



TOWN OF  
VICTORIA PARK

# Agenda Briefing Forum Notes – 4 June 2024

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VIC PARK

An **Agenda Briefing Forum** was held at **6:30 PM** on **Tuesday 4 June 2024** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

**Her Worship the Mayor Karen Vernon**  
11 June 2024

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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 at the Agenda Briefing Forum must be related to agenda items only.

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](mailto:GovernanceVicPark@vicpark.wa.gov.au).

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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**

*Mayor Karen Vernon opened the meeting at 6:30pm.*

## **3 Acknowledgement of Country**

*Cr Daniel Minson read the 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 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.

#### **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'.

## 5 Attendance

<b>Mayor</b>	Ms Karen Vernon
<b>Banksia Ward</b>	Cr Claire Anderson Cr Peter Devereux Cr Peter Melrosa Cr Lindsay Miles
<b>Jarraah Ward</b>	Cr Sky Croeser Cr Jesse Hamer Deputy Mayor Bronwyn Iffe Cr Daniel Minson
<b>A/Chief Executive Officer</b>	Mr Duncan Olde
<b>Chief Operations Officer</b> <b>A/Chief Financial Officer</b> <b>Chief Community Planner</b> <b>Coordinator Strategic Planning and Economic Development</b>	Ms Natalie Adams Mr Trent Prior Ms Natalie Martin Goode Mr Jack Hobbs
<b>Manager Governance and Strategy</b> <b>Coordinator Governance and Strategy</b>	Ms Bernadine Tucker Ms Rhonda Bowman
<b>Secretary</b> <b>Public liaison</b> <b>Public</b>	Ms Winnie Tansanguanwong Ms Alison Podmore 1

### 5.1 Apologies

Nil.

### 5.2 Approved leave of absence

Nil.

## **6 Declarations of interest**

### **6.1 Declarations of financial interest**

Nil.

### **6.2 Declarations of proximity interest**

Nil.

### **6.3 Declarations of interest affecting impartiality**

Nil.

## **7 Public participation time**

*Public participation time opened at 6:33pm and there being the indication of no questions or statement to be made from the public, Mayor Vernon closed the public participation time at 6:33pm.*

## **8 Presentations**

Nil.

## **9 Deputations**

Nil.

## **10 Method of dealing with agenda business**

Questions were received from elected members on the following items:

- 12.1 Consent to advertise draft LPP23 - Bicycle and Car Parking for Non-residential Development



# 11 Chief Executive Officer reports

## 11.1 Council Resolutions Status Report - May 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Governance Officer
<b>Responsible officer</b>	Manager Governance and Strategy
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Outstanding Council Resolutions Status Report - May 2024 [<b>11.1.1</b> - 13 pages]</li><li>2. Completed Council Resolutions Status Report - May 2024 [<b>11.1.2</b> - 5 pages]</li></ol>

### Summary

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

#### Recommendation

That Council:

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

### Background

1. On 17 August 2021 Council resolved as follows:

*That Council:*

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

### Discussion

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

The Completed Council Resolutions Report details all Council resolutions that have been completed by officers from 1 May 2024 to 30 May 2024. A status update has been included by the relevant officer/s.

### Legal and policy compliance

Not applicable.

## Financial implications

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

## Risk management consideration

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

## Engagement

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

## Strategic alignment

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

There were no questions asked or presentations made in relation to this item.

## 11.2 Minor review of the Strategic Community Plan

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Corporate Performance Advisor
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Strategic Community Plan 2022 - 2032 [11.2.1 - 94 pages]

### Summary

For Council to adopt the Strategic Community Plan 2022-2034, following a minor review.

#### Recommendation

That Council adopts the amended Strategic Community Plan 2022-2034, effective from 1 July 2024, as per attachment 11.3.1.

### Background

1. Under section 5.56 of the *Local Government Act 1995*, all local governments are required to plan for the future of their district. The minimum requirement is a Strategic Community Plan (SCP) and a Corporate Business Plan (CBP).
2. Under the Local government (Administration) Regulations 1996, a local government is to review the SCP at least once every four years.
3. The Integrated Planning and Reporting – Framework and Guidelines by the Department of Local Government, Sport and Cultural Industries advises that a strategic review is to be undertaken every two years, alternating between a minor strategic review and a major strategic review.

