lawyers, after a review of the Practitioner Agreement has been completed.
13. The disposal by lease is subject to the requirements specified in section 3.58 of the Local Government Act 1995.
14. The recommendation makes provision for the terms of the Lease and Practitioner Agreement to be prepared by the Town's lawyers and for reasonable and necessary variations and amendments that may arise during the process to be authorised by the Chief Executive Officer.

Relevant documents

[Policy 310 - Leasing](#)

Further Consideration

At the Agenda Briefing Forum held on 1 August 2023, the following information was requested.

15. Provide further information on the market valuation at the time of the Council decision in December 2022?

The following extracts are provided from the market valuation obtained for the purposes of the Council decision in December 2022:-

"Taking into account the relevant factors and our knowledge that tenancies in community leisure centres as the subject generally command lower levels of rental than the open market we are of the opinion that subject suite would command a fair rental in the order of \$80 to 100 per week or

\$4,160 to \$5,200 per annum including outgoings, plus GST and utility charges if able to be apportioned individually.

"In assessing the rental for the suite we have been mindful of the nature of the premises which is a community aquatic centre without the tenancies having any individual identity and generally not being able to attract normal commercial tenants who require a commercial image to appeal to their particular customer base."

16. Provide details on whether or not the Town will pay for the hand basin and if that was included in the original council resolution.

The original council resolution dated 13 December 2022 included a list of Special Conditions under 1(o). Within this list, the following is provided:-

"Town of Victoria Park to install hand washing basin inside the premises in compliance with AHPRA requirements for acupuncture clinics (Infection prevention and control guidelines for acupuncture practice, AHPRA). The design and specification to be agreed with the tenant in advance."

13.4 Lathlain Park Zone 1 - Approval to lodge Development Application

Location	Lathlain
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Attachment 1 - LPRP ZONE 1 - DA Design Package 17.07.2023 [13.4.1 - 20 pages]

Recommendation

That Council:

1. Approves the lodgment of a Development Application for Lathlain Park Redevelopment Project – Zone 1 based on the design documentation contained in Attachment 1 LPRP ZONE 1 - DA Design Package 17.07.2023.
2. Approves the CEO to negotiate with the West Coast Eagles (Indian Pacific Limited) the partial surrender of lease and/or a sub-lease for the portion of the project site that protrudes onto the West Coast Eagles lease area and to present the outcome of such negotiations to Council in November 2023.

Purpose

To receive approval to progress the project by seeking planning approval for the development and establishing a method to secure tenure for the portion of the project site that encroaches on West Coast Eagles land.

In brief

- The Design Development Stage of the project has been completed with the deliverable of the development application documentation package received by the Town
- Officers are seeking approval to lodge a development application in September based on the design documentation received.
- The timing of this lodgment is crucial in achieving federal grant funding milestones for the project.
- A small portion of the project footprint encroaches on the West Coast Eagles lease area. Officers propose negotiating either a draft Heads of Terms for a sub lease of this portion of land from the West Coast Eagles or a partial surrender of lease and presenting the outcome to council for endorsement in November 2023. This will not affect the planning approval.

Background

1. Four concept design options were completed based on Council endorsed concept design briefs at Council in August 2021 and February 2022 and formed the basis for a business case that explored each concept option.
2. The business case was presented to Council at the OCM in October 2022. While the business case recommended concept option 4a, the endorsed recommendation included the progression of the Perth Football Club facility into design development based on concept option 2a.

3. Concept option 2a's scope includes all the operational requirements of the Perth Football Club, a large function area and a dedicated community space for use by members of the Town of Victoria Park community. It does not include the development of the portion of the site where the current facility sits or a potential partnership with a third party to deliver community services.
4. The October 2022 OCM also endorsed scenario 1 as described in the business case, which proposed a siting of the facility to the north of the existing facility to realise several benefits from this new location, including:
 - a. the ongoing operability of Perth Football Club during the construction period of the project,
 - b. maintenance of the telecommunications leases on the existing building to the end of their term and
 - c. improved land use efficiency by allowing another development site once the eventual demolition of the existing facility was completed.
5. Hames Sharley is the lead design consultant on the project, and following the October OCM outcome were instructed to commence the Design Development Stage based on the scope of concept option 2a and the new building location.
6. This Design Development Stage progressed and included extensive stakeholder engagement and design reviews.
7. A value management round was included in the later portion of the Design Development Stage and it is the view of the project team that only a reduction in the functions offered by the facility will provide any further substantive construction cost reduction.

Strategic alignment

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

Engagement

Internal engagement	
Stakeholder	Comments
Lathlain Park Advisory Group	This project has been presented to the Town's Design Review Panel on four occasions and the feedback received has informed the design.
Town of Victoria Park Design Review Panel	This project has been presented to the Lathlain Park Advisory Group on three occasions during the design development stage of the project and the feedback received has informed the design outcome.
Parking and Rangers	The design has been reviewed by the coordinator of Parking and Rangers who indicated the proposed parking arrangement is able to be managed under existing mechanisms and policy.

Technical Services	The Principal of Traffic and Design has reviewed the parking and street interface design.
Place Planning	The Place Leader – Lathlain has been involved throughout the design development process.
Community Development	A meeting has been held with the Manager Community Development and Community Development officer regarding the design and demand profile for the community space.
Property Development and Leasing	This project has been collaboratively delivered by the Project Management Office and the Property Development and Leasing Team.
Strategic Assets	The Strategic Assets team have been involved in the progression of the project, particularly the analysis and planning of ongoing renewal costs.
Finance	The CFO and finance officers have been involved in the project, particularly the future leasing approach.

Other engagement

Stakeholder	Comments
Perth Football Club	Liaison with the Perth Football Club (PFC) has been ongoing throughout the design development stage to ensure the design meets the operational needs of a football and community facility. The CEO of the club is also a member of the Lathlain Park Advisory Group.
Western Australian Football Commission	Liaison with the Western Australian Football Commission has occurred during the design development stage and their feedback has informed the design outcome. The Manager Facilities and Government Relations is also a member of the Lathlain Park Advisory Group
West Coast Eagles	The West Coast Eagles have been frequently updated with the progression of the project. They have provided information regarding the game day operations for AFLW and AFL preseason games.
AFL Broadcast Operations	Contact has been made with AFL Broadcast Operations to determine design requirements for the broadcast of matches at the facility.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	<p>If these current plans are changed there is a risk of additional design fees and delays that could lead to a breach of external funding conditions.</p> <p>There is also a financial risk if the detailed design stage is commenced before the development approval is received. This could lead to a variation on design fees if significant changes are required.</p>	Moderate	Possible	Medium	Low	<p>TREAT: By approval of the current design for DA lodgement and for design resolution to occur based on the current design.</p> <p>Awareness of, and strict adherence to the planning framework has occurred during the design of this project. Along with multiple reviews by the Town's Design Review Panel.</p>
Environmental	Not applicable				Medium	
Health and safety	Not applicable				Low	
Infrastructure/ ICT systems/ utilities	Not applicable				Medium	
Legislative compliance	The development could require compliance with Local Government Act Section 3.59	Minor	Rare	Low	Low	<p>TREAT: Compliance with LGA S3.59 will be a requirement of the project. The publishing, advertising and endorsement of a business plan is included in the project program.</p>
Reputation	The publishing of development plans prior to the securing of project	Moderate	Possible	Medium	Low	<p>TREAT: This risk will be mitigated by stating the funding status of</p>

	<p>funds is a reputational risk due to the creation of community expectation on a project that lacks funding clarity.</p> <p>This current design will be publicised, therefore changes made to the design after publication could be a reputational risk due to stakeholder and community expecting what is advertised to be what is built.</p>	<p>the project in the promotional material during the DA advertising period.</p> <p>Treat risk by not making significant changes to the DA level design and maintaining design direction.</p>
Service delivery	Not applicable.	Medium

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>The capital cost for the construction of the facility could have a significant future budget impact. Currently \$5 million is committed to the project from the Town’s Future Fund Reserve.</p> <p>Other secured funding sources for the project are:</p> <ul style="list-style-type: none"> State Government Grant - \$4 million Federal Government Grant - \$4 million West Coast Eagles - \$1 Million Western Australian Football Commission - \$200,000 <p>This total of \$14.2 million in secured funding is well below the cost estimate for the project following a value management round which provided a total project estimate of \$23.83 Million.</p> <p>Now that the final budget shortfall is quantified, additional funding will be sought for the project.</p>

