



TOWN OF
VICTORIA PARK

Agenda Briefing Forum Agenda – 1 November 2022



**WE'RE OPEN
VIC PARK**

Please be advised that an **Agenda Briefing Forum** will be held at **6:30 PM** on **Tuesday 1 November 2022** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer
27 October 2022

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1 About the Agenda Briefing Forum

The purpose of the Agenda Briefing Forum is to ask questions and seek clarity on the draft Ordinary Council Meeting agenda, in line with the Agenda Briefing, Concept Forum and Council Workshops Policy.

The meeting is open to all members of the public, except during the consideration of matters deemed confidential in line with the *Local Government Act 1995*.

Members of the public that are directly impacted by an item on the agenda may participate in the meeting through a deputation. A deputation is a presentation made by one individual or a group up to five people affected (adversely or favourably) by a matter on the agenda. Deputations may not exceed 10 minutes. A [Deputation Form](#) must be submitted to the Town no later than 24 hours prior to the meeting and is to be approved by the Chief Executive Officer.

All others may participate in the meeting during the allotted Public Participation Time. While it is not required, members of the public are encouraged to submit their questions and statements in advance by [email](#) or by completing the [Public Question/ Statement Form on the Town's website](#). Please note that questions and statements related to an agenda item will be considered first. All those dealing with matters of a general nature will be considered in the order in which they have been received.

For any questions regarding the Agenda Briefing Forum or any item presented in the draft agenda, please contact the Governance team at GovernanceVicPark@vicpark.wa.gov.au.

Disclaimer

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Any advice provided by an employee of the Town on the operation of written law, or the performance of a function by the Town, is provided in the capacity of an employee, and to the best of that person's knowledge and ability. It does not constitute, and should not be relied upon, as a legal advice or representation by the Town. Any advice on a matter of law, or anything sought to be relied upon as representation by the Town, should be requested in writing.

Noting that the Agenda Briefing Forum is only for the purpose of seeking further information on the draft Ordinary Council Meeting Agenda, and does not constitute a decision-making forum, any person or entity who has an application or submission before the Town must not rely upon officer recommendations presented in the draft agenda. Written notice of the Council's decision, and any such accompanying conditions, will be provided to the relevant person or entity following the Ordinary Council Meeting.

2 Opening

3 Acknowledgement of country

Acknowledgement of the traditional owners

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.

4 Announcements from the Presiding Member

4.1 Purpose of the Agenda Briefing Forum

The purpose of this forum is to provide an opportunity for Elected Members to ask questions and obtain additional information on officer reports in the draft Ordinary Council Meeting agenda. It is not a decision-making forum, nor is it open for debate.

Members of the public that may be directly affected by an item on the agenda can make presentations, deputations, statements, and ask questions, prior to the matter being formally considered by Council at the next Ordinary Council Meeting.

4.2 Notice of recording and live-streaming

All participation in the meeting will be audio recorded and live-streamed on the Town's website. The live-stream will be archived and made available on the Town's website after the meeting.

4.3 Conduct of meeting

All those in attendance are expected to extend due courtesy and respect to the meeting by refraining from making any adverse or defamatory remarks regarding Council, the staff or any elected member. No one shall create a disturbance at a meeting by interrupting or interfering with the proceedings through expressing approval or dissent, by conversing, or by any other means.

All questions and statements made by members of the public are not to personalise any elected member or member of staff. Questions and statements are to be directed to the Presiding Member, who may choose to call upon an officer of the Town, or another elected member, to assist with responses.

4.4 Public participation time

There is an opportunity to ask questions and make statements at the beginning and end of the meeting. The opportunity to ask questions and make statements at the end of the meeting is limited to the following:

- Those items on the agenda and
- Those members of the public who did not participate in the first public participation time at this meeting.

Public participation time will be held for 30 minutes. Any additional time must be by agreement from the meeting and will be in five-minute increments.

In line with the intended purpose of the Agenda Briefing Forum, questions and statements relating to an agenda item will be considered first. All others will be considered in the order in which they are received.

4.5 Questions taken on notice

Responses to questions taken on notice that relate to an agenda item will be presented in the officer report for the Ordinary Council Meeting agenda under the heading 'Further consideration'.

Responses to general matters taken on notice will be made available in the relevant Ordinary Council Meeting agenda under the section 'Responses to public questions taken on notice'.

5 Attendance

Mayor	Ms Karen Vernon
Banksia Ward	Deputy Mayor Claire Anderson Cr Wilfred Hendriks
Jarrah Ward	Cr Jesse Hamer Cr Bronwyn Ife Cr Jesvin Karimi Cr Vicki Potter
Chief Executive Officer	Mr Anthony Vuleta
Chief Operations Officer Chief Financial Officer A/Chief Community Planner	Ms Natalie Adams Mr Duncan Olde Mr Robert Cruickshank
Manager Property Development and Leasing Coordinator Governance and Strategy Manager Technical Services	Mr Paul Denholm Mr David Bentley Mr John Wong
Secretary Public liaison	Ms Felicity Higham Ms Alison Podmore

5.1 Apologies

5.2 Approved leave of absence

Banksia Ward	Cr Peter Devereux Cr Luana Lisandro
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6 Declarations of interest

6.1 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.

6.2 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.

6.3 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.

7 Public participation time

8 Presentations

9 Deputations

10 Method of dealing with agenda business

11 Chief Executive Officer reports

11.1 Council resolutions status report - October 2022

Location	Town-wide
Reporting officer	Governance Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. Outstanding Council Resolutions Report - October 2022 [11.1.1 - 45 pages] 2. Completed Council Resolutions Report - October 2022 [11.1.2 - 16 pages]

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

Purpose

To present Council with the Council resolutions status reports.

In brief

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

Background

1. On 17 August 2021, Council resolved as follows:

That Council:

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

Strategic alignment

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

Engagement

Internal engagement

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

Legal compliance

Not applicable.

Risk management consideration

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

Financial implications

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

Analysis

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

4. The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 1 October 2022 to 27 October 2022. A status update has been included by the relevant officer/s.

Relevant documents

Not applicable.

12 Chief Community Planner reports

12.1 Final Safer Neighbourhoods Plan 2022-2027

Location	Town-wide
Reporting officer	Community Development Officer – Safer Neighbourhoods
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">Attachment 1 - Final SNP 2022-2027 ABF [12.1.1 - 41 pages]Attachment 2 - Final SNP 2022-2027 ABF (showing changes) [12.1.2 - 41 pages]Attachment 3 - SNP Engagement Report Phase 2 ABF [12.1.3 - 10 pages]

Recommendation

That Council approves the final Safer Neighbourhoods Plan 2022-2027 for immediate implementation, as provided in attachment one.

Purpose

To present Council with the final Town of Victoria Park Safer Neighbourhoods Plan 2022-2027 for endorsement and immediate implementation.

In brief

- The Town's Safer Neighbourhoods Plan 2017-2022 (SNP) expired in June 2022, and work has progressed on development of a new contemporary plan, encompassing the core elements related to relevant theories, practices and approaches that align within a local government context.
- A thorough community and stakeholder engagement process was undertaken from February to June 2022 to inform development of a new SNP 2022-2027.
- The draft SNP 2022-2027 was released for public comment over a three-week period in September and October 2022. Feedback from this process has been integrated into the final version.
- The Town is now seeking approval from Council to endorse the final version of the Safer Neighbourhoods Plan 2022-2027.

Background

1. The Town's Safer Neighbourhoods Plan (SNP) 2017-2022 expired in June 2022.
2. In October 2021, the Town employed a fixed-term contract Social Policy Specialist to support review of the existing plan and development of a new plan, as well as review of other social plans.
3. In November 2021, work progressed on understanding the current situation using desktop research of state and interstate community safety and crime prevention plans, frameworks, better practice examples, and engagement with WA Police. This information provided a solid platform for review of the existing plan and to inform areas for improvement.
4. Between February and June 2022, community engagement was conducted through a variety of channels with a broad cross-section of Victoria Park stakeholders. Engagement approaches were modified to navigate COVID-19 requirements.

5. The Town has achieved solid progress within several key outcome areas since 2017, which was detailed in the Background Report published on the Your Thoughts page and expressed within the new plan. Progress is also communicated via quarterly reports to Council and community, and via the Town's annual report.
6. The second phase of public comment opened after endorsement of the draft SNP at the September 2022 OCM. In total 15 responses have been received. No organisations have responded to the request to meet to discuss the Safer Neighbourhoods Plan 2022-2027.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Developing a formal approach related to addressing community safety and crime prevention challenges allows the Town to effectively plan and manage resources and performance.
CL2 - Communication and engagement with the community.	Communicating with and seeking involvement from people and stakeholders with interests in improved community safety and crime prevention is critical to improving outcomes and social change in this area.

Social	
Community priority	Intended public value outcome or impact
S1 - Helping people feel safe.	Developing and implementing a Safer Neighbourhoods Plan allows the Town to proactively plan, facilitate and deliver initiatives aimed at helping people feel safe.
S3 - Facilitating an inclusive community that celebrates diversity.	Developing and implementing a Safer Neighbourhoods Plan allows the Town to proactively plan, facilitate and deliver initiatives aimed at enhancing a sense of inclusivity, that also celebrates diversity within the community.

Engagement

Internal engagement	
Stakeholder Relations	<p><u>Phase 1:</u> A staff workshop was held after the community engagement in order to guide the drafting of this plan. It focused on discussion of potential future actions, including:</p> <ul style="list-style-type: none"> • Exploring the social impact versus cost of Safer Neighbourhoods initiatives like the CCTV Partnership Program and the Community Outreach Service • Suggesting improvements and refinements of specific initiatives such as the Burglary Cocooning Project • Identifying initiatives in other Service Areas that have a Safer Neighbourhoods element
Community Development	
Events, Arts and Funding	
Library Services	
Place Planning	

Street Improvement	<ul style="list-style-type: none"> Identifying opportunities for collaboration internally and with external organisations such as WA Police Force Discussing draft actions and the roles of each team
Assets	
Environmental Health	
Technical Services	
Parking and Rangers	
Communications and Engagement	
Leisure Facilities	
Social Impact	
Elected Members	<p><u>Phase 1:</u> Participation in Concept Forum in February 2022 to set parameters at the start of the project. Participation via Elected Member Portal in August 2022 to consider the draft Plan before being presented at the September OCM for endorsement.</p>

External engagement	
Stakeholders	<ol style="list-style-type: none"> Residents / Ratepayers Broad community Not for profit sector Local Businesses and Organisations
Period of engagement	<p>February 2022 – June 2022 (Phase 1) 23 September 2022 - 14 October 2022 (Phase 2)</p>
Level of engagement	2. Consult
Methods of engagement	<p><u>Phase 1:</u></p> <ol style="list-style-type: none"> Direct mail-out survey to all residents (300 responses) Your Thoughts Engagement Platform (with supplementary support offered to assist participation) <ol style="list-style-type: none"> Online survey (632 responses) Ideas forum (17 ideas) Online geographic tool (59 pins) Staff engagement workshops Follow up internal action and resource conversations Feedback from Community Safety Network <p><u>Phase 2:</u></p> <ol style="list-style-type: none"> Your Thoughts Engagement Platform with online survey (15 responses) Website news item Social media posts across Town channels Digital ads (Facebook, Instagram)

	<ol style="list-style-type: none"> 5) Town e-newsletter 6) Business e-newsletter 7) Direct emails to phase 1 respondents 8) Direct emails to formal Neighbourhood Watch groups in the Town 9) In person engagement with key stakeholder groups (no responses)
Advertising	<p><u>Phase 2:</u></p> <ol style="list-style-type: none"> 1) Your Thoughts project page 2) Town website 3) Social media and paid Facebook advertising 4) E-VIBE Newsletter 5) Paid newspaper advertising 6) Direct emails to community networks 7) Direct emails to phase 1 respondents
Submission summary	See Attachment: SNP Engagement Report Phase 2
Key findings	<p>See Attachment: SNP Engagement Report Phase 2 and additional comments below.</p> <p>From 15 respondents, 73% showed full support for the SNP and the remainder showed either conditional support or did not support based on one item. Most of the items that respondents suggested were missing from the SNP were, in fact, already included in the Plan. Additionally, there were other suggestions that have been considered with one consequently included in the final SNP. Two have been included for consideration in the internal Implementation Plan with no corresponding changes to the final SNP.</p>

Other engagement (Phase 1)

Stakeholder	Comments
WA Police Force – Kensington Station	Priority focus areas for WA Police are to enforce the law; prevent crime; and manage and coordinate emergencies. If more time was available, a greater focus on engaging with the public would occur. WA Police are very supportive of a collaborative approach to improving perceptions and addressing real crime, including sharing hot spot data and other information as appropriate.

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 endorsing this plan will delay implementation and action in this area resulting in potential reputation risk.	Moderate	Likely	High	Low	TREAT risk by endorsing the final version of this plan.
Service delivery	Not endorsing this plan may result in below standard service delivery approaches and outcomes due to poorly informed and adhoc delivery of strategies.	Moderate	Likely	High	Medium	TREAT risk by endorsing the final version of this plan.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Additional funds may be required in future budgets, however the amounts required will be determined via further investigation, aligned to proposed priority works. Future budget impacts will be considered by Council through the budget

Analysis

7. Community safety has been identified as the number one priority in the Town’s Strategic Community Plan 2022-2032. “Helping people feel safe” has thus been included in the Town’s strategy for achieving the vision for the future.
8. A Safer Neighbourhoods Plan is used by the Town of Victoria Park to:
 - Define Town priorities, goals, and actions over the short and long term to help people feel safe
 - Support shaping the Town in terms of land use, infrastructure, services and asset management, operations, and planning
 - Inform workforce planning
 - Inform other key strategies and plans such as the Local Planning Strategy
 - Inform the Town’s position on crime and safety matters
 - Provide context for staff reports to Council, communications, and events
 - Collect and evaluate performance measures
9. In developing the Plan, Officers have attempted to clarify respective roles and responsibilities to align with the guiding principles, resourcing, capacity/capability of staff, and local government remit to manage expectations.
10. The level of support for the Plan is as follows:

Support?	Number	Notes
Yes	11	<p>Very positive feedback, including people thanking the Town for its hard work in developing the Plan, agreeing with the initiatives, and for “making improvements to our already brilliant neighbourhood.”</p> <p>Three of the 11 would prefer deliverables implemented sooner rather than later. This element would require additional resourcing and reprioritisation of other actions across the Town.</p>
Unsure	2	<p>One respondent was unsure because of Automatic Number Plate Recognition (ANPR) installation with a ‘potential for invasion of privacy’ which was part of the expired SNP 2017-2022 but was happy with everything else in the incoming SNP 2022-2027.</p> <p>The other was unsure because of concerns about antisocial behaviour in social housing, requesting that the Town advocates to the State Government to improve the situation. Social housing is a State Government responsibility. Reporting pathways will be addressed in the upcoming ‘Who to Call’ campaign(s) and is noted in deliverable 5.1.4. The Town will continue to encourage residents to reach out to the State Government directly and will continue to monitor the situation for possible advocacy if the situation escalates.</p>
No	2	<p>One respondent says there are “lots of good initiatives in the plan but ultimately feeling safe and secure won’t happen while antisocial behaviour is allowed to continue even when it is by ‘vulnerable’ people.” The respondent advocates for a zero-tolerance approach, which does not align with the Town’s approach and is not shown to be effective in academic literature. They are otherwise happy with</p>

the SNP initiatives.

The other respondent had doubts around whether the SNP deliverables would be implemented due to their belief that concerns had not been dealt with in previous years.

11. Based on community feedback and research findings, the Plan contains five outcome areas listed below. In the rightmost column are the findings of importance from Phase 2 of Engagement.