### Discussion

4. A major review of the SCP was completed in December 2021.
5. The Town has undertaken a minor review in 2024 whereby the goals and performance measures were refined and aligned with the strategic priorities.
6. Under local government reform, a Council Plan is proposed to replace the SCP and the CBP.
7. Given a Council Plan is likely to be legislated in the upcoming local government reform process, only minor edits have been made to the SCP. The following minor updates have been made to the current SCP as part of the minor review process:
  - a. Updates to the community profile section as per Australian Bureau of Statics 2021
  - b. Addition of one performance measure under the Social Pillar: S1: % progress on the public lighting implementation plan (resulting from the Community Perception Survey conducted in 2023).
  - c. Updates to the Strategies and Services section under each sub priority.

## Relevant documents

Not applicable.

## Legal and policy compliance

[Section 5.56 of the Local Government Act 1995](#)

[Regulation 19C of the Local Government \(Administration\) Regulation 1996](#)

## Financial implications

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

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable.		Low	
Environmental	Not applicable.		Medium	
Health and safety	Not applicable.		Low	
Infrastructure/ ICT systems/ utilities	Not applicable.		Medium	
Legislative compliance	Failure to adopt a revised SCP will mean that the Town is not compliant with the requirement to complete a minor review every two years.	Medium	Low	TREAT by adopting the proposed SCP.
Reputation	Failure to adopt the proposed SCP could result in negative public perception.	Low	Low	TREAT by adopting the proposed SCP or providing clear justification if further revision is required.
Service delivery	Failure to adopt a revised SCP will delay reviewing the Corporate Business Plan.	Medium	Medium	TREAT by adopting the proposed SCP.

## Engagement

Internal engagement	
Stakeholder	Comments
C-Suite, Managers and subject-matter experts	Drafting changes that support and communicate the strategic direction. This group of people were also sent the finalised draft content for review and comment.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Planning actions allows the Town to manage resources and sets the basis for reporting progress.
CL3 - Accountability and good governance.	Council and the community have oversight of the Town's performance and how resources are managed to deliver outcomes.

There were no questions asked or presentations made in relation to this item.

## 11.3 Annual Review of Delegations

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Governance and Strategy
<b>Responsible officer</b>	Chief Executive Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	1. Draft Delegations and Sub-delegations Register 2024-2025 [ <b>11.3.1</b> - 188 pages] 2. Annual Review of Delegations 2024 [ <b>11.3.2</b> - 6 pages]

### Summary

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

#### Recommendation

That Council:

1. Notes a review of the Town's delegations has been completed in accordance with sections 5.18 and 5.46 of the *Local Government Act 1995*.
2. Endorses the amended Delegations register as contained in Attachment 1.

### Background

1. Council is required to review its delegations under various legislation each financial year.
2. Council last reviewed the Register of Delegations and Sub-delegations at its meeting held on 16 May 2023 (resolution 101/2023 refers).
3. New and amended delegations are proposed.
4. 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 some function to the Chief Executive Officer, as well as other officers. Some of these functions can be on delegated by the Chief Executive Officer.
5. 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.

### Discussion

6. The 2023-24 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.
7. 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).
8. The main changes are detailed in Attachment 2, Annual Review of Delegations – 2024 Identified Changes.
  9. 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.
  10. 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) (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).
  11. 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.
  12. 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.
  13. 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 (WALGA).
  14. The 2023-24 review has resulted in refining delegations to ensure the Town's continued ability to maintain high standards of service delivery and improved workflow processes.
  15. 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.

## **Relevant documents**

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

## **Legal and policy 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\*](#)

## Financial implications

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

## Risk management consideration

<b>Risk impact category</b>	<b>Risk event description</b>	<b>Risk rating</b>	<b>Risk appetite</b>	<b>Risk Mitigation</b>
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.	Medium	Low	TREAT risk by Council reviewing its delegations before 30 June 2024.
Reputation	Increased oversight by regulatory authorities affecting the Town's reputation.	Low	Low	TREAT risk by Council reviewing its delegations before 30 June 2024.
Service delivery	Unable to deliver services in a timely manner.	Medium	Medium	TREAT risk by putting in place the appropriate delegations.