Analysis

8. The design development stage of the Lathlain Park Redevelopment Project is now complete. The outcome of this design stage is documentation suitable for lodging a development application.
9. During the design development stage the facility design has been presented at the:
 - a. November 2022 Lathlain Park Advisory Group meeting

- b. December 2022 OCM
 - c. February 2023 Concept Forum
 - d. March 2023 Concept Forum
 - e. March 2023 Lathlain Park Advisory Group meeting
 - f. April 2023 Lathlain Park Advisory Group meeting
 - g. June 2023 Concept Forum
10. The project has been presented to the Town's Design Review Panel on four occasions in total, and three times during the design development stage in February 2023, March 2023 and June 2023.
 11. Feedback from each meeting, design review panel and concept forum has shaped the design outcome.
 12. Now that the facility design for the Development application is complete, traffic impact studies required under the Lathlain Park Management Plan can be commenced. A consultant has been appointed for these studies that will accompany the development application.
 13. A final planning report can also commence based on the design documentation and will accompany the development application.
 14. This design development round has also included a round of value management which reduced about \$3 million from the cost estimate. However, the current cost estimate for the DA level design is \$23.83 million which remains significantly above the secured funding of \$14.3 million.
 15. A funding strategy will be developed to analyse the potential scenarios available for funding to enable the delivery of the project.
 16. The Town will continue to advocate to State and Federal governments seeking assistance with the project's funding shortfall.
 17. The development application will be determined by the Department of Planning Lands and Heritage via the Joint Development Assessment Panel (JDAP) process which includes public consultation and a 90-day overall assessment period.
 18. The decision to lodge a DA does not constitute endorsement to construct the facility. Due to assessment and project timelines, it is recommended this application is lodged in September 2023 to achieve federal funding project milestones.
 19. The next design stage is the Detailed Design Stage which works towards the deliverable of a documentation package suitable for Tendering. This stage will commence following the lodging of the development application. It will progress during the development application assessment process to meet federal funding milestones.
 20. A small portion of the project's footprint encroaches on the lease area of the West Coast Eagles. Early indication is that the West Coast Eagles are motivated to support the project and are actively working with the Town to resolve this.
 21. Town officers and solicitors are determining the most appropriate means of resolution. This is either:
 - (a) Option A - Sub-lease of this small portion of the project site from the West Coast Eagles to the Town; or
 - (b) Option B - West Coast Eagles agreeing to excise this small portion of the project site from the West Coast Eagles by way of partial surrender of lease.
 22. Advice from the Town's lawyers is that Option B will be achievable. Option B is considerably simpler and will achieve significant savings in legal fees compared to Option A.
-

23. Option A will require detailed Heads of Terms for the sublease to be negotiated with the West Coast Eagles and preparation of lease documentation in conjunction with the Town and West Coast Eagles and legal representatives.
24. In addition, a construction license will be required to enable the Town to temporarily utilise a part of the West Coast Eagles lease area for purposes incidental to the proposed construction of the Project. The details of this will depend on construction logistics.
25. Neither Option A sub-lease or Option B partial lease surrender will have influence on the assessment of the development application.
26. The precaution will be taken to create a business plan capturing the overall development intent. This will be completed in-house with the assistance of Town lawyers and will include:
 - a. The final lease outcome with the Perth Football Club
 - b. Option A or B for the lease outcome with the West Coast Eagles
 - c. An assessment of the overall development and its commercial influence on the Town of Victoria Park.
27. The business plan requires public advertising and council endorsement prior to the decision to commence construction of the project. This business plan is a future requirement and does not influence the decision requested by this report.

Relevant documents

Not applicable

Further consideration

At the Agenda Briefing Forum held on 1 August 2023, the following information was requested.

28. Provide a detailed description of the funding shortfall? In response to the question:
 - a. Provided to the elected members at the Concept Forum in June 2023 was Attachment 2 – Cost Estimate LPRP Zone 1 – CER4.03 document. This document provides detailed information on the cost estimate for the project.
 - b. Section 9 of Attachment 2 explains the variance in cost from the estimate provided for the business case (\$18.376m Rev3.04), the estimate following the design development stage (\$26.291m Rev4.01) and the estimate following value engineering (\$23.83m Rev4.03).
 - c. The Town is in the process of engaging specialist advocacy consultants to plan and implement advocacy focused on the sourcing of funds to amend the gap between the current secured funds and the estimated cost of the project.
 - d. The Town is also exploring a separate engagement for a funding strategy for the project which can explore the overall financial options (to include consideration of the future development site in the southern portion of the Zone 1) and financial implications for the Town. This piece of work will be completed for inclusion in a future business plan for the project.

13.5 Edward Millen Park - Approval of detailed design

Location	East Victoria Park
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Attachment 1 - Edward Millen Park - Landscape Architecture DD June 23 [13.5.1 - 57 pages] 2. Attachment 2 - Edward Millen Park - Architecture DD June 23 [13.5.2 - 13 pages]

Recommendation
That Council endorses the revised detailed design documentation in attachment 1 and 2 of this report for the Edward Millen Park project.

Purpose

To provide formal council support for the revised design of the Edward Millen Park upgrade allowing progression of the project to the tender and procurement stage.

In brief

- A detailed scope of design changes and associated variation in fees for detailed design and documentation was approved at the March 2023 Ordinary Council Meeting.
- This scope is now complete, and the revised tender documentation has been received by the Town.
- Officers are seeking endorsement of the revised design to allow progress to the construction tender stage.
- Following the tender process, officers will seek endorsement from Council of the recommended tenderer by the end of 2023 with construction works aiming for commencement in early 2024.
- The detailed design is contingent on the demolition of the Hillview Clinic building which will be conducted under a separate contract with a planned October 2023 commencement.

Background

1. Following an extensive and collaborative master planning process, Council approved the Edward Millen Park Masterplan to proceed to detailed design without a water play/space feature on 19 May 2020.
2. The Detailed Design Tender for the Edward Millen Park Masterplan was approved in June 2020 with a design team led by Hassell Studio.
3. The first version of the detailed design documentation package was presented to Council on 18 May 2021. This package included a costing estimate of \$9.1 million. Council requested an options analysis be conducted to show the impact of limiting the construction costs to two options of \$6 million and \$7 million.

4. In July 2021 Council requested a tender documentation set be created for a \$7.5 million budget and a second tender documentation set at a higher cost that would be reliant on the sourcing of additional funding.
5. In July 2021 Council noted that the Edward Millen Park Tender would be released at the most appropriate time to complement the Adaptive Heritage Redevelopment of the Edward Millen Buildings.
6. During the design process cost estimates were received for the two sets in September 2021 estimating costs at \$6.4 million and \$9.1 million. Due to extreme construction cost escalations in 2021 and 2022 these final detailed sets were estimated in September 2022 at \$8.8 million and \$11 million ex GST.
7. Officers facilitated a thorough review of the park design and developed a detailed scope for redesign and documentation to bring the project within the the July 2021 endorsed budget of \$7.5 million.
8. The development of this scope included detailed review and workshopping with the Autism Association of Western Australia, the Heritage Council of Western Australia, The Town's Parks, Irrigation, Urban Forest, Urban Ecosystem and Public Art teams and the Mindeera Advisory Group.
9. Along with cost reductions, the development of the redesign scope included other design opportunities for exploration including utilisation of the innovative techniques of the Town's urban ecosystem program, spatial provision for a subsequent indigenous cultural art project, improved experience for neurodiverse park users, improved universal accessibility and reduced impact on existing trees.
10. This detailed redesign scope and associated fee variation was approved by council on 21 March 2023. The design team have now completed this stage of design.
11. Since the masterplan stage, the proposed park upgrade has included the demolition of the Hillview Clinic building. It is considered essential to realising the vision for the project. This demolition has received Heritage Council approval and the Development Application was also approved by council in April 2023.

Strategic alignment

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The revised design utilises the Town's Urban Ecosystem Program approach to the planting greatly increasing the biodiversity outcome of the project and the Town. This will aim to create ecological connection with the nearby Hillview Terrace Bushland. The new design also proposes improved mature tree retention.
EN4 - Increasing and improving public open spaces	The delivery of this project will result in the creation of a contemporary, high quality and active park that a broad range of diverse users can enjoy.

Engagement

Internal engagement	
Stakeholder	Comments
Parks - Maintenance Team	Design workshop with the Park's Team and the lead design consultants occurred during this redesign round. Feedback received was incorporated into the design and outcomes agreed.

