



TOWN OF
VICTORIA PARK



Agenda Briefing Forum Agenda – 2 May 2023



WE'RE OPEN
VIC PARK

Please be advised that an **Agenda Briefing Forum** will be held at **6:30 PM** on **Tuesday 2 May 2023** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

Mr Anthony Vuleta – Chief Executive Officer

28 April 2023

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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 Peter Devereux

Cr Wilfred Hendriks

Cr Luana Lisandro

Jarraah Ward

Cr Jesse Hamer

Cr Bronwyn Ife

Cr Jesvin Karimi

Cr Vicki Potter

Chief Executive Officer

Mr Anthony Vuleta

Chief Operations Officer

Ms Natalie Adams

Chief Financial Officer

Mr Duncan Olde

Chief Community Planner

Ms Natalie Martin Goode

Manager Governance and Strategy

Mr Brad Sillence

Strategic Projects Manager

Mr Pierre Quesnel

Secretary

Ms Felicity Higham

Public liaison

Ms Alison Podmore

5.1 Apologies

5.2 Approved leave of absence

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 - April 2023

Location	Town-wide
Reporting officer	Governance Officer
Responsible officer	Manager Governance and Strategy
Voting requirement	Simple majority
Attachments	1. Outstanding Council Resolutions Report April 2023 [11.1.1 - 66 pages] 2. Completed Council Resolutions Report April 2023 [11.1.2 - 10 pages]

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

Purpose

To present Council with the Council resolutions status reports.

In brief

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

Background

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

Strategic alignment

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

Engagement

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

Legal compliance

Not applicable.

Risk management consideration

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

Financial implications

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

Analysis

- The Outstanding Council Resolutions Report details all outstanding items. A status update has been included by the relevant officer/s.
- The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 30 March 2023 to 28 April 2023. A status update has been included by the relevant officer/s.

Relevant documents

Not applicable.

11.2 Long Term Sponsorship Agreement - Movies By Burswood

Location	Victoria Park/Burswood
Reporting officer	Communications Advisor
Responsible officer	Manager Stakeholder Relations
Voting requirement	Simple majority
Attachments	1. Movies by Burswood – Three Year Funding Request

Recommendation	
That Council endorse Movies by Burswood three year agreement paid annually at \$20,000.	

Purpose

To provide Council with an oversight of the sponsorship application and assessments for Council endorsement.

In brief

- The Town’s sponsorship funding program enhances opportunities for collaboration and partnerships between the Town, private enterprise, and community to complement the Town’s strategic objectives and increase economic vibrancy by raising the profile of the Town.
- The Town has annually sponsored Movies By Burswood for 21 years.
- The 2023-24 event sponsorship round has been open, however the Town has met and worked with the Movies by Burswood team to consider an alternative approach to funding due to the long term nature of the event.
- A Town Sponsorship Assessment Panel (SAP) has assessed this submission against objectives in the Economic Development Strategy and Events Strategy.

Background

1. In December 2019, the Town undertook a review of all funding round practices and procedures to improve efficiencies and transparency of the Vic Park Funding Program. This review initiated a project to procure a funding platform to manage the Town’s funding rounds.
2. At the December 2020 Ordinary Council meeting, Policy 116 – Sponsorship was adopted by Council.
3. Further to the adoption of Policy 116 – Sponsorship at the December 2020 Ordinary Council meeting, Council endorsed the Chief Executive Officer to establish a panel of no less than three members to assess all eligible sponsorship application submissions. The panel is to assess applications against the requirements and an assessment criteria and present a report to Council for endorsement.
4. To align to the annual budget cycle, the timeframes calling for applications were changed from previous years to align to informing the annual budget adoption and financial years. This enables budget amounts to be informed and fit for purpose and longer lead times.
5. At the May 2022 Ordinary Council meeting, Council endorsed three event sponsorship applications for the 2022-23 round, including Movies by Burswood.
6. In accordance with Policy 116 – Sponsorship, unsolicited offers for sponsorship can be submitted in writing, ensuring it sets out:
 - a. The proposed sponsorship arrangements;
 - b. The value of the proposed sponsorship; and

- c. How the sponsorship meets an assessment criteria.
7. Further in accordance with Policy 116 – Sponsorship, for the SAP to make a recommendation to accept an unsolicited offer it must:
 - a. Not have been able to be lodged during a funding round, and thereby subject to a competitive application;
 - b. Bring extraordinary benefits and opportunities to the Town that could not have otherwise been; and
 - c. Be received at least three months before the proposed activity, to allow appropriate due diligence, assessment, and council approval to occur.
 8. The SAP assessed the unsolicited sponsorship application from RSPCA WA in October 2022.
 9. Where a long term partnership is created it is in the Towns best interests to move forward with longer term partnerships that allow for better acquittal and activation of the events over a longer period of time.

Strategic alignment

Civic Leadership	
Strategic outcome	Intended public value outcome or impact
CL01 Effectively managing resources and performance	Town sponsorship funds are maximised by seeking the greatest possible benefit to the community within the available monetary resources with the longest lead time available.
CL02 Communication and engagement with community	We can build a partnership and plan with the third-party organisations over the longer term to maximise our involvement

Economic	
Strategic outcome	Intended public value outcome or impact
EC01 Facilitating a strong local economy	Events are an important part of the Town’s destination brand. To market the Town as a desirable tourism destination we need to have a product offering that can draw visitors.

Engagement

Internal engagement	
Stakeholder	Comments
Sponsorship Funding Assessment Panel	Panel evaluation

Events, Arts and Funding	What events are being run by the Town in the 23/24 financial year. Potential activation opportunities.
Elected members	Previous discussions relating to changes in timeframe, objectives and approach.
Finance	Inclusion in the budget and how to manage over a three year term
Place Team	Alignment to Place Activation on the foreshore and Burswood Peninsular in line with the Economic Development Strategy.

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	Loss of funds/resources spent if selected events are cancelled and funds spent are not redirected or used for the intended purpose.	Minor	Unlikely	Low	Low	TREAT – Ensure the evaluation of sponsorship requests are robust and provide elected members sufficient information in their decision making process.
Environmental	Not applicable					
Health and safety	Not applicable					
Infrastructure/ ICT systems/ utilities	Not applicable					
Legislative compliance	Not applicable					

Reputation	The community perceives there is little or no return on investment.	Moderate	Possible	Medium	Low	TREAT – Ensure the evaluation of sponsorship requests are robust and provide elected members sufficient information in their decision making process.
Service delivery	Not applicable					

Financial implications

Current budget impact	\$20,000 Annually
Future budget impact	Passing this recommendation will require a commitment of \$20,000 each year for the next three financial years.

Analysis

10. As part of the Towns sponsorship program administration met with long term partners to review the approaches to funding and discuss alternatives to annual application.
11. The Town met with Ken from Community Cinemas to review the previous year outcomes of Movies by Burswood outcomes and how the partnership can be developed over the coming years.
12. Both parties noted that the ongoing annual application process needed refinement considering the long term partnership.
13. The Town requested that a long term application be submitted for review.
14. The application was reviewed based on the events and economic development strategies to consider if there was longer term application and alignment and if continued support was appropriate.
15. The Town’s internal Event Sponsorship Assessment Panel (SAP) consisted of four Town officers:
 - a. Manager Stakeholder Relations
 - b. Communications Advisor
 - c. Events Advisor
 - d. Place Leader – Economic Development
16. The Application was assessed individually and then reviewed within a formal panel meeting by the Town’s SAP members as per Policy 116 – Sponsorship
17. A scoring system was created based on objectives contained in the Economic Development Strategy and the Events Strategy.
18. Each panel member assessed the application against a possible score of 5 for a total of 60 across all objectives
19. The Scoring was based on the following
 - a. 0 points - Doesn't support objective

- 1 point - Starts to support but wouldn't make an impact
- 2 points - Could further future relationships
- 3 points - Meets objective
- 4 points - Meets objective and would add value
- 5 points - Full delivery of objective with no further activity

20.

Assessment Criteria	Score and Panel Comments
ED STRATEGY - The event value adds to create high value precincts.	Panel Avg Score – 3 Comments – It added a consistent attraction to an otherwise unused space. Diversified use of the foreshore.
ED STRATEGY - The event offers an opportunity to strengthen the Town's image as an innovative place through all relevant promotional add on	Panel Avg Score – 3 Comments – potential to utilise and branch out events (Street Party, Dogs Breakfast) to include a cinema aspect. Growth of on screen advertisements to be more targeted to cinema goers.
ED STRATEGY - The event supports the Burswood Peninsula to reach its potential.	Panel Avg Score – 3 Comments – Adds to the area and raises awareness of the foreshore, contributes to tourism activity.
ED STRATEGY - Promote and position the Town as Perth's and WA's sports and events capital	Panel Avg Score – 3 Comments – Adds to the mix of events and activities in the area. Strong base event that fills gaps in content.
ED STRATEGY - Supports development of an events program to maximise the use of 'riverside precincts' including exhibitions, music shows, lifestyle and arts events.	Panel Avg –2 Comments – Supports a starting point to achieve this objective, can become part of a collective showcase of event types, infrastructure could be better used with a longer term plan.
ED STRATEGY - Support community celebrations as part of the overall events program	Panel Avg – 2 Comments - Alignment to Telethon and connection with the broader WA community/charities.
EVENT STRATEGY - Seek partnerships and opportunities that will support a vibrant events program	Panel Avg – 4 Comments – the cinemas is an event anchor that supports a vibrant events program.
EVENT STRATEGY - Assist events to be financially viable, environmentally, and economically sustainable and continue to evolve successfully.	Panel Avg - 2 Comments – Low ongoing investment by the Town, however the cinema has had a long requirement for support by the Town to remain viable.
EVENT STRATEGY - Develop audiences and promote events, bringing new audiences and offerings.	Panel Avg – 3 Comments - a main stream offering close to the City that has a long history

EVENT STRATEGY - support communities in Vic Park to deliver inclusive, well managed and safe events.	Panel Avg – 4 Comments – this event has been continuous for 21 years and is well managed. It also supports safety in the area.
EVENT STRATEGY - Connect local arts and cultural development with event programming	Panel Avg – 2 Comments – creates a cinema offering in the Town that would otherwise be missing.
EVENT STRATEGY - Provide an events program that is content diverse, supports social equity, and is geographically spread across the municipality	Panel Avg – 4 Comments – provides an anchor event on the Peninsula, free screenings during the year, and suitable for a diverse audience.

- 21. The SAP concluded that the offer of long term partnership be recommended for endorsement for support to the value of \$60,000 paid over a three year term.
- 22. The partnership between the Town and Movies by Burswood is no longer suited to an annual funding agreement. The outdoor cinema has become an important asset in the Town and a longer term approach would allow for more activation and use of the facility.
- 23. Continuing to host the outdoor cinema in the Town aligns to the Events Strategy and Economic Development Strategy.

Relevant documents

[Policy 116 - Sponsorship](#)

11.3 Annual Review of Delegations

Location	Town-wide
Reporting officer	Acting Manager Governance and Strategy
Responsible officer	Chief Executive Officer
Voting requirement	Absolute majority
Attachments	1. Annual Review of Delegations - 2023 Changes [11.3.1 - 15 pages] 2. Delegations and Sub-delegations Register - 2023-2024 [11.3.2 - 200 pages]

Recommendation

That Council:

1. Endorse the review of its delegations in accordance with sections 5.18 and 5.46 of the Local Government Act 1995 as detailed in Attachment 1 to this Report;
2. in accordance with:
 - a. section 5.42 of the *Local Government Act 1995* (WA);
 - b. section 127 of the *Building Act 2011* (WA);
 - c. section 48 of the *Bush Fires Act 1954* (WA);
 - d. section 44 of the *Cat Act 2011* (WA);
 - e. section 10AA of the *Dog Act 1976* (WA);
 - f. section 118 of the *Food Act 2008* (WA);
 - g. section 16 of the *Graffiti Vandalism Act 2016* (WA);
 - h. clause 82 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (WA);
 - i. section 21 of the *Public Health Act 2016* (WA),Delegate the local government functions as listed in the amended *Town of Victoria Park Register of Delegations and Sub-Delegations* forming Attachment 2 to this Report effective from 1 July 2023, noting the re-numbering of the delegations will be required following Council's endorsement.