## Engagement

Internal engagement	
Stakeholder	Comments
Chiefs, Managers and other relevant staff	Chiefs, Managers and other relevant staff were asked to provide feedback in relation to existing delegations and if any amendments were required. Feedback was also sought for any new delegations required.
C-Suite	At its meeting on 23 May 2024, C-Suite was asked to provide any feedback on the delegations with the proposed amendments and new delegations.

## 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 delegation annually ensures Council has complied with its legislative responsibility under the <i>Local Government Act 1995</i> .

There were no questions asked or presentations made in relation to this item.

## 11.4 Elected Member Superannuation

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

### Summary

At the Council meeting held 12 December 2023, it was resolved (in part) that:

- Council defers consideration of the Town becoming an eligible governing body under the Taxation Administration Act 1953 (Cth) for the purpose of making compulsory superannuation contributions to Elected Members until the May 2024 Council meeting.
- At the Council meeting held 21 May 2024, Council resolved to defer consideration of this item until the June 2024 Council meeting. The reason for the deferral was so the matter could be considered towards the end of the financial year.

### Recommendation

That Council not progress with elected member superannuation at this time.

### Background

1. At the Council Meeting held Tuesday 18 July 2023, it was resolved that a report be provided to Council by August 2023 to consider resolving becoming an eligible governing body under the Taxation Administration Act 1953 (Cth) allowing the Town to make compulsory superannuation contributions to Elected Members.
2. At the Council meeting held Tuesday 15 August 2023, it was recommended that Elected Member superannuation not be progressed at that time.
3. Council subsequently resolved that specialist taxation and superannuation advice was required and requested a further report be provided back to Council with options for introducing superannuation to Elected Members.
4. A subsequent report was provided to Council at the Ordinary Council Meeting held 12 December 2023.
5. At that meeting, Council subsequently resolved (in part) that:  
Council defers consideration of the Town becoming an eligible governing body under the Taxation Administration Act 1953 (Cth) for the purpose of making compulsory superannuation contributions to Elected Members until the May 2024 Council meeting.

### Discussion

6. As the former Minister for Local Government supported amendments to the *Local Government Act 1995* to enable Council members to receive superannuation payments, it is recommended that Council

not progress with Elected Member superannuation until the Minister does make those legislative amendments.

7. Should Council resolve to be paid superannuation, the Council must make a unanimous resolution that the remuneration of Council members be subject to withholding under Part 2-5 (about Pay As You Go withholding). The effect is to capture payments and benefits to Elected Members within the PAYG and fringe benefits tax (FBT) provisions.
8. The Council resolution must specify a day on which the resolution takes effect which must be within 28 days of the Council resolution.
9. Council must also resolve to make a budget adjustment to accommodate this extra financial expense. An allocation of \$38,000 is listed in the draft 2024-25 annual budget for superannuation.
10. The Town must then give written notice of the resolution to the Taxation Commissioner within 7 days of the Council resolution being made.
11. That resolution would continue in force despite any change to the membership of the Council but the Council would have the power, at a later stage, to make another unanimous resolution cancelling the initial unanimous resolution.
12. If such a resolution is made, the Elected Members will be taken to be 'employees' for the purposes of PAYG withholding, superannuation guarantee and FBT.
13. The Town will be required to withhold tax from amounts it pays to Council members (including by way of allowances) from the date on which the resolution takes effect and remit it to the Australian Taxation Office.
14. The Town will then be obliged to provide payment summaries to all Elected Members detailing the total of the payments made to them during the financial year together with the amounts withheld from those payments.
15. FBT rules are applicable to all benefits provided to Elected Members. The Town will therefore be required to determine the taxable value of all benefits provided to Elected Members, report the benefits in the annual FBT return, pay any FBT due on those benefits, and if applicable, if a reportable fringe benefit, report that on the payment summary issued to Elected Members.

## Relevant documents

Taxation and superannuation advice as contained in Attachment 1.