Outcome	Outcome Descriptor	Phase 2 Comments
1. Infrastructure and environmental design	We will proactively improve community safety through the Town's infrastructure; prioritising environmental design and Australian accessibility standards across our projects so that places are safer, more lively, sustainable and adaptive for changing future needs.	<p>Improving road safety (e.g., speed control, zebra crossings and e-vehicle safety) was identified as lacking adequate attention.</p> <p>Footpaths were identified as lacking adequate attention (e.g., how to report damage, obstruction, and accessibility issues).</p> <p>Lighting upgrades continue to be equally important for feeling safe.</p>
2. Security and regulatory initiatives	We will engage and empower community members, businesses, groups and government agencies at all levels to contribute to improving community safety.	<p>The community are not certain about who to call or how to report crime and safety issues within the Town.</p> <p>Recommendation to provide more focus on educating about the reality of crime rates (compared with perception) and encouraging reporting.</p>
3. Community connection and social cohesion	We will use a Strengths Based Approach to build capacity and connections across our community, reinforcing and integrating the efforts across community groups, not-for-profits and social enterprises.	<p>Recommends a greater focus on reducing antisocial behaviour at John Macmillan Park through Community Outreach Services.</p> <p>Suggestion that the Street Meet n Greet Program should be promoted more widely to enhance community connection.</p>
4. Advocacy and partnering	We will collaborate with Local, State and Federal agencies to advocate for and ensure that the community feels safe and are more informed of real and perceived crime issues in the Town.	<p>Comment on working to improve the behaviour of social housing tenants and advocating to State Government to address.</p>
5. Governance and impact	We will monitor, measure, and evaluate the outcomes of our work, sharing our collective progress regularly with our stakeholders in	<p>Multiple respondents reported a need to implement the actions sooner than listed, and to include more proactive measures.</p>

order to better understand the evolving needs and impact of crime and safety within the Town.

12. The following changes have been made to the Safer Neighbourhoods Plan:
 - a. Changed section title 'Progress since 2017' to 'Progress between 2017 and 2022' due to one respondent potentially misunderstanding the difference between past projects and the deliverables for the future plan.
 - b. Under the section titled 'Community and stakeholder engagement', the 'Phase 2: Public comment' subsection has been added to reflect the additional responses.
 - c. Budget / financial elements (\$ signs) have been added to the Action Plan under some deliverables due to receiving new information internally.
 - d. Added deliverable 4.1.8 to show the Town's focus on improving safety and reducing crime and antisocial behaviour in the John Macmillan Precinct in particular.
13. Proposed deliverables related to the above Outcome areas are included in the Plan. These will form the nucleus of annual Implementation Plans. Some actions have been earmarked as high priority, meaning that they will be a focus, should resourcing and capacity become challenged in delivery of the wider Safer Neighbourhoods Plan.
14. The Town will continue to work internally and externally with key partners to ensure deliverables are achieved.
15. The final Safer Neighbourhoods Plan 2022-2027 is now presented to the Council for endorsement and formal adoption.
16. The Town will have the plan graphically designed after final endorsement.

Relevant documents

[Safer Neighbourhoods Plan 2017-2022](#)

12.2 Final Approval Scheme Amendment 91

Location	Burswood
Reporting officer	Senior Planning Officer
Responsible officer	Manager Development Services
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Site Aerial [12.2.1 - 1 page] 2. Scheme Amendment 91 Report [12.2.2 - 14 pages] 3. Schedule of Submissions [12.2.3 - 2 pages] 4. Applicant's Response to Submissions [12.2.4 - 3 pages]

Landowner	Goodwood Sky Pty Ltd
Applicant	Rowe Group
Application date	07/12/2021
DA/BA or WAPC reference	N/A
MRS zoning	Urban
TPS zoning	Office/Residential
R-Code density	Not applicable
TPS precinct	Precinct Plan P2 - Burswood
Use class	Tavern
Use permissibility	'X' (prohibited)
Lot area	No. 98 Goodwood Parade, Burswood – 615m ² No. 100 Goodwood Parade, Burswood – 615m ² No. 102 Goodwood Parade, Burswood - 616m ² No. 104 Goodwood Parade, Burswood – 613m ² No. 106 Goodwood Parade, Burswood - 915m ²
Right-of-way (ROW)	Right-of-way 133 to the east (rear) of the sites
Local heritage survey	Not applicable
Residential character study area/weatherboard precinct	Not applicable
Surrounding development	Light industrial warehouses and associated offices

Recommendation

That Council:

1. Notes the submission received in respect to Amendment No. 91 to the Town of Victoria Park Town Planning Scheme No. 1 and the response to the submission contained in the Schedule of Submissions, in accordance with Regulation 50(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Supports Amendment No. 91 to the Town of Victoria Park Town Planning Scheme No. 1 for Final Approval with no Modifications in accordance with Regulation 50(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, as follows:
 - (a) Amend Schedule C 'Additional Uses' of the Scheme Text by listing a 'Tavern' as an Additional Use for Nos. 98-106 Goodwood Parade, Burswood as follows:

Ref No.	Land Particulars	Permitted Uses	Development Standards/Conditions
A58	58 No. 98 (Lot 5) Goodwood Parade, Burswood; No. 100 (Lot 4) Goodwood Parade, Burswood; No. 102 (Lot 3) Goodwood Parade, Burswood; No. 104 (Lot 2) Goodwood Parade, Burswood; No. 106 (Lot 1) Goodwood Parade, Burswood;	Tavern	The Additional Use of Tavern shall: <ol style="list-style-type: none"> 1. Be deemed to be an 'AA' use for the purposes of the Scheme; and 2. Extinguish upon the expiry of ten (10) years from the gazettal date of this amendment, except where an application(s) for planning approval has been granted for the continued operation of the use beyond this time, in which case the Additional Use shall extinguish upon the expiry of that approval(s);

- (b) Modifying Town Planning Scheme No. 1 Precinct Plan P2 'Burswood Precinct' by applying to the properties known as Nos. 98-106 Goodwood Parade, Burswood the notation 'A58' as the reference number for that property listed in Schedule C – Additional Uses of the Town Planning Scheme No. 1 Scheme Text.
3. Determines that Amendment No. 91 to the Town of Victoria Park Town Planning Scheme No. 1 referred to in resolution 2 is a 'standard amendment' in accordance with Regulations 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) for the following reasons:
 - (a) it is considered that the amendment relates to the zone and is consistent with the objectives identified in the scheme for the zone;
 - (b) it is considered that the amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment and;

- (c) it is considered that the amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
4. Authorises the Chief Executive Officer and Mayor, in accordance with Section 9.49A of the *Local Government Act 1995*, to execute under Common Seal, Amendment No. 91 to Town Planning Scheme.
 5. Requests the Chief Executive Officer to advise those persons who lodged a submission of Council's decision.

Purpose

To consider the request to amend Schedule C 'Additional Uses' of the Town of Victoria Park Planning Scheme No. 1 (TPS 1) Scheme Text by listing a 'Tavern' as an Additional Use for No. 98-106 Goodwood Parade.

The purpose of this report is to consider the submission received and for Council to determine whether to proceed with the Amendment (with or without modification) or not proceed.

In brief

- The proposal (referred to as Scheme Amendment 91) seeks to amend TPS 1 by amending Schedule C 'Additional Uses' to list a 'Tavern' as an Additional Use for No. 98-106 Goodwood Parade, Burswood. The listing of a Tavern as an Additional Use at the site would enable the use to be approved, despite a Tavern being a prohibited use within the zone.
- Scheme Amendment 91 was considered and initiated by Council at its Meeting on 17 May 2022.
- At Council's Meeting held on 16 August 2022 development approval was granted for a change of use for the same sites to 'Restaurant/Café and 'Brewery' and associated physical works for the existing buildings.
- This development application in combination with proposed Scheme Amendment 91 (the subject of this report) is to facilitate the relocation of the tenant who currently operates at No. 84-88 Goodwood Parade, Burswood (Blasta Brewery).
- If the Scheme Amendment is approved, the applicant's future intent would be to change the use of the premises from a Brewery to a Tavern, as a Tavern Liquor Licence would provide more flexibility to operate the business in the manner preferred by the tenant.
- Scheme Amendment No. 82 was recently gazetted and the associated draft Local Planning Policy 40 which brings into effect the new planning framework for Burswood Station East (BSE) is being readvertised for public comments.
- In addition to this and the time limited approval previously issued for a 'Tavern' at No. 84-88 Goodwood Parade, Burswood it is considered appropriate that this Scheme Amendment be considered in a consistent manner and include a 10 year time limitation with the opportunity to extend at a future date if required as informed by how the BSE precinct and new Town Planning Scheme evolves.

Background

1. An application to amend TPS 1 was lodged on 7 December 2021, for the purpose of introducing an Additional Use in Schedule C of the Scheme Text to permit the use of 'Tavern' at No. 98-106 Goodwood Parade and initiated by Council at its meeting on 17 May 2022.

2. Separately from this, on 16 August 2022 Council granted development approval for a change of use of the same sites to 'Restaurant/Café and 'Brewery' and associated physical works for the existing buildings.
3. In combination, the two proposals are intended to facilitate the relocation of the existing 'Tavern' and 'Brewery (Light Industry)' that is currently operating at No. 84-88 Goodwood Parade, Burswood which was also recently granted a further extension to the existing temporary approval which is in place for these same uses by Council until 10 October 2027.
4. The subject sites are within the Burswood Precinct which is included within the State Government's Burswood Peninsula District Structure Plan (BPDSP), which identified the Burswood Precinct as being suitable for redevelopment into a high density mixed-use and residential neighbourhood.
5. Further to this, the Town has undertaken a significant amount of strategic planning in reviewing the planning framework and desired future for BSE which includes Scheme Amendment 82 and draft Local Planning Policy 40 (LPP 40).
6. Scheme Amendment 82 has now been gazetted with a further review to the associated draft LPP40 being undertaken prior to it coming into effect. Together, these planning instruments will provide for the transition for the BSE area which envisages the redevelopment of aging industrial and commercial building stock to a vibrant transient oriented urban neighbourhood.

Application summary

7. The subject sites are identified within the map at attachment 1. Part of the subject land is occupied by unoccupied Office/Warehouse buildings, with other lots being vacant.
8. Under the current planning framework, the use of 'Tavern' is an 'X' (Prohibited) use. The 'Tavern' use is defined as follows within the Town of Victoria Park Town Planning Scheme No.1 (TPS 1):

'means premises the subject of a tavern licence granted under the Liquor Control Act 1988';

9. The proposed amendment is seeking to include the 'Tavern' use as an additional use under TPS 1 for the subject site as discussed to facilitate the retention and relocation of Blasta Brewery from No. 84-88 Goodwood Parade to the subject sites.

Applicants submission

10. The Scheme amendment report and documentation has now been formally prepared by a planning consultant (refer attachment 2) acting for the proposed tenant following support and initiation by the Council at its meeting on the 16 May 2022 and provides background and additional rationale inclusive of the following:

As previously noted, the uses of 'Restaurant/Café' and 'Brewery' are presently capable of approval in the 'Office/Residential' Zone. A Development Application has been lodged with the Town which, amongst other things, is seeking approval to undertake these uses at the subject site. It is currently subject to assessment and anticipated to be determined within the third quarter of 2022.

In comparison to the uses of 'Restaurant/Café' and 'Brewery', the introduction of the 'Tavern' use within the proposed development would allow for:

- a) the sale or supply of liquor not produced by the licensee in the absence of a meal; and*
- b) the sale and supply of liquor for consumption off the premises.*

Blasta Brewing Co. currently operates in accordance with a Tavern liquor licence and the Town's approval to the premises as a Tavern. If the operation of Blasta Brewing Co (upon relocation to the proposed new premises) was restricted to the requirements associated with a producers' licence, this would mean that

patrons attending the premises for reasons other than to obtain a meal would be subject to significant restrictions in the range of alcoholic beverages available for consumption.

We are of the view that the proposed 'Tavern' use at the subject site would not result in any significant changes to the form or operation of the intended development, but rather it would enable a greater range of liquor to be offered to patrons within the venue rather than those which are produced by the licensee. Furthermore, the internal fitout illustrated within the Development Application for the proposed 'Brewery' land use, intended to facilitate the relocation of Blasta Brewing Co and currently subject to consideration by the Town, would not require any physical alteration as part of any potential future change of use to 'Tavern' (subject to the gazettal of the proposed amendment). From a planning perspective, we are of the view that the change of use from 'Brewery' to 'Tavern' would not in itself result in detrimental impacts to the amenity of the locality.

Relevant planning framework

Legislation	<ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • Metropolitan Region Scheme (MRS) • Town Planning Scheme No.1 (TPS1) • TPS1 Precinct Plan P2 – 'Burswood'
State Government policies, bulletins or guidelines	Nil
Local planning policies	<ul style="list-style-type: none"> • Local Planning Policy 35 – Development in Burswood Station East • Draft Local Planning Policy 40 - Burswood Station East Precinct Design Guidelines & Public Realm Improvements • Local Planning Policy 37 – Community Consultation on Planning Proposals
Other	<ul style="list-style-type: none"> • Draft Local Planning Strategy • Council Policy 451 'Transitional Uses'

General matters to be considered

TPS precinct plan statements	<p>The following statements of intent contained within the current TPS 1 Precinct Plan are relevant to consideration of the application.</p> <ul style="list-style-type: none"> • This area should be redeveloped from industrial use to an area of mixed office and residential activities together with other uses which serve the immediate needs of the workforce and residents. Residential and office uses may be developed independently. <p>TPS 1 Amendment 82 proposes to amend the Statement of Intent for the Precinct, with the following being relevant:</p> <p><i>"The land incorporated in Sheet A of Precinct Plan P2 Burswood Precinct comprises the Burswood Station East Sub-Precinct. Burswood Station East should be redeveloped primarily as an area of high quality and medium to high</i></p>
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density residential, office and commercial uses, reflective of an eclectic urban village that fosters activity, connections and vibrant public life for residents. In particular:

b) Uses and public facilities that promote pedestrian interest, activity, safety and connectivity at street level are encouraged throughout Burswood Station East.

c) Ground floor design will provide vibrant, human-scale, fine grain streetscapes that contribute to the overall character of the precinct.

e) Development should be designed to allow spaces to be adapted over time, particularly at the ground-floor level. Adaptive re-use is encouraged where this contributes to interest, vibrancy and improved building façade and public realm outcomes.

Local planning policy objectives

The following objectives of Local Planning Policy 35 'Policy Relating to Development in Burswood Station East', while applicable to assessing development applications, are relevant in considering this Scheme Amendment request:

- Each and every application is required to be considered on its individual merit, however this Policy outlines that Council will not approve or support an application which is likely to prejudice the future planning and long-term objectives for the Precinct.

The following objectives of draft Local Planning Policy 40 'Burswood Station East Precinct Design Guidelines & Public Realm Improvements' while applicable to assessing development applications, are relevant in considering this Scheme Amendment request:

- The Burswood Station East Precinct should be redeveloped primarily as an area of high-quality medium to high density residential, office and commercial uses, reflective of an eclectic urban village that fosters activity, connections and vibrant public life for residents.