Purpose

For Council to undertake its annual review of delegations and consider some proposed amendments.

In brief

- Council is required to review its delegations each financial year, under various legislation.
- Council last reviewed its delegations on 17 May 2022 (resolution 109/2022 refers).
- New and revised delegations are proposed.

Background

1. In accordance with sections 5.16 and 5.42 of the *Local Government Act 1995* (the Act), a local government can delegate certain functions to a committee of Council, or the Chief Executive Officer. Other legislation also provides for the delegation of functions to the Chief Executive Officer, as well as other officers.

2. Sections 5.18 and 5.46 of the Act require that at least once every financial year, delegations are to be reviewed by the delegator for those delegations under the Act, but opportunity is also presented to review other delegations made under other legislation.
3. Council last reviewed the Register of Delegations and Sub-delegations at its meeting held on 17 May 2022 (resolution 109/2022 refers).

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Maintaining effective and practical delegations ensures Council remains strategically focused.
CL3 - Accountability and good governance.	Reviewing delegations annually ensures Council has complied with its legislative responsibility

Engagement

Internal engagement	
Stakeholder	Comments
Managers	Managers were asked to provide feedback in relation to existing and new delegations and if any amendments were required.
C-Suite	At its meeting held on 24 April 2023, C-Suite were asked to provide feedback in relation to existing and new delegations and if any amendments were required.

Legal compliance

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

[Section 127 of the Building Act 2011](#)

[Section 48 of the Bush Fires Act 1954](#)

[Section 44 of the Cat Act 2011](#)

[Section 10AA of the Dog Act 1976](#)

[Section 118 of the Food Act 2008](#)

[Section 16 of the Graffiti Vandalism Act 2016](#)

[Sections 39 and 40 of the Liquor Control Act 1988](#)

[Section 21 of the Public Health Act 2016](#)

[clause 82\(1\) of Schedule 2 of the Planning and Development \(Local Planning Schemes\) Regulations 2015](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable.				Low	
Environmental	Not applicable.				Medium	
Health and safety	Not applicable.				Low	
Infrastructure/ ICT systems/ utilities	Not applicable.				Medium	
Legislative compliance	Not complying with legislative compliance.	Moderate	Unlikely	Medium	Low	TREAT risk by Council reviewing its delegations prior to 30 June 2023.
Reputation	Increased oversight by regulatory authorities affecting Town's reputation.	Minor	Unlikely	Low	Low	TREAT risk by Council reviewing its delegations prior to 30 June 2023.
Service delivery	Unable to delivery services in a timely manner.	Minor	Possible	Medium	Medium	TREAT risk by putting in place appropriate delegations.

Financial implications

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

Analysis

4. The 2022-23 annual review of the Register of Delegations and Sub-delegations was a comprehensive review of existing delegations to determine:
 - a. the appropriateness of the existing delegations and whether to amend or delete any delegations
 - b. the need for any additional delegations.
5. The proposed amendments reflect the following:
 - a. Amending existing delegations to improve workflow processes and service delivery.
 - b. Revoking of delegations that are no longer required.

- c. Addition of six new delegations (four of which are as a result of delegating the general functions of the local government under legislation that are administrative in nature).
 - d. Minor wording and formatting changes.
 - e. Re-numbering of some delegations, to allow for the insertion of new delegations within the register structure (a complete renumbering will occur following Council's decision).
6. The main changes are detailed in the schedule of proposed changes detailed in Attachment 1. A marked-up version of the Register of Delegations and Sub-delegations is included with this Report as Attachment 2.
 7. Where legislation confers a function or power in a "local government" it was generally intended by Parliament to mean Council. However, there are many instances within the Act and other legislation that a function given to a local government is not exercisable, at least on a day-to-day basis by a Council but by the Chief Executive Officer or the local government's administration.
 8. The Act itself makes it clear that:
 - a. a Council's role is not to exercise administrative (or management powers) but to exercise broader governance powers (section 2.7 of the Act)
 - b. a Chief Executive Officer has the principal administration or management role of the local government – reflected in the specific statutory function to 'manage the day-to-day operations of the local government' (section 5.4(e) of the Act).
 9. In view of this, local governments utilise levels of delegated authority to allow the Chief Executive Officer (and other officers) to undertake day-to-day statutory functions, thereby allowing Council to focus on policy development, representation, strategic planning and community leadership.
 10. The use of delegated authority means the large volume of routine work of a local government can be effectively managed and acted on promptly, which in turn facilitates efficient service delivery to the community.
 11. There is considerable diversity in subjects, approaches and conditions taken by local governments when addressing delegations of authority, each local government reflecting specific circumstances that may apply to its operations. The Town's register is based on the model provided by the Western Australian Local Government Association.
 12. The 2022-23 review has resulted in refining delegations to ensure the Town's continued ability to maintain high standards of service delivery and improved workflow processes.
 13. Council is only to consider the review of delegations it has made to the Chief Executive Officer, or from Council to other officers directly. Following a decision of Council, the Chief Executive Officer will then review any sub-delegations made to officers, in accordance with the Chief Executive Officer's statutory responsibilities. In view of this any change is suggested to come into effect from 1 July 2023.

Relevant documents

[Department of Local Government, Sport and Cultural Industries Operational Guideline No. 17 - Delegations Register of Delegations and Sub-delegations](#)

12 Chief Community Planner reports

12.1 Proposed Crown Reserve Classification of No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park and No. 7 (Lot 1003) Raleigh Street, Carlisle Related to Finalisation of Amendment 56 to Town Planning Scheme No. 1 (Millers Crossing)

Location	Carlisle East Victoria Park
Reporting officer	Place Leader Strategic Planning
Responsible officer	Manager Place Planning
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none">1. Amendment 56 Location Plan [12.1.1 - 1 page]2. Service Location Plan - No. 7 Raleigh Street, Carlisle [12.1.2 - 1 page]3. OCM Minutes 21st Feb 23 - Millers Crossing Advocacy Update and Amendment 56 Resolution [12.1.3 - 9 pages]4. Modified Amendment 56 Report - Executed as per 21 Feb 2023 Council Resolution [12.1.4 - 8 pages]5. Example Management Order - 20 Mofflyn Circle [12.1.5 - 3 pages]

Recommendation

That Council:

1. Support the classification of No. 2-8 Beatty Avenue, East Victoria Park (Lot 1002 on DP 45184, CT: 2604/543) and No.7 Raleigh Street, Carlisle (Lot 1003 on DP 45185, CT: 2604/544) as Crown Reserve(s) for the purpose of public recreation (or other purpose consistent with the land being reserved as "Parks and Recreation");
2. Support the granting of a Management Order(s) by the Minister for Lands conferring responsibility to the Town of Victoria Park for the care, control and management of any Reserve(s) created in respect to the land identified and for the purposes stated in Part 1 above;
3. Authorise the Town's administration to advise Officers of the Department of Planning, Lands and Heritage and the Western Australian Planning Commission in relation to Parts 1 and 2 above; and
4. Authorise the Town's CEO to accept a grant of Management Order(s) and to respond and consent to any further actions in relation to the reservation for the land identified in Part 1 above (including any conditions imposed thereon or the creation of any service easements) on behalf of the Town of Victoria Park Council, where the CEO is satisfied as to their appropriateness and acceptability to the Town.

Purpose

The Department of Planning, Lands and Heritage (DPLH) has requested the Town confirm support for the classification of No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park and No. 7 (Lot 1003) Raleigh Street, Carlisle as Crown Reserve with a Management Order to the Town, prior to the Minister for Planning granting final approval of Town Planning Scheme No.1 Amendment 56 – Miller's Crossing (Amendment 56).

This report is presented to Council to confirm the Town's support and progress the final determination of Amendment 56 by the Western Australian Planning Commission (WAPC) and the Minister for Planning.

In brief

- At the 21 February 2023 OCM Council were updated on advocacy actions to the Minister for Planning and the Member for Victoria Park for Miller's Crossing to be reserved as "Parks and Recreation", the major outcome of which was an indication of potential ministerial support for the reservation of No. 7 (Lot 1003) Raleigh Street, Carlisle for "Parks and Recreation" in addition to No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park, adjacent to John Bissett Reserve.
- Council resolved to support Scheme Amendment No.56 as modified in accordance with the Minister for Planning decision of August 2021, subject to requesting the Minister to further modify the amendment to classify both No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park and No. 7 (Lot 1003) Raleigh Street, Carlisle as Town of Victoria Park Scheme Reserve "Parks and Recreation", with the remaining lots comprising the land maintained by the Town as the Millers Crossing parkland (namely No. 6 (Lot 1004) Raleigh Street, Carlisle and No. 45 (Lot 1005) Bishopsgate Street, Carlisle) being transferred to the 'Residential' zone with a density coding of R60.
- The Statutory Planning Committee (SPC) of the WAPC considered modified Scheme Amendment No.56 and Council's resolution requesting additional modifications at its 4 April 2023 meeting, to resolve its final recommendation to the Minister for Planning regarding the determination of Amendment 56.
- While the SPC's recommendation to the Minister remains confidential, the Town has been requested by DPLH Officers to confirm its support of Lots 1002 and 1003 being classified as Crown Reserve subject to a Management Order to the Town prior to the final approval of Amendment 56.
- It is recommended that Council confirm its support for this proposal as it will secure the tenure of the land for parks and recreation and confer a statutory right for the Town to care for, control and manage the land for this purpose.

Background

1. Amendment No. 56 to Town Planning Scheme No. 1 (TPS1) relates to Lot 1003 (No. 7) Raleigh Street, Lot 1004 (No. 6) Raleigh Street and Lot 1005 (No. 45) Bishopsgate Street (land known as 'Miller's Crossing' in Carlisle), and Lot 1002 (No. 2-8) Beatty Avenue, adjacent to John Bissett Reserve, which is used by the community and maintained by the Town as part of that reserve.
2. Amendment 56 has been the subject of protracted considerations by the WAPC in its roles both as advisory body to the Minister for Planning and landowner of the lots.
3. A decision by the Minister for Planning in August 2021 required the Town to re-advertise and further modify Amendment 56 by increasing the proposed residential density of the Miller's Crossing lots from R30 to R60. At the 12 April 2022 OCM Council resolved to support the original intention of Amendment 56 that the land be reserved for "Parks and Recreation" and that the Mayor and Chief Executive Officer advocate to the Minister for Planning and Member for Victoria Park for Miller's crossing to be reserved as "Parks and Recreation". Further background information can be found in the 12 April 2022 OCM report. On the 19 July 2022, 22 October 2022 and 21 February 2023 OCMs Council received updates on progress regarding actions taken in regard to these advocacy efforts.
4. At the 21 February 2023 OCM Council resolved to support Scheme Amendment No.56 subject to the following modifications:
 - a. *Classifying No. 2-8 (Lot 1002) Beatty Avenue, East Victoria Park and No. 7 (Lot 1003) Raleigh Street, Carlisle as Town of Victoria Park Scheme Reserve "Parks and Recreation";*