Parks- Irrigation Team	Design workshop with the Irrigation Team, the lead design consultants and the irrigation design consultants occurred during this redesign round. Feedback received was incorporated into the design and outcomes agreed.
Urban Forest Team	Design workshop with the Urban Forest team occurred during this redesign round. Feedback received was incorporated into the design and outcomes agreed. The urban ecosystems approach to the garden beds was developed with this team and has been included in the long-term planning for the program. Tree species and sizes were reviewed along with tree retentions and specifications to ensure ongoing health of existing retained trees.
Community Art Team	The Community Art team have informed the scope for this design round. They have advised on the approach to provide the spatial requirements during the park upgrade and the subsequent development of a brief for an indigenous public art project.

Other engagement	
Stakeholder	Comments
Autism Association of Western Australia	Design review and several meetings have occurred with the Autism Association of Western Australia. A design workshop was held during this design round with Lead project designers, project manager and Autism Association of Western Australia representatives.
Heritage Council of Western Australia	Additional design reviews have occurred with DPLH Heritage Officers and their advice has shaped the design outcomes. The detail design documentation has been submitted to the Heritage Council for formal approval at their July meeting. The Town is awaiting the outcome from this application for approval.
Mindeera Advisory Group	The detailed design has been presented to the Mindeera Advisory Group 3 times and the group has been influential in the development of the approach to the inclusion of indigenous cultural representation in the process.

Legal compliance

Not applicable

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The construction tenders could be received that are in excess of the	Major	Rare	Medium	Low	TREAT risk by including a separable portion of stage and

	project budget.						bespoke shelter that are high value items and can be removed if required. Negotiation can occur with the preferred tenderer for any further cost reductions if required.
Environmental	Not approving the urban ecosystems approach proposed would lead to use of approaches that are of less ecological benefit.	Minor	Likely	Medium	Medium		AVOID risk by recommending this approach.
Health and safety	Not applicable					Low	
Infrastructure/ ICT systems/ utilities	Not applicable					Medium	
Legislative compliance	The implementation program has been planned prior to the introduction of WA's new Aboriginal Cultural Heritage laws.					Low	TREAT risk by assessing the project against the new heritage laws and adjusting the delivery process to comply with these laws.
Reputation	Endorsing an approach that does not deliver planted garden beds at the completion of the construction could be disappointing to the community	Possible	Minor	Medium	Low		TREAT risk by including the plan to use community planting for the project in frequent communication of the project to the community.
Service delivery	Not Applicable					Medium	

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	The 2023/24 budget accounted for the anticipated construction timeline to extend beyond the financial year. Therefore \$700,000 is an expected requirement from the municipal portion of the 2024/25 budget.

Analysis

12. Attachment 1 and 2 contain the updated landscape architecture and architecture design drawing sets with red revision clouds highlighting changes.
13. Only the Landscape Architectural and Architectural drawings set have been provided for review by Council. The Civil, Electrical, Hydraulic, Irrigation, and structural drawing sets and all specifications have not been provided as an attachment to this report. This is due to the operational nature of these technical drawings with the design outcomes represented in detail within the drawing sets provided.
14. The Scope and Outcome Table below shows the scope elements approved by Council on 21 March 2023 and the outcome of the scope element in the revised documentation.

Scope and Outcome Table:

#	Scope description	Outcome in revised documentation
Cost Reduction		
1	Remove all elements beyond site boundary and show black oak path and separable portion.	Revision removes path elements within and near the Blackoak Lease area while providing future connection points for connection with the Blackoak area paths. It does not show as a separable portion of this contract given it will be designed and delivered by Blackoak.
2	Remove demolition of existing building from contract (Town to conduct directly)	Demolition plans have been revised and a separate RFQ process for the demolition of the Hillview Clinic building is in development by Town officers.
3	Remove all shrub planting	All planting has been removed from the documentation and will be delivered using the Town's Urban Ecosystem approach, including planting via one, or multiple community planting events.
4	Tree removal and pruning by Town as forward works	A review of the management of existing trees has been conducted. Additional mature existing trees have been maintained including the retention of a very large Ficus tree by a redesign of the car park. The tree protection approach has been enhanced in the revised documentation with Structural Root Zones and Tree Protection Zones mapped on the plans, tree protection detailed drawings and

		specifications have also been included.
5	Change from decorative to coloured concrete	The revised plans include this change.
6	Review steel bollards and consider change to plastic replas where suitable.	Some steel bollards remain only when "drop down" function is required.
7	Remove art panels in shade structures	Art panels removed from the shade shelters in this revision.
8	Change playground fence to black cyclone fencing (bar at top and bottom)	The revised plans include this change along with inclusion of large a large gate for vehicle access.
9	Remove LWE003 walls near toilet (~14m)	LWE003 walls reduced and maintained where needed for retaining purposes.
10	Remove Stairs 1 and 2 (and realign align path with stair 1 connection point). Add required walkways to replace stairs. Remove wing walls and handrails associated with stairs.	The revised plans include this significant design change. Along with reducing the cost of the project these changes also improve universal accessibility across the site.
11	Reduce new turf by 25%, and replace with increased retained turf area	The revised plans include as much retained turf as practical. This may risk damage to existing turf and the requirement for a repair period following the park construction completion.
12	Remove heritage interpretation text in paving	This element has been removed.
13	Trees reduced to 45L size	The revised plans and specifications include this change.
Separable Portions		
14	Create separable Portion 1 - Blackoak Lease Area Path. This portion will be paid for and potentially delivered by Blackoak.	This has not been included as described in the outcome to scope point 1
15	Create separable Portion 2 -Plinth, spectrum shelter and connecting path. This portion will only be delivered if construction is within budget.	This separable portion has been included in the documentation.

Public Art and Indigenous Culture:		
16	Include Soft Path concept and expand garden bed area to Hillview Terrace. Develop a design solution for integrating the "soft path" with hardstand path to connect to Blackoak lease area. Explore continuation of garden beds along "soft Path" for connection to Hillview terrace bushland. Art and Interpretation as separate stage to follow main park construction.	The "soft path" element and expanded planting near Hillview Terrace has been included in the documentation. It was deemed a better outcome if the path remained separate and not integrate into the main path network for a limited portion. Therefore a portion of this path runs through the lawn area. This will increase the awareness of the path and draw park users to the experience.
Autism Association of WA:		
17	Change stethoscope so it looks like a generic play element.	The revised plans and specifications include this change. The element has been renamed "The Play Line".
18	Can hand dryer be removed?	Hand dryers has been removed from the changing places facility and replaced with Town standard paper towel dispensers. This is also a cost reduction.
19	Can additional panels be added to the cubbies to increase enclosure?	The cubbies have additional panels included, increasing the sense of enclosure.
20	Update Playground communication board and add sensory mapping to the overall map. Icons for each element, repeated on map and on individual element sign.	A workshop was held with the Autism Association of Western Australia progressing this scope element. Signage has been updated and final shop drawings will be reviewed by the Autism Association of WA during the construction period.
21	Individual play element signs – add sensory focus Vestibular (balance and movement), Proprioception (pushing, pulling, regulation), touch, hearing sight.	As described in scope point 20 outcome above.
Parks Department		
22	Vehicle access across site should be considered, ie crossing points at paths.	Crossing points have been included in agreed locations on the path network. Additionally suitable vehicle gates and a dedicated route with a wider path provided through the playground. This will improve the ability for the park to be well maintained.
23	Mowing kerbs required between all lawn and garden bed areas.	The revised plans and specifications include this change.

Irrigation		
24	Review location of iron filter and irrigation compound, include main line for future extension to Blackoak lease area. Include fertigation unit. Retain existing irrigation cabinet. Review and ensure design is to Town specification. Utilise HDPE in playground area and under infrastructure.	Irrigation changes have been developed in collaboration with the Town's irrigation team. All requests and issues identified by the team have been resolved as reflected in the documentation.
Urban Ecosystems		
25	All planting areas suitable to be urban ecosystem zones. Two types of zones to be created, High and low profile. Park construction contract to create beds and mulch zones only. Planting will then occur with community planting days. Weed control and spraying out of lawn to occur once design drawings are confirmed.	The revised plans and specifications include this change.