Council Policy 451 'Transitional Uses'

1. In areas of the Town undergoing transition to an agreed planning direction as identified by an adopted structure plan, local development plan or Scheme provisions, (eg Burswood Peninsula and the Causeway Precinct) uses will be considered for approval for a temporary period of up to 10 years, as deemed appropriate, based on the following criteria:

- a. The use provides an interim service or facility that benefits the community;
- b. The use provides activation and passive surveillance;
- c. The use promotes economic development of the area by utilising otherwise vacant property/building during the interim period;
- d. The use promotes social interaction and community development;
- e. The use is appropriate in the precinct in which it is located and is a use that Council has the ability to approve;
- f. The use promotes the principles of transit oriented development and/or modal shift; and

	<p>g. The use does not replicate a similar use permanently approved in proximity to the proposed use.</p> <p>2. Where a development meets the criteria in (1) above, Council may vary relevant development standards and provisions at the Scheme or Local Planning Policies in order to facilitate development including exercising discretion under Clause 29 'Determination of Non-Complying Applications' of Town Planning Scheme No.1.</p>
<p>Deemed clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015</p>	<p>The following are relevant matters to be considered in determining the application.</p> <p>a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;</p> <p>b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> or any other proposed planning instrument that the local government is seriously considering adopting or approving;</p> <p>g) Any local planning policy for the Scheme area;</p> <p>n) The amenity of the locality includes the following -</p> <ul style="list-style-type: none"> i. The character of the locality; ii. Social impacts of the development. <p>t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</p> <p>x) The impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;</p> <p>z) Any other planning considerations the local government considers appropriate.</p>

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
<p>CL2 - Communication and engagement with the community.</p>	<p>Preliminary Community Consultation was undertaken in accordance with Council's Policy to assist in informing the Council of community's sentiment prior to formally deciding whether or not to initiated the requested Scheme Amendment.</p> <p>Consultation in accordance with the statutory requirement stipulated by the <i>Planning and Development (Local Planning Schemes) Regulations</i></p>

	2015 occurred for 42 days from 18 August 2022 to 30 September 2022 and both periods of consultation reflects accountable decision making and governance.
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Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	The requested Scheme Amendment would facilitate the relocation of a currently operating land use that encourages activation of the precinct and economic diversity and investment as a facility for current and future residents.
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	The land use proposed by the subject Scheme Amendment would provide for activation of the BSE precinct and connect people and places.

Environment	
Community priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	The Scheme Amendment inclusive of a time limited element will be a positive contribution to the precinct and ensure the suitability of the land use proposed and that it does not prejudice the future development of the Burswood Precinct.

Engagement

Internal engagement	
Stakeholder	Comments
Place Planning	The use of the previous site has resulted in streetscape and activation benefits to the Precinct. In supporting the requested Scheme Amendment to allow a 'Tavern' to be considered on the site, Officers are of the view that allowing this land use to remain in the vicinity as an interim use is appropriate until the redevelopment of land in the area with intensive residential and mixed use development occurs.

External engagement	
Stakeholders	Owners and Occupiers within a 200 metre radius of the subject sites
Period of engagement	42 days 18 August 2022 – 30 September 2022
Level of engagement	2. Consult

Methods of engagement	Letters
Advertising	<ul style="list-style-type: none"> • Your Thoughts (Town's community consultation portal) • Newspaper Advertisements (Public Notices – Perth Now Southern) • Signs on Site
Submission summary	1 submission
Key findings	<ul style="list-style-type: none"> • Insufficient parking • Construction (noise and increase in truck movements) • Crime associated from the functioning of a Tavern.

Other engagement	
Stakeholder	Comments
Main Roads Western Australia	No comments
Water Corporation	Acknowledgment Correspondence No comments
Western Power	Self-assessment
ATCO Gas	No comments
Department of Biodiversity, Conservation & Attractions	Acknowledgment Correspondence No comments
Department of Fire & Emergency Services	No comments
Department of Planning, Lands and Heritage Land & Transport Division	No comments
Crown Casino	No comments
Tourism Western Australia	No comments
Burswood Park Board	No comments
City of Belmont	No comments

Risk management considerations

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	N/A	N/A	N/A	N/A	N/A	N/A
Environmental	N/A	N/A	N/A	N/A	N/A	N/A
Health and safety	N/A	N/A	N/A	N/A	N/A	N/A
Infrastructure/ ICT systems/ utilities	N/A	N/A	N/A	N/A	N/A	N/A
Legislative compliance	Should Council agree to approve the Amendment, then the Minister for Planning, Lands and Heritage is ultimately responsible for approving Scheme Amendments. It is possible that the Minister may make a decision contrary to the position of the Council and/or the community.	Minor	Unlikely	Low	Low	Accept and provide Council with the relevant information to make an informed decision on the Scheme Amendment process as stipulated in the legislation and acknowledge the final decision lies with the Minister to review and decide on the proposal
Reputation	Negative public perception towards the Town may result regardless of the outcome.	Minor	Unlikely	Low	Low	Accept and provide Council with the relevant information to make an informed decision

Service delivery	Increased requirements on the Town's service provisions (such as parking management team) as a result of the operations of a tavern on the site.	Insignificant	Possible	Low	Low	Accept and ensure that any future development approvals that are issued in accordance with the requested amendments land use adequately addresses these issues.
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Financial implications

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

Analysis

Submissions

11. The submission received (as included as attachment 3) is considered to have been given consideration and adequately addressed through the development approval process issued by Council which considered impacts associated with car parking and traffic, noise and amenity and crime related issues. These included relevant conditions, management plans and monitoring in place to address these issues.
12. Furthermore, in the event the Scheme Amendment is approved, a further change of use application will be required before the use of the 'Tavern' will be able to commence. This will provide Council with a development approval process to consider and address these types of matters.
13. Further to this, the time limitation of ten years recommended will ensure that Council can monitor and review the operations of the land use and subsequent development and are provided the opportunity to review and or cease the land use in the event it is considered to be inappropriate as the BSE evolves.
14. The applicant was invited to respond to the submission as per the provisions of Local Planning Policy 37 – Community Consultation on Planning Proposals, with their response included as attachment 4.

Status of Scheme Amendment 82

15. Scheme Amendment 82 proposes to permit more intensive development to occur within the Precinct, noting the transit oriented context given the sites proximity to Burswood train station and overall intent for the precinct.
16. Following the gazettal of Amendment 82 to TPS 1 which provides the planning framework for the development of BSE, the associated draft LPP 40 provides detailed objectives and design guidelines for

the transition and redevelopment of BSE from a light-industrial and general commercial area to a high density mixed used environment, functioning primarily as a transit-oriented development (TOD) precinct.

17. The statement of intent for the Precinct as outlined in LPP40 is as follows:

"The Burswood Station East Precinct should be redeveloped primarily as an area of high-quality medium to high density residential, office and commercial uses, reflective of an eclectic urban village that fosters activity, connections and vibrant public life for residents."

18. This policy is designed to provide guidance for applicants and decision makers with respect to this envisaged transition via the provision of built form design standards, and guidance as to how discretion to vary those standards may be exercised in certain circumstances.
19. LPP40 is currently undergoing some further refinement by the Town's Place Planning team to ensure the vision and proposed outcomes for BSE are realised. The draft version of this policy will be advertised soon.
20. The proposed Scheme Amendment accords with the intent of BSE which is to facilitate redevelopment of ageing industrial and commercial building stock to a vibrant urban neighborhood.
21. The use of the site as a Tavern satisfies a number of the objectives for the Precinct as proposed by Scheme Amendment 82 and draft LPP 40, including those related to pedestrian safety, activity, vibrancy and the adaptive re-use of existing buildings, in which case a Tavern could be considered as an appropriate land use within the Precinct.
22. It is therefore recommended that Council proceeds with and recommends final approval be granted by the Western Australian Planning Commission for Scheme Amendment 91.

Relevant documents

[Minutes of Ordinary Council Meeting 17 May 2022](#)

[Minutes of Ordinary Council Meeting 16 August 2022](#)

[Minutes of Ordinary Council Meeting 15 March 2022](#)

12.3 Community Development Advisory Groups - Extension of terms

Location	Town-wide
Reporting officer	Community Development Coordinator
Responsible officer	Manager Community
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Access and Inclusion Advisory Group Terms of Reference [12.3.1 - 3 pages] 2. Mindeera Advisory Group Terms of Reference [12.3.2 - 3 pages]

Recommendation	
That Council authorises the CEO to extend the terms for the Mindeera Advisory Group and Access & Inclusion Advisory Group until October 2023, so that renewal coincides with Council Elections.	

Purpose

Council is responsible for determining the length of a group’s terms, in accordance with Policy 101 Governance of Council Advisory and Working Groups.

In brief

- The length of term for both groups is due to expire in December 2022, with the existing Terms of Reference set for a 24-month duration.
- Both groups have a steady membership and are meaningfully engaged at this time, particularly with the current review of social plans.

Background

1. An Advisory Group is a group established by resolution of Council, which may consist of elected members, community members and officers, for the provision of strategic advice on a matter. These groups are an important way for the Town to engage meaningfully with the community and to ensure that community members can participate and influence the decision-making process.
2. The Mindeera Advisory Group was established in July 2020, with their Terms of Reference set by Council in December 2020. The purpose of this group is to engage with the Town and the Aboriginal and Torres Strait Islander community, and to provide advice for the delivery of the Reconciliation Action Plan.
3. The Access & Inclusion Advisory Group was established in July 2020, with their Terms of Reference set by Council in December 2020. This group provides advice for the delivery of the Town's Disability Access and Inclusion Plan.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Developing a formal approach related to addressing community safety and crime prevention challenges allows the Town to effectively plan and manage resources and performance.
CL2 - Communication and engagement with the community.	Communicating with and seeking involvement from people and stakeholders with interests in

	improved community safety and crime prevention is critical to improving outcomes and social change in this area.
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Engagement

Internal engagement

Stakeholder	Governance
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External engagement

Stakeholders	Both Advisory Groups were engaged on this matter at their recent meetings.
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Period of engagement	August and September 2022
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Level of engagement	Consult
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Methods of engagement	Verbal
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Advertising	Not applicable.
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Submission summary	Not applicable.
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Key findings	Both groups are supportive of this extension through to October 2023.
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Legal compliance

Not applicable.

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	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 endorsing this extension will impact and delay	Moderate	Likely	High	Low	TREAT risk by endorsing extension of these

	engagement with these areas of the community.	group terms through to October 2023.
Service delivery		Medium

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Future budget impacts will be considered by Council through the budget deliberation process prior to works / activities being endorsed and undertaken.

Analysis

Mindeera Advisory Group

4. The Town's Reflect Reconciliation Action Plan (RAP) has now expired, and the Town has been working on development of the new Innovate RAP which is a key deliverable for the Town's Corporate Business Plan.
5. Maintaining the current membership of this group will allow for continuity, transfer of knowledge, and development of group expertise as we go forward in the reconciliation journey, including the development and implementation of the RAP.
6. Possible risks include burnout and disengagement of members over the longer term. However, this is a risk that can be mitigated by clarifying at intervals the options for continuing in or leaving the group, and further by keeping engagement levels up through the continuation of a positive group culture.
7. The extension of the term has been verbally communicated to the group at the August 2022 Mindeera meeting and all were in favour.
8. If this extension is endorsed, the current Terms of Reference and roles of the group would remain through to October 2023, and this will be communicated to the Mindeera Advisory Group at their December meeting as a means of implementation.

Access & Inclusion Advisory Group

9. The Towns' Disability Access and Inclusion Plan (DAIP) expired in June 2022, and a new contemporary Access and Inclusion Plan 2022-2027 has now been drafted through community and Elected Member engagement.
10. All Advisory group members are fully invested in assisting the Town in the Access and Inclusion journey, they are highly qualified with either lived experience or work in the sector and are also actively involved in between meetings.
11. In December 2021, Town officers advertised an expression of interest to gain more members with a high level of response and several applications. The applicants selected have added great value to the group and given this short duration of time it would not be ideal to ask members to re-apply so soon.
12. The group contributed extensively to several strategic place planning projects as well as the review of the DAIP 2017-2022 and continue to engage with willingness particularly in face-to-face meetings.
13. The group has extensively contributed to the review of the current DAIP 2017-2022 and the new DAIP/AIP 2022-2027 development.

14. If this extension is endorsed, the current Terms of Reference and roles of the group would remain through to October 2023, and this will be communicated to the Access & Inclusion Advisory Group at their December meeting as a means of implementation.

Relevant documents

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

12.4 Business Advisory Group - Appointment of Community Members

Location	Town-wide
Reporting officer	Ben Schofield
Responsible officer	David Doy
Voting requirement	Simple majority
Attachments	1. Attachment 1 Draft Terms of Reference Business Advisory Group [12.4.1 - 3 pages] 2. EOI - Business Advisory Group Scoring Matrix [12.4.2 - 1 page]

Recommendation

That Council:

1. Appoints three elected members to the Business Advisory Group.
 - (a) _____
 - (b) _____
 - (c) _____
2. Appoints the following persons to the community member positions:
 - (a) Patrick Renner
 - (b) Joel Beresford
 - (c) Colin Richardson
 - (d) Shellie Attwood
 - (e) Chris Perkin
 - (f) Miguel de la Mata
 - (g) Gina Hutchinson
 - (h) Tanya Cinanni
 - (i) Tim Rankin
 - (j) Mike Ghamesi
 - (k) Barry Myles
 - (l) Russel White
3. Notes that the following officers have been appointed to the group:
 - a) Chief Community Planner
 - b) Manager Place Planning
 - c) Place Leader (Economic Development)

Notes the draft Terms of Reference for the Business Advisory Group (Attachment 1).

Purpose

To finalise the membership of the Business Advisory Group (BAG) and note the draft Terms of Reference that will be presented at the first meeting of the advisory group for discussion.

In brief

- At the Ordinary Council Meeting held on 16 August 2022, the Council resolved to renew the BAG for a period of 12 months.

- On 19 September 2022, an Expression of Interest (EOI) process commenced to appoint members of the local business community to the BAG. There were 12 applications submitted.
- The Town recommends that all 12 applicants are appointed as community members to ensure that there is representation across neighbourhoods, business sizes and sectors in attendance at each BAG meeting.
- A draft Terms of Reference has been prepared that will be presented to the BAG and workshopped at the first meeting.

Background

1. At the Ordinary Council Meeting held on 16 August 2022, Council resolved:
 - a. To renew the BAG comprising local business owners and elected members to meet at least twice per annum.
 - b. Request the Chief Executive Officer to report to the Ordinary Meeting of Council in November 2022 with:
 - i. The recommendations for appointment to the BAG, and the date for its first meeting to be held no later than 30 June 2023.
 - ii. The draft terms of reference for the Group to consider at their first meeting.

Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL2 – Communication and engagement with community.	The BAG provides representatives of the business community an opportunity to engage and provide feedback to the Town across a variety of projects.

Economic	
Community Priority	Intended public value outcome or impact
EC1 – Facilitating a strong local economy.	BAG members can advise the Town in a structured forum and inform the planning of the Economic Development sub programs as well as any other initiatives that have a local economic impact.

Engagement

Internal engagement	
Place Planning	Used to communicate the purpose of the BAG and EOI to businesses in their respective places.
Communications	Advice sought on communication methods to promote BAG and EOI.

External engagement	
Stakeholders	Local businesses
Period of engagement	19 September 2022 to 14 October 2022

Level of engagement	Involve
Methods of engagement	Online web form located on dedicated Business Advisory Group webpage for all interested local businesses to complete and submit. The webpage included information on the criteria and desired characteristics
Advertising	<p>Social Media:</p> <ul style="list-style-type: none"> • Three Facebook posts with dedicated video featuring the Mayor encouraging businesses to apply. • One LinkedIn post. <p>E-newsletters:</p> <ul style="list-style-type: none"> • Vic Park Business E-newsletter: targeted email to 2410 subscribers. • E-VIBE, sent to 2927 subscribers. <p>Direct business contact through Place Leaders</p>
Submission summary	12 applications received.
Key findings	12 Applications received.