- b. *No. 6 (Lot 1004) Raleigh Street, Carlisle and No. 45 (Lot 1005) Bishopsgate Street, Carlisle being transferred to the 'Residential' zone with a density coding of R60.*
 - c. *Inserting the following subtitle and paragraph to the 'DEVELOPMENT STANDARDS' listed for the 'RESIDENTIAL ZONE' of Town Planning Scheme No. 1 Precinct Plan P8 Carlisle Precinct: "Residential R60 zoned area. A Local Development Plan is required to be adopted by the local government prior to the subdivision or development of the Residential R60 zoned land comprising Lot 1004 (No. 6) Raleigh Street, and Lot 1005 (No. 45) Bishopsgate Street, Carlisle, that were formerly partly located within the Robert's Road 'Other Regional Road' reservation under the Perth Metropolitan Region Scheme. The Local Development Plan shall address issues of vehicular access, environmental sustainability, landscaping, building setbacks and the retention and conservation of mature trees on and surrounding the land as part of any future development."*
 - d. *The unzoned portions of the Rutland Avenue, Raleigh Street and Bishopsgate Street Road reserves being transferred to the 'Residential' zone with a density coding of R30.*
 - e. *Modify the Town Planning Scheme No. 1 Precinct Plan P10 Shepperton Precinct and Precinct Plan P8 Carlisle Precinct accordingly."*
5. The Scheme Amendment Report was subsequently modified and executed in accordance with the Minister's decision of August 2021, subject to further modifications in accordance with Council's resolution of 21 February 2023. Physical copies of the executed amendment documents were delivered to the Department of Planning, Lands and Heritage on 16th March 2023.
 6. The Statutory Planning Committee (SPC) of the WAPC considered Scheme Amendment No. 56 at its meeting held on 4th April 2023, to resolve a final recommendation in relation to its determination by the Minister for Planning.
 7. While the resolved decision of the SPC is confidential, it is understood by Town Officers that the recommendation to the Minister for Planning from the SPC, is likely to be consistent with the requested additional modifications outlined in Council's resolution of 21 February 2023, most significantly that Lot 1003 Raleigh Street (as well as Lot 1002 Beatty Avenue, adjacent to John Bissett Reserve) be reserved for "Parks and Recreation".
 8. DPLH Officers have requested the confirmation of the Town's support of the proposed reclassification of Lots 1002 and 1003 as Crown Reserve with a Management Order to the Town, prior to the granting of final approval by the Minister for Planning.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	The management of parks and recreation reserves and improving and maintaining these on behalf, and for the benefit, of the community is a core function of local government. It is contingent on the Town to ensure that land tenure arrangements are appropriate in the case of the long-term management of open spaces on landholdings that are State Government (rather than Town-owned) assets.

Environment	
Community priority	Intended public value outcome or impact

EN4 - Increasing and improving public open spaces.	Accepting and formalising responsibility for the care and management of Lots 1002 and 1003 as public open space is integral to the Town's ongoing ability to improve and maintain them.
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Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	<p>Lot 1002 on Deposited Plan 45184, 8 Beatty Avenue, East Victoria Park and Lot 1003 on Deposited Plan 45185, 7 Raleigh Street, Carlisle are currently freehold land held by the WAPC as registered proprietor.</p> <p>No encumbrances are recorded on the certificates of title, although it is possible that this may change with the proposed conversion of the land from freehold to crown land. According to the Town's records:-</p> <ul style="list-style-type: none"> • Lot 1003 (No. 7 Raleigh Street) is affected by a sewer and a water pipe, the approximate locations of which are shown on the plan (Attachment 2). • Lot 1002 (No. 2-8 Beatty Avenue) is not affected by any known public utility infrastructure. <p>A search on 12 April 2023 of the Contaminated Sites Database of the Department of Water and Environmental Regulation did not reveal any record of these lots being affected by known contamination. Lot 1002 is currently being used as a works compound/laydown area as part of the State Government's Metronet project. Confirmation will be requested that the lots are not affected by any known contamination.</p>

External engagement	
Stakeholders	Comments
Department of Planning, Lands and Heritage	The Department of Planning, Lands and Heritage has advised the Town that the Minister for Planning granting final approval to Amendment 56 is subject to the Town confirming its support for accepting a Management Order for the reserves created by the amendment.

Legal compliance

[Land Administration Act 1997](#)

[Planning and Development Act 2005](#)

[Planning and Development \(Local Planning Schemes Regulations\) 2015](#)

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Not applicable	Nil	Nil	Nil	Nil	Not applicable
Environmental	Not applicable	Nil	Nil	Nil	Nil	Not applicable
Health and safety	Not applicable	Nil	Nil	Nil	Nil	Not applicable
Infrastructure/ ICT systems/ utilities	Not applicable	Nil	Nil	Nil	Nil	Not applicable
Legislative compliance	Continuing to informally maintain the Millers Crossing lots as public open space without the conferral of a statutory right (in terms of land tenure) to do so.	Moderate	Likely	Medium	Low	Treat Risk by supporting the proposed classification of Lots 1002 and 1003 as Crown Reserve with a Management Order to the Town, as per the Officer Recommendation
Reputation	Negative public perception if Minister does not approve Amendment 56 to TPS1 as a result of Council not accepting a Management Order	Moderate	Likely	Medium	Low	Treat Risk by supporting the proposed classification of Lots 1002 and 1003 as Crown Reserve with a Management Order to the Town, as per the Officer Recommendation
Reputation	Negative public perception if Council chooses not to support the granting of the Management Order to the Town of Victoria Park	Moderate	Low	Medium	Low	Treat Risk by providing a clear justification to Council to support the Management Order including an outline of how the Town is already maintaining the land for Public Open Space.
Service delivery	Not applicable	Nil	Nil	Nil	Nil	Not applicable

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	<p>The current annual maintenance budgets for the entirety of Millers Crossing and John Bissett Reserve are \$18,500 and \$28,800 respectively. The retention of the land as park land (if supported by the Minister) will continue to generate these ongoing costs to the Town for its continued maintenance.</p> <p>The bore and electrical cabinet currently located at Lot 1004 (No. 6) Raleigh Street, Carlisle that services Millers Crossing will require relocation. Any future investments in plantings, tree care or related park infrastructure will also require additional future funding.</p>

Analysis

9. The Town has long advocated for Miller’s Crossing to be reserved for “Parks and Recreation” via Scheme Amendment 56 to Town Planning Scheme No.1.
10. Assuming management of parks and recreation reserves and improving and maintaining reserves on behalf, and for the benefit, of the community is a core function of local government.
11. The Council previously resolved not to purchase the Millers Crossing lots from the WAPC. As such Lots 1002 and 1003 will not come into ownership of the Town. To secure and formalise the ongoing use of these lots for parks and recreation (in terms of land tenure arrangements) their current freehold/fee simple tenure will need to be modified.
12. The particulars of the subject lots (refer also to Attachments 1 and 2) are as follows:
 - a. No. 2-8 Beatty Avenue, East Victoria Park (Lot 1002 on DP 45184, CT: 2604/543) located adjacent to and managed by the Town as part of John Bisset Reserve, bound by Miller Street to the northwest, the Armadale railway corridor to the northeast, Beatty Avenue to the southwest, Lot 4 Beatty Avenue to the southeast (John Bissett Reserve) with an area of 5,307 square metres. The lot is currently being utilised as a temporary construction laydown area (anticipated to June 2024) in support of the upgrade and relocation/undergrounding of high voltage transmission lines out of the rail corridor by Western Power, in order to facilitate the elevated rail and stations to be delivered as part of the Metronet Victoria Park-Canning Level Crossing Removal Project. The Town has sought State Government agreement for the reinstatement of the land to its pre-existing condition (including the replacement of any damaged or removed trees) once the construction laydown area is no longer required. The lot is currently freehold land held by the WAPC as registered proprietor.
 - b. No.7 Raleigh Street, Carlisle (Lot 1003 on DP 45185, CT: 2604/544) forms the largest of the three lots known and maintained by the Town as Millers Crossing parkland in Carlisle, with an area of 2,081 square metres, located to the northeast of the Armadale rail corridor. It is bound by Rutland Avenue to the southwest, Miller Street/Roberts Road to the northwest, Raleigh Street to the northeast and residential properties fronting Rutland Avenue and Raleigh Street to the southeast. The lot is currently freehold land held by the WAPC as registered proprietor.
13. The creation of reserves over Crown land title holdings (i.e. land that is in ownership of the State of Western Australia) is the routine method for the setting aside (reservation) of such land for a public purpose, within the legal framework of the State of WA’s land tenure system, under the *Land Administration Act 1997* (LAA).

14. Reservation purposes may include parks and recreation, foreshore and conservation areas, State emergency facilities, infrastructure/utility provider facilities, etc. A reserve is Crown land that has been set aside for a particular purpose in the public interest. It is a form of tenure of Crown land and is not an interest in land.
15. The creation of Crown land reserves for recreation purposes is also the routine method by which public open space reserves are set aside and created through subdivision of land/estate development under the *Planning and Development Act 2005*. While most of the Town's public open spaces were created under legislation now superseded by the LAA, the most recently created reserves within the Town (being the various public open spaces within the Mirvac Estate on the Burswood Peninsula) were created under the LAA through this process, vesting their care and management with the Town of Victoria Park. Examples of other Crown land reserves for recreation vested in the care and management of the Town include - Charles Paterson Park, G O Edwards Park, Alday Reserve and Victoria Heights Park.
16. Reserves are created by Ministerial Order under the LAA, and are routinely placed under the care, control and management of a state government agency, local government authority or relevant incorporated community group by way of a Management Order registered against the parcels of Crown land within a reserve and endorsed on the Crown land titles.
17. The Minister for lands in exercising the powers and functions of the LAA is generally required to consult and/or obtain the consent of the responsible management body in whom the Management Order will be granted.
18. Management Orders may contain conditions on the use and development of the reserve and may grant the management body certain powers to deal with the land, such as the power to lease and/or license, which would otherwise require the consent of the Minister for Lands.
19. As neither the Town nor the WAPC/DPLH officers have indicated any desire to use or develop Lots 1002 and 1003 in a manner that would necessitate the requirement for a lease or license over the land, conditions of this nature (i.e. conditions that would confer additional rights to the Town for the granting of leases or licenses without requiring Ministerial consent) are not expected.
20. The majority of reserves within the Town that are subject to Management Orders have a singular standardised condition comprising the following or very similar wording:
 - a. *To be utilised for the designated purpose of "Public Recreation" only.*
21. A similarly worded general condition of this nature is anticipated to be imposed on any Management Order(s) granted in respect to Lots 1002 and 1003.
22. The formal instrument/documentation comprising a Management Order consists of a standard form/template "LAA -1023 Management Order" that is registered with Landgate's Registrar of Titles against the Crown land title for the lots, and states the following:
 - a. The Reserve number, volume and folio of the land;
 - b. The Management Body (i.e. the Town of Victoria Park in the case of the subject proposal for Lots 1002 and 1003); and
 - c. Conditions.
23. As Lots 1002 and 1003 will remain within State Government ownership and the Town will not come into ownership of the land, the proposed classification of the lots as Crown land, and their reservation for recreation purposes subject to a Management Order(s) vested in the Town's care and management, is the most straightforward and relevant mechanism by which to secure the ongoing tenure of the land for parks and recreation.