## Legal and policy compliance

[Taxation Administration Act 1953 \(Cth\)](#)

## Financial implications

<b>Current budget impact</b>	No funds are allocated within the annual budget to accommodate the cost of paying elected member superannuation this financial year.
<b>Future budget impact</b>	If elected member superannuation is supported, future budget allocations of approximately \$38,000 per year will be required

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	The Town has insufficient financial resources to pay for Elected Member superannuation.	Medium	Low	Treat the risk by Making provision for the payment through the annual budget process.
Environmental	Not applicable.		Medium	
Health and safety	Not applicable.		Low	
Infrastructure/ ICT systems/ utilities	Not applicable.		Medium	
Legislative compliance	Not applicable.		Low	
Reputation	Negative media Coverage.	Moderate	Low	Treat the risk by following amendments made to WA legislation for Elected Member Superannuation.
Service delivery			Medium	

## Engagement

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

External engagement	
Stakeholder	Comments
Taxation and superannuation advice	The Town sought taxation and superannuation advice which has been included in this report.

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	It is unclear whether using the Town’s financial resources for superannuation for Elected Members will provide public value.
CL3 - Accountability and good governance.	It is unclear whether using the Town’s financial resources for superannuation for Elected Members will provide public value.

## Further consideration

When this item was presented to the Council meeting held 21 May 2024, Council decided to defer the item until the June 2024 Council Meeting so that the matter could be considered towards the end of the financial year.

There were no questions asked or presentations made in relation to this item.

## 12 Chief Community Planner reports

### 12.1 Consent to advertise draft LPP23 - Bicycle and Car Parking for Non-residential Development

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Coordinator Strategic Planning and Economic Development
<b>Responsible officer</b>	Manager Place Planning
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Draft revised LP P 23 - Bicycle Parking, Car Parking and Access for Non-Residential Development [<b>12.1.1</b> - 9 pages]</li><li>2. Local Planning Policy 23 - Parking [<b>12.1.2</b> - 13 pages]</li><li>3. Local Planning Policy 24 - Loading and Unloading [<b>12.1.3</b> - 1 page]</li><li>4. Local Planning Policy 30 - Car Parking Standards for Developments Along Albany Highway [<b>12.1.4</b> - 1 page]</li></ol>

### Summary

The purpose of this report is to seek consent to commence public advertising of draft amended Local Planning Policy 23 'Bicycle Parking, Car Parking and Access for Non-Residential Development' (LPP23), formerly known as LPP23 'Parking'. LPP23 has been revised and renamed, to reflect the intent and recommended actions of the Town's Integrated Transport Strategy and Parking Management Plan.

### Recommendation

That Council:

1. Consent to the advertising of draft Local Planning Policy 23 'Bicycle Parking, Car Parking and Access for Non-Residential Development' (as contained in Attachment 1) for public comment for a minimum period of 28 days, being 7 days greater than the minimum period required by deemed clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
2. Requests the Chief Executive Officer to provide a further report to Council that summarises and responds to any submission received during the public advertising period along with a recommendation on whether to adopt draft Local Planning Policy 23 'Bicycle Parking and Car Parking and Access for Non-Residential Development' with or without modifications.

### Background

1. It is important that regular reviews of Local Planning Policies (LPPs) are undertaken to ensure that they remain current, consistent with contemporary legislation and relevant to achieving the Town's strategic objectives.
2. In 2022, the Council endorsed several strategies and plans inclusive of transport and parking related strategic objectives including; the Strategic Community Plan 2022-2032, Integrated Transport Strategy and Parking Management Plan. The strategic direction outlined in all the documents is consistent and integrated.

3. The Parking Management Plan contains the following goal and actions specific to the review of local planning policies related to parking:
  - *Goal - Reviewing parking requirements as they relate to the Town's planning framework and recommendations for any necessary changes to these requirements to ensure they are appropriately aligned to the Town's strategic transport direction.*
  - *Action - Review minimum parking requirements, with consideration for maximum parking requirements, to allow development that is oriented towards active and public transport access, rather than access by private vehicle.*
4. In 2023, under the Vic Park Planning Program a high-level review of the Town's existing suite of 33 LPPs found that approximately half have not been reviewed within the last 4 years.
5. Several LPPs not reviewed for over 10 years have been prioritised for review including three policies related to parking for non-residential development:
  - LPP23 'Parking' (1998).
  - LPP24 'Loading and Unloading' (1998).
  - LPP30 'Car parking standards for Albany Highway' (2011).

## Discussion

6. A review of the Town's existing LPP23 - 'Parking' (contained at Attachment 2), LPP24 'Loading and Unloading' (contained at Attachment 3), and LPP30 'Car parking standards for Albany Highway' (contained at Attachment 4) has been completed by Administration to determine whether these policies should be retained, amended or revoked to reflect the intent and recommended actions of the Town's Integrated Transport Strategy and Parking Management Plan.