15. An updated costing estimate has not been conducted for the revised design for the following reasons:
 - (a) The costs of elements removed, or reduced in this package are estimated to be of a magnitude that will reduce overall costs to within the budget.
 - (b) Conducting this work will require a fee variation of approximately \$15,000
 - (c) A separable portion for the bespoke stage and shelter area has been created which can be removed should tender responses be above budget.
 - (d) Additional changes can be negotiated with the preferred respondent to understand what (if any) further reductions are required. These reductions will be proposed to Council along with the future report seeking tender endorsement.
16. Officers are aiming to have the Request for Tender documentation finalised, the tender period completed, and a preferred contractor proposed to the Council by the end of the calendar year.
17. Any separable portion recommended for removal, or negotiated outcome to allow the project to be within budget will be included in this future council report that seeks final endorsement of a contractor.
18. The delivery of the detailed design is contingent on the demolition of the Hill View Clinic building. This will be conducted under a separate contract that will occur prior to the Park upgrade construction stage. The project timeline has this occurring in October 2023.
19. Preliminary demolition activities have commenced at the site, involving the repurposing of both loose and fixed items, which are being carefully stored for future utilization within Town-owned facilities.
20. Two 20ft sea containers have been diligently packed with repurposed items, leading to not only a reduction in demolition expenses but also paving the way for sustainable delivery of forthcoming projects.

Relevant documents

Not applicable

13.6 Macmillan Precinct Redevelopment - Masterplan Options to Progress

Location	East Victoria Park
Reporting officer	Strategic Projects Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Macmillan Next Steps - 12072023 [13.6.1 - 14 pages] 2. 210902 H 000172 TVPMAC Design Brief FINAL [13.6.2 - 49 pages] 3. H 000172 REP 001 C Engagement Findings [13.6.3 - 19 pages] 4. Item 13.8 - August 2023 - John Macmillan Business Case - Previous Resolutions [13.6.4 - 5 pages]

Recommendation

That Council:

1. Endorse the following two options for the Community Facility within the Macmillan Precinct Masterplan which are:
 - a. Stacked Plus
 - b. Community Central
2. Notes that a report be presented back to Council on the Staging and Funding Options for Macmillan Precinct Redevelopment by May 2024.

Purpose

The Macmillan Precinct Concept Masterplan has been progressed with two (2) options identified as the preferred options after extensive community consultation primarily on the core Community Facility. This report is required as per Council Resolution 69/2021 - Item 8, and is to endorse these preferred options and to approve that further Staging and Funding be undertaken on these options in order to better understand the financial and community service impacts for the Town.

In brief

- The MacMillan Precinct Working Group's focus to date was to refine the endorsed Concept Masterplan and to gather more detailed requirements of the various user groups of the Leisurelife, Community Centre, Library, Bowling Club and Victoria Park Arts Centre, with additional inputs from other key user groups from the broader Precinct such as Sussex Street Legal Centre and Billabong Child Care.
- After much work with the groups four (4) options for the key Community Facility building arrangements within the Macmillan Precinct were shortlisted and were then made available for extensive community consultation.
- Two (2) options were preferred but very closely scored through the community consultation process.
- The Stacked Plus and Community Central options require further staging and funding investigation and as such are proposed to be the two options taken forward to the next phase of the Macmillan Precinct Redevelopment Masterplan.

Background

1. In 2019 Council endorsed the preparation of a John Macmillan Precinct Masterplan to examine the full redevelopment and optimized use of the precinct (Res 116/2019).
2. The Stage 1 Visioning of the Macmillan Precinct Masterplan was then undertaken in 2020 (Res 269/2019) to develop the basis of the Macmillan Precinct Vision and subsequent Concept Plan
3. The Macmillan Precinct Concept Plan was endorsed by Council (resolution 69/2021) with the general arrangement and concept level design of the future Precinct, in line with the Vision.
4. Given the broad nature of the precinct and the number of users groups and community services provided in the vicinity a Macmillan Precinct Masterplan Working Group (MPMWG) was established (resolution 115/2021)
5. The first meeting of the MPMWG was held on 15 July 2021 with a further 4 meetings held.
6. A Design Brief capturing the user requirements was developed and presented to the MPMWG.
7. The MPMWG undertook a multicriteria analysis of six (6) options with a final four (4) presented to the community for an extensive consultation phase.
8. Two (2) options were preferred with very similar scoring and commentary, being the Stacked Plus and Community Central options.
9. Given the large capital investment for either option, as well as potentially impacted community services provided by the Town of Victoria Park and other not-for-profit organisations, it is proposed to undertake a further investigation and report to Council to inform the Long-Term Financial Plan as well the basis by which the final Masterplan stages can be undertaken.
10. This stage was identified within the Stage 6 of the Masterplan but will now also look at the location of the Civic and Administrative Functions of the Town (Res 117/2023).
11. Any further Business Case requires the analysis of the key options and as such this report will be the foundation for any future Macmillan Precinct Business Case.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Demonstrating a community led approach to the development of such a critical precinct

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	A well designed community precinct that allows for current and future use as per the Social Infrastructure Strategy using a contemporary urban design
EN5 - Providing facilities that are well-built and well-maintained.	Ensuring that the existing facilities are maintained in line with current best practice and to ensure the future facility will be well built and easily maintained for the long term.

Social	
Community Priority	Intended public value outcome or impact
S2 - Collaborating to ensure everyone	Extensive engagement with the community and not-for-profit to

has a place to call home.	ensure that the Town can continue to provide essential services to support everyone
S4 - Improving access to arts, history, culture and education.	The precinct is to continue to deliver an improving arts, history culture and education location as a District hub for the Town.

Engagement

Internal engagement	
Internal Technical Group	Consisting of all key areas of the Town the group provided inputs into the technical requirements and
Place Planning	<p>The Social Infrastructure Strategy (SIS) proposes a network of social infrastructure hubs across the Town to facilitate equitable access to social, cultural and recreational activities and maximise the investment in social infrastructure through co-location of facilities. The Strategy identifies the higher order District Hub at the Macmillan Precinct which is the primary civic hub servicing the whole Town and beyond. This aligns with the Town's intent for the Albany Highway precinct to be recognised as a Secondary Activity Centre (a higher order centre in the metropolitan activity centre hierarchy) along its whole length as outline in the Town's Local Planning Strategy and which is currently being planned through the Shape Albany Highway Precinct Structure Planning project.</p> <p>More specifically, Action 40 of the SIS recognises the Macmillan Precinct Master Plan process and support for redevelopment of the precinct to unlock opportunities for expansion of the library and Vic Park Centre for the Arts (or other cultural operators/facilities), provision of active recreation spaces and youth friendly spaces, development of a key civic/community hub and redevelopment of Leisurelife. The SIS also recognises the potential for relocation of indoor recreation from the existing Leisurelife site to Aqualife, to create a district level recreation-focused hub to service the whole Town. The creation of 2 distinct district hubs – one focusing on civic/cultural/community floorspace and one focusing on active indoor / aquatic recreation - may be a more efficient use of land but this is a decision being explore through the Macmillan master plan process.</p>
Place Planning	Alignment and inputs into the Albany Highway Precinct Structure Plan which adjoins and incorporates some areas of the Macmillan Precinct
Business Services	Future forecasting of use for Gym, Creche and Leisure facilities. Library services have been involved in the development of the new building requirements
Asset Strategy	Advice and inputs into the current tasset condition and likely expenditure needs for the existing buildings
Property and Leasing	

External engagement	
Stakeholders	Community members Macmillan precinct users Businesses
Period of engagement	7 June – 4 July 2022
Level of engagement	2. Consult
Methods of engagement	Your Thoughts project page and survey
Advertising	Town website Direct emails Social media Posters E-newsletter Mayor video
Submission summary	The summary of all the consultation is provided
Key findings	Summary of information resulting from engagement.

Other engagement	
Victoria Park and Carlisle Bowling Club	Additional meetings to develop the Needs Assessment prepared for the Bowling Club by Otium Consultants.
Community Centre	Numerous engagements alongside Town officers with Community Centre board members.
Victoria Park Squash Club	Meetings with the club to discuss the needs and user requirements as a result of the consultation documents.