24. It is noted that the acceptance/granting of a Management Order to the Town is not a long term guarantee that the land will never be required by the State for some other purpose, as the Minister for Lands has the power to revoke a Management Order in accordance with S. 50(2) of the LAA, where a breach has occurred or where the Minister is of the view that doing so is in the public interest. However, in this case the Management Order has been proposed to align the land management arrangements with the proposed (though yet to be determined) reservation of the lots under Council's Town Planning Scheme No. 1 for parks and recreation. If this is forthcoming, it is considered very unlikely that the Minister for Lands would order the revocation of the Management Order if the Town was continuing to maintain and use the lots for their reserved purpose under Town Planning Scheme No. 1 (or future Local Planning Scheme No. 2) as it would be at odds with the decision of the Minister for Planning.
25. The creation of Reserve(s) and the granting of a Management Order(s) over Lots 1002 and 1003 will secure the tenure of the land for parks and recreation and confer a statutory right for the Town to care for, control and manage the land for this purpose.
26. The Town has historically maintained Miller's Crossing as public open space. Therefore, accepting a Management Order for Lot 1002 (No.2-8) Beatty Avenue, East Victoria Park and Lot 1003 (No. 7) Raleigh Street, Carlisle once the land is reserved for "Parks and Recreation" upon gazettal of Amendment 56 (subject to final approval by the WAPC and Minister for Planning) will not materially change the Town's management of the land.
27. In view of the above, Council is recommended to resolve its support of the proposed reclassification of Lots 1002 and 1003, as per the Officer recommendation.
28. Subject to the adoption of the Officer recommendation, it is anticipated that DPLH officers will prepare a Ministerial Order(s) authorising the registration of the relevant instruments with the Registrar of Titles at Landgate to authorise the following under the LAA:
 - a. the surrender and transfer of the freehold titles to Lots 1002 and 1003 from the WAPC to the State of Western Australia free of cost;
 - b. the cancellation of the freehold titles and the re-vesting of the land as Crown land through the creation of Crown land titles;
 - c. the creation of Reserves for the purposes of public recreation over the Crown land titles; and
 - d. the granting of Management Orders vesting the ongoing care and management of the newly created reserves with the Town of Victoria Park.
29. If this is forthcoming, Town Officers expect a further Ministerial Direction to be issued by the WAPC for further modifications to be made to Amendment 56, consistent with (or very similar to) the requested additional modifications contained in Council's resolution of 21 February 2023. Given the expected alignment of these modifications with Council's resolution, it is not expected that the Town will be required by the WAPC to re-advertise Amendment 56 or for the Council to make any further resolution in relation to the amendment. It is expected that the Town's administration will be able to simply further modify the Amendment 56 documents, arrange their execution by the CEO and Mayor, and then forward these to the WAPC for final approval.

Relevant documents

[Public Open Space Strategy](#)

[Landgate - Land Titles Registration Policy and Procedure Guides](#) (refer Crown Land section)

12.2 Potential Upgrades to Sporting Facilities for 2023-2024 and Feasibility of Funding Synthetic Bowling Green

Location	Townwide
Reporting officer	Coordinator Strategic Assets / Place Leader (Strategic Planning)
Responsible officer	Chief Community Planner
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Attachment 1 Facility Upgrade Opportunities [12.2.1 - 1 page] 2. Attachment 2 - 2023 Bowls Synthetic and All Weather Cover Feasibility Report [12.2.2 - 35 pages]

Recommendation

That Council receive the information contained in this report and Attachments 1 and 2.

Purpose

To report on potential upgrades to Town sporting facilities for 2023-2024, potential grant funding, and the feasibility of funding a weather protected synthetic playing green at the Victoria Park Carlisle Bowling Club (the Club) and potential grant funding, as per the Notice of Motion (Item 17.1) at the 21 February 2023 Ordinary Council meeting.

In brief

- Previous works implemented on the Town’s facilities include rolling programs on public toilets to modernise and improve universal and unisex accessibility, improve privacy in toilets and changerooms, replace and repair air conditioning, and improve security through lighting and CCTV camera installation.
- A comprehensive account of requested upgrades by clubs appears in Attachment 1, which assists the Town in assessing community needs and in budget allocation. The requests cover issues such as security, kitchens, air conditioning, lighting, and change rooms. Some requests, notably upgrades to toilets and change-rooms, align with existing programs by the Town. On the other hand, requests might also be for costly items which are better described as individual conveniences for individual clubs: if these are entertained while compliance issues remain unaddressed, there is a risk that the Town may attract criticism. Detailed planning for upgrades will involve additional costs in assessing facility conditions and upgrade needs.
- A full analysis of the feasibility of funding an all-weather cover and synthetic green at the Club is included in Attachment 2. Indicative costs for all-weather covers range between \$610,000 and \$1.5 million (ex GST and some exclusions) and a synthetic green is approximately \$250,000 (ex GST). The most likely funding scenario is the Council paying 100% for the proposal due to uncertainty regarding external funding sources and the Club’s inability to make a financial contribution.
- Given the uncertainty regarding timing of the Macmillan Precinct redevelopment, lack of current information regarding the equity of expenditure between clubs and reserves/facilities, and current lack of understanding of the long-term needs and priorities for new facilities and/or major upgrades in the Long-Term Financial Plan, it is recommended a decision regarding the funding of a synthetic cover be delayed until further information becomes available over the coming months. Given the high cost and low potential for external funding of an all-weather cover, it is recommended this upgrade is not funded.

Background

1. A Notice of Motion (Item 17.1) at the 21 February 2023 Ordinary Council meeting requested the Chief Executive Officer to provide a report to the Council by May 2023 to enable consideration of items for the 2023-2024 budget, including a formal request from the Victoria Park Carlisle Bowling Club for a new synthetic green. The Notice of Motion requested:
 - a. *Outlining a list of Town owned facilities used by local sporting clubs that require minor capital works upgrades valued at less than \$100,000, including such works as toilets and shower facilities, kitchens, air-conditioning/cooling systems, security (CCTV, screens, locks), storage, built in furniture, outdoor furniture, shade structures;*
 - b. *Identifying potential grant funding programs that could be applied for to assist in delivering such works;*
 - c. *Outlining the feasibility of funding an upgrade to the Victoria Park Carlisle Bowling Club for provision of a weather protected synthetic playing green.*

Strategic alignment

Environment	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Expenditure is based on needs analysis and priorities aligned with capacity to fund.
EN5 - Providing facilities that are well-built and well-maintained.	Contemporary facilities assist with attracting people to active recreation with flow-on health and social benefits.

Engagement

Internal engagement	
Strategic Asset Advisory Group (SAAG)	Feedback from SAAG is: <ul style="list-style-type: none"> • The Macmillan Precinct redevelopment is likely to commence in 10 years plus. • Support further investigation to understand whether the distribution of expenditure between sporting clubs/reserves/facilities is equitable. • Recommend further engagement with the Club to explore possibility of Club contributing one-third funding, and one third from grants.. • See only limited benefits to wider community from the project.
Asset Management	Analysed history of works and upgrades on Town facilities, researched grant programs, identified list of potential upgrades. Asset Management best practice includes consideration of renewals at end of useful life. It is unclear what the expectation is for the funding and apportionment of funding for the renewal of the assets at the end of life.
Community Development	Assisted with grant research, identifying potential upgrades, liaison with sporting clubs and Bowling Club, research of previous expenditures, input into feasibility analysis attachment. Assisted with identifying potential facility upgrades.

Project Management Office	Feedback on feasibility analysis in relation to Macmillan Precinct Master Planning.
Place Planning	Prepared Bowls needs and feasibility analysis, preparation of this report.
Communications	Provided advice on the Town's Advocacy Policy.

External engagement	
Facility Upgrades	External engagement was collected from knowledge of club requests over recent years from various clubs and augmented by specific questions directed to the Victoria Park Carlisle Bowling club and by replies to emails this month directed to clubs.
Bowls Club Feasibility	<p>Refer to Attachment 2 Bowls Feasibility Report for a complete outline of external engagement. In summary, the engagement found:</p> <p>Bowls WA:</p> <ul style="list-style-type: none"> • Provided advice on regulatory requirements and possible synthetic and cover suppliers. • Commented on Club performance saying new committee heading in right direction. • Commented that social bowls is key to club revenue and viability. <p>Victoria Park Carlisle Bowling Club:</p> <ul style="list-style-type: none"> • Synthetic green will increase winter use and competitions. • All weather cover is not a priority, any available funding for ground improvements preferred. • While synthetic green will result in less maintenance, greenkeeper hours will be redistributed to other necessary grounds maintenance, therefore eliminating any potential savings. • Activity picking up through roller hockey and soccer, functions increased last 12 months. • There is no current sinking fund to support a financial contribution to the new green and the club cannot service a loan or is willing to undertake additional fundraising. Can commit to future sinking fund for one-third cost of renewal. • Preferences of clubs in general is to have separate male and female facilities (toilets and change rooms) rather than only shared unisex. • Have updated Strategic and Business Plans. <p>Department Local Government, Sport and Cultural Industries (State):</p> <ul style="list-style-type: none"> • Community Sporting and Recreational Facilities Fund (CSRFF) requires detailed justification and commitment to cover balance of funding. • Synthetic and lights are higher funding priorities, shade is lower. • Impacts of Macmillan precinct redevelopment would be considered, assessing sustainability of funding in this location given life of synthetics is up to 15 years, against potential redevelopment timeline for this site. • Would need Council commitment to fund synthetics in any new facility.

- Would consider club viability and ability to maintain synthetic.
- Need assurance of sinking fund for future replacement.

Department Infrastructure, Transport, Regional Development and Communications (Federal):

- New Community Infrastructure grant program is impending, but not details available yet.
- No details on next phase of Local Road Community Infrastructure Fund.

Other Local Governments (benchmarking support for bowling clubs) – a number of other Local Governments were surveyed to understand the level of funding provided to synthetic conversions and requirements for Club contributions.

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	Funding Bowling Club proposals may reduce availability of funding for other projects/facilities /reserves.	Moderate	Possible	Medium	Low	TREAT risk by delaying a decision until sufficient information on other reserve/facility needs and costs is considered through the Long-Term Financial Plan and the availability of funding is known.
	If the Macmillan redevelopment proceeds, funding the Bowling Club proposals may not represent value for money as infrastructure could be removed before	Moderate	Likely	High	Low	TREAT risk by delaying a decision until the timing of the Macmillan redevelopment is confirmed by Council and the consequences known.

	end of life of the asset.					
Environmental	N/A				Medium	N/A
Health and safety	N/A				Low	N/A
Infrastructure/ ICT systems/ utilities	N/A				Medium	N/A
Legislative compliance	Not meeting minimum requirements for disabled access and inclusion and exposure to criticism of not meeting standards applied to others when they apply for development licences.	Moderate	Likely	High	Low	TREAT risk by reporting on established budgets and programs, and rationale for actions and decisions. Ensure that such regulatory upgrades as required are implemented as a priority.
Reputation	Exposure to criticism of not meeting duty of care for inclusion.	Moderate	Likely	High	Low	TREAT risk by engaging with stakeholders to establish actions and budgeted programs in TVP.
	Funding the Bowling Club proposals without knowing how equitable the decision is could damage the Town's reputation with other Clubs/groups.	Minor	Possible	Medium	Low	TREAT the risk by delaying a decision until sufficient information on other potential needs and priorities through the LTFP.
	Making an application for the Bowling Club proposals with the CSRFF which may have very low chance of success due to Macmillan	Moderate	Likely	High	Low	TREAT risk by engaging further with CSRFF officers to quantify the risk/ impacts before making an application.

	redevelopment may damage the Town's reputation with CSRFF.						
Service delivery	Not providing adequate facilities for disabled inclusion or gender equity.	Moderate	Likely	High	Medium	TREAT risk by continuing with rolling program as allowed by budget, revisiting priorities of the budget.	

Financial implications

Current budget impact	Not applicable.
Future budget impact	This report provides information only and as such, future budget impacts will be considered by the Council during adoption of the 2023-2024 budget and review of the Long-Term Financial Plan.

Analysis

Facility Upgrades (Response to part a and b of the Motion)

2. Previous works implemented on the Town's facilities include:
 - (a) A rolling program for converting public toilets to modernise and improve universal and unisex accessibility.
 - (b) Improving privacy and disability access of toilets and change-rooms at Aqualife and other public toilet buildings.
 - (c) Replacements and repairs on roof and air conditioning at Leisurelife, Administration building and other buildings.
 - (d) Improvement to security through lighting and CCTV camera installation.
3. The attached table (Attachment 1) contains information used to assist the Town to assess community needs and prioritise its budget allocation for identified upgrade works and it includes upgrade requests made to the Town over recent years. The requests cover issues such as security, kitchen upgrades, air conditioning, lighting, and change rooms.
4. The kind of works which clubs at Town facilities would find useful is a blend of new works and of refreshing and upgrading of existing buildings, of fit-outs, and of sporting surfaces etc. Because of the bespoke nature of each project, at present the Town does not have information which is sufficiently current and detailed for a definitive list of facilities which are candidates for upgrade project costing up to \$100,000. Nevertheless, the available information identifies a limited series of steps necessary to obtain such information. These steps are included in the final column of the table in Attachment 1.