### Review of Local Planning Policy 23 – Parking (LPP23)

7. LPP23 was first adopted in 1998 with the purpose to *"facilitate the development of adequate parking facilities and safe, convenient and efficient vehicle and bicycle access for pedestrians, cyclists and motorists"*.
8. The content of LPP23 takes a typical approach to regulating the provision of parking for non-residential development through setting requirements for minimum amounts of parking to be provided for different types of land uses generally based on the floor area of the business, however, the parking ratios can also be based on factors such as the number of people accommodated (staff and/or customers).
9. There is no scientific basis for the parking ratios that are set within local government parking policies and at best they are estimates of the peak demands a business may generate for free parking. Parking ratios do not factor in considerations such as the popularity of a business or the choices a business makes to manage its parking which greatly influence demand and availability of privately owned parking.
10. This approach ensures that lots of car parking spaces are provided however can make it more difficult to establish or grow a business, detract from people choosing to walk or cycle, be detrimental to urban design and local character, detract from the natural environment and can increase local traffic through encouraging trips to be made by car.
11. LPP23 does not set requirements for the provision of bicycle parking or end of trip facilities.
12. LPP23 has not been reviewed since its initial adoption in 1998 and its content, especially the approach of mandating minimum parking requirements, is **now in direct conflict** with achieving the strategic



objectives of the Town's Strategic Community Plan 2022-2032, Integrated Transport Strategy and draft Local Planning Scheme No.2.

13. The impact of setting policy that mandates all businesses should be accessible via private motor vehicles can be detrimental to achieving the objectives of the Town's Strategic Community Plan as follows:

EC1 Facilitating a strong local economy.

- It can detract from the diversity of businesses across the Town by requiring all businesses to cater for private motor vehicles regardless of the businesses location, operations or customers needs.
- Make it difficult to establish or grow a business if the business is unable to increase the amount of parking it can provide from existing approvals meaning that businesses are required to seek development approval to increase their floor area, hire more staff or cater to more patrons adding.
- Negatively affect the cost of goods and services as the cost of providing and maintaining parking facilities adds to a businesses overheads – these expenses are bundles into the costs of goods and services for all customers regardless of whether they drive.

EN1 Protecting and enhancing the natural environment.

- Increase the likelihood of vehicle ownership, which in turn increases the likelihood of vehicle travel and associated increases in greenhouse gas emissions produced by vehicles over other more active modes of transport.
- Limits the space available to provide landscaping and tree planting as part of development on development sites.

EN5 Enhancing and enabling liveability through planning, urban design and development.

- Parking facilities can have negative visual impacts on amenity and the streetscape. Removing minimum parking requirements can assist with delivering a high-quality public realm by removing the necessity to provide parking a prescribed amount of parking.
- Excess parking results in driving being a preferred travel choice which can impact on air quality, pedestrian safety, noise and the application of car-based engineering standards, all of which can severely impact the liveability of a place.

EN6 Improving how people get around the Town.

- Minimum parking requirements lock in the supply of parking which contributes to a culture of car dependency and can be detrimental to facilitating development designed for access via active transport means.
- By prioritising the needs of private motor vehicle owners above the needs of pedestrians, cyclists and public transport users requiring car parking to be supplied is counterproductive to efforts to promote active transport.

14. For the above reasons the existing LPP23 is no longer considered to be fit for purpose and the Administration recommends that LPP23 be replaced in its entirety. Retaining an LPP on car parking remains relevant for the Town to provide design guidance to ensure safe, accessible parking facilities are provided and support good quality development outcomes. Further commentary on how the revised LPP23 has been prepared to best achieve the Town's strategic objectives and the anticipated outcomes of the changes is detailed later in this report.