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	Appointed members do not understand their role or responsibilities as a member of the BAG	Minor	Possible	Medium	Low	ACCEPT Accepting or retaining the risk as its residual risk rating level, without further treatment, even though it may

		exceed the organisation's risk appetite
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

2. On 19 September 2022, an EOI commenced to appoint members of the local business community to the BAG.
3. Interested businesses were required to complete an online form which asked contact details, relevant skills and professional qualities they could contribute to the Group, as well as how they would suit the role based on desired characteristics.
4. The characteristics that the Town was looking for in candidates were also made available on the Town's website. The Town sought candidates with the following characteristics:
 - (a) The owner or manager of a local business within the Town of Victoria Park (please note: the business does not need to have originated in the Town but can be a branch of a larger corporation).
 - (b) Knowledge of the local economy and/or local business environment within the Town of Victoria Park.
 - (c) An active participant in the Town's local business community.
 - (d) Commitment to the time and effort required in joining the group (attendance of bi-annual meetings).
5. The EOI was widely promoted through social media, Business e-newsletter, E-VIBE e-newsletter and via Place Leaders having conversations with businesses in their places.
6. The EOI closed 14 October 2022. 12 applications were submitted.
7. A panel of officers independently scored the applications based on the selection criteria and desired characteristics.
8. Following the judging of the applicants, the panel considered the following to balance the composition of members and provide the highest probability for an effective BAG:
 - (a) Representation across the whole Town (across different places or neighborhoods).
 - (b) Representation of different size businesses.
 - (c) Representation of different business sectors.

9. The Town recommends that each applicant is appointed as a community member to ensure that there is representation across neighbourhoods, business sizes and sectors in attendance at each BAG meeting.
10. A draft Terms of Reference has been prepared (Attachment 1). This draft will be presented at the first meeting of the BAG for feedback.
11. The Town recommends that Council appoints three elected members, the recommended community members, notes the appointment of the three Town officers and the draft Terms of Reference in Attachment 1.

Relevant documents

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

13 Chief Operations Officer reports

13.1 Community Leases Holding Over

Location	Town-wide
Reporting officer	Senior Property Development and Leasing Officer
Responsible officer	Chief Operations Officer Property Development and Leasing Manager
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Lease Register and Proposed Terms [13.1.1 - 2 pages] 2. Town of Victoria Park Social Investment Process - Peppercorn Leases 121022 [13.1.2 - 2 pages] 3. Valuation: 4-6 Temple Street (Department of Health Leases) [13.1.3 - 15 pages] 4. Valuation: Lathlain Community Centre (Department of Health Lease) [13.1.4 - 14 pages]

Recommendation

That Council:

1. Authorises the Chief Executive Officer to enter into new lease agreements with the Lessees currently holding over for the applicable Premises noted as 'Peppercorn', 'Subsidised', or 'Peppercorn : Government Lease' in the column headed 'Rent Type' in Attachment 1 and with the following Key Terms:-
2. Agreement Type: Lease.
 - a. Term: up to five (5) years.
 - b. Further Term: None.
 - c. Rent: as set out in the column headed 'Proposed Annual Rent for New Lease (excluding GST)' in Attachment 1, and being either peppercorn or subsidised.
Rent Review: CPI increase on each anniversary of commencement.
Commencement Date: Upon execution of the agreement by both parties.
Outgoings: The Tenant is responsible for all outgoings, which (in accordance with Policy 310 Leasing) shall be all operating/running costs, including but not limited to: (i) Refuse collection; (ii) Emergency services levy; (iii) Water rates; (iv) Council rates; and (v) All utilities related to their use (e.g. electricity, gas, water, telecommunications).
Maintenance: The Tenant is responsible for non-structural and preventative maintenance. The Landlord may, in its absolute discretion, undertake repair and maintenance (subject to availability of funds) in accordance with Asset Management Plans and such other factors as may be considered by the Landlord to be reasonable and/or necessary.
Sub-licence: Prior written consent, in accordance with Head Agreement and subject to the Town being satisfied with the terms and conditions of any sublicense agreement.
Permitted Use: In accordance with planning and zoning and in line with the Tenant's operational use/s.
Operating Hours: hours to be within applicable planning and legislative parameters.
Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover with ability for Lessor to review as reasonably required from time to time.
Special Conditions:

- (i) Town of Victoria Park Redevelopment Clause.
- (ii) No guarantee is provided as to the availability the continued availability of the premises after the end of the Term or the availability of any operating subsidy.
- (iii) Not-for-profit organisations receiving a peppercorn lease to engage in the Town of Victoria Park Social Impact Investment Process: Peppercorn Leases, at a level commensurate with their organisational capability and capacity.

Terms to be set by the Towns lawyers and to incorporate such minor variations or amendments to key terms as may be agreed by the Chief Executive Officer

3. That the proposed lease to Agility Rehabilitation Pty Ltd as referenced in 1. above and Attachment 1 be advertised and submissions invited as required in terms of Section 3.58 of the Local Government Act, and any submissions received be reported to Council for consideration, prior to any lease or agreement for lease being entered into with Agility Rehabilitation Pty Ltd.
4. Authorises the Chief Executive Officer and the Mayor to execute all documents necessary to give effect to each lease between the Town of Victoria Park and the Lessee for the applicable Premises and apply the Town's Common Seal.
5. Notes the Social Impact Investment Process: Peppercorn Leases in Attachment 2.
6. Authorises the Chief Executive Officer to enter into new lease agreements with the Department of Health services currently holding over for the three Premises noted as 'Full Market Rent' in the column headed 'Rent Type' in Attachment 1, with the following Key Terms:-
 - (a) Agreement Type: Lease
 - (b) Term: up to five (5) years
 - (c) Further Term: None
 - (d) Rent: As set out in the column headed 'Proposed Annual Rent for New Lease (excluding GST)' in Attachment 1 and being Full Market Rent.
 - (e) Rent Review: CPI increase on each anniversary of commencement
 - (f) Commencement Date: Upon execution of the agreement by both parties
 - (g) Outgoings: The Tenant is responsible for all Outgoings which (in accordance with Policy 310 Leasing) shall be all operating/running costs, including but not limited to: (i) Refuse collection; ii. Emergency services levy; iii. Water rates; iv. Council rates; and v. All utilities related to their use (e.g. electricity, gas, water, telecommunications.).
 - (h) Maintenance: The Tenant is responsible for all repairs and maintenance. The Landlord may in its absolute discretion undertake repair and maintenance in accordance with Asset Management Plans, budgetary constraints and as such other factors as may be considered by the Landlord to be reasonable and/or necessary.
 - (i) Sub-licence: Prior written consent, in accordance with Head Agreement and subject to the Town being satisfied with the terms and conditions of any sublicense agreement.
 - (j) Permitted Use: In accordance with planning and zoning and in line with the Tenant's operational use/s.
 - (k) Operating Hours: hours to be within applicable planning and legislative parameters.
 - (l) Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover with ability for Lessor to review as reasonably required from time to time.
 - (m) Special Conditions:

- i. Town of Victoria Park Redevelopment Clause.
 - ii. No guarantee is provided as to the availability of any operating subsidy or of continued availability of the premises after the end of the Term.
- (n) Terms to be set by the Town's lawyers and to incorporate such minor variations or amendments to key terms as may be agreed by the Chief Executive Officer.
7. Authorises the Chief Executive Officer and the Mayor to execute all documents necessary to give effect to each lease between the Town of Victoria Park and the Department of Health for the applicable Premises and apply the Town's Common Seal.

Purpose

The purpose of this report is for Council to consider entering into new leases for existing community tenants in holdover as outlined in *Attachment 1* and to set the proposed key terms for the new leases, subject to negotiations to settle the final proposed lease terms.

In brief

- The fixed terms of sixteen (16) leases granted by the Town to community organisations at peppercorn, or reduced rent (the 'Leases') have expired. The Leases are currently in holdover.
- Review of the Leases has assessed that the lease terms do not reflect up to date best practice and do not align with the requirements of the Town's subsequently introduced Policy 310 – Leasing.
- The recommendation is to renew all the Leases without the need to address a Criteria Based Assessment for a defined period of up to 5 years and in line with Policy 310 – Leasing, with exception of commercial terms, which are recommended for the three properties leased to the Department of Health.

Background

1. The Leases provide recreational and community benefits. The proposed renewal by granting new leases on updated lease terms is to align with Town policy and best practice.
2. Five of the Leases are to State government departments:-
 - a. Two Leases are to the Department of Communities. The Department of Communities has sublicensed to Victoria Park Community Centre, and Billabong Childcare Centre; and
 - b. Three Leases are to the Department of Health (occupied by the Department's subsidiary services, 2x Child and Adolescent Health Services and 1x Dental Health Services)
3. In December 2019, the Council adopted amendments to Policy 310 – Leasing, and Policy 114 – Community Funding. The two policies were cross-referenced to align for the purpose of the community lease arrangements.
4. The Leases predate Policy 310 - Leasing which was adopted in 2019. Examples of inconsistencies between the Leases and Policy 310 – Leasing are:
 - Lease terms;
 - Maintenance requirements;
 - Insurance requirements;
 - Outgoings (noting that the Town has not been recouping the charges as per lease);
 - Operating subsidies/peppercorn leases.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Risk of current terms of leases in holdover will be mitigated with the new leases to include appropriate up to date terms as per policy and best practice.

Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Aligning the leases to policy and best practice will create education pathways for the tenants in building stronger business capabilities, through the introduction of a Social Impact Investment Process.

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

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	It is important to make Town assets available for third parties able to provide services and activities that support inclusion and diversity principles.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are contained within this report.
Manager Community	Organisations listed for renewal as per Attachment 1 are able to help address and engage with social priorities identified within the local community. To date however, it is unclear as to the level of impact their efforts are making due to a lack of information provided for evaluation / reflection purposes. Having a five-year timeframe to work with organisations will address immediate

	<p>high level risk elements, while allowing the Town to identify organisational capability, and subsequently tailor the building of capacity, relevant to each organisation as part of development of a social impact management approach within new Peppercorn Lease agreements. By doing this, it will improve the Town's knowledge about what each organisation does, how well they do it, and how they influence social impact outcomes more broadly. This is important because each organisation is receiving a financial and in-kind benefit to operate out of a Town owned facility, delivering services / activities for the community's benefit.</p> <p>Focus for this approach in the first instance would commence with not-for-profit organisations receiving Peppercorn Leases. Results would then dictate future applications.</p>
Social Impact Specialist	The recommended <i>Impact Investment Process: Peppercorn Leases</i> , specifically addresses the need for the Town to commence processes whereby appropriate information can be gathered from organisations receiving financial and/or in-kind support, in a way that (a) is sensitive to the abilities, needs and concerns of community-based organisations, particularly those with few resources or heavily reliant on volunteers, and (b) provides the Town with a better understanding of the social value generated by an organisation's activities, so the Town can decide where best to allocate its resources, for the benefit of the people living and working in our community.
Chief Financial Officer	As noted in the recommendation at 5 (g), and in the analysis under paragraphs 14, many tenants have paid little or no outgoings. Paragraph 15 details the proposed phasing in of these costs, which may include rates.
Manager Technical Services	No objection from a building maintenance perspective.
Elected Members	Elected Members were engaged on the topic via a Concept Forum in September 2022. Various options were presented to the EM's for input and discussion. The outcomes of that session have informed this report.

Legal compliance

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

[Regulation 30\(2\) of the *Local Government \(Functions and General\) 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	If the premises were to become vacant, this would make the Town responsible for day to day upkeep of the premises at the Town's cost.	Moderate	Likely	High	Low	TREAT risk by renewing the Town's commitment to make these premises available for lease by existing community organisations, with updated terms as necessary.
Environmental	Not Applicable.					
Health and safety	Not Applicable.					
Infrastructure/ ICT systems/ utilities	Not Applicable.					
Legislative compliance	Failure to comply with section 3.58 of the Local Government Act 1995.	Minor	Unlikely	Low	Low	TREAT risk by effecting leasing disposals in accordance with any applicable requirements of section 3.58 of the Local Government Act 1995.
Reputation	Not supporting community based organisations / Not for Profits to access affordable accommodation could result in a loss of important services being offered in the Town, creating associated reputation risk.	Moderate	Likely	High	Low	TREAT risk by supporting the renewal of relevant leases with organisations that align with Town priorities.

Service delivery	Not fully understanding the range of services being delivered and outcomes achieved by third parties within Town assets may result in a duplication of service within the community.	Moderate	Likely	High	Medium	TREAT risk by tailoring service output and outcome reporting criteria within relevant Tenancy Agreements based on organisational capability / capacity.
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Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Passing the recommendation may result in future income being received by the Town should the Department of Health leases move from a current peppercorn lease to a commercial lease for full market rent.

Analysis

5. The Leases in Attachment 1 have been considered by analysis of the type of Tenant in each facility and the rental or social values that may be associated with the lease arrangement.
6. In October 2020, the Town contacted each Tenant under the Leases to determine their intentions moving forward and whether they would be agreeable to continuing occupation subject to Policy 310 – Leasing requirements and Council approval. All Tenants responded, confirming their intention to remain leasing the premises in accordance with Policy 310 – Leasing.
7. It is not best practice to continue holding over leases for an extended period. Lease terms become out of date, no longer reflect current standards and may present risks.
8. The Town has considered the following options for the review / renew approach of existing leases in holdover:
 - a) Renewal of all leases without the need to address a Criteria Based Assessment based on alignment with and/or consideration of the Town's policies, plans, studies and Tenant provided services.
 - b) All tenants apply for renewal using a Criteria Based Assessment in a closed environment.
 - c) All tenants apply for renewal using a Criteria Based Assessment in an open environment.
 - d) Renew all leases without the need to address a Criteria Based Assessment for a defined period of up to five years and in line with Policy 310 – Leasing terms.
 - e) All leases to be considered on a case-by-case basis with a view to applying one of the above-mentioned options to that specific tenancy.
9. It is recommended that in accordance with paragraph 8(d), all leases be renewed, without the need to address a Criteria Based Assessment for a defined period of up to five years and in line with Policy 310 – Leasing terms.

10. Renewing the Leases to place all tenants on up to date lease terms will mitigate risk by aligning lease terms with Policy 310 – Leasing, and requiring that appropriate tenant insurances are in place, with tenant obligations to provide evidence of such insurances to the Town. Such renewals will also provide time for the Town to develop and implement a Social Impact Investment Process: Peppercorn Leases for future application.
11. The new leases are to include Key Terms relevant to the type of Tenant (i.e. Community group or Department of Health). The leases to the Department of Communities are sub-licensed and occupied by community, not-for-profit groups, including Billabong Childcare Centre and Victoria Park Community Centre. As such, it is proposed that the two leases to the Department of Communities are renewed at the existing peppercorn rentals.
12. The Town has been leasing three freehold premises to the Department of Health at peppercorn rent for many years. At some future point in time, the properties will require significant expenditure on the buildings and infrastructure. Two of the leases have older (well maintained) 1950s style buildings. It will be prudent for the Town to start collecting funds from leasing these properties. The Department of Health is a well-funded State Government entity that leases premises from private commercial landlords throughout the Perth Metropolitan area on commercial terms. Market rent valuation/s of the three Department of Health leased properties are provided in Attachments 3 and 4, showing the market rent values for the following properties;
 - a. 6 Lathlain Place, Lathlain has a current market rent value of \$26,000p.a. net of outgoings;
 - b. 4 Temple Street, Victoria Park has a current market rent value of \$30,000p.a. net of outgoings; and
 - c. 6 Temple Street, Victoria Park has a current market rent value of \$75,000p.a. net of outgoings.It is therefore recommended that full market rent and payment of outgoings in full be applied to the three Department of Health Leases.
13. Under Policy 310 Leasing, tenants are 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.). At present, many of the tenants under the Leases are not paying the outgoings for their lease. The recommendation therefore follows the terms of Policy 310, however Council may wish to consider whether there is scope to phase in the outgoings costs over the proposed new lease terms.
14. If 5 year lease terms are granted, such a phased approach could be as follows:-
 - Year 1: 0% of outgoings payable by Tenant.
 - Year 2: 25% of outgoings payable by Tenant.
 - Year 3: 50% of outgoings payable by Tenant.
 - Year 4: 75% of outgoings payable by Tenant.
 - Year 5: 100% of outgoings payable by Tenant.
15. The recommendation is to renew all the Leases, without the need to address a Criteria Based Assessment, for a period of up to 5 years and in line with Policy 310 – Leasing with the exception of commercial terms for the three Department of Health leases.
16. Renewing all the Leases without the need to address a formal Criteria Based Assessment will provide the Town an opportunity to consider and determine its strategy in proceeding upon expiry of the new leases in the future, without interrupting service delivery in the short term.
17. Information is provided in Attachment 2 as to the intent of the Town of Victoria Park Social Investment Process: Peppercorn Leases.