5. Some of these requests are specific to individual clubs but an important common element, which aligns with longer term TVP programs, is upgrading change-rooms and toilets, which also addresses regulatory compliance and inclusion requirements.
6. An important additional consideration is that some upgrade requests are quite costly and more geared towards convenience rather than compliance. Diversion of the limited municipal funds towards these requests while asset renewal needs and compliance issues identified by the Town remain unaddressed could lead to criticism and reputational damage of the Town.
7. Planning for the upgrade requests will involve the additional cost of assessing requirements and undertaking refreshed condition assessments of facilities.

Facility Upgrades: Grants - Strong Communities Program, CSRFF, LRCI, Lotterywest

8. Various funding sources were identified by consultations carried out within the Town of Victoria Park and by considering past practices of surrounding Local Governments which had invited input from their community clubs or had received requests for funding based on cost sharing arrangements involving the LGA.
9. Funding sources available are varied. The Town is not eligible for funding under many of the programs investigated as they apply to specific circumstances such as regional facility funding. Also, some funding sources are for exceptional circumstances such as flood recovery relating to sports clubs. The following funding sources are of a broad enough nature to be worth investigating for the Town of Victoria Park's upgrade candidate projects. This list is not necessarily exhaustive:
 - (a) Local Roads and Community Infrastructure (LRCI)
 - (b) Club Nights Light Program
 - (c) Healthway
 - (d) SportAus (Australian Sports Commission)
 - (e) Community Sporting and Recreation Facilities Fund (CSRFF)
 - (f) Funding sports associations and peak bodies
10. Lottery West was specifically identified as a funding source not available for sporting club infrastructure.
11. Funding sources vary in their qualification criteria. Some of them require existing budget commitments in advance of a funding application. This timing dependency adds to the intricacy of applying for the funding and the considerable time-horizon of uncertainty before the outcome of the application is known.

Bowls Synthetic Green and All-Weather Cover (response to part b and c of the Motion)

12. A full analysis of need and the feasibility of funding a weather protected synthetic playing green (on Green B) at the Victoria Park Carlisle Bowling Club (the Club) is provided in Attachment 2.
13. The Club states the benefits of a synthetic green are:
 - (a) increased playing window to winter and potentially all year round, increasing participation and members (estimated an additional 10 full bowlers and 50 social bowlers) and increasing competitions and carnivals, thus revenue for the Club.
 - (b) reduce maintenance costs and improve disease management (although note the Club would not reduce their green keeping expenses as hours would be redirected to other areas of upkeep).
14. The indicative cost of an all-weather cover to one green ranges between \$610,000 and \$1.5 million (ex GST) (potentially excluding other costs such as cranes, drainage systems etc.). The Club has expressed a

desire for the Evergreen Gold synthetic green which has an indicative cost of around \$250,000 (ex GST) and could be higher depending on the increasing cost of materials and labour etc.

15. The Club does not have a sinking fund for installation of synthetic greens and cannot make a financial contribution to the cover or synthetic green or repay portion through a loan or take on additional fundraising. The Club has sufficient funds to renew grass greens which are due in 2023. The Club advises if synthetic greens were installed, they would be able to contribute one-third of the cost of a synthetic renewal (in 10 years or thereabouts) into a sinking fund.
16. The Club has advised they understand the high cost of a cover and hence it may not be feasible and that if funds are available for upgrades, they would prefer other improvements as a priority (upgrade of outdoor toilet, renewal of shade clothes, patio to end of hall, solar panels).
17. The installation of a synthetic green or cover is not currently provided for in the Town's Long-Term Financial Plan (LTFP), Social Infrastructure Strategy (SIS), Public Open Space Strategy (POSS) or Asset Management Plans. The Bowls Club Facility Management Plan does not include asset renewal requirements for the greens, rather it is focused on the buildings.
18. The ability to attract up to one-third funding contribution to a synthetic green through the State Government's Community Sporting and Recreation Facilities Fund (CSRFF) is uncertain and due to the future redevelopment of the Macmillan Precinct and relocation of the Club, its likely an application would be considered a lower priority than other similar applications. The CSRFF is usually highly over subscribed with many lower priority projects not funded each year.
19. There may be potential to fund community infrastructure through the Federal Government's Local Roads and Community Infrastructure (LRCI) fund with approximately \$274,000 available to the Town. However, due to the large number of high priority projects requiring funding, the Town's Strategic Asset Advisory Group (SAAG) has not yet settled on a beneficiary project and in addition, the eligibility criteria for Phase 4 have not been released by the Department, so it is uncertain if synthetic greens or covers are eligible projects. Phase 4 guidelines are expected sometime in 2023.
20. The potential to secure funds through a Federal Government pre-election commitment is unknown. Given the next election will fall between August 2024 and September 2025, with any commitments taking a further 12-18 months to distribute, the feasibility of securing this type of funding is low.
21. As such, given the above, the most likely funding scenario is the Council funding 100% of the synthetic green and the cover, with no external funding contribution.
22. Analysis of the distribution of funding between sporting clubs and reserves/facilities and potential forecast funding needed for new facilities and major upgrades over the next 10 years has commenced to better understand the equity (or inequities) of expenditure and to inform the current review of the Long-Term Financial Plan.
23. The Council supported a preferred concept for the Macmillan Precinct Master Plan in April 2021. The Concept showed potential for a rooftop bowls club, however the Club does not support this proposal and has since indicated in-principle support for relocation away from the precinct. Relocation of the Bowls Club from the Precinct is key to unlocking the development potential of this unique inner-city site and redevelopment of updated library and community centre, along with inner city housing.

24. In conclusion:

- (a) Given the uncertainty regarding timing of the Macmillan Precinct redevelopment, lack of current information regarding the equity of expenditure between clubs and reserves/facilities, and current lack of understanding of the long-term funding availability and priorities for new facilities and/or future major upgrades through the current Long Term Financial Plan, it is recommended a decision regarding the funding of a synthetic green be delayed until this information becomes available over the coming months.
- (b) Given the high cost and low potential for external funding of an all-weather cover, it is recommended this upgrade is not funded.

Relevant documents

[Long- Term Financial Plan.](#)

Land Asset Optimisation Strategy (2022) (confidential).

[Social Infrastructure Strategy \(April 2022\).](#)

[Council Policy 222 Asset Management.](#)

[Macmillan Precinct Master Plan.](#)

[Community Sporting and Recreation Facilities Fund](#) (Department Local Government, Sports and Cultural Industries).

13 Chief Operations Officer reports

13.1 Proposed extension of lease - 874 Albany Highway

Location	East Victoria Park
Reporting officer	Property Development and Leasing Officer
Responsible officer	Property Development and Leasing Manager
Voting requirement	Simple majority
Attachments	1. 874 Albany Hwy Draft Key Terms [13.1.1 - 3 pages]

Recommendation

1. That subject to 2. below, Council leases the premises at 874 Albany Highway, East Victoria Park to Onsite Psychology Pty Ltd on terms drafted on the advice of the Town's lawyers including the following and any variations or amendments considered by the Chief Executive Officer to be reasonable and necessary:-
 - (a) Land: Approximately 526qm of Lot 442 on Plan 2072 (874 Albany Highway, East Victoria Park)
 - (b) Lessee: Onsite Psychology Pty Ltd ABN 78 607 105 635
 - (c) Term: 1+1 years (with a tenant break right at the end of year one – on one month's notice)
 - (d) Further Term: Nil
 - (e) Fee: \$24,000 per annum plus GST
 - (f) Rent Review: CPI + 1.5% increase on each anniversary date of commencement
 - (g) Security Bond: \$3,600
 - (h) Commencement Date: Upon execution of the agreement by both parties.
 - (i) Outgoings: The Tenant is responsible for all outgoings which (in accordance with Policy 310 Leasing shall be all operating/running costs, including but not limited to: (i) Refuse collection; (ii) Emergency services levy; (iii) Water rates; (iv) Council rates; and (v) All utilities related to their use (e.g., electricity, gas, water, telecommunications.) (vi) building and landlord insurances.
 - (j) 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. The lessee will be permitted to undertake capital improvements (with prior written approval from the Chief Executive Officer), however such improvements will not provide for an entitlement to any subsidised rental.
 - (k) Permitted Use: Psychological counselling
 - (l) Operating hours: The Lessee must keep the Premises open for business during the usual business hours generally applicable to a business comparable to the Lessee's business and hours are to be within planning and legislative parameters.
 - (m) Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover, with ability for the Lessor to review as reasonably required from time to time.
 - (n) Signage: Prior written consent from the Lessor required. Tenant to provide a design concept and location map for consideration.
 - (o) 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;
 - (iii) Tenant to pay legal costs associated with the lease.

2. That the proposed lease to Onsite Psychology Pty Ltd be advertised and submissions be invited as required under Section 3.58 of the *Local Government Act 1995* and any submissions received be reported to Council for consideration, prior to the proposed extension of lease being entered into.
3. That subject to compliance with 2 above, the Chief Executive Officer be authorised to execute all documents necessary to give effect to the proposed lease.

Purpose

The purpose of this report is for Council to consider a new lease for Onsite Psychology Pty Ltd, as the existing lease for this property is in holdover. The tenant has expressed interest in securing a new lease. The proposed key terms for the new lease have been outlined in *Attachment 1*.

In brief

- The property at 874 Albany Highway has been occupied since January 2019 by Onsite Psychology Pty Ltd.
- Onsite Psychology Pty Ltd proposes to continue to use the premises as a psychological counselling clinic and wishes to continue to engage and support the local community.
- Onsite Psychology Pty Ltd have accepted an increase in the market rent to \$24,000 (NET)

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Approving the lease will enable the tenant to continue to provide a service that is of value to the community.

Economic	
Community priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Granting the proposed extension of lease will enable the tenant to continue to conduct its business in the area, including activation of the precinct.
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	The services provided by the tenant will provide continued support to the community and connect people and places to the area.

Engagement

Internal engagement	
Stakeholder	Comments

Manager Property Development and Leasing	Comments are incorporated in the report.
Manager Place Planning	Place Planning are supportive of the proposed recommendation to ensure the support services to the community continue to be provided, a local business is supported, and the Albany Hwy property remains occupied.
Manager Community	Mental health support services such as those provided by the tenant are vitally important to be accessible in the local area for individuals, youth, children, families and couples. Based on this business providing psychological services at an affordable rate, the proposed use aligns with health and wellbeing goals of the Town, and is therefore supported.

Legal compliance

Section 3.58 of the *Local Government Act 1995*

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	If the premises were to become vacant, this would open the Town up to potentially losing income generated from this property.	Moderate	Likely	High	Low	TREAT risk by renewing the tenant's lessee, ensuring the rent is a recent market rental valuation and allowing the tenant to continue supporting the community through its business.
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 effecting lease disposal in accordance with any applicable requirements of

						section 3.58 of the <i>Local Government Act 1995</i> .
Reputation	Not supporting this business could result in a loss of an important service being offered to the community, creating associated reputation risk to the Town	Moderate	Likely	High	Low	TREAT risk by supporting this business and proposed lease and allowing the business to continue providing services to the community
Service delivery	Not Applicable					

Financial implications

Current budget impact	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	Passing this recommendation will result in an increase in the rental income being received by the Town from \$22,823.36 per annum to \$24,000 per annum excluding GST.

Analysis

1. In recent discussions between the Town and Onsite Psychology Pty Ltd, both parties have indicated they wish to support the lease renewal.
2. Onsite Psychology Pty Ltd requested the lease for one year, with an option for an additional one year, in which the Town were cooperative to accommodate the tenants' request.
3. The Town accepted the request from the tenant to add no extra amount to the bond even with the rent increasing from \$22,823.36 per annum to \$24,000 per annum.
4. The table provided below under the 'Relevant documents' heading presents the Draft Key terms that have been approved by the tenant.
5. The current market valuation report dated 25 April 2023 valued the property at \$24,000 per annum + GST + outgoings.