Legal compliance

Not applicable

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Impact of the development on long term financial plan will lead to the	Moderate	Likely	High	Low	TREAT risk by Developing a staging and funding strategy

	abandonment of the project					that matches the incremental development to a financial profile that can be supported by the Town.
Environmental	N/A				Medium	
Health and safety	N/A				Low	
Infrastructure/ ICT systems/ utilities	N/A				Medium	
Legislative compliance	N/A				Low	
Reputation	Production of an ambitious and unachievable scale or staging plan that impacts on the service delivery to the community	Moderate	Possible	Medium	Low	TREAT Ongoing and regular community and stakeholder engagement with the proposed timelines and staging
Service delivery	The potential for the current assets to eventually be not fit for purpose which will leave a shortfall in service delivery	Moderate	Possible	Medium	Medium	

Financial implications

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

Analysis

3. The two (2) preferred options are very closely ranked from the extensive consultation to date
4. Each option has a staging and funding profile distinctly different from each other, and each requires a further level of detail to ascertain the whole-of-precinct delivery plan

5. Ultimate capital expenditure for both is similar but the inherent staging and expenditure profile is very different with the Stacked Plus a larger upfront component due to the indoor courts within the single building footprint
6. The masterplanning process to date has predominantly looked at the core community building but within the precinct there are opportunities for other uses such as the Civic and Administration functions as well as retail or commercial spaces.
7. There are potential opportunities for staging the precinct and generating alternate revenue streams to assist in the long term financial requirements of the MacMillan Precinct Redevelopment.
8. Explore built form opportunities as an integrated service within the Community Hub, and ensure that appropriate staging maintains continuity of service.
9. The long term financial viability of the Town is crucial and an investigation to map out the best pathway is critical before locking in non-optimal solutions that may raise unrealised expectations.

Relevant documents

Not applicable

13.7 707-709 Albany Highway - Proposed grant of lease extension

Location	East Victoria Park
Reporting officer	Property Development and Leasing Officer
Responsible officer	Property Development and Leasing Manager
Voting requirement	Simple majority
Attachments	Nil

Recommendation

That Council:

1. Authorises the Chief Executive Officer to offer Paradigm Shift (Aus) Pty Ltd a new lease of 707–709 Albany Highway, East Victoria Park for a term of up to five (5) years, at a rent set within 10% of the assessed current market rental valuation and on lease terms in compliance with the relevant and applicable provisions of Council Policy 310 – Leasing, subject to the proposed lease being advertised in accordance with Section 3.58 of the Local Government Act, and subject to no submissions being received.
2. If Paradigm Shift (Aus) Pty Ltd does not confirm acceptance to the offer made pursuant to 1 above, within a 14 day timeframe set by the Chief Executive Officer, the Chief Executive Officer be authorised to:-
 - a. Commence marketing the property on the open market to seek a new tenant at a rent set within 10% of the assessed current market rental valuation and on lease terms in compliance with the relevant and applicable provisions of Council Policy 310 – Leasing, subject to the proposed lease being advertised in accordance with Section 3.58 of the Local Government Act prior to conclusion of the proposed lease and subject to no submissions being received; and
 - b. Terminate the current lease of Paradigm Shift (Aus) Pty Ltd at a time considered appropriate by the Chief Executive Officer and in accordance with the advice of the Town’s lawyers.

Purpose

The purpose of this report is for Council to consider leasing arrangements for the Town’s property at 707-709 Albany Highway, following the Town’s attempts to negotiate a rent review and proposed new lease terms with the existing tenant, Paradigm Shift (Aus) Pty Ltd.

Background

1. The Town purchased 707–709 Albany Highway East Victoria Park (the Property) in February 2019.
2. The Town is the freehold owner of the Property, which is also described as:
 - (a) Lot 4 on Plan 3844; Volume 1169 Folio 554;
 - (b) Lot 6 on Plan 1954; Volume 1166 Folio 413.
3. At the time of the Town’s purchase, the Property was leased to a used car sales business, Paradigm Shift (Aus) Pty Ltd (the Tenant).
4. The Tenant is a longstanding tenant of over 11 years at the Property. The Town granted the Tenant a new term lease from 1 June 2019 until 30 November 2019 at a rent of \$72,000 gross per annum plus two renewal options.

5. The Tenant's existing lease terms predate Policy 310 leasing, adopted by Council on 17 December 2019.
6. Following the expiry of fixed lease periods, the tenancy has continued on a month-to-month holdover. The Town has sought to review the rent and lease terms to current market value and Council Policy 310 Leasing, with a view to granting the Tenant a new lease term.
7. A market rental valuation of \$100,000 per annum plus GST and outgoings as assessed by a licensed valuer (the First Valuation Review) was presented by the Town to the Tenant in November 2022, together with Policy 310 – Leasing, as well as draft terms proposing a renewal of the tenancy in compliance with that policy.
8. The Tenant sought (and was granted) an extension of time to respond by 31 January 2023.
9. On 31 January 2023, the Tenant responded, disagreeing with the Town's market rental valuation and requested to stay on the same lease terms.
10. A second market rental valuation dated April 2023 (the Second Valuation Review) was obtained by the Town from a licensed valuer and has assessed a current market rental valuation of \$105,000 per annum plus GST plus outgoings. As such, the Second Valuation Review made a very similar finding to that of the First Valuation Review.
11. There is a significant monetary gulf between the existing and proposed revised lease terms. With a view to establishing whether or not there is any middle ground that might be acceptable to the Tenant, the Town has requested the Tenant to provide its 'Best and Final' lease offer.
12. The Town has engaged with Paradigm Shift (Aus) Pty Ltd over an extended period of time to seek to implement the proposed rent review and lease extension and has given the tenant a number of opportunities to put forward the tenant's alternative proposals by repeatedly inviting the tenant to provide its best and final offer.
13. As at the date of preparation of this report and notwithstanding two valuations as well as time extensions given to the Tenant to respond, the Tenant has not put forward its 'Best and Final' lease offer, or any substantive alteration to the Tenant's request on 31 January 2023 to stay on the same lease terms.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	The proposed new lease is to include appropriate up-to-date terms as per policy, best practice and updated rental informed by open market valuation.

Economic	
Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Aligning the lease to comply with Policy 310 – Leasing will ensure the Town's policy is followed and ensure a financially sustainable outcome for the Town's ratepayers.

Engagement

Internal engagement

Stakeholder	Comments
Manager Property Development and Leasing	Comments are incorporated within the report.
Manager Business Services	Support the approach and recommendation within the report.

External engagement	
Period of engagement with Tenant	14 th November 2022 – Ongoing.
Methods of engagement	On-site meetings, phone calls, emails, letter.
Engagement summary	There has been extensive engagement with the Town and the Tenant to discuss proposals for the rent review and lease extension, including multiple opportunities for the Tenant to provide their alternative proposal by way of a 'Best and Final' offer. Refer to the <i>Analysis</i> section which contains further information as to the ongoing negotiations and communication with the Tenant.

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Loss of income to the Town if the Council does not revise the rent to seek an increase having regard to the up-to-date market rental valuation.	Minor	Possible	Medium	Low	TREAT risk by seeking to apply the current market rental for lease of this property, or at least, improved rental terms.
Environmental	Not applicable.					
Health and	Not applicable.					

safety						
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	Failure to comply with s3.58 of the Local Government Act 1995.	Minor	Unlikely	Low	Low	TREAT risk by following the disposal of property process in accordance with s3.58 of the Local Government Act 1995.
Reputation	Proceeding with a lease that does not comply with Policy 310 Leasing or does not align with current market rent (or with alternative reasonable considerations) carries the risk of having an adverse impact on the Town's reputation. If the land becomes vacant for a period of time, this may also have an adverse impact on the Town's reputation.	Moderate	Unlikely	Medium	Low	TREAT risks by 1. Applying Policy 310 Leasing and obtaining current market rental valuations and seeking to implement or have regard to these (or improved rental terms) with the Tenant. 2. Marketing the property to seek a new Tenant with regard to the current market rental valuation and the requirements of Policy 310 Leasing.
Service delivery	Not applicable.					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Implementation of the recommendation has the potential to increase the Town's rental income from the Property. Additionally, the implementation of Policy 310 – Leasing will not require the Town to pay the Tenant's Land Tax, which is roughly \$30,000–\$35,000 per annum.

If the Property becomes vacant as a result of termination of the existing lease, there will be loss of rental income until such time as a new tenant can be found.