### Review of Local Planning Policy 24 – Loading and Unloading (LPP24)

15. LPP24 was first adopted in 1998 and aims to achieve the following objectives:
  - a) *To ensure that adequate facilities for the loading/unloading of goods and commodities to and from vehicles are provided where the Council determines they are required.*
  - b) *To ensure that loading/unloading facilities do not adversely affect the amenity of adjacent areas.*
16. The LPP24 policy requirements do not specify the circumstances in which loading bays should be provided as part of non-residential development and provides limited guidance on desirable location, design and use of loading bays to support achieving these objectives.
17. The policy has not been reviewed since its initial adoption in 1998.
18. The objectives of LPP24 remain relevant, however, continuing with a standalone policy is considered unnecessary and that guidance on loading bays should be consolidated within a revised LPP23.
19. The Administration recommends that LPP24 be revoked upon the adoption of revised LPP23.

### Review of Local Planning Policy 30 – Car parking standards for Albany Highway (LPP30)

20. LPP30 was first adopted in 2011 and provides alternative parking requirements for properties within the 'District Centre' and 'Commercial' zones located on Albany Highway to those required under the existing LPP23.
21. The policy effectively reduces the existing LPP23 minimum parking ratios for 'Shops' and 'Restaurant/Cafes'.
22. The policy has not been reviewed since its initial adoption in 2011.
23. The revised LPP23 recommends removing the minimum parking ratios for all land uses across the Town thus making this aspect of LPP30 redundant.
24. LPP30 is not considered to contain any provisions of greater value than those proposed in the revised LPP23, therefore the Administration recommends that LPP30 be revoked upon the adoption of the revised policy.

### Revised LPP23 – Bicycle Parking, Car Parking and Access for Non-Residential Development

25. A revised LPP23 – Bicycle Parking, Car Parking and Access for Non-Residential Development (at Attachment 1) has been prepared to reflect the strategic objectives of the Town's Integrated Transport Strategy and Parking Management Plan.
26. The preparation of the policy has considered the growing body of local and international evidence in support of reforming parking policies for purposes associated with climate action, housing affordability, economic development and promoting more equitable/safer streets. This sentiment is summarised by Professor Donald Shoup a leading expert on parking policy reform:

*"In this era of climate change and a crisis of affordability, we have to reclaim urban land for people. Ending mandates for parking is a vital contribution to this endeavour."*
27. A growing number of jurisdictions around the world have successfully reformed their parking policies with these objectives in mind. A sample of the cities whose policies have been reviewed by the Administration to inform the preparation of the revised LPP23 include;
  - London, England (2004)
  - São Paulo, Brazil (2014)

- City of Ottawa, Canada (2016)
- Waverley Council, Sydney, Australia (2017)
- City of Sydney, Australia (2018)
- City of Edmonton, Canada (2020)
- Moreland City Council, Melbourne, Australia (2020)
- New Zealand, national approach (2020)
- City of San Jose, USA (2023)

28. The review of contemporary parking policies found that there are three main ways to regulate the amount of parking businesses are required to provide as demonstrated in the Figure 1 – Parking Requirements Spectrum.



**Figure 1 – Parking Requirements Spectrum**

#### A) Minimum Parking Requirements

- The Town determines a set number of spaces that must be provided by each type of land use.
- This approach supports driving but can be detrimental to walking and more active modes of transport as businesses become located further apart.
- The onus is placed on businesses to demonstrate via a development application why the minimum parking requirements should be varied with consideration given to factors such as:
  - The proximity of the business to high frequency public transport (train stations or bus routes).
  - The location of the business within certain zones (such as within district or neighbourhood centres).
  - How parking is proposed to be managed (ie shared or reciprocal parking arrangements between businesses).
  - Payment of cash-in-lieu of providing car parking.
- **Businesses have less choice as they are required to provide parking regardless of demand and can have their operations restricted by the amount of parking they are able to provide should a variation to the policy requirements not be approved by the Town.**

#### B) Open Option

- A range of parking spaces can be provided appropriate to local context and individual business's needs.
- Creates opportunities for more compact development that can be more walkable in scale.