Relevant documents

Draft Key Terms	
Council Approval and LGA Compliance	All negotiations, discussions and correspondence are non-binding on the Council and do not create a lease or agreement to lease. Pre-requisites for any binding legal relationship to be created include a Council resolution, Local Government Act compliance and conclusion of appropriate lease documentation drafted by the Town's lawyers to the Town's satisfaction and executed by all parties.
Policy 310 - Leasing	Proposed Key Terms are further to Policy 310 – Leasing , which is the Council's standing policy for leasing. Any variation will require a written business case or justification provided by the Proposed Tenant to the satisfaction of the Council. No guarantee is provided.
Proposed Lessor	Town of Victoria Park ABN 77 284 859 739
Proposed Tenant	Onsite Psychology Pty Ltd ABN 78 607 105 635
Guarantor/s	David Winchester & Tina Charles
Premises	874 Albany Highway, East Victoria Park being Lot 442 on Plan 2072. CT 980/45
Proposed Agreement Type	Lease
Term	1+1 years (with a tenant break right at the end of year one – on one month's notice)
Further Term	Nil
Rent	\$24,000 (NET) Being the commercial rate as per Licensed Valuation undertaken on 15 November 2022.
Rent Review	CPI + 1.5% increase on each anniversary date of commencement.
Security Bond	\$3,600
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.) (vi) building and landlord insurances.
Maintenance	<ul style="list-style-type: none"> ▪ 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. ▪ The Lessee will be permitted to undertake capital improvements (with prior written approval from the Chief Executive Officer), however such improvements will not provide for an entitlement to any subsidised rental.
Subletting	With prior written consent subject to the Town being satisfied with the terms and conditions of any sub-lease agreement.
Permitted Use	Psychological counselling
Operating Hours	The Lessee must keep the Premises open for business during the usual business hours generally applicable to a business comparable to the Lessee's business and hours are 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. Tenant to provide a design concept and location map for consideration.
Alterations, Works and Fit Out	Prior written consent from the Lessor required.
Special Conditions	<ul style="list-style-type: none"> ▪ The Lease will include a redevelopment clause, whereby if the Town wishes to significantly redevelop the site the lease can be terminated by the Town giving six (6) months written notice to the Lessee to vacate the premises and the same written notice to the Lessee will indicate that the lease will be terminated six (6) months from the date of notice; ▪ 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. ▪ Tenant to pay legal costs associated with the lease.

13.2 Disposal of Leisurelife suite areas by way of lease

Location	East Victoria Park
Reporting officer	Property Development and Leasing Officer
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	<ol style="list-style-type: none"> 1. Property Prospectus Leisurelife Areas x 4 [13.2.1 - 19 pages] 2. Expression of Interest advertisement [13.2.2 - 1 page] 3. Incorporated Certificate [13.2.3 - 1 page] 4. Not for Profit registration - Hope of God [13.2.4 - 1 page] 5. Leisurelife 5 Leasable areas plan [13.2.5 - 1 page]

Recommendation

That Council

1. Authorises the Chief Executive to negotiate with Perth Basketball Association for a lease for the Leisurelife Suite three (3) located at 248 Gloucester Street East Victoria, consistent with the following key terms:
 - a) Land: Approximately 23sqm of Lot 1 on Diagram 7170 (248 Gloucester Street, East Victoria Park)
 - b) Lessee: Perth Basketball Association
 - c) Term: up to 5 years
 - d) Further Term: Nil
 - e) Fee: \$2,300 per annum plus GST
 - 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) The Lessee will be responsible for obtaining appropriate insurance (e.g. public liability insurance, contents insurance etc.);
 - i) 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.
 - j) Permitted Use: Storage Space
 - k) Operating hours: Proposed hours are in line with the Centre and lease requirements.
 - l) Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover. The Landlord is responsible for Building Insurance.
 - m) Signage: With prior written consent from the Landlord.
 - n) Special Conditions:
 - (i) Town of Victoria Park Redevelopment Clause
 - (ii) No operating subsidy either during the Term will apply to this Lease.
 - o) Terms to be set by the Towns lawyers and to incorporate such variations or amendments to key terms as are considered reasonable and necessary by the Chief Executive Officer.
2. Approves an exemption to section 3.58 of the Local Government Act 1995 pursuant to Regulation 30 of the Local Government (Functions and General) Regulations 1996 for the disposal of the Leisurelife Suite 3 by way of lease, subject to negotiating an agreement acceptable to the Town.

3. Authorises the Chief Executive Officer and, if required, the Mayor to execute all documents necessary to give effect to a lease between the Town of Victoria Park and the Perth Basketball Association for the Leisurelife Suite three (3) and apply the Town's Common Seal.
4. Authorises the Chief Executive to negotiate with the Perth Basketball Association for a lease for the Leisurelife Suite Four (4) located at 248 Gloucester Street East Victoria consistent with the following key terms:
 - a. Land: Approximately 56sqm of Lot 2 on Diagram 7170 (248 Gloucester Street East Victoria Park)
 - b. Lessee: Perth Basketball Association
 - c. Term: up to 5 years
 - d. Further Term: Nil
 - e. Fee: \$6,160 per annum plus any GST
 - 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. The Lessee will be responsible for obtaining appropriate insurance (e.g. public liability insurance, contents insurance etc.);
 - i. 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.
 - j. Permitted Use: Office Space
 - k. Operating hours: Proposed hours are in line with the Centre and lease requirements.
 - l. Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover. The Landlord is responsible for Building Insurance.
 - m. Signage: With prior written consent from the Landlord.
 - n. Special Conditions:
 - (i) Town of Victoria Park Redevelopment Clause
 - (ii) No operating subsidy either during the Term will apply to this Lease.
 - o. Terms to be set by the Towns lawyers and to incorporate such variations or amendments to key terms as are considered reasonable and necessary by the Chief Executive Officer.
5. Approves an exemption to section 3.58 of the Local Government Act 1995 pursuant to Regulation 30 of the Local Government (Functions and General) Regulations 1996 for the disposal of the Leisurelife Suite four (4) by way of lease, subject to negotiating an agreement acceptable to the Town.
6. Authorises the Chief Executive Officer and, if required, the Mayor to execute all documents necessary to give effect to a lease between the Town of Victoria Park and the Perth Basketball Association for the Leisurelife Suite Four (4) and apply the Town's Common Seal.
7. Authorises the Chief Executive to negotiate with the Hope of God Perth Incorporated for a lease for the Leisurelife Suite six (6) located at 248 Gloucester Street East Victoria consistent with the following key terms:
 - a) Land: Approximately 22qm of Lot 12 on Diagram 5825 (248 Gloucester Street East Victoria Park)
 - b) Lessee: The Hope of God Perth
 - c) Term: up to 5 years
 - d) Further Term: Nil
 - e) Fee: \$4800 per annum gross
 - f) Commencement Date: Upon execution of the agreement by both parties.

- g) Outgoings: The tenants' offer includes all outgoings and GST, noting that the room will be used for storage only and does not have any air conditioning or power.
 - h) The Lessee will be responsible for obtaining appropriate insurance (e.g. public liability insurance, contents insurance etc.);
 - i) 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.
 - j) Permitted Use: Storage
 - k) Operating hours: Proposed hours are in line with the Centre and lease requirements.
 - l) Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover. The Landlord is responsible for Building Insurance.
 - m) Signage: With prior written consent from the Landlord.
 - n) Special Conditions:
 - (i) Town of Victoria Park Redevelopment Clause
 - (ii) No operating subsidy will apply to this Lease.
 - o) Tenant break rights at the end of years 2, 3 and 4 as appropriate.
 - p) Terms to be set by the Town's lawyers and to incorporate such variations or amendments to key terms as may be considered necessary and reasonable by the Mayor and Chief Executive Officer.
8. Approves an exemption to section 3.58 of the Local Government Act 1995 pursuant to Regulation 30 of the Local Government (Functions and General) Regulations 1996 for the disposal of the Leisurelife Suite six (6) by way of lease, subject to negotiating an agreement acceptable to the Town.
 9. Authorises the Chief Executive Officer and, if required, the Mayor to execute all documents necessary to give effect to a lease between the Town of Victoria Park and the Hope of God Perth Incorporated for the Leisurelife Suite six (6) and apply the Town's Common Seal.
 10. Authorise the following delegations for the Chief Executive Officer for the Leisurelife Centre:-
 - (a) Authority subject to the conditions in (d), (e), (g) and (h) to carry out the disposal of surplus areas by way of a lease for a period of up to five years.
 - (b) Authority subject to the conditions in (f) and (g) to grant a licence of surplus areas of up to three years.
 - (c) Authority to exercise all of the powers and functions of the Town as landlord under lease or licence terms.
 - (d) Disposal of land and buildings must comply with the requirements of section 3.58 of the Local Government Act 1995, unless the disposal is an exempt disposition under the Local Government (Functions and General) Regulations 1996.
 - (e) Disposal of land and/or buildings by way of a lease must comply with the relevant and applicable provisions of Policy 310 Leasing adopted by the Council.
 - (f) A licence to occupy property must comply with the relevant and applicable provisions of Policy 310 Leasing.
 - (g) The negotiation and the setting of terms and conditions of the transaction must comply within the relevant and applicable provisions of Policy 310 Leasing, and as drafted by the Town's lawyers.
 - (h) Unless the Council makes a decision expressly providing for the contrary, any disposal of land and buildings must be for a price within 10% of an independent valuation obtained in accordance with section 3.58(4)(c), except in respect to a lease: to a benevolent body, in accordance with regulation 30(2)(b) of the Local Government (Functions and General) Regulations 1996 to a not for profit organisation for nominal consideration; and that is exempt from the requirements of section 3.58.

Purpose

The purpose of this report is for the Council to consider the expressions of interest for the leasable areas within Leisurelife Centre, 248 Gloucester Street, East Victoria Park and agree for the Town to enter a lease subject to further negotiations for a lease agreement on terms acceptable to the Town. Council is also requested to consider granting a delegation for the CEO to lease or licence surplus areas within the Leisurelife centre.