Analysis

14. A rental valuation report dated 18 September 2019 valued the market rent at \$35,000 per annum plus GST plus Outgoings (the 2019 Valuation).
15. The Tenant's existing lease terms include a rent of \$72,000 gross per annum. This rent is 'gross' and as such, includes a range of outgoings such as Land Tax, rates and maintenance expenses.
16. The subsequent First Valuation Review assessed the market rental value at \$100,000 per annum plus GST plus outgoings.
17. In November 2022, the Town:-
 - (a) Issued draft key terms to the Tenant, expressing \$100,000 (NET) in annual rent and aligning the lease terms with Policy 310 Leasing, which requires the Tenant to be responsible for all operating running costs and rates.
 - (b) Met with the Tenant to explain the new Policy 310 Leasing, the First Valuation Review, the draft key terms and Local Government Act process for a lease extension.
 - (c) Provided the Tenant with the full valuation report issued as part of the First Valuation Review.
18. The Tenant sought (and was granted) an extension of time until 31 January 2023 to respond.
19. The Tenant responded on 31 January 2023, expressing their disagreement with the First Valuation Review and argued against the validity of the comparable rental evidence, the description of the site by PWE and cited the Tenant's view that the car sales industry is slowing down. The Tenant concluded by requesting to stay for a further five year period at a gross rent of \$72,000 (GST Inclusive) per annum and inclusive of outgoings (Tenant's Position).
20. The Town commissioned a second open market valuation by a licensed valuer, including commentary on the First Valuation Review (the Second Valuation Review). The Second Valuation Review was intended to establish whether or not the First Valuation Review was an outlier, as well as whether there was any valuation basis or other reasonable basis to bridge the significant monetary gulf between:
 21. First Valuation Review;
 22. Tenant's Position.
23. In April 2023, The Town received the full valuation report and comments on the previous valuation report and the Second Valuation Review valued the land at \$105,000 per annum plus GST plus outgoings.
24. The Town sent the Executive Summary of the Second Valuation Review to the Tenant, explaining that both valuation reports adopt a similar value, and the Second Valuation Review agreed with the adopted market rental value that was presented within the First Valuation Review.
25. In brief, much of the reason for the significant increase in rental valuation for the Property since the 2019 Valuation is that at the time of the 2019 Valuation, the economic climate for car dealerships was weak, and since the COVID-19 pandemic, the climate for car dealerships has experienced a notable increase in demand. This is expressed in the increased adopted market rental values in the First and Second Valuation Review.
26. The Tenant was given time to respond by the Town, and they continued to seek time extensions and a full copy of the full Second Valuation Review.
27. The Town provided further evidence from the Second Valuation Review to the Tenant, including:

- (a) Full Page Executive Summary;
 - (b) Previous comments made from the Second Valuation Review towards the First Valuation Review; and
 - (c) The breakdown of different rental rates from the Second Valuation Report, based on the different components on the land (Office, Workshop & Display Yard).
28. The Tenant advised that it does not have enough information to make an informed decision and made a Freedom of Information application to obtain a full copy of the Second Valuation Review.
29. The Town decided under the Freedom of Information to send the full Second Valuation Review to the Tenant on 19 June 2023 and informed to Tenant to submit its best and final offer by an extended date of 26 June 2023.
30. As at the date of preparation of this report, no 'best and final' offer has been received from the Tenant. In the circumstances, it is reasonable to consider that the Tenant's Position as at 31 January 2023 represents the Tenant's best and only offer for a new tenancy and that the Tenant does not wish to present an improved offer whether at open market rental value or another lease offer to bridge the significant monetary gulf between the Tenant's Position and the open market rental valuations under the First Valuation Review and Second Valuation Review.
31. The Town's Scheme of Delegation provides that unless the Council makes a decision expressly providing for the contrary, any leasing disposal of land and buildings must be for a price within 10% of an independent valuation. The recommendation has therefore been drafted in accordance to follow this criteria that the rental price be within 10% of valuation.
32. Given factors such as the significant monetary gulf between the current rental terms and the Town's valuations, coupled with introducing strict compliance with Policy 310 – Leasing requirements as well as the difficulties in progressing negotiations with the Tenant, it may become necessary for the Town to market the Property to seek a new tenant, if the current Tenant:
- a. is not willing to pay rent set within 10% of the assessment made in the First Valuation Review or the Second Valuation Review; or
 - b. has not made an offer of rent that is otherwise acceptable to the Council in its consideration of this report and recommendation.

Relevant documents

[Policy 310 - Leasing](#)

Further consideration

33. Deputation Statement from Paradigm Shift (summary):
- (a) The original valuation had flaws in it and the Town agreed to get a 2nd valuation
 - (b) Paradigm Shift is under the impression that the Town has asserted through exchanges of email that the second valuation was obtained at the request of Paradigm Shift, which Paradigm Shift maintain is incorrect as Paradigm Shift did not request the second valuation;
 - (c) Why did it take so long for the second valuation to be provided to Paradigm Shift (reference to 3 month period and Paradigm Shift having to make a freedom of information request in order to gain access to the second valuation)?

Response:

(a) & (b) See paragraph 17 of the report which explains the reasons why the Town obtained the Second Valuation. The two valuations have been provided by licensed valuers. Both valuations have reached very similar conclusions as to the current market rent. The Council is entitled to rely upon these valuations when making decisions as to the leasing of this property;

(c) The second valuation was received by the Town on 24 April 2023. The Town provided Paradigm Shift with a significant amount of information re the second valuation within several days of 24 April 2023 (and not a 3 month period) for example:-

- A full-page Executive Summary of the second valuation was sent to Paradigm Shift on 26 April 2023.
 - On 28 April 2023, the Town sent comments made by the second valuer in connection with the first valuation.
 - Additional information from the second valuation report was sent to Paradigm Shift on 16 May 2023, outlining the valuation methodology and reasoning behind the market rental calculation
- Paradigm Shift did subsequently insist via the public freedom of information request process in receiving a copy of the full second valuation document. This would have taken additional time to process and consider within the statutory timeframe.

25. Deputation Statement from Paradigm Shift (summary): Paradigm Shift requires a breakdown of the outgoing and legal fees for a lease to be granted of one of the two lots that comprise the existing tenancy of Paradigm Shift.

Response:

The draft key terms issued to Paradigm Shift in 2022 propose a renewal of the entire tenancy comprising both lots. The Town is not offering Paradigm Shift a lease of only one of the two lots.

As advised to Paradigm Shift by letter dated 1 August 2023:-

- A landlord is under no obligation to divide a leased premises into separate premises, or to obtain separate valuations for two lots that comprise a single premises, simply because a tenant has requested this.
- Most outgoing are either wholly or partially set by third party authorities and some are dependent on user consumption charges.
- The Town cannot confirm amounts, the setting of which is wholly or partially reliant on the actions of third party authorities or are dependent on the level of an occupier's consumption.
- Paradigm Shift have occupied the property for over 11 years. It is reasonable to expect such a commercial operator to be familiar with the type of charges that can be imposed when leasing this type of property.
- Paradigm Shift have advised that it wishes to remain on its existing lease terms, which are for the entirety of the property;
- Repeated invitations for Paradigm Shift to provide its 'best and final offer' have not resulted in Paradigm Shift putting forward any alternative offer.

13.8 355-357 Shepperton Road - Outcome of Public Consultation

Location	East Victoria Park
Reporting officer	Property Development and Leasing Manager
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	1. Attachment submissions and proposed Town comments [13.8.1 - 7 pages]

Recommendation

That Council:

1. Having considered the submissions in Attachment 1 received further to public advertising in terms of Section 3.58 of the Local Government Act 1995, authorises the conclusion of an appropriate deed to give effect to an extension and variation of the sale of 355-357 Shepperton Road and including:-
 - (a) Parties – Fabcot Pty Ltd and Town of Victoria Park;
 - (b) Consideration to be received by the Local Government - \$3,821,000 (exclusive of GST);
 - (c) Property - 355-357 Shepperton Road, East Victoria Park comprising:-
 - (i) Lot 30 on Diagram 10509 being the whole of the land contained in Certificate of Title Volume 2001 Folio 175;
 - (ii) Lot 488 on Plan 2609 being the whole of the land contained in Certificate of Title Volume 2001 Folio 177; and
 - (iii) Lots 131 & 132 on Deposited Plan 45782 being part of the land contained in Certificate of Title Volume 2229 Folio 747.
 - (d) Authorises the Chief Executive Officer to negotiate on the advice of the Town's lawyers the terms of an appropriate deed to give effect to the proposed sale, including any amendments and variations of terms as may be considered by the Chief Executive Officer to be reasonable and necessary.
2. That the Chief Executive Officer and Mayor be authorised to execute the deed and apply the common seal.

Purpose

To provide updated information relating to the outcome of public advertising of the proposed sale to Fabcot of 355-357 Shepperton Road and submissions received.

In brief

- A contract of sale for the Town's land at 355-357 Shepperton Road was entered into between the Town and Fabcot Pty Ltd (the Contract) and is confidential.
- The land comprising ROW 54 was located between land owned by Fabcot and the Town's land at 355-357 Shepperton Road.
- The Town has undertaken a range of activities, including actions to secure the conversion of ROW 54 into a road and to facilitate the closure and disposal of that road to Fabcot Pty Ltd.
- The time frames in the Contract (as well as in a number of deeds of extension) for settlement have expired. The parties have sought to negotiate the terms of a further proposed deed of extension.