- The development of new versus existing buildings (such as corner stores) is treated equally.
- **Businesses have greater choice and the flexibility to expand and grow (ie increase their trading area, venue capacity or employ more people) without the burden of complying with minimum parking requirements or being subject to the uncertainty, time or cost implications of seeking an approval to not provide the minimum amount of parking required by policy.**

C) Maximum Parking requirements

- The Town sets a limit on the number of parking spaces that can be provided generally based on the type of land use, scale of development or context of the area. For example, an existing maximum parking cap is applicable to development within the Burswood Station East precinct due to limitations of the transport networks capacity to accommodate growth in vehicle movements in or out of the precinct.
- Supports walking through encouraging more compact development patterns but can limit driving.
- **Businesses have less choice as they are not free to provide the amount of parking they may wish to supply to meet their needs.**

29. For the Town and the wider Perth metropolitan region, planning controls that require minimum parking requirements in non-residential development have been a significant contributor to Perth's extremely high levels of vehicle use, the expansion of Perth's road network, the distant nature of the overall city structure, emergence of a car-oriented economy (big box retail) and the subsequent car-oriented behaviour of the population. Relinquishing planning control on this matter is a key move toward addressing some of these inherent issues.

30. The Administration recommends that the revised LPP23 adopts an 'Open Option' approach with no minimum car parking requirement applicable with maximum limits to the amount of car parking that can be provided to only apply where recommended via detailed planning for a precinct.

31. The Administration anticipates that the effects of relinquishing planning controls for minimum car parking requirements will be gradual and moderate with the following outcomes expected:

- The supply of car parking on private land will not change quickly because of the policy change as redevelopment is typically slow and incremental.
- Demand for car parking will remain high and new commercial buildings are likely to continue to provide car parking in response to market demands.
- Most existing businesses are likely to retain their existing supply of car parking in response to their own needs, however, some may choose to reallocate space currently allocated to car parking to other purposes should it be surplus to these needs.
- Existing older buildings that were developed before minimum car parking requirements applied (such as corner stores) will have less regulatory burden and therefore a layer of red tape removed in attaining a tenant.
- Should developers or businesses choose to provide less car parking over time this may result in increased demand for on-street parking and/or necessitate that owners of private parking manage their parking more effectively.
- Should demand for on-street parking increase, the Town will implement the recommendations of the Parking Management Plan Intervention Matrix, as shown in Table 1, to ensure that the availability of on-street parking is effectively managed.

**Table 1 – Parking Management Plan – Street Parking Interventions**

<b>Parking Intervention Matrix</b>	
<b>Intervention Trigger – On-Street Parking</b>	<b>Action</b>
Occupancy is above 85% for unrestricted parking	Introduce time restrictions
Occupancy is above 85% for time restricted parking	Modify time restrictions.
Occupancy is above 85% for modified time restricted parking	Introduce paid parking.
Occupancy is above 85% for paid parking	Increase paid parking fees through use of dynamic parking model.
Occupancy remains above 85% for paid parking	Provide additional paid parking.

32. To support mode shift to active modes of transport the revised LPP23 sets out minimum requirements for the provision of bicycle parking and end of trip facilities for different land use types.
33. The policy also provides design guidance for both bicycle and car parking facilities to ensure all parking facilities are designed to be safe, accessible and to support good quality development outcomes that can help the Town achieve a balanced transport network.

## **Relevant documents**

[Town of Victoria Park - Integrated Transport Strategy](#)

[Town of Victoria Park – Parking Management Plan](#)

[Town of Victoria Park – Climate Emergency Plan](#)

## **Legal and policy compliance**

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

34. The adoption or amendment of a Local Planning Policy must be undertaken in accordance with deemed clauses 4 and 5 of the Planning and Development (Local Planning Schemes) Regulations 2015, including:
- Publication of a notice in accordance with deemed clause 87;
  - Community consultation for a period of not less than 21 days after the day on which the notice is first published; and
  - Consideration of public submissions and a Council resolution to proceed with the new or amended policy with or without modifications, or not to proceed.
35. As per deemed clause 4(5) and 6(b), the adoption of a new or revised local planning policy, or the revocation of an existing policy, takes effect upon the publication of a notice in accordance with deemed clause 87.