18. At the end of the proposed 5 year renewal term renewal for Community Leases, there will be an opportunity to assess and consider the contribution each Community tenant is providing to the community through their delivery of services/programs/social outcomes, i.e. 'social impact value'.
19. The definition of peppercorn leases as determined in *Attachment 1* apply to the methodology being a nominal rent amount which is significantly below market valuation (in this case \$1.00 per annum) paid by that Lessee to the Town to lease the premises. A peppercorn lease means the Town forfeiting revenue in return for social benefits for the community.
20. With support from the Town's Social Impact Specialist, it is proposed to enhance understanding of the social value being provided by those organisations that receive a peppercorn rental from the Town.
21. One sub-licensee from the list within Attachment 1 (Vic Park Community Centre) also receives an operating subsidy from the Town to the value of \$85,000 per annum (ex GST, plus CPI per annum). An operating subsidy is a cash contribution provided to assist and or enhance the degree and scope of community benefit activities being provided by that organisation.
22. The total annual amount of operating subsidies provided by the Town to all community organisations is capped at 1% of rateable income. Not all Tenants that lease a community use facility from the Town may meet the eligibility requirements for an operating subsidy under Policy 114 – Community Funding.

Proposed key terms for Community Leases:

Key Terms	
Lessor	Town of Victoria Park
Agreement Type	Lease
Term	Up to five (5) years
Further Term	None
Rent	Per holding over lease term
Rent Review	CPI increase on each anniversary date of commencement.
Commencement Date	Upon execution of the agreement by both parties.
Outgoings	The Tenant is responsible for all outgoings which (in accordance with Policy 310 Leasing) shall be all operating/running costs, including but not limited to: (i) Refuse collection; (ii) Emergency services levy; (iii) Water rates; (iv) Council rates; and (v) All utilities related to their use (e.g. electricity, gas, water, telecommunications).
Maintenance	The Tenant is responsible for non-structural and preventative maintenance. The Landlord may in its absolute discretion undertake repair and maintenance (subject to availability of funds) in accordance with Asset Management Plans, and such other factors as may be considered by the Landlord to be reasonable and/or necessary.

Sublicence	Prior written consent, in accordance with Head Agreement and subject to the Town being satisfied with the terms and conditions of any sublicence agreement.
Permitted Use	In accordance with planning and zoning and in line with the Tenant's operational use/s.
Operating Hours	Hours to be within planning and legislative parameters.
Insurance	The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover, with ability for Lessor to review as reasonably required from time to time.
Signage	Prior written consent from the Lessor required.
Alterations, Works and Fit Out	Prior written consent from the Lessor required.
Special Conditions	<ul style="list-style-type: none"> - 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 Term. - Organisations receiving a peppercorn lease to engage in the Town of Victoria Park Social Impact Investment Process: Peppercorn Leases, at a level commensurate with their organisational capability and capacity.

Proposed key terms for Department of Health:

Key Terms	
Lessor	Town of Victoria Park
Tenant	Department of Health (either Child and Adolescent Health Services or Dental Health Services as applicable)
Agreement Type	Lease
Term	Up to five (5) years
Further Term	None
Rent	Full market rent (as outlined in Attachment 3 & 4)
Rent Review	CPI increase on each anniversary date of commencement.
Commencement Date	Upon execution of the agreement by both parties.

Outgoings	The Tenant is responsible for all outgoings which (in accordance with Policy 310 Leasing) shall be all operating/running costs, including but not limited to: (i) Refuse collection; ii. Emergency services levy; iii. Water rates; iv. Council rates; and v. All utilities related to their use (e.g. electricity, gas, water, telecommunications.).
Maintenance	The Tenant is responsible for all repairs and 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.
Sublicence	Prior written consent, in accordance with Head Agreement and subject to the Town being satisfied with the terms and conditions of any sublicence agreement.
Permitted Use	In accordance with planning and zoning and in line with the Tenant's operational use/s.
Operating Hours	hours to be within planning and any applicable legislative parameters.
Insurance	The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover with ability for Lessor to review as reasonably required from time to time.
Signage	Prior written consent from the Lessor required.
Alterations, Works and Fit Out	Prior written consent from the Lessor required.
Special Conditions	<ul style="list-style-type: none"> - 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 Term.

23. A disposal by way of lease is subject to the requirements contained within section 3.58 of the *Local Government Act 1995* however, a disposition of land may be exempt under regulation 30 of the *Local Government (Functions and General) Regulations 1996* if the land is disposed of to a charitable, benevolent, religious, cultural, educational, recreational or sporting body or similar, the members of which are not entitled or permitted to receive any pecuniary profit from the body's transactions. If a prospective Tenant is eligible for an exemption, advertising the disposal is no longer required under section 3.58(3) of the *Local Government Act 1995*.
24. As noted in Attachment 1, the proposed lease disposals (with the exception of the proposed lease to Agility Rehabilitation Pty Ltd) are exempt from the advertising and related requirements of Section 3.58 of the *Local Government Act 1995*.

25. The terms of each relevant lease agreement will also be subject to the standard tenure guidelines for leasing facilities used for community purposes, ensuring the tenants and services are appropriately managed for the benefit and best interest of the residents and ratepayers.
26. The recommendation makes provision for the terms of each Lease to be set by the Town's lawyers and for minor variations or amendments to the key terms to be authorised, the intent being to accommodate reasonable and sensible minor points that may arise through detailed negotiation of the proposed lease relationship.
27. Should the Council resolve to endorse the recommendation, new leases for the sixteen leases in holdover will be negotiated and prepared in accordance with the relevant Key Terms as noted above.

Relevant documents

[Policy 310 – Leasing](#)

[Policy 114 – Community Funding](#)

13.2 Kent Street Sand Pit Detailed Design Information Update

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

Recommendation
<p>That Council:</p> <ol style="list-style-type: none"> Notes the information and updates on the Kent St Sand Pit Detailed Design project contained within this report. Requests the Chief Executive Officer to provide a further report by the December 2022 Ordinary Council Meeting.

Purpose

To present an update to Council for the Kent St Sand Pit Detailed Design.

In brief

- At the Ordinary Council meeting held on 17 May 2022, the Council resolved to endorse the Kent St Sand Pit Concept Plan (Council resolution 112/2022: *That Council receives and endorses the Kent Street Sand Pit Concept Design*).
- Further to Council resolution, the Town has been progressing to the next stage of planning for the Kent St Sand Pit, which is Detailed Design.
- A working draft of the detailed design has been developed.
- Feedback has been sought from a range of stakeholders to date, including Town staff, Friends of Jirdarup Bushland, Simon and Roni Forrest, Kingsley Dixon, Urban Forest Strategy Working Group, Mindeera Advisory Group. Specialist advice regarding bushfire design considerations was also sought.
- This report gives an overview of the progress of the project to date, some of the main considerations raised by stakeholders and how they are or will be considered in the design, as well as the next steps.

Background

- At the Ordinary Council meeting held on 17 May 2022, the Council resolved to endorse the Kent St Sand Pit Concept Plan (Council resolution 112/2022: *That Council receives and endorses the Kent Street Sand Pit Concept Design*).
- Further to the Council resolution, the Town has been progressing to the next stage of planning for the Kent St Sand Pit, which is Detailed Design.
- The below represents the milestone progression of the project:

Milestone	Date
Stage 1 - Project initiation, background review, site analysis	
Project initiation meeting	WB 11 July
Review existing information, analyse the site and build on Kent St Sand Pit Concept	WB 18 July

Plan.	
Stage 2 – Initial Draft Detailed Design	
Develop an initial draft detailed design	WB 8 August
Draft option design to Project Group, Traditional Owners and Friends of Jirdarup Bushland, Urban Forest strategy (UFS) Working Group, Mindeera Advisory Group for consideration.	WB 8 August
Town staff survey	22 August – 7 September
Concept Forum	25 October – Concept Forum
Elected Member review	26 October – 9 November

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	The conversion of the site to public open space for recreational and cultural purposes, with restoration being the prime focus, would not only protect and enhance the adjacent precious remnant Kensington Bushland but also potentially create an excellent amenity for the Town's community and visitors from the wider community.
EN4 - Increasing and improving public open spaces.	The conversion of the site to public open space for recreational and cultural purposes, with restoration being the prime focus, would not only protect and enhance the adjacent precious remnant Kensington Bushland but also potentially create an excellent amenity for the Town's community and visitors from the wider community. Given the site's size, the Kent St Sand Pit restoration would contribute significantly to the Town's canopy cover.

Engagement

Engagement	
Stakeholder	Comments
Simon and Roni Forrest	<ol style="list-style-type: none"> 1. Yarning spaces – suggested size: small ones 3m radius, larger one 6m radius. 2. Keep access to the yarning spaces narrow i.e. 2m wide. 3. Keep two access points for circulation.

	<ol style="list-style-type: none"> 4. Perhaps a shelter to the larger yarning space. This could include cover from rain etc or laser cut with art opportunity. 5. Provide informal edging to circular-shaped areas. 6. Provide informal, irregular seating using logs and rocks 7. Material underfoot should not be just dirt. Perhaps stabilised clay finish (similar to that at Hillview Bushland). 8. Happy with the proposed iconic art locations at the entry points. 9. Consider light colours (sunny side, white cockatoos, yellow) and dark colours (shaded side, crows, blue) to identify skin groups. Possibly black and white only in Nyungar country. Blue shady side and gold sunny side are for desert country.
<p>Friends of Jirdarup Bushland</p>	<ol style="list-style-type: none"> 1. Five metre firebreak requirements (DEFS) to be reassessed/clarified and minimised (note: They don't exist currently). If required, could they go in the sandpit itself at the base of the embankments? 2. Infrastructure to be minimised, in particular Yarning Circles (Knowledge exchange node): <ol style="list-style-type: none"> a. 3 x yarning circles AND 3 x nodes seems to be too much b. Access 'paths' should be eliminated by moving them close to main paths. Check with Simon Forrest if no connecting path will be OK or reduce to 'single access' path. 3. "Feature Nodes (shaded areas, seating) are now shown as "shelter with picnic setting" (nodes A, B & C): <ol style="list-style-type: none"> a. Deemed unnecessary in urban bushland. Consider installation and ongoing maintenance costs (or locate them HRR and George Street Reserve). 4. Paths <ol style="list-style-type: none"> a. Emergency, maintenance vehicle paths – confirm minimum requirements b. Walking paths – keep them as narrow as possible (every square meter will reduce potential for revegetation). c. Path materials: List of all available options alternatives to make informed decision on best possible/ suitable option(s). 5. Ramps: <ol style="list-style-type: none"> a. Move access east (along Kent Street) to eliminate impact on Bush-forever area. b. Consider replacing with a staircase or not at all (significant cost savings!)? 6. HRR entry: consider 'elevated' boardwalk through bush-forever area required. 7. Restoration - Import fill to be considered in detailed design: <ol style="list-style-type: none"> a. Mounding's strategically placed => volumes and costs b. Smoothen batters in north/northeast and northwest c. Check if 50 cm layer site wide for optimised weed control would be

	<p>feasible => volumes and costs to be assessed (quotes).</p> <p>8. Bush forever site boundaries in ALL maps required.</p>
Professor Kingsley Dixon	<p>Maximise the key asset which is the bushland. For example, three yarning circles is more responsibly managed by opening up one, then reviewing use for an additional one.</p>
Mindeera Advisory Group	<p>No comments received.</p> <p>NOTE: Town was unable to meet with them until December 2022, so in the interim the MAG were communicated with via email.</p> <p>The Town will meet with MAG in December 2022 to discuss the draft design.</p>
Urban Forest Strategy Working Group	<p>No comments received.</p>
Town staff	<p>What is the material of the knowledge exchange nodes? Are these accessible? Should a boulder be removed to make the circle accessible?</p>
Bushfire consultant	<p>In the event of a bushfire within site, firefighters may (are likely to) operate from the road reserve depending on the perimeter fence height and type. Therefore, external firebreaks, in this instance, would appear surplus to requirements.</p> <p>If there are internal maintenance paths, these can be used but should provide more than one option in and out or signage to show it is the only point of access.</p> <p>If perimeter firebreaks are installed (per draft design), these can be limited to 3m in width. Fire appliance access should be appropriately signposted at all entry points from the public road.</p> <p>Due to the relatively small size of the area, additional firebreaks are not required to break up the reserve into smaller cells. However, the existing Banksia walk (if appropriately surfaced) could be used for additional firefighter access, which can be gained at the vehicle entry point on Etwell Street (northern section) and linked to the proposed firebreak running parallel to Baron-Hay Court within the site boundary.</p>

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	As the land is owned by the Town under a 999-year lease and was gifted to provide financial endowment, there is the potential for loss of alternative revenue and other social benefits as a result of not exploring options outside of the current Parks and Recreation Zoning.	Major	Possible	High	Medium	TREAT risk by seeking the preference of the Town's community in terms of the use of the site.
Financial	Precedent for the State Government to take back endowment land as they required.	Major	Possible	High	Medium	TREAT risk by liaising and negotiating with the State and Federal Government regarding future plans for the site.
Environmental	Not applicable.					
Health and Safety	Not applicable.					
Infrastructure/I CT Systems/ Utilities	Not applicable.					
Legislative Compliance	Not applicable.					
Reputation	Not applicable.					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>Pending Council's endorsement of the design, funding for construction works will be required.</p> <p>Preliminary estimates based on the concept plan were undertaken in 2022 and it was anticipated that the works will cost \$1.6M. This cost may increase or decrease depending on the final scope of works. Costings and staging will be</p>

finalised following detailed design completion.

The construction cost may be able to be supplemented through grant funding (e.g. Lotterywest).

The second round of seed collection in 2022/23 is anticipated to be funded by the Natural Areas Maintenance budget. This will also encompass annual propagation research and development, estimated at \$5,000/year.

Funds may need to be included in a future year's budget to allow for possible compliance upgrades to the path connection between Kent St and Baron-Hay Court. Based on the current draft program, these works may need to be undertaken in 2024/25.

Analysis

4. Feedback on the current draft detailed design has been sought from a range of stakeholders to date, including Town staff, Friends of Jirdarup Bushland, Simon and Roni Forrest, Kingsley Dixon, Urban Forest Strategy Working Group, Mindeera Advisory Group. Specialist advice regarding bushfire design considerations was also sought.
5. The below outlines some of the main considerations raised by stakeholders (see Engagement table) concerning the current draft design and how they are – or will be - considered in the design or resolved by the Town.

Considerations	Response
Firebreak requirements	Based on the advice from bushfire risk consultants, firebreaks in the current design seem unnecessary and can be reviewed. Due to the relatively small size of the area, additional firebreaks are not required to break up the reserve into smaller cells.
Picnic setting may be unnecessary in an urban bushland setting.	The Town will remove the picnic settings.
Yarning Circles/knowledge exchange nodes: Three yarning circles is more responsibly managed by opening up one, then reviewing use for an additional one.	The yarning space number and locations, together with the alignment of paths, were specifically determined by elder Simon Forrest and Darryl Bellotti based on energy mapping of the site. As such, the preference is to leave the yarning space number and location as they are. Additionally, the number and location in the detailed design is the same as that reflected in the endorsed concept plan. Further, the three yarning spaces represent 0.45% of the site.