- If the Council wishes to proceed with the proposed sale, it will be necessary to reinstate the Contract by entering into an appropriate deed. This will include a requirement to, as a pre-requisite, repeat compliance with the advertising requirements of Section 3.58 of the Local Government Act 1995. This report provides details as to the outcome of this advertising process and submissions received.

Background

1. At the Ordinary Council Meeting of 19 November 2019, the Council considered public submissions on the proposed sale of 355-357 Shepperton Road and resolved to proceed with the sale of the land in line with the negotiated Contract, as is more fully provided for in the terms of Council resolution 244/2019 dated 19 November 2019.
2. The Contract was entered into between the Town and Fabcot Pty Ltd and is confidential.
3. The land comprising ROW 54 (ROW) is situated between the Town's land at 355-357 Shepperton Road and lots owned by Fabcot Pty Ltd.
4. In brief, at its Ordinary Council Meeting of 17 November 2020, the Council resolved to request the Minister for Lands (WA) to dedicate the ROW as a road.
5. At the Ordinary Council Meeting of 15 June 2021, the Council resolved to give notice and invite public submissions to request the Minister for Lands (WA) to close and amalgamate the ROW being a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park pursuant to section 58 and section 87 of the Land Administration Act 1997 and regulation 9 of the Land Administration Regulations 1998.
6. At the Ordinary Council Meeting of 21 September 2021, the Council resolved as follows by resolution 206/2021 dated 21 September 2021: -

That Council:

1. Notes the outcomes of the notice to invite public submissions on the proposal to request the Minister for Lands (WA) to close and amalgamate a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park.
 2. Authorises the Chief Executive Officer and Mayor to execute all necessary documentation under the Town's Common Seal, in accordance with sections 58 and 87 of the Land Administration Act 1997, and regulation 9 of the Land Administration Regulations 1998 to request the Minister for Lands (WA) to close a 445m² portion of dedicated road bounded by Shepperton Road, Albany Highway and Oats Street, East Victoria Park and amalgamate into adjacent Lot 30 on Diagram 10509, Lot 488 on Plan 2609 and Lots 131 and 132 on Deposited Plan 45782.
7. The Town has requested the Minister for Lands (WA) to close the ROW (445m² portion of dedicated road referred to in Council resolution 206/2021 dated 21 September 2021). At the time of preparing this report, a check of publicly available Landgate records reflects that the 445m² portion of the dedicated road referred to in Council resolution 206/2021 dated 21 September 2021 is now Lot 502 on Deposited Plan 415185, held under certificate of Crown land title LR3173-171 as Crown Land in the name of the State of Western Australia, with the status of dedicated road. The status of the dedicated road is stated to have been registered on 7/4/2021. In terms of this information, the closure of the dedicated road had, therefore, not been completed by the relevant authority.
 8. At the Ordinary Council Meeting of 20 June 2023, the Council resolved as follows by resolution 136/2023 dated 20 June 2023: -

That Council:

1. Advertises the proposed sale by way of local public notice and invites submissions as required in terms of Section 3.58 of the Local Government Act 1995, including: -

- (a) Parties – Fabcot Pty Ltd and Town of Victoria Park;
- (b) Consideration to be received by the Local Government - \$3,821,000 (exclusive of GST);
- (c) Market Value of the disposition - \$2,500,000 (exclusive of GST);
- (d) Property - 355-357 Shepperton Road, East Victoria Park comprising:-
- (i) Lot 30 on Diagram 10509 being the whole of the land contained in Certificate of Title Volume 2001 Folio 175
- (ii) Lot 488 on Plan 2609 being the whole of the land contained in Certificate of Title Volume 2001 Folio 177; and (iii) Lots 131 & 132 on Deposited Plan 45782 being part of the land contained in Certificate of Title Volume 2229 Folio 747.
- (e) Authorises the Chief Executive Officer to negotiate on the advice of the Town's lawyers the terms of an appropriate deed to give effect to the terms outlined in the table set out in paragraph 11 of this report, including any amendments and variations to such terms as may be considered by the Chief Executive Officer to be reasonable and necessary.
- (f) Advertising in the West Australian and on the Towns website from 23 June until 10 July or such alternative dates as may be required in order to achieve 14 clear days for submissions to be received in compliance with section 3.58 of the Local Government Act 1995
2. That subject to no submissions being received pursuant to 1 above, the Chief Executive Officer and Mayor be authorised to execute the deed and apply the common seal.

9. The Town has readvertised the proposed sale in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*. Eight submissions were received on or before the closing date stated in the advertisement.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	The Town has sought and obtained consent from Fabcot to make certain public disclosures pertaining to the confidential Contract with a view to providing public communication and engagement.
CL3 - Accountability and good governance.	The Town has sought and obtained consent from Fabcot to make certain public disclosures pertaining to the confidential Contract in the interests of accountability and promoting perceptions of good governance.
Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	It has been estimated that the anticipated development from the sale of the Town's landholding will generate local employment opportunities in the order of 150 ongoing jobs and stimulate business creation opportunities.
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	Redevelopment of the Town and adjoining land holdings will upgrade the existing streetscape and provide a cleaner place to visit, the additional increase in pedestrians and tenancies will potentially

	build out criminal occurrences with additional passive surveillance.
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Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The inclusion of the Town's landholding will potentially achieve an overall design outcome that opens up Albany Hwy for a more considered pedestrian led design opportunity, this will allow a design with greater focus on place planning and place activation.

Engagement

External engagement	
Stakeholders	Public advertisement of the proposed Deed was undertaken in terms of Section 3.58 of the Local Government Act 1995
Period of engagement	18 days from 23 June 2023 to 10 July 2023
Level of engagement	Consult
Methods of engagement	Compliance with Local Government Act 1995 advertising requirements.
Advertising	West Australian newspaper advertisement, Town website, newsletter (email out), social media & public notice boards.
Submission summary	Eight submissions were received, including two in support and six containing objections.
Key findings	Summary provided in Attachment 1

Legal compliance

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

[Section 58 of the Land Administration Act 1997](#)

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	The sale of the land	Severe	Possible	High	Low	TREAT risk by

	is confidential however the Town has disclosed in the mandatory s3.58 statutory advertisement process a sale price of \$3,821,000.					ensuring the Council follow the legal advice received and the advice and guidance from relevant Government agencies including the Department of Planning, Lands and Heritage.
Environmental	The sale of the land is confidential and comments have been provided in a confidential report.	Moderate	Possible	Medium	Medium	The sale of the land is confidential and comments have been provided in a confidential report to Council on 20 June 2023.
Health and safety	Property remains undeveloped. Vacant land can reduce the quality of streetscapes and potentially become a dumping ground for waste or antisocial behaviour. Closure and realignment of the Road is not progressed, maintaining the non-compliant status of the crossover.	Moderate	Possible	Medium	Low	TREAT risk by ensuring Council follow the legal advice received and continue the realignment process by closing the subject portion of road.
Infrastructure/ ICT systems/ utilities	Not applicable.					
Legislative compliance	The Minister for Lands (WA) is ultimately responsible for determining requests for the closure of roads. It is possible that the Minister may	Moderate	Possible	Medium	Low	TREAT risk through the provision of the required information as per Regulation 9 of the Land Administration Regulations 1998

	decide to refuse or modify the pending road closure request notwithstanding Council's resolution.					and sufficient information for the road closure request
Reputation	The Town does not finalise this transaction or respect its agreed terms including confidentiality. Potential reputational risk on future land and other transactions, including the risk that the Town is seen as unwilling to follow through on transactions or respect agreed terms	Moderate	Possible	Medium	Low	TREAT risk by finalising transaction and respecting the confidentiality of the transaction as agreed to by Council. Obtain consent for public release of information as to progress.
Service delivery	Not applicable					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Proceeds from the anticipated sale have been allocated to the land optimisation reserve.

Analysis

10. As noted above, the Contract entered into between the Town and Fabcot is confidential.
11. The Town's report to Council's 18 October 2022 meeting includes the following: -
- (a) The sale of the property has not been settled;
 - (b) In discussions between the Town and Fabcot, both parties have indicated they wish to continue on the basis outlined in the latest (expired) Contract;
 - (c) As the Contract's periods and subsequent extensions have expired, it will not be possible to settle the sale of the property unless a legally valid and binding extension to the Contract is in place and lawfully entered into.