In brief

- The Town advertised and invited Expressions of Interest for four (4) spaces within the Leisurelife Centre.
- Submissions from three (3) different parties were received which have been assessed by a panel of Town officers for suitability in terms of the Qualitative Assessment Criteria provided in the Town's prospectus.
- This item recommends the Council approve the disposal of the following areas by way of lease
 1. Area 3, 23sqm area adjoining to the café seating area and basketball court to Perth Basketball Association
 2. Area 4, 56sqm area between two of the basketball courts to Perth Basketball Association
 3. Area 6, 22sqm storage area located near the drama room to Hope of God Perth

Background

1. Council resolution 231/2022 dated 15 November 2022 authorised the Chief Executive Officer to advertise to invite submissions of interest for the disposal by way of lease or licence of four (4) surplus lettable spaces within the Leisurelife Centre at 248 Gloucester Street, East Victoria Park 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. The spaces were advertised and marketed from Friday 3 March 2023 for just over three weeks to invite expressions of interest.
3. The following submissions were received for three (3) of the four (4) spaces prior to the closing date of 27th March 2023:-
 - a) Applicant 1 is Perth Basketball Association
 - b) Applicant 2 is Hope of God Perth
 - c) Applicant 3 is Swordfish Fencing Club
4. Under regulation 30 of the Local Government Functions and General Regulation 1996, the leasing proposals of all applicants are exempt from compliance with the advertising requirements of section 3.58 of the Local Government Act
5. The Town's evaluation panel comprising officers from Property Development and Leasing, Asset Management and Leisure Facilities assessed all three (3) submissions against the following qualitative criteria:

Qualitative Assessment Criteria	Weighting
A. Business Structure & Financial Position	

<p>Respondents should detail their business structure and use for the proposed lease or licence space including a detailed business case (labelled "Business Case"). The Business Case should address a minimum of the following:</p> <p>1. BUSINESS STRUCTURE</p> <ul style="list-style-type: none"> a) Organisational background to include mission, purpose, and history. b) Current business structure (evidence of incorporations, NFP or charity) c) Outline how you believe your business will align with the Town's plans, policies, and strategies. d) Any commercial benefit outcomes intended to be achieved e) Any community benefit outcomes intended to be achieved <p>2. FINANCIAL POSITION</p> <ul style="list-style-type: none"> f) Provide latest audited financial statements g) financial reference (bank manager or accountant) <p>3. INSURANCE / RISK MANAGEMENT</p> <ul style="list-style-type: none"> h) Public Liability Insurances (no less than \$20M) i) Workers compensation insurance cover j) Work Health and Safety considerations and compliance. 	<p>35%</p>
<p>B. Detailed Lease Proposal</p> <p>Provide a detailed lease or licence proposal (labelled "Lease or Licence Proposal") which addresses, at a minimum the Applicants proposed:</p> <ul style="list-style-type: none"> a) Agreement Type b) Lessee details (registered business name, ABN etc.) <ul style="list-style-type: none"> i) Any guarantor/s to be listed c) Term of Lease or Licence d) Rent <ul style="list-style-type: none"> i) Specify if Net or Gross ii) Rent Review method iii) Security Deposit / Bank Guarantee e) Outline your proposed use of the Lease or Licence area, to include: <ul style="list-style-type: none"> i) What will you be using the space for? ii) Estimated number of patrons you forecast to visit the service per month. f) Special conditions (requested by the Applicant and clearly outlining any incentive requested, lessor contributions, or licences required etc.) g) The proposed use; and if relevant <ul style="list-style-type: none"> i) compliance with the definition of Community Purpose under Town Planning Scheme No. 1 <p>"Community Purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit".</p>	<p>35%</p>
<p>C. Fit out Concept Plans</p> <p>Provide high level concept plans for the Applicant's proposed fit out of the premises (Labelled "Fit Out Concept Plans") outlining at a minimum how the proposed fit out:</p>	

<p>Noting, the Applicant will be responsible for any work and will be required to comply with any applicable Planning, Building and Environmental Health requirements.</p> <p>a) Caters for the proposed number and type of customer. b) Contributes to the overall look and feel of the premises and matches the concept for the proposed business c) Signage design and locations (both internal and external) d) Any additional relevant information</p>	10%
<p>D. Relevant Experience Describe your experience in conducting similar Requirements:</p> <p>a) Demonstrated experience in managing, owning or operating a similar business (include details of the location) b) Demonstrate competency and proven track record in establishing and maintaining a similar viable business. c) Provide a CV for the Applicant's key personnel who will be directly involved in the management and day-to-day operations of the business (including skills, qualifications, and relevant experience). d) Any additional information.</p> <p>Provide contact details (including names, titles, telephone numbers and/or email addresses) for at least two (2) referees who can attest to the applicants' experience in the operation of similar or comparable business in the last 5 years.</p>	20%

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	Through filling these leasable areas within the facility, it can assist in maximising the use of the Leisurelife Centre and also accommodate 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.	By offering lease opportunities within Leisurelife, more clubs may be able to call the facility "home" and build stronger connections 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 increase, which will result in the leasable areas being maintained and managed under lease terms in line with Town policies.
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Social	
Community priority	Intended public value outcome or impact
S3 - Facilitating an inclusive community that celebrates diversity.	The Town may provide an opportunity for businesses that support diversification to occupy its facility and provide further support to the community.

Engagement

Internal engagement	
Stakeholder	Comments
Manager Property Development and Leasing	Comments are provided within this report.
Manager Community	Support for the recommended approach based on the process undertaken and assessment performed.
Manager Place Planning	The EOI process aligns with the Social Infrastructure Strategy principle of maximising use of existing facilities, particularly where the space is being taken up by groups using the existing facility. Place Planning support the recommendation to see these spaces used to their full potential.
Manager Business Services	Support the recommendation. Activating these spaces at the facility will help increase a sense of community and improve relationships with users. As part of the submission review panel, I recommend and support that Hope of God lease the storage space closer to the drama room and main kitchen area. This recommendation is from a logistics perspective to spread the facility usage away from busy weekend court and front area usage.
Manager Development Services	Support the request. After consultation with the Town's Planning, Building and Environmental Health Business Units, I confirm there are no approvals from our Business Units necessary for what has been proposed, at least for the areas applications have been received. Should this change please contact the Manager Development Services. In regard to the two areas currently not applied for, please contact Manager Development Services should applications be received.
Manager Asset Management	Support the recommendation.

External engagement	
Stakeholders	
	Businesses, Residents, Community Groups and Not-for-profit associations

Period of engagement	3 March 2023 to 27 March 2023 inclusive
Level of engagement	Consult
Methods of engagement	Advertising as set out below.
Advertising	Newspaper advertisements, Town website, Public Notice Boards and Social Media
Submission summary	Three written submissions received: Applicant 1 is Perth Basketball Association Applicant 2 is Hope of God Perth Applicant 3 is Swordfish Fencing Club
Key findings	Three (3) Submissions qualify as suitable service providers but recommend only offering two (2) submissions leases

Legal compliance

[Regulation 30 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	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 Local Government Act 1995	Minor	Unlikely	Low	Low	TREAT risk by following the disposal of property process in accordance

						with section 3.58 of the Local Government Act 1995
Reputation	Leaving these leasable areas vacant may damage the reputation of the Leisurelife facility.	Moderate	Possible	Medium	Medium	TREAT risk by seeking suitable tenants to utilise the areas at Leisurelife
Service delivery	Failure to secure a suitable operator to meet community expectations.	Moderate	Possible	Medium	Medium	TREAT risk by securing a suitable tenant that complements the Centre and will ensure service provision for the community.

Financial implications

Current budget impact	The spaces are currently left vacant and the Town does not receive any revenue for these spaces.
Future budget impact	The passing of this recommendation will result in income being received by the Town once leases have been entered into.

Analysis

6. Advertising the proposal to dispose of four (4) Leisurelife suites by lease has been undertaken. Notice of the proposed disposition was published in the West Australian newspaper, on the Town's website and at the Town of Victoria Park Library and Administration Centre notice boards on the 3 March 2023. The expression of interest submission period was open for 25 days. Further marketing was undertaken with promotion across social media channels, such as LinkedIn and Facebook and shared through the platform local community groups.
7. Three (3) submissions were received during the submission period. The EOI submission for each organisation has been attached to this report.
8. During the panel discussion for the assessment of the Qualitative Criteria for Lease area 2 (submission from Hope of God Perth) the panel discussed an additional area within Leisurelife (area six (6)). Area six (6) does not have power or air-conditioning and is therefore suitable for storage only. Hope of God hire out other areas within the building close to area six (6). It was considered that area six (6) would be more suitable than area two (2) to accommodate the storage use proposed by Hope of God Perth. Hope of God Perth have advised that they would be interested in entering into negotiations for space six (6) instead of two (2) and have included their submission for this space.
9. The evaluation of the submissions against the qualitative criteria resulted in the scores as shown below:

Submission	Weighted Score
Perth Basketball Association area 3 & 4	65.87%
Hope of God Perth area 2	84%
Swordfish Fencing Club area 2	70.13%

10. Summary of Qualitative Criteria Assessment Outcomes - Lease area 3 & 4 Perth Basketball Association.

Submitter	Summary
Perth Basketball Association	<p>Perth Basketball Association is a not-for-profit incorporated entity. The Perth Basketball Association is committed to promoting the physical and personal development of young men and women as players, referees, and coaches, through the medium of basketball. They facilitate participation across all levels of the sport and encourage the understanding that success will come as a by-product of our core values, family, community, and respect. Operational since 1964, Perth Basketball Association has now grown to 2500 active participants with a year-round calendar, primarily supported via the three venues of Leisurelife Victoria Park, Belmont Oasis, and Loftus Recreation Centre. They have been renting office space within the Leisurelife Centre s2011 and prior to that hired spaces from the centre managers</p> <p>A. Vision and Understanding</p> <ul style="list-style-type: none"> - Service delivery meets Recreation Centre requirements. They are currently within another space in the building and are about to enter a lease for the Café within Leisurelife. <p>B. Detailed Lease Proposal</p> <p>A desirable proposal in rent and term for the spaces</p> <ul style="list-style-type: none"> • \$2300pa + for lease area 3 • \$6160pa + for lease area 4 • 5-year term <p>C. Fit Out Concept Plans</p> <p>No changes have been submitted they are currently working on designs with an external party to determine the potential fit out for both spaces</p> <p>D. Relevant Experience</p> <ul style="list-style-type: none"> - Currently operating from another leasable area within the Leisurelife Centre. They train and play tournaments and have a large presence within the building and community. They are in the process of signing a lease for the Leisurelife Café and have proven to be a successful operator. <p>E. Financial Position</p> <ul style="list-style-type: none"> - Financially sustainable self-funded organisation. - Operating subsidy not required.

11. Summary of key terms for Lease area 3 & 4 - Perth Basketball Association

Key terms

Land	Approximately 23sqm of Lot 1 on Diagram 7170 (248 Gloucester Street East Victoria Park) Approximately 56sqm of Lot 2 on Diagram 7170 (248 Gloucester Street East Victoria Park)
Lease area	Suite 3 & Suite 4 - As per sketch
Landlord	The Town of Victoria Park
Tenant	Perth Basketball Association
Term	5 years
Further term	Nil
Rent	\$2300pa for lease area 3 \$6160pa for lease area 4
Rent review	Every 2 years
Commencement date	Upon execution of the lease by both parties
Outgoings	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	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.
Permitted use	Storage & Office
Operating Hours	The proposed hours are in line with the Centre and lease requirements
Insurance	The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover. The Landlord is responsible for Building Insurance.
Signage	With prior written consent from the Landlord.
Works and fit out	Not applicable. The tenant will not make any changes or alterations without prior consent from the landlord
Special Conditions	<ul style="list-style-type: none"> No operating subsidy either during the Term or Further Term will apply to this Lease. Town of Victoria Park Redevelopment Clause

12. Summary of Qualitative Criteria Assessment Outcomes for Lease area 2 - Hope of God Perth

Submitter	Summary
<p>Hope of God Perth Incorporated</p>	<p>Hope of God Perth Incorporated is a non-profit religious organisation with a vision to nurture people to their God given potential and pioneer new churches in Perth and around the world. It has a longstanding history of 29 years since its inception.</p> <p>They have been a part of the community landscape of Victoria Park through weekly hiring in Leisurelife Centre and the neighboring Victoria Park Community Centre over the last 10 years.</p> <p>A. Vision and Understanding</p> <p>The service does not meet recreation requirements; however, they are active within the centre and community at the moment and have been for some years. They hire out rooms within Leisurelife and the Community Centre weekly. They are involved in the community and have been for some years offering free services and support for their community. They have a good understanding of how they align with the town's plans, policies, and procedures.</p> <p>B. Detailed Lease Proposal</p> <p>A desirable proposal in length and rent offering. Ideally would propose a longer lease with break rights to prevent additional legal costs</p> <ul style="list-style-type: none"> • \$400pm – Gross • 2+1+1 years • CPI (Consumer Price Index) increase yearly <p>C. Fit Out Concept Plans</p> <p>Not Applicable – No changes to be made. The current fit out meets their needs</p> <p>D. Relevant Experience</p> <p>They have been hiring storage space and gathering spaces from the Leisure Centre and Community Centre for some years.</p> <p>E. Financial Position</p> <ul style="list-style-type: none"> • Financially sustainable self-funded organisation. • Operating subsidy not required.