Access' paths' should be eliminated by moving them close to main paths.

Primary and secondary paths:

- Walking paths – keep them as narrow as possible
- Emergency, maintenance vehicle paths – confirm minimum requirements
- Path materials: List of all available options alternatives to make informed decision on best possible/ suitable option(s).

Ramps:

- Move access east (along Kent Street) to eliminate impact on Bush-forever area.
- Consider replacing with a staircase or not at all.
- HRR entry: consider 'elevated' boardwalk through bush-forever area required.

Restoration:

Import fill to be considered in detailed design:

- Mounding strategically placed; detailed plan for height, extent, material, tie-in with restoration objectives.
- Smoothen batters in north/north east and north west

Further, in regards to access paths, there is a need to consider risk of people creating informal access runs if there is not multiple path entries. Simon Forrest's opinion is that two access points are better for circulation.

Agree that paths are to be kept as narrow as possible. According to bushfire consultants, there is a 3m wide requirement for emergency services vehicles.

Agree that the suite of path material options would be good to list with the design.

Ramp can be shifted to minimise impingement on Bush Forever fringe along Baron-Hay Court.

In the interest of maintaining universal accessibility to the site, a staircase cannot be considered. Universal access was one of the high priority desires from broader community, and a core principle of the project, so the Town prefers to maintain this point of entry to the site, as otherwise community can only access from Etwell St.

Agreed. Elevated ramping entry is preferred at each of the respective locations, to minimise impact on Bush Forever vegetation.

The moundings are placed relative the energy mapping that was undertaken for the site. The estimated volume and cost will be determined once the detailed design documentation is finalised.

Smoothing of batters to reduce slope gradient will be considered.

<ul style="list-style-type: none"> • Check if 50 cm layer site wide for optimised weed control would be feasible. <p>Bush forever site boundaries in ALL maps required (still missing in all detailed plans.</p> <p>Use of natural materials for any infrastructure wherever possible to be preferred.</p> <p>Mulch is not a preferred option for planted areas</p> <p>Some concern that public art is not a priority.</p>	<p>This will be confirmed with Kingsley Dixon. The estimated fill volume and cost will be determined once the detailed design documentation is finalised. The actual weed control details will be reflected in the Restoration Plan (in development).</p> <p>Agreed. This will be added in.</p> <p>Agreed.</p> <p>This can be revised.</p> <p>Public art is an intrinsic part of the cultural restoration opportunity of the site. Reference to Aboriginal stories and history expressed desire of the broader community during the Concept Plan development. It will be important that all public artworks are sympathetic to the restoration effort, with minimal hard surfaces and maximum natural materials.</p> <p>Some public art opportunities include:</p> <ul style="list-style-type: none"> • In furniture • Balustrading to ramp and deck • Arrival and wayfinding signage • Knowledge exchange nodes (yarning spaces). This may be in the form of integration into a minor shelter. <p>NOTE: The Environment Officer is liaising with the Community Development team to develop an Expression of Interest document seeking artists to develop Nyoongar artwork for the site. The intention will be to release this to a pool of eight artists recommended by Mindeera Advisory Group.</p>
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6. Whilst the Town acknowledges that there is some concern amongst some stakeholders with the level of infrastructure proposed on the site, it should be noted that this represents a combined estimated total of 8.45%, with revegetation opportunity representing 91.55%. Please see the breakdown below:
- Revegetation is 91.55%

- b. 1.3km of paths and access is 6.5%
 - c. Carpark is 1.5%
 - d. Knowledge exchange areas are 0.45%.
7. Further, it is important to note that the detailed design is built on the Council-endorsed Concept Plan (17 May 2022), the design intent of which includes:
- a. a focus on revegetation and ecological restoration of the remnant woodland
 - b. incorporation of Noongar cultural considerations, such as yarning spaces
 - c. universal accessibility
 - d. a primary perimeter path and secondary connecting pathway
8. Elected Members had the opportunity to view the current draft detailed design at the 25 October 2022 Concept Forum, as well as formal review from 26 October – 9 November 2022. This feedback and commentary from the Town staff, Friends of Jirdarup Bushland, Simon and Roni Forrest, Kingsley Dixon, Urban Forest Strategy Working Group, Mindeera Advisory Group will be collated and form the basis of a revised draft design. The below outlines the next steps thereafter:

Milestone	Date
Council report (seeking approval to release draft design for community consultation)	December 2022
Community consultation	January – February 2023
Review design (based on outcomes of surveys undertaken and feedback from expert advisors, Mindeera etc)	February 2023
Revised design and collated community feedback to stakeholders (Project Group, Mindeera Advisory Group, Friends of Jirdarup Bushland, UFS Working Group). This may include meeting with said stakeholders to discuss.	February 2023
Preparation of final Detailed Design	February 2023
Project Group, UFS Working Group and Mindeera Advisory Group and Friends of Kensington Bushland approval of final draft; release for community information	February 2023
Send Department of Water and Environmental Regulation a copy of the finalised Detailed Design for review	February 2023
Report to Council	March 2023

Relevant documents

Not applicable.

13.3 Proposed Invitation of Submissions for vacant spaces at Leisurelife

Location	East Victoria Park
Reporting officer	Senior Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple Majority
Attachments	<ol style="list-style-type: none">1. The Leisurelife Centre - Overall - v 1.1 [13.3.1 - 1 page]2. The Leisurelife Centre - Lease Area 1- v 1.0 [13.3.2 - 1 page]3. The Leisurelife Centre - Lease Area 3- v 1.0 [13.3.3 - 1 page]4. The Leisurelife Centre - Lease Area 4- v 1.0 [13.3.4 - 1 page]5. The Leisurelife Centre - Lease Area 5- v 1.0 [13.3.5 - 1 page]6. Proposed Qualitative Assessment Criteria - Leisurelife Areas [13.3.6 - 2 pages]

Recommendation

That Council:

- 1) Authorises the Chief Executive Officer to advertise to invite submissions of interest for the disposal by way of lease or licence of 4 surplus lettable spaces within the Leisurelife Centre at 248 Gloucester Street, East Victoria Park;
 - a) 63sqm area adjacent to the Creche – *Attachment 2*
 - b) 18sqm area facing the reception area – *Attachment 3*
 - c) 23sqm area adjoining to the café seating area and basketball court – *Attachment 4*
 - d) 56sqm area between two of the basketball courts – *Attachment 5*for a period of up to five years by way of lease or licence, with criteria to include that the Town seeks service providers, community or sporting organisations that would complement the services provided by the Town at the Leisurelife Centre.
- 2) Notes that in the event of preferred proponent/s being selected by the Council for leasing, it will then be necessary for the proposed lease(s) to be advertised and to comply with the requirements of section 3.58 of the *Local Government Act 1995*, unless an exemption applies pursuant to section 3.58(5) of the *Local Government Act 1995*.

Purpose

The purpose of this report is for Council to consider advertising to invite submissions of interest for the disposition of four leasable suites within the Leisurelife Centre ('Leisurelife') by way of a lease or licence.

In brief

- The Town is the freehold owner of 248 Gloucester Street, East Victoria Park, on which Leisurelife is located.
- A survey was conducted of five (5) vacant spaces within Leisurelife. It was confirmed that four (4) of these areas have been identified as surplus and as opportunities for leasing or licensing.
- Policy 310 – Leasing provides standard tenure guidelines for lease agreements.
- A local government may dispose of a property by way of a lease in accordance with section 3.58 of the *Local Government Act 1995*.

- This item recommends Council approve the advertisement to invite submissions of interest of these leasing/licensing opportunities, with criteria to include that the Town seeks service providers, community or sporting organisations that would complement the services provided by the Town at Leisurelife.

Background

1. Leisurelife is situated on Lot 25 on Plan 3844 Certificate of Title Volume 728 Folio 16. The land's current zoning is Public Purpose – Civic Use under the Town Planning Scheme 1.
2. Leisurelife provides a range of recreational spaces and accommodates several leases.
3. The Town was approached by two sporting clubs and incorporations that expressed an interest in leasing space within Leisurelife. The Town arranged for vacant spaces in Leisurelife to be surveyed and determined as lettable.
4. Further to a survey of six (6) spaces at Attachment 1, four (4) of these spaces were identified to be available for lease or licence disposal:
 - a. 63sqm area adjacent to the Creche – *Attachment 2*
 - b. 18sqm area facing the reception area – *Attachment 3*
 - c. 23sqm area adjoining the café seating area and basketball court – *Attachment 4*
 - d. 56sqm area between two of the basketball courts – *Attachment 5*

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Having these extra spaces within the Town's Leisurelife facility may accommodate for activation for community groups.

Economic	
Community priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	Providing lease opportunities within Leisurelife may allow for further sporting clubs to call the centre 'home' and provide a connection with the community.

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	Opening the spaces for lease will see occupancy and activation, which will mean the areas are maintained and managed under lease terms in line with Town policies.

Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	The Town may provide an opportunity for a number of diverse groups to occupy its facility and provide new offerings to the locals.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments incorporated within the report.
Manager Community	The advertisement of the four leasable spaces within Leisurelife is supported, as it may help to improve the diversity of services being offered within the Town, as well as potentially increase participation in activities that may improve health, wellbeing, and social engagement.
Manager Business Services - Leisurelife	The advertisement of the four leasable spaces within Leisurelife is supported, as it will improve the overall occupancy and potentially attract more community members to the facility.
Manager Development Services	Supported, provided that the Town seeks service providers, community or sporting organisations that would complement the services provided by the Town at the Leisurelife Centre.
Manager Technical Services	Supported.

Legal compliance

[S3.58 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	Leaving the areas vacant will leave the centre not providing new services, benefit or activation.	Moderate	Likely	High	Low	TREAT risk by Allowing the spaces to be leased or making them available for ongoing hire to activate the

	centre.					
Environmental	Not Applicable.					
Health and safety	Not Applicable.					
Infrastructure/ ICT systems/ utilities	Not Applicable.					
Legislative compliance	Failure to comply with section 3.58 of the <i>Local Government Act 1995</i> .	Minor	Unlikely	Low	Low	TREAT risk by following the disposal of property process in accordance with section 3.58 of the <i>Local Government Act 1995</i> .
Reputation	Not Applicable.				Low	
Service delivery	Failure to secure a suitable operator to meet community expectations.	Moderate	Possible	Medium	Low	TREAT risk by securing a suitable tenant that complements the Centre and will ensure service provision for the community.

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	The passing of this recommendation may result in income being received by the Town from any new lease or licences.

Analysis

5. Two sporting groups have requested tenancies within Leisurelife.
6. A survey has assessed four spaces that are surplus to requirements and offer the opportunity to be made available to lease or licence to groups within the community that may complement the offerings of the Town within Leisurelife.
7. Leasing or licensing these spaces may provide benefits to the Town by way of income and/or community offerings and assist in further activation of Leisurelife.
8. Policy 310 - Leasing aims to balance appropriate management and responsible use of the Town's facilities for the benefit of the community and ensures managed properties are appropriately

maintained. Any new lease or licence will be subject to the standard tenure guidelines contained within this policy.

9. This item recommends that the spaces are made available for lease or licence and that submissions of interest are invited by advertisement.
10. The submissions from the outcome of the submission of interest/s advertisement will be assessed against Qualitative Criteria set by the Town and substantially in accordance with the proposed Qualitative Criteria in Attachment 6.
11. In the event of the preferred proponent/s being selected by the Council for leasing, it will be necessary for the proposed lease(s) to be advertised and to comply with the requirements of section 3.58 of the Local Government Act 1995, unless an exemption applies pursuant to section 3.58(5) of the Local Government Act 1995. If a preferred proponent is selected to be granted a licence, it will not be necessary to advertise the proposed licence and comply with the requirements of section 3.58 of the Local Government Act 1995

Relevant documents

[Policy 310 – Leasing](#)

[Policy 221 - Strategic Management of Land and Building Assets](#)

13.4 Harold Rossiter Sports Lighting TVP/22/14

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

Recommendation

If through the WALGA preferred supplier arrangement

That Council:

1. accepts the submission from Stiles Electrical & Communication Services Pty Ltd (ABN 60 087 757 962) for TVP/22/14 Harold Rossiter Sports Lighting issued through the Western Australia Local Government Association (WALGA) Preferred Supplier Arrangement for \$520,850.67 (Excl GST) and authorises the awarding of the contract for installation of Sports lighting to Harold Rossiter Reserve.
2. Authorises the transfer of \$130,851 from GO Edwards Park Upgrade (work order4385) to Harold Rossiter Sport Lighting (work order 4691)

Purpose

For Council to accept the submission by Stiles Electrical & Communication Services Pty Ltd for the installation of Sports Lighting to Harold Rossiter Active Reserve. As the overall value of the contract exceeds \$250,000, the acceptance of the offer and subsequent award of any such contract is to be determined by Council.

In brief

- TVP 22-14 Harold Rossiter Reserve Sport Lighting was published on 12 September 2022 through WALGA.
- Suppliers were requested to provide a lump sum cost for the supply and installation of Sport Lighting and electrical infrastructure for two football (soccer) fields.
- The approved FY22-23 budget municipal funding allocation for this item is \$390,000(ex GST). This funding includes an approved grant of \$100,516.
- An evaluation of the tender submissions against the prescribed criteria has been completed and it is recommended that Council accepts the submission made by Stiles Electrical & Communication Services Pty Ltd and enters a contract to supply and installation of Harold Rossiter Sport Lighting.

Background

1. Harold Rossiter is a large Active Reserve adjacent to Kensington Bushland. It is bordered by Etwell Street, Kent Street and Rathay Street, Kensington
2. The area contains three active playing fields. Two elevated fields are used for club football (soccer), and the lower oval is used for club cricket.
3. The Town has Seasonal Tenancy Agreements with several clubs currently using the site, which include Curtin Victoria Park Cricket Club (CVPCC), South Perth Junior Cricket Club (SPJCC), Victoria Park Soccer Club (VPSC) and Perth Training and Obedience Dog Club (PTODC).

4. The current sport lighting only services one football (soccer) field and offers minimal lighting. This is limiting club game and training opportunities. Clubs are unable to host night matches and have poor lighting on one field for night training sessions.
5. The Reserve is also popular among residents for passive recreation. It is well used for exercising dogs. There are trails that link to the nearby Kensington Bushland and George St Reserve that form part of the larger Jirdarup precinct.
6. The tender allows for the removal of the existing sport lighting and inground infrastructure and the supply and installation of the new and upgraded sports lighting and electrical infrastructure to the two football (soccer) fields.
7. The system will meet the requirements of standard AS2560.2.2021 for club competition. It will allow 100lux sport lighting for club games and 50 lux for training at night across the two football fields.
8. The lighting design also provides for low-lux level community lighting. The community lighting will allow for increased security at the Reserve due to passive surveillance, improving visibility at the park in the evening. The community lighting will operate independently and be controlled by an automated master switch.
9. The site is fringed with established trees and is a known foraging and roosting site for local birdlife. The Town commissioned the Harry Butler Institute, Murdoch University, to undertake a review of available literature and report on the potential impacts of increased lighting levels. The information from this report was supplied to the lighting designer prior to the final design being completed.
10. The Department of Local Government, Sport and Cultural Industries (DLGSC), via the Club Night Lights Program (CNLP) granted financial assistance towards the project. The approved grant of up to \$100,516 to the Town of Victoria Park is to be claimed in the 2022/23 financial year.