- (d) The Town has been working with Fabcot and the Town's lawyers to establish the terms for such an extension, which would also need to be acceptable to Council;
12. The original sale price was \$3,821,000. Current market valuations for the land are as follows and are significantly lower than the original sale price of \$3,821,000: -
- (a) Town's valuations conducted since the process started
 - (i) Colliers (Colliers International (WA) Pty Ltd) - Valuation dated 18 April 2019 - \$3,610,000
 - (ii) LMW – Valuation dated 28 March 2019 - \$2,500,000 Acumentis – Valuation dated 15 May 2023 - \$2,500,000
 - (b) Fabcot's valuation*
 - (i) Colliers (Civas (WA) Pty Ltd) - Valuation dated 14 November 2022 - \$3,140,000
 - (ii) *Fabcot have confirmed this valuation may be publicly disclosed.
13. It is clear from all of the above valuations that if the Council were to progress with the reinstatement of the Contract, this would provide the Town with a financial return that is more than market value.
14. If Council wishes to progress the new disposition, it would be necessary for the proposed Council to endorse this, together with the proposed agreed altered terms, to enable the advertising process under section 3.58(3) of the LGA to be re-commenced should Council agree to the new disposition;
15. The heads of terms of an appropriate deed to extend and vary the terms of the sale of the Property have been negotiated on the advices of the Town's lawyers and reported to Council in the report on confidential item 22.1.1 of the Ordinary Council meeting held on 20 June 2023 (Council resolution 136/2023 dated 20 June 2023). Whilst many of the the terms of the proposed sale remain confidential, the Town has sought and obtained Fabcot's consent to the release of the information that Fabcot will contribute an amount of \$40,000 towards the Town's legal fees to date under the terms of the proposed deed.
16. The advertising process under section 3.58 of the Local Government Act 1995 requires that the Council advertise the proposed disposition for at least 14 days and invite submissions. The advertisement is required to describe the property concerned and include the following details: -
- (a) the names of all other parties concerned;
 - (b) the consideration to be received by the local government for the disposition; and
 - (c) the market value of the disposition —
 - (i) as ascertained by a valuation carried out not more than 6 months before the proposed disposition; or
 - (ii) as declared by a resolution of the local government on the basis of a valuation carried out more than 6 months before the proposed disposition that the local government believes to be a true indication of the value at the time of the proposed disposition.
17. The Town has completed this advertising process and submissions have been received. As submissions have been received, Council may not proceed with the disposition unless it considers the submissions made to it before the date specified in the notice and, if the Council or a committee makes its decision, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.
18. Attachment 1 contains the submissions received together with comments for consideration as to whether or not the Council wishes to proceed with this proposed sale and its reasons.

Relevant documents

Not applicable.

14 Chief Financial Officer reports

14.1 Financial Statements - June 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Activity Statement Report - June 2023 [14.1.1 - 46 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 30 June 2023, as attached.

Purpose

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

In brief

- The financial activity statement report is presented for the month ending 30 June 2023.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended 30 June 2023.

Background

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

Revenue

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

Expense

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

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

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

Strategic alignment

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

Engagement

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

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error	Moderate	Unlikely	Medium	Low	Treat risk by ensuring daily

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

Financial implications

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

Analysis

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

Relevant documents

Not applicable.

14.2 Schedule of Accounts - June 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple Majority
Attachments	1. Payment Summary - June 2023 [14.2.1 - 12 pages]

Recommendation

That Council:

1. Confirms the accounts for June 2023, as included in the attachment, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.
2. Confirms the direct lodgment of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.

Purpose

To present the payments made from the municipal fund and the trust fund for the month ended June 2023.

In brief

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

Background

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

Fund	Reference	Amounts
Municipal Fund		
Creditors – Cheque payments	608901 - 608903	\$6,521.75
Creditors – EFT payments		\$6,796,475.43
Payroll		\$1,208,437.58
Total – Municipal Fund		\$8,011,434.76
Corporate Credit Cards		\$12,395

Strategic alignment

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

Legal compliance

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

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

Risk management consideration

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

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

Financial implications

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

Analysis

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

Relevant documents

[Procurement Policy](#)

15 Committee Reports

16 Applications for leave of absence

Recommendation

That Council approves a leave of absence for Cr Jesvin Karimi for the dates 28 September 2023 to 2 October 2023 inclusive.

17 Motion of which previous notice has been given

17.1 Equitable Parking Arrangements – Cr Jesse Hamer

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

Motion

That a report be presented to the February 2024 Council meeting that considers the current occupancy levels and removal of 4-hour parking restrictions at Geddes Street, Leonard Street, Mackie Street, Mcmillan Street, Westminster Street and Canterbury Terrace.

Reason

We learnt at the last OCM the town does not have any mechanism for reviewing parking occupancy data on residential streets as the cost for this is prohibitive. The Town's Parking Management Plan recommends the removal of timed parking restrictions within the intervention matrix, when occupancy levels are outside of 65% - 85%. With the towns mechanism for review being complaints. The streets that have applied for permits would be a good indication of those streets that are in need of review.

Previously indicating there are 23 streets that have 4H parking, the motion looks at expending less resources with a targeted approach. 2 of the streets being Canterbury and Westminster have been surveyed as part of the parking petition showing occupancy of 24 and 29 percent.

The officer's advice was that up to 10 streets can be surveyed at 1 time for approximately \$8000. 4 streets mentioned have had multiple requests denied for parking permits in the previous 3 years reflecting the need for review.

Other streets could also be reviewed at the same time period.

Strategic alignment

Insert strategic alignment provided by elected member.

Civic Leadership

Community Priority	Intended public value outcome or impact
CL3 - Accountability and good	The parking plan asks for restrictions over 65 per cent occupancy.

governance.	Enforcing restrictions when the occupancy is not reached is not good governance.
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Environment

Community Priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	Slowing traffic movement with skinny streets from parking
EN6 - Improving how people get around the Town.	Being able to leave your car on your street and look at mode shifting.

Social

Community Priority	Intended public value outcome or impact
S2 - Collaborating to ensure everyone has a place to call home.	Equitable parking arrangements for all.

Officer response to notice of motion

Location	East Victoria Park Victoria Park
Reporting officer	Manager Business Services
Responsible officer	Manager Business Services
Voting requirement	Simple majority
Attachments	Nil

Officer comment

1. The cost to conduct the occupancy survey on Geddes Street, Leonard Street, Mackie Street, Mcmillan Street, Westminster Street and Canterbury Terrace is \$8,580.00 (excluding gst) for occupancy data on less than 10 streets.
2. There is no specific budget allocation for occupancy surveys in the 2023/24 Annual Budget.
3. Geddes Street (1), Leonard Street (2), Mackie Street (1), Mcmillan Street (2), Westminster Street (1) and Canterbury Terrace (2) combine for a total of 9 permit applications over that last 3 years.
4. Geddes Street (44), Leonard Street (110), Mackie Street (62), Mcmillan Street (32), Westminster Street (31) and Canterbury Terrace (34) combine for a total of 313 residential properties in a 4-hour parking restricted zone.
5. 5 permit applications were received from residential properties in the 4-hour parking restricted zones in Leonard Street, Mackie Street, Mcmillan Street, Westminster Street and Canterbury Terrace in 2022/2023. This amounts to 1.6% of properties from those streets in the 4-hour parking restricted zone requesting a parking permit. The low number of requests for permits would indicate that a review of the streets is not an evidenced-based need at this time.
6. The time frame for the requested report is not achievable, as funds would need to be allocated during the mid-year budget review process. The funds are generally available post-Council endorsement at the relevant OCM (usually February).
 - (a) In the event funds are made available after the February OCM, Town Officers would require a minimum of 3 months to outsource the surveys, assess the findings, and produce a council report.
 - (b) Given the beforementioned restrictions, it would be appropriate for the Town Officers to come back to Council with a report at the June 2024 OCM meeting.

Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Funds not budgeted for in 23/24 Annual Budget.	Insignificant	Likely	High	Low	TREAT risk by amending the budget during the mid-year budget review.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Not applicable.				Low	
Service delivery	Not applicable.				Medium	

Financial implications

Current budget impact	No specific budget for this type of activity was allocated in the 2023/24 Annual Budget. Therefore, \$8,580.00 (excluding gst) will need to be identified during the mid-year budget review process for these works.
Future budget impact	Passing of the recommendation will result in \$8,580.00 (excluding gst) of funds being required in future budgets to complete occupancy surveys on the streets mentioned within this report.

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**
- 23 Closure**