13. Summary of key terms for Lease area 2 (Amended to lease area 6) – Hope of God Perth

Key terms	
Land	Approximately 18sqm of Lot 2 on Diagram 7170 (248 Gloucester Street East Victoria Park)
Lease area	Suite 2 - As per sketch – Amended to lease area 6 as per sketch
Landlord	The Town of Victoria Park
Tenant	Hope of God Perth

Term	2 + 1 + 1 years
Further term	Nil
Rent	\$400pm Gross (inclusive of outgoings)
Rent review	CPI
Commencement date	Upon execution of the lease by both parties
Outgoings	Outgoings: The Tenant had requested a gross lease to include all outgoings and GST
Maintenance	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.
Permitted use	Storage
Operating Hours	The proposed hours are in line with the Centre and lease requirements.
Insurance	The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover. The Landlord is responsible for Building Insurance.
Signage	With prior written consent from the Landlord.
Works and fit out	Not applicable. The tenant will not make any changes or alterations without prior consent from the landlord
Special Conditions	<ul style="list-style-type: none"> • No operating subsidy will apply to this Lease. • Town of Victoria Park Redevelopment Clause

14. Summary of Qualitative Criteria Assessment Outcomes – Lease area 2 - Swordfish Fencing Club

Submitter	Summary
Swordfish Fencing Club	<p>Swordfish Fencing is a Not-for-profit organisation – a sporting club that has operated in the Victoria Park/Bentley area for decades. To provide high quality Epee training for people aged between 8 and 80 years of age. Strong coding in mission towards Social Sustainability. “To promote sustainable, connected, safe and diverse places for everyone.”</p> <p>A. Vision and Understanding</p> <p>The service does meet recreation requirements</p> <ul style="list-style-type: none"> • To provide a safe and fun environment for community and performance-based fencing in the sport • To diversify the age brackets incorporated into the club.

- To provide a richer environment for existing members.
- With higher numbers, conduct training more regularly (4-5 times a week).
- Maintain a high standard of training leading to high performance.
- To offer an environment and scaffold for which fencers of any age can develop skills to perform well on a national level.

B. Detailed Lease Proposal

Offers very limited use of this space. The space has power and AC and may be a better use for the space (with greater activation of Leisurelife) or at least for someone to utilise all of the space.

- Ongoing or annual lease OR split lease agreement between Swordfish Fencing, Victoria Park Leisurelife Centre (VPLC) and other sporting club.
- 1-year
- \$500 per annum
- A security deposit specified by VPLC i.e., \$150 would be offered
- We do not require the whole space. We would like to request only half the space, as the amount of equipment we have would take up roughly 4 m².

C. Fit Out Concept Plans

Not Applicable – No changes to be made

D. Relevant Experience

As a club they operate out of three separate locations, including Curtin Stadium, where we store gear for our Beginners Course. They have stored gear in a shared space with several other clubs for years. They have also hired out spaces in the Leisure Centre for training.

E. Financial Position

- Financially sustainable self-funded organisation.
- Operating subsidy not required.

15. The new lease for Leasable area three (3) & four (4) to Perth Basketball Association will allow them to secure exclusive tenure of the Premises for a period of five (5) years
16. Perth Basketball Association have advised that they will be vacating the current space at Leisurelife which they lease from the Town, which is holding over. This current space is approximately 15sqm of office space. This will allow for the potential for the space to be leased
17. Agility Rehabilitation, who have occupied a suite within the Leisurelife facility since 2014, provided a letter expressing interest in the area Perth Basketball Association currently occupy at Leisurelife. Agility Rehabilitation indicated that should Perth Basketball Association be successful in acquiring Leasable area 4, they would like to extend the lease on the room they are in and seek an additional lease on the office suite currently occupied by Perth Basketball Association.
18. Council resolution 235/2022 dated 15 November 2022 had approved new leases of up to five (5) years for the existing holding over leases at Leisurelife of Agility Rehabilitation and Perth Basketball Association.
19. The grant of a delegation to the Chief Executive Officer to lease or licence vacant spaces at Leisurelife will assist in expediting short term leasing and licence arrangements at Leisurelife under Policy 310 – Leasing. This is likely to facilitate the highest possible level of occupancy of Leisurelife, in the interests of activating the centre and generating improved rental income for the Town.

Relevant documents

[Policy 310 – Leasing](#)

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

13.3 Burswood Peninsula Review of Deed Maintenance Requirements Update - May 2023

Location	Burswood
Reporting officer	Manager Infrastructure Operations
Responsible officer	Chief Operations Officer
Voting requirement	Simple majority
Attachments	Nil

Recommendation
That Council receives updated information regarding the maintenance for the Peninsula Public Open Space (POS) as pertaining to BL Developments Pty Ltd.

Purpose

To provide a further update on the maintenance and negotiations relating to the Burswood Peninsula area within the Deed and non-Deed areas as pertaining to BL Developments Pty Ltd.

In brief

- The Developer has ceased maintenance of the POS outside the Deed area, effective August 2022
- The Town has commenced maintenance of the POS outside the Deed area, effective August 2022.
- At the February 2023 Ordinary Council Meeting, the Council authorized the Chief Executive Officer (CEO) to continue to pursue a potential negotiated outcome on maintenance requirements for the Peninsula POS to be brought back to Council for consideration.
- Further negotiations have taken place in good faith and without prejudice.
- Draft documentation has been prepared and is being reviewed by the legal representatives for the Town and for BL Developments Pty Ltd.
- An updated proposal was prepared by McLeods on behalf of the Town and sent to BL Developments Pty Ltd for its consideration.
- This information was provided to Council in April 2023 via a Confidential report.
- A further onsite audit has been carried out within the Deed area by the Town.
- This information will form part of the confidential report to the May 2023 Agenda Briefing Forum. (ABF)

Background

1. The Developer has ceased maintaining the POS outside the prescribed area in the Deed as of 1 August 2022. This includes all the POS areas outside the purple and yellow delineated areas identified in the attachment.
2. Due to the Developer ceasing maintenance outside the Deed area, Town contractors have taken over mowing and limited garden maintenance at this location.
3. Negotiations between the Developer, the CEO and the Chief Operations Officer (COO) commenced after Council's instruction in November 2022 concerning the Deed area maintenance.
4. At the February 2023 council meeting, the CEO was instructed to continue to negotiate with the Developer.

5. At the April 2023 council meeting, the CEO was instructed to continue to negotiate with the Developer in line with the following Council resolution:
1. *Agree to terminate the 2005 Deed of Agreement between the Town and BL Developments Pty Ltd (2005 Deed) for maintenance of the Public Open Space covered by the 2005 Deed (Deed Area) at the Burswood Peninsula subject to a Deed of Settlement and Release being entered into between the Town and BL Developments that will result in the Town assuming responsibility for the maintenance of the Deed area from 31 July 2023 for valuable consideration to be paid by BL Developments to the Town;*
 2. *Authorise the Chief Executive Officer to negotiate a finalisation of the draft Deed of Settlement and Release as referred to in point 1 above as attached to the Confidential Report including:*
 - a. *Details of the assets required to be addressed in clause 2(1)(a)(i) to the Town's satisfaction;*
 - b. *improved outcomes for clauses:*
 - i) *2(1)(c)(ix) and (x);*
 - ii) *2(1)(d);*
 3. *Request the Chief Executive Officer prepare a report to Council to consider the approval of the draft Deed of Settlement and Release by May 2023.*
6. As a result of continuing negotiations, an updated proposal will be presented to Council for their consideration at the May 2023 OCM.
7. The proposal and the accompanying report are confidential under Section 5.23 2(c) of the Local Government Act 1995.

Strategic alignment

Civic Leadership	
Community priority	Intended public value outcome or impact
CL3 - Accountability and good governance.	Ensuring any agreement for maintenance is in the best interests of the Town.

Environment	
Community priority	Intended public value outcome or impact
EN4 - Increasing and improving public open spaces.	Ensuring the parkland and infrastructure are maintained to their current standard.

Engagement

Internal engagement	
Stakeholder	Comments
Parks Department	Feedback on assessment of maintenance comments, audit of the deed site infrastructure and softscaping

Other engagement	
Stakeholder	Comments
McLeods	Provide ongoing legal advice on requirements of the Deed and responses to Mirvac's legal team.
BL Developments	Negotiations were carried out in good faith regarding ongoing maintenance of the Deed area (The Developer).

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 for legal costs, including litigation	Moderate	Likely	High	Low	TREAT risk by Accessing funds for legal costs
Financial	Failing to budget appropriately to continue to maintain the area	Moderate	Likely	High	Low	TREAT risk by Including sufficient maintenance funds for the site
Environmental	POS becomes a 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 from the public due to poor	Moderate	Likely	High	Low	TREAT risk by continuing maintenance

	maintenance standard					
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	Sufficient funds exist within the annual budget to address this recommendation.
Future budget impact	The Town will need to fund ongoing maintenance within the Parks budget of the non-Deed area and potentially the Deed area within the Peninsula.

Analysis

8. Should Mirvac cease to continue the maintenance within the deed area, the Town would initially extend the current Contracts to maintain the Public Open Space within the Deed area to a normal passive reserve standard at an estimated cost of \$75,000 per annum under current contracted rates.
9. The Town would need to tender the contract to meet the longer-term requirements to maintain the Public Open Space within the Deed area to a normal passive reserve standard.
10. Due to negotiations, a further proposal has been provided regarding the ongoing maintenance of the deed area as part of a confidential report for the Council's consideration.
11. A further onsite audit of the Deed area has been carried out by the Town.

Relevant documents

Not applicable

14 Chief Financial Officer reports

14.1 Schedule of Accounts - March 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple Majority
Attachments	1. Payment Summary - March 2023 [14.1.1 - 9 pages]

Recommendation

That Council:

1. Confirms the accounts for March 2023, 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 March 2023.

In brief

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

Background

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

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

Fund	Reference	Amounts
Municipal Account		
Automatic Cheques Drawn	608891-608892	\$348.80
Creditors – EFT Payments		\$4,874,545.27
Payroll		\$1,222,114.46
Bank Fees		\$14,127.11
Corporate MasterCard		\$8,276.33
Cancelled EFTS		(\$2,548.76)
Total		\$6,116,863.21

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](#)

14.2 Financial Statements - March 2023

Location	Town-wide
Reporting officer	Financial Services Controller
Responsible officer	Chief Financial Officer
Voting requirement	Simple majority
Attachments	1. Financial Activity Statement Report - March 2023 [14.2.1 - 45 pages]

Recommendation

That Council accepts the Financial Activity Statement Report – 31 March 2023, as attached.

Purpose

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

In brief

- The financial activity statement report is presented for the month ending 31 March 2023.
- The report complies with the requirements of Regulation 34 (financial activity statement report) of the *Local Government (Financial Management) Regulations 1996*.
- The financial information as shown in this report does not include a number of end-of-financial year adjustments that are still yet to occur, as well as the final approval by the Auditor. The figures stated should therefore not be taken as the Town's final financial position for the period ended 31 March 2023.

Background

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

Revenue

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

Expense

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

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

Period variation

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

Primary reason(s)

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

End-of-year budget impact

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

Strategic alignment

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

Engagement

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

Legal compliance

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

Risk management consideration

Risk impact category	Risk event description	Consequence rating	Likelihood rating	Overall risk level score	Council's risk appetite	Risk treatment option and rationale for actions
Financial	Misstatement or significant error 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 – 31 March 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 March 2023 be accepted.

Relevant documents

Not applicable.

- 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 Lathlain Park Redevelopment Project Zone 1 – PFC Lease Update**
 - 19.2 Proposed Amendments to Establishment Agreement – Tamala Park Regional Council**
 - 19.3 Proposed Sale of 355-357 Shepperton Road, East Victoria Park**
 - 19.4 Proposed Maintenance Agreement for Deed Area Burswood Peninsula Update**
 - 19.5 CEO Contract Renewal**
- 20 Closure**