Compliance criteria

Description of Compliance Criteria	Yes / No
i. Compliance with the Conditions of this Tender Tenderers are to provide acknowledgment that your organisation has submitted in accordance with the Conditions of Tender including completion of the Offer Form and provision of your pricing submitted in the format required by the Principal.	Yes / No <input type="radio"/> <input type="radio"/>
ii. Compliance with the Conditions of Contract Tenderers are required to indicate their agreement to comply with the Contractual Conditions of this Request for Tender as provided in Part 3– General Conditions and Special Conditions of Contract.	Yes / No <input type="radio"/> <input type="radio"/>
iii. Specification Compliance with the Specification contained in the Request.	Yes / No <input type="radio"/> <input type="radio"/>
iv. Occupational Health and Safety Compliance with OHS requirement, Complete Section 4.4 – Contractor’s Occupational Safety and Health Management System Questionnaire.	Yes / No <input type="radio"/> <input type="radio"/>
v. Attendance at Mandatory Tender Briefing or Site Inspection	Yes / No <input type="radio"/> <input type="radio"/>
VI) Have you completed and submitted the Price Schedule in the included Excel file plus inserted the tables into the PDF version of your response (Section 6.14.1) The Respondent confirms that neither it nor officers, employees, or agents: (a) (a)has been convicted of any modern slavery offence as outlined in Divisions 270 and 271 of the <i>Criminal Code Act 1995</i> (Cth), or is in breach	Yes / No <input type="radio"/> <input type="radio"/>

<p>of the <i>Modern Slavery Act 2018</i> (Cth) (together, Modern Slavery Laws), including but not limited to slavery, servitude, forced labour, trafficking in persons (including orphanage trafficking of children, forced marriage, child labour, debt bondage and other slavery-like practices (Modern Slavery);</p> <p>(b) having made reasonable enquiries, and to the best of its knowledge, has been or is the subject of any investigation, inquiry, or enforcement proceedings by any governmental, administrative, or regulatory body regarding any offence or alleged offence, or breach or alleged breach, of or in connection with any Modern Slavery Laws; or</p> <p>(c) is aware of any circumstances within the Tenderer's supply chain that could give rise to an investigation, inquiry, or enforcement proceedings by any governmental, administrative, or regulatory body regarding any offence or alleged offence, or breach or alleged breach, of or in connection with any Modern Slavery Laws.</p> <p>The following are mandatory criteria for contractors:</p> <p>a. Submission of OSH Management Policy and Plan, JSA's and Safe Work Method Statements etc.</p> <p>b. Compliance to critical technical requirements.</p> <p>c. Attendance at Mandatory Tender/Site Briefing.</p> <p>d. Possession of certification to Australian/ International Standards (please list any specific licenses and registrations required).</p>	<p>Yes / No o o</p>
<p>vi. Completion of Pricing Schedule</p>	<p>Yes / No o o</p>

i) Organisational Profile

<p>Attach a copy of your organisation structure and provide background information on your company and label it "Organisation Structure". (No more than 10 pages)</p>	<p>"Organisation Structure"</p>	<p>Tick if attached</p>
<p>If companies are involved, attach their current ASIC company extracts search including latest annual return and label it "ASIC Extract".</p>	<p>"ASIC Extract"</p>	<p>Tick if attached</p>
<p>Are you acting as an agent for another party? If Yes, attach details (including name and address) of your principal.</p>	<p>"Agency"</p>	<p>Tick if attached</p>
<p>Are you acting as a trustee of a trust? If Yes, give the name of the trust and include a copy of the trust deed (and any related documents); and if there is no trust deed, provide the names and addresses of beneficiaries</p>	<p>"Trust Deed"</p>	<p>Tick if attached</p>
<p>Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or are any such conflicts of interest likely to arise during the Contract? If Yes, please supply in an attachment detail of any actual or potential conflict of interest and the way in which any conflict will be dealt with.</p>	<p>"Conflict"</p>	<p>Tick if attached</p>

i) Referees

<p>Attach details of your referees, and label it "Referees". Your response should contain at least 3 written references advising on the performance standards of previous projects</p>	<p>"Referees"</p>	<p>Tick if attached</p>
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undertaken, or the names of at least 3 referees who can advise on the performance standards of previous projects undertaken.		
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i) Subcontractors

Do you intend to subcontract any of the Requirements?	Yes / No	
If Yes, in an attachment labelled "Subcontractors" provide details of the subcontractor(s) including: (a) the name, address and the number of people employed; and (b) the Requirements that will be subcontracted.	"Sub-contractors"	Tick if attached <input type="checkbox"/>

i) Financial Position

Are you presently able to pay all your debts in full as and when they fall due?	Yes / No	
Are you currently engaged in litigation as a result of which you may be liable for \$50,000 or more?	Yes / No	
If you are awarded the Contract, will you be able to fulfil the Requirements from your own resources or from resources readily available to you and remain able to pay all of your debts in full as and when they fall due?	Yes / No	
In order to demonstrate your financial ability to undertake this contract, in an attachment labelled "Financial Profile" include a Profit & Loss statement, latest audited financial statements (if available) for you and each of the other proposed contracting entities, together with a list of financial referees from bank and/or accountant.	"Financial Profile"	Tick if attached <input type="checkbox"/>

i) Insurance Coverage

The insurance requirements for this Request are stipulated in the Special Conditions. Tenderers are to supply evidence of their insurance coverage in a format as outlined below or in an attachment labelled "Insurance Coverage". A copy of the Certificate of Currency is to be provided to the Principal within 7 days of acceptance.			"Insurance Coverage"	Tick if attached
Type	Insurer - Broker	Policy No.	Value (\$)	Expiry Date
Public Liability				
Product Liability				
Worker's Compensation				
Other (Specify)				

i) Occupational Health and Safety

Attach a copy of your OH & S Policy Table of Contents only and label it "Occupational Health and Safety. The successful tenderer will have to supply a full OH & S Policy.	"Occupational Health and Safety"	Tick if attached
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11. Tender submissions must comply with the advice provided under the compliance criteria, as indicated in section 4.2 of the tender document.

12. The Town's Senior Procurement Officer assessed all submissions for compliance against the compliance criteria set out in section 4.2 of the tender document.
13. All submissions were deemed compliant.

Evaluation process

<p>Relevant experience Provide details of Experience working on similar work/projects undertaken, including information on:</p> <ul style="list-style-type: none"> i). Project start and end dates and extensions granted. ii). Role of the tenderer, tender price, variations, and final cost. iii). Details of personnel and subcontractors involved iv). Issues that arose during the project and how these were managed v). Referees (minimum of 3) 	Weighting 10%
<p>Organisation Capacity, Key Personnel experience, and expertise Please outline your organisation's capacity to undertake this work. Provide information such as;</p> <ul style="list-style-type: none"> i). Organisation Structure Chart ii). A brief introductory CV (one or two paragraphs) of key personnel iii). Role of key personnel in the project iv). Current committed contracts v). Nominated subcontractors vi). List of plant and equipment 	Weighting 10%
<p>Methodology, Key issues, and Risks</p> <ul style="list-style-type: none"> i). Proposed methodology specific and relevant to the services for the delivery of this Project ii). Demonstrate understanding of the required scope by identifying the key issues and risks associated with delivering the project and mitigation iii). A works Program/Gantt chart to be provided 	Weighting 10%
<p>Sustainability</p> <ul style="list-style-type: none"> i). Economic ii). Social iii). Environmental iv). Support of local business 	Weighting 5% 5% 5% 5%
<p>Price</p>	Weighting 50%

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	A public tender process ensures integrity in the appointment of contracts for installing Town assets.

Environment	
Community priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces.	Installing appropriate lighting infrastructure ensures participation in sport, increased passive recreation and a healthier community.

Social	
Community priority	Intended public value outcome or impact
S1 - Helping people feel safe.	Installation of community lighting improves passive surveillance and safety for community members utilising the park area.

Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advice and acted as a probity advisor throughout the process.
Community Development Office	Grant application
Operations staff	Technical advice
Urban Planning	Development approval will be required for installation of the floodlights

Legal compliance

[Section 3.57 of the Local Government Act 1995](#)

[Part 4 Division 2 of the Local Government \(Functions and General\) 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	Insufficient funds to complete project.	Moderate	Likely	High	Low	Treat risk by ensuring sufficient Funds available WO4691.
Environmental	Site contamination.	Low	Unlikely	Low	Medium	Treat risk by having Environmental Management Plan. Procedures in place to control dust, site waste and run offs.
Health and safety	Workplace injury or equipment	Medium	Unlikely	Medium	Low	Treat risk by having Workplace

	damage.					Health and Safety Management Plan.
Timeframe	Project not completed in time.	Low	Unlikely	Low	Low	Treat by monitoring progress on weekly basis and having milestones.
Reputation	Negative public perception of the Town.	Medium	Possible	Medium	Low	Treat by having stakeholder engagement.

Financial implications

Current budget impact	<p>As the value of the contract exceeds \$250,000, the acceptance of the offer/tender and subsequent award of any such contract is to be determined by Council.</p> <p>The approved FY2022/23 budget municipal funding allocation for this item is \$390 000(ex GST).</p> <p>The Town has an approved grant of up to \$100,516 to the Town of Victoria Park to be claimed in the 2022/23 financial year as part of this funding.</p> <p>The Town has an approved FY2022/23 budget funding for GO Edwards Park Upgrade on WO4385 of \$502 000. Due to ongoing development adjacent to GO Edwards and ROW 59, the proposed works are unlikely to commence this financial year. It is recommended some of these funds be used to cover the FY2022/23 budget shortfall for the Sport Lighting project.</p>
Future budget impact	<p>Proposed \$130,851 to be transferred from the GO Edwards Capital works FY2022/23 budget will need to be considered in the 2023/2024 Capital Works budget.</p>

Relevant documents

[Policy 301 – Purchasing](#)

Analysis

14. The assessment of the submission was formally undertaken by a panel that included:
 - (a) Project Officer
 - (b) Reserves Supervisor
 - (c) Urban Ecosystems Supervisor
15. The Town received one submission. The submission was considered compliant.
16. The evaluation of the submissions against the quantitative and qualitative criteria resulted in the rankings as shown below, with the first ranking scoring the highest.

17. While the price is greater than the original budget estimate, the design was reviewed in light of the information provided by the Harry Butler Institute and Murdoch University. In addition, the cost of materials, particularly steel, has spiked in the last 12 months.

Company	Ranking
Stiles Electrical & Communication Services	1

13.5 Approval to enter into a landscaping maintenance agreement - Burswood Park Board and Town of Victoria Park

Location	Burswood
Reporting officer	Principal Traffic and Design Coordinator
Responsible officer	Chief Operations Officer
Voting requirement	{voting-requirement}
Attachments	<ol style="list-style-type: none"> 1. CONFIDENTIAL - Maintenance Costs prepared by Burswood Park Board [13.5.1 - 2 pages] 2. CONFIDENTIAL - Burswood Park Board Service Levels and Maintenance schedule [13.5.2 - 11 pages] 3. CONFIDENTIAL - Dedication of Roads on the Peninsula (49553) - Legal Advice from Mcleods dated 01082022 [13.5.3 - 8 pages] 4. CONFIDENTIAL - Burswood Park Board and Town Victoria Park Cost Analysis with Comparisons [13.5.4 - 1 page]

Recommendation

That Council:

1. Approves the preparation of a maintenance agreement between the Town of Victoria Park and Burswood Park Board subject to the following objectives;
 - (a) The costs of drafting any legal documentation are shared equally between the Burswood Park Board and Town of Victoria Park
 - (b) Endorse option 2 – 50/50 Cost sharing arrangement for landscaping maintenance on Peninsula roads nominated being Bolton Avenue, Camfield Drive North and Victoria Park Drive South
 - (c) Term of the agreement shall be 3 years with an option of 2 X 1 year extensions, effective from the 1 January 2023. Reviews by the Town will be aligned to any contract renewals or new tender submissions
2. In accordance with section 9.49A(4) of the *Local Government Act 1995*, authorises the Chief Executive Officer to execute the final maintenance agreement on behalf of Town of Victoria Park.

Purpose

Present Council with the assessment of future maintenance options and costs for landscaping on Peninsula Roads, currently being maintained by Burswood Park Board.

In brief

- Since the establishment of the Casino and subsequent Stadium venue, a number of roads within the precinct have been dedicated, which include Bolton Avenue, Victoria Park Drive and Camfield Drive (the northern section between the WA Water Sports Association and Roger Mackay Drive). Many roads also remain in private ownership with an intent to handover road assets to the Town for future care, control and management.
- The precinct and access roads no longer just serve the Casino and are a significant tourist destination for the State of Western Australia.

- Historically the Burswood Park Board have been maintaining landscaping on verges and medians for key roads such as Bolton Avenue and Victoria Park Drive.
- In early January 2022, the Town of Victoria Park and Burswood Park Board commenced preliminary discussions regarding landscaping maintenance on peninsula roads triggered by several network changes aligned to Stadium transport planning and the need to define areas of responsibilities.
- To investigate the most equitable outcome for both the Town of Victoria Park and Burswood Park Board, 6 options have been assessed and presented with costs. The most favourable is option 2, which is to share the maintenance costs equally.
- The estimated total maintenance area currently being considered is 16068m². This includes existing verges and median strips

Background

1. On 9 May 2022, the Town received formal correspondence from Burswood Park Board to commence negotiations on a maintenance agreement that recovers costs for Burswood Park Board Operations that currently service areas under the Town's control and care.
2. The basis being put forward to justify the maintenance agreement is as follows
 - (a) Burswood Park Board has been managing and maintaining areas controlled by the Town bordering the Parks Reserves for several years
 - (b) Recent boundary changes triggered by Optus Stadium have resulted in a need to establish formal agreements to maintain landscaping in zones where roads have been dedicated.
 - (c) Costs in managing and maintaining landscaping have risen substantially over the last two years. The Board is seeking to recover contract management and grounds maintenance costs
 - (d) Continued growth in the land area controlled by the Town has placed added pressure on existing contractual arrangements
 - (e) The Town is proposing additional landscaping within the road reserve along Victoria Park Drive (Roger Mackay Drive to Marlee Loop. This has not been accounted for and is yet to be installed.
3. The Burswood Park Board have identified four distinct areas where the maintenance agreement would be applicable;
 - (a) Bolton Avenue – Great Eastern Highway to Park Road (Old Dome ring road)
 - (b) Camfield Drive – Water Ski Association to Roger Mackay Drive
 - (c) Victoria Park Drive (Southern portion) - Great Eastern Highway to Park Road intersection
 - (d) Victoria Park Drive (Northern portion) - Roger Mackay Drive to Marlee Loop (This is subject to additional landscaping proposed by the Town. The area will be excluded from any agreement until such time works are completed.
4. Bolton Avenue, Camfield Drive North and Victoria Park Drive are all dedicated roads
5. In July 2022, the Town sought legal advice to confirm its obligations to maintain areas that historically have been cared for by Burswood Park Board. The intent was to clarify if the Burswood Islands Agreement Act 1985 had any enforcement powers relating to dedications. The advice suggested that there was nothing within the Parks and Reserves Act 1895 and/or Casino (Burswood Island) Agreement Act 1985 which would change the general position that the Town is responsible for the care, control and management of dedicated roads, which are not main roads or highways, pursuant to the provisions of section 3.53 of Local Government Act 1995 and section 55(2) of the Land Administration Act 1997. This position is also supported by section 8 of the Casino (Burswood Island) Agreement Act 1985 and the fact that the roads, through their dedication, do not comprise part of the Reserves over which the Burswood Park Board (the Board) has management over.

6. Over the years, Council has accepted various dedications on peninsula roads, and by virtue given the transaction via the land administration process, the responsibility falls on the Local Government to control, care and manage assets within the public realm.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	As roads are dedicated, the Town will have significant control and influence over future works within the road reserve.

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	The allocation of annual funding will assist the Town to upkeep these public amenities at the required service level

Engagement

Internal engagement	
Place Planning	Place Planning have indicated the importance of arriving at a suitable arrangement that ensures the current high service levels are maintained. The Burswood Peninsula is a special area of state significance. It is also a significant contributor to the Town's long-term financial position. To this end it is important that the Town provides an outstanding level of service across a range of areas.
Operations	Concerned that the current workforce is inadequate to deploy additional staff to the Peninsula . There is an advantage to keep the current contractual arrangements in place for the shorter term.

Other engagement	
Burswood Park Board	The Boards administration support an equal cost sharing arrangement as per option 2.

Legal compliance

[Land Administration Act 1997 – Section 55](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	If full costs revert to the Town, operations maybe forced to negotiate a new contract arrangement rather than use existing contract rates set by Burswood Park Board. Cost escalations are likely for new tenders.	Moderate	Likely	High	Low	TREAT risk by Adopting a cost share arrangement that is equitable for all parties involved.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Legal advice suggests that as roads are dedicated under section 55 (2) - Land Administration Act 1997 they are the responsibility of the Town to maintain. Not agreeing could result in further legal disputes.	Moderate	Almost certain	High	Low	ACCEPT risk - In the short-term ensure current contractual arrangements between Burswood Park Board and their service provider continue.
Reputation	Reducing service levels will impact the quality of the public realm. The Peninsula attracts the wider community and there is an expectation to maintain the area at a high standard.	Moderate	Likely	High	Low	Accept risk – Lower service standard could be applicable to Victoria Park Drive , however a high service standard needs to be maintained for some key roads. E.g Bolton Avenue entry statement.

						Furthermore, it's extremely important for the Town to have a strong presence on the Peninsula.
Service delivery	Workforce planning may require additional FTE's to service the Peninsula if high service standards are adopted.	Minor	Likely	Medium	Medium	Treat risk by reviewing the Workforce Plan for the Parks Business Unit to ensure adequate resources are catered for into the future. Alternatively vary current town contracts to add additional scope if maintenance activity is permitted under tender.

Financial implications

Current budget impact	<p>Sufficient funds do not exist within the annual budget to address this recommendation. It is proposed that operating costs within the Parks budget will need to be increased and a new account set-up</p> <p>It is envisaged that the agreement will take affect from 1 January 2023, subject to Council endorsement, thus the first payment will be \$57,580.65 within the current financial year. If approved the adjustment can be incorporated into the mid-year review process</p> <p>As the Burswood Park Board are considered a "state agency" they can be classed as a monopoly supplier via this service agreement.</p>
Future budget impact	<p>An amount of \$115,161.30 + CPI or accepted rates through a competitive tender process will need to be considered for future years with the term of the agreement to align with contract renewals administered by Burswood Park Board in liaison with the Town. After 3 years, the Town should be in a better position to take control over certain areas of the Peninsula and understand its workforce needs into the future.</p> <p>The funds will be allocated solely for landscaping maintenance. At a strategic level this arrangement must also be identified in the Town's Long Term Financial Plan (LTFP) to ensure adequate funding into the future</p>

Analysis

7. The options assessed include the following;
 - (a) The full cost of maintenance as per BPB rates
 - (b) 50/50 cost share arrangements.
 - (c) 55/45 cost share arrangement with Victoria Park Drive removed from BPB maintenance schedule and added as a responsibility to the Town for routine works
 - (d) Full Town controlled maintenance on all 3 roads – With reduced service level
 - (e) Differential cost option – One agency pays the difference between high-quality servicing compared to a base level of service.
 - (f) Agreed square meter rate (m²) based on Town's costings and rates from other parks the Town maintains. (Medium to high service level)
 - (g) Table of cost comparisons below:

Options	Future Obligations	TOVP future costs	BPB Costs	Comment
Option 1 – Full Cost	ToVP only	\$230,322.60	\$0	Option indicates full cost recovery to BPB
Option 2 – 50/50	Shared costs	\$115,161.30	\$115,161.30	Balanced approach
Option 3 – 55/45	Shared costs	\$126,990.72	\$103,331.88	Difference relates to Victoria Park Drive South maintenance
Option 4 – Full Town controlled maintenance – Reduced Service level	TOVP only	\$129,040.80	\$0	Reduced service levels may not be acceptable
Option 5 – Differential Costs	Shared costs	\$101,228.40	\$129,094.20	Lowest cost option to the Town
Option 6 – Agreed m ² rate based on other Parks maintenance	ToVP only	\$160,037.28	\$0	Average rate is \$9.96 per m ²

8. The current indication of the Burswood Park Board is that the administration supports option 2, which effectively allows costs to be equally shared between the Town and Burswood Park Board.
9. Option 5 is the most economical for the Town. However, the level of landscaping maintenance would likely be cut back on roads such as Victoria Park Drive and Camfield Drive to reduce operating costs for the Burswood Park Board.
10. The main benefit of securing option 2 is that it allows the Burswood Park Board to continue its maintenance regime with their contractor, Programmed Maintenance Services Ltd. Additionally, no service level reductions are envisaged.
11. At this stage, the Town does not have the in-house workforce to maintain the three nominated sites at the expected high service levels; therefore, there is no advantage of the Town taking control, care and management given the current resource implications.

Relevant documents

Not applicable.

13.6 Burswood Peninsula review of Deed maintenance requirements

Location	Burswood
Reporting officer	Manager Infrastructure Operations
Responsible officer	Chief Operations Officer
Voting requirement	Absolute majority
Attachments	<ol style="list-style-type: none">1. CONFIDENTIAL - Peninsula Area Mirvac 1 year cost build up 2 [13.6.1]2. CONFIDENTIAL - 2022-10-12_-_ Report on options [13.6.2 - 6 pages]3. CONFIDENTIAL - Attachments [13.6.3 - 50 pages]

Recommendation

That Council:

1. Notes that the Developer has ceased maintenance outside the Deed area effective 1st August 2022.
2. Includes an additional amount of \$204,000 in the FY23 budget to allow for limited maintenance in the area outside the Deed.
3. In the event of the Developer ceasing maintenance of the Deed area, authorises the Chief Executive Officer to commence legal proceedings against the Developer to enforce the conditions of the Deed.
4. Authorises the Chief Executive Officer to engage with the Developer to pursue a potential negotiated outcome on maintenance requirements for the Peninsula Public Open Space (POS) to be brought back to Council for consideration.

Purpose

To seek the authority in accordance with section 9.49A(1)(a) of the Local Government Act 1995 for the Chief Executive Officer and Mayor to execute all necessary documents on behalf of Town of Victoria Park in relation to the ongoing maintenance of the Peninsula Public Open Space (POS) and compel the Developer, BL Developments Pty Ltd, to continue to maintain all areas of POS as outlined in the 2005 Deed of Undertaking (Deed).

In brief

- The Developer has been maintaining the site under the current Deed as part of the original structure plan. This has included areas specified in the Deed, as well as surrounding POS outside of the prescribed Deed area.
- A concept forum was held with representatives from the Developer on 14 March 2022 to discuss this matter.
- The Developer has been corresponding with the Town through the parties' respective lawyers, continuing to debate their requirements to maintain the POS area.
- The Developer has ceased maintenance of the POS outside the Deed area, effective 1st August 2022.
- The Town understands that the Developer intends to cease maintenance of the POS inside the Deed area.

Background

1. The 2005 Deed of Undertaking was part of the structure plan for The Peninsula estate.
2. Under the original Deed, the Proponent was to carry out the Commitments until they had completed the development of lots 1 to 25.

3. This included;
 - a) the roads, public open space and landscaped areas within, and as shown on, the Structure Plan Area would be vested in, and under the control of, the Town; and
 - b) the Town would be responsible and liable for the Maintenance Commitments.
4. Notwithstanding that the development of lots 1 to 25, as shown on the structure plan, has not been completed:
 - a) the Proponent has carried out the POS Works; and
 - b) the POS Land associated with completed developments of lots on the Structure Area Plan has been vested in and is under the Town's care, control and management. The Town also carries the liability for the infrastructure and it is listed on the Town's Asset register.
5. The Developer has been maintaining the site since the Deed.
6. Negotiations were prompted by the Developer, as they have been maintaining the site for 15 years.
7. The Town agreed to take over items of risk, such as trees, infrastructure (Lighting, benches, playground), roads and paths, and have been carrying out maintenance on those areas for at least 2 years.
8. Due to the age of some of the infrastructure, the Town has already had to replace some of it, including streetlights and the playground.
9. Since the matter was brought to Council, and the recommendation to amend the Deed was unsuccessful, the Town and the Developer's legal representatives have continued to debate the maintenance requirements under the Deed.
10. The Developer has ceased carrying out some maintenance of the POS outside the prescribed area in the Deed as of 1st August 2022.
11. Due to the Developer ceasing maintenance outside the Deed area, Town contractors have taken over mowing and limited garden maintenance at this location.
12. Analyzing the information regarding the POS in the Peninsula, the Town's position is the Developer is still responsible for the maintenance within the designated deed area.
13. The Town's position is that the continuing maintenance of POS outside the designated Deed area is not an obligation of the Developer.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Ensure the public is getting value for money in maintenance agreements

Environment	
Community priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	Ensuring the parkland and infrastructure is maintained to its current standard.

Engagement

Internal engagement

Stakeholder	Comments
Planning	Provide information regarding the development, structure plan and the Deed
Parks Department	Provide information relating to maintenance requirements

External engagement

Stakeholders	Comments
McLeods Lawyers	Provide ongoing legal advice on requirements of the Deed and responses to Mirvac's legal team
Level of engagement	Face to face and through formal correspondence and e-mail.

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	Failing to budget appropriately to continue to maintain the area.	Moderate	Likely	High	Low	TREAT risk by including sufficient maintenance budget for site.
Environmental	POS becomes fire risk or weed infested.	Moderate	Likely	High	Medium	Treat risk by continuing maintenance.
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not applicable.				Low	
Reputation	Negative feedback	Moderate	Likely	High	Low	Treat risk by

	from the public due to poor maintenance standard.					continuing maintenance.
Service delivery	Service standard in high profile area drops resulting in poorer condition POS.	Moderate	Likely	High	Medium	Treat risk by continuing maintenance.

Financial implications

Current budget impact	<ul style="list-style-type: none"> The work order for Peninsula maintenance (1971) has a current budget of \$117,500. This amount is not sufficient to take over maintenance of the verges and POS in the Peninsula area. Includes an additional amount of \$204,000 in the FY23 budget to allow for limited maintenance in the area outside the Deed. The matter to be addressed as part of the mid-year budget review and will need to include an additional amount for legal costs (expended and expected).
Future budget impact	The Town will need to fund ongoing maintenance within the Parks budget of the POS area within the Peninsula

Analysis

- The matter was discussed with elected members at a concept forum on 25 October 2022 with the Town's legal representatives present.
- Beginning from August 2022, the Town is spending \$15,400 per month mowing the lawns and carrying out minimal garden maintenance on POS areas outside of the Deed. This does not include any reticulation maintenance, renovations, plant replacement, mulching, infrastructure repairs or fertilizing. Based on current market rates, the estimated limited maintenance costs equate to \$204,000 in FY23.
- As there are insufficient funds in the current budget to take over limited maintenance of the Peninsula or for estimated legal costs should the matter escalate to court proceedings, an absolute majority is required to authorize any overspend.

Relevant documents

Not applicable.

14 Chief Financial Officer reports

14.1 2022/23 Quarterly Budget Review

Location	Town-wide
Reporting officer	Finance Manager
Responsible officer	Chief Financial Officer
Voting requirement	Absolute majority
Attachments	1. Budget review 30 Sept 2022 [14.1.1 - 4 pages]

Recommendation

That Council:

1. Adopts the quarterly budget review for 2022/23 as contained within the separate attachment.
2. Approves the budget amendments contained in the quarterly budget review for 2022/23.

Purpose

To present to Council the quarterly budget review detailing material variances which may impact upon the budget and provide recommendations on how to accommodate these variations.

In brief

- The quarterly budget review is an early assessment by the Town of how it is financially performing to date and is used to identify variations from the budget by the year end. It may include new works and/or services not identified in the adopted budget.
- The quarterly budget review, although not a legislative requirement, is however presented to Council as industry best practice to ensure reporting timeliness and organisational agility to respond to changes. Any Budget amendments are to be approved in accordance with section 6.8 of the *Local Government Act 1995*.
- This quarterly budget review has considered the unaudited opening position for the financial year. The mid-year annual budget review to be presented to Council early next year and will consider any further changes to the opening position.
- Known material variations to the annual budget are addressed in this report, including the funding identified to accommodate these variations.

Background

1. A quarterly budget review as of 30 September 2022 has been undertaken by the financial services area.
2. The quarterly budget review has been prepared and is now presented to Council for consideration and approval of the recommended budget amendments.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL06 - Finances are managed appropriately, sustainably and transparently for the benefit of the community.	To make available timely and relevant information on the financial position and performance of the Town so that Council and public can make informed decisions for the future.
CL10 - Legislative responsibilities are resourced and managed appropriately, diligently and equitably.	Ensure the Town meets its legislative responsibility in accordance with Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i> .

Engagement

Internal engagement	
Service Area Leaders and Managers	All service area leaders and managers have reviewed the quarterly budget review report and provided commentary on identified budget amendments requested relevant to their service area.

Legal compliance

[Local Government Act 1995 section 6.8](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not adopting the Quarterly Budget Review would affect budget allocations required for this year's projects and funding.	Moderate	Likely	High	Low	Treat risk by Adopting an internal program with a focus area on high-risk financial processes and activities.
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	

Legislative compliance	Budget Amendments in accordance with <i>LG Act 1995</i> .	Moderate	Possible	Medium	Low	Treat risk by ensuring Budget amendments in accordance with LG Act 1995.
Reputation	Being transparent with community.	Moderate	Unlikely	Medium	Low	Treat risk by open reporting to Council and Public.
Service delivery	Best practice.	Low	Possible	Low	Medium	Treat risk by following industry best practice.

Financial implications

Current budget impact	Sufficient funds do not exist within the annual budget. As per note four in the attached quarterly budget review report a list of requested budget amendments is submitted for consideration of Council for approval.
Future budget impact	Not applicable.

Analysis

3. The quarterly budget review has identified several predicted variances to the adopted budget. The variances relate to:
 - Funding for additional projects carried over from 2021/22.
 - Adjustments for known variations this year.
4. The budget amendments are recommended for Council approval.

Relevant documents

Not applicable.

14.2 Financial Statements - September 2022

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

Recommendation

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

Purpose

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

In brief

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

Background

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

Revenue

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

Expense

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

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

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

Strategic alignment

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

Engagement

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

Legal compliance

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

Risk management consideration

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

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

Financial implications

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

Analysis

4. The Financial Activity Statement Report – 30 June complies with the requirements of Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*. It is therefore recommended that the Financial Activity Statement Report September 2022 be accepted.

Relevant documents

Not applicable.

14.3 Schedule of Accounts September 2022

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple Majority
Attachments	1. Payment Summary - Sept 2022 [14.3.1 - 7 pages]

Recommendation

That Council:

1. Confirms the accounts for September 2022, as included in the attachment, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*.
2. Confirms the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996*

Purpose

To present the payments made from the municipal fund and the trust fund for the month ended September 2022.

In brief

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

Background

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

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$3,122,096.86
Payroll		\$1,204,937.23
Bank Fees		\$10,077.21
Corporate MasterCard		\$5,684.45
Cancelled EFTS		(\$26,833.40)
Total		\$4,315,962.35

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 Motion of which previous notice has been given**
- 17 Public participation time**
- 18 Questions from members without notice on general matters**
- 19 Confidential matters**
 - 19.1 Tamala Park**
 - 19.2 Waste to Energy and Waste Transfer Station Services – tender evaluation**
- 20 Closure**