[Local Planning Policy No.37 - Community Consultation on Planning Proposals](#) (LPP37)

36. The 'Open Option' approach to regulating car parking proposed for the revised LPP23 represents a significant shift from the Town's current approach where onerous minimum parking requirements apply.
37. The provision of parking associated with new development is also a matter of high community interest that features prominently in public submissions on development proposals.
38. For these reasons it is recommended that the consultation period for the revised LPP23 be extended to 28 days and that more extensive community consultation activities than the minimum requirements outlined in LPP37 be undertaken.
39. The following engagement activities are planned for the advertising of LPP23 (activities annotated with a '\*' are in addition to the minimum requirements of LPP37):
  - Online advertising (YourThoughts)
  - Public inspection of policy (Admin/Library)
  - Public notice (Town website)
  - Public notice (Admin/Library) noticeboards\*
  - 2x newspaper advertisement during the advertising period\*
  - E-newsletter items (eVibe and Business e-news)\*
  - 2x Social media posts\*
  - Preparing an animated explanatory video describing the rationale for the 'Open Option' approach to be shared on YourThoughts. E-news and social media posts\*
  -

## Financial implications

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

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Not applicable.		Low	
Environmental	Not applicable.		Medium	
Health and safety	Not applicable.		Low	
Infrastructure/ ICT systems/ utilities	Not applicable.		Medium	
Legislative compliance	Not applicable.		Low	
Reputation	Continued application of existing policy that does not reflect Town's strategic transport objectives.	Low	Low	Consent to public advertising of revised LPP23.

Service delivery	Not applicable.	Medium
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## Engagement

Internal engagement	
Elected Members	<p>Concept Forum held on the 27 February 2024, points of discussion included:</p> <ul style="list-style-type: none"> <li>• The relationship between how parking policies can be approached, and the level of alignment different approaches can have with the Town’s informing strategies.</li> <li>• Key components of parking policy, including: <ul style="list-style-type: none"> <li>- Parking ratios (minimums, maximums and open option approaches)</li> <li>- Special purpose bays – ACROD and loading bays etc.</li> <li>- Requirements for bicycle and end of trip facilities.</li> <li>- Design of car parking facilities – access, appearance, sustainability considerations.</li> </ul> </li> </ul> <p>A range of views were shared by Elected Members.</p>
Place Planning	Liaison to ensure revised LPP23 is aligned with key strategies and plans eg Integrated Transport, Economic Development and Urban Forest strategies
Urban Planning	Liaison in preparation of revised LPP23
Parking and Rangers	Liaison in preparation of revised LPP23

External engagement	
Stakeholders	Access and Inclusion Advisory Group
Period of engagement	27 March 2024 to 10 April 2024
Level of engagement	Consult
Method of engagement	<p>The draft LPP23 content was presented and discussed at the 27 March 2024 Access and Inclusion Advisory Group meeting.</p> <p>The presentation, inclusive of draft policy content in regards to ACROD parking bays, was circulated to Group members for feedback by way of return email by 10 April 2024.</p>
Advertising	Not applicable
Submission summary	Not applicable

Key findings	<ul style="list-style-type: none"> <li>• General support for Open Option parking approach if applied with prioritising improving walkability within the Town.</li> <li>• Support for the policy to encourage the provision of ACROD Bays above minimum requirements (noting that ACROD bay provision is subject to the Building Code of Australia not Town policy).</li> <li>• Support for including standards to accommodate larger bicycle parking bays for cargo bikes and family bike trailers (noting that bike bay specifications are subject to Australian Standards).</li> <li>• Comments that it is important that bicycle parking does not impede access to buildings.</li> </ul>
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## Strategic alignment

Economic	
Community Priority	Intended public value outcome or impact
EC1 - Facilitating a strong local economy.	Revising the Town's parking policy provides the opportunity to reduce the barrier to establishing and growing local businesses within the Town.

Environment	
Community Priority	Intended public value outcome or impact
EN3 - Enhancing and enabling liveability through planning, urban design and development.	Revising the Town's parking policy provides the opportunity to encourage improved urban design outcomes and reduce barriers to good development outcomes within the local planning framework.
EN6 - Improving how people get around the Town.	Revising the Town's parking policy provides the opportunity to better support development that is oriented towards access via walking, cycling and public transport rather than access by private vehicle.

## Questions and responses

### Cr Jesse Hamer

*1. Point 30 of the report mentions that the 'Open Option' will have no minimum car parking requirement applicable but has maximum limits to the amount of car parking. Is there a suggestion of another term that better describes this option?*

Coordinator Strategic Planning and Economic Development advised that 'Open Option' refers to the recommended approach to the control of the provision of car parking on private land for businesses Town wide – this being that no minimum provision and no maximum limit applies, with it being open to the landowner/developer to decide how many parking bays to construct on the site (if any). The policy's references to maximum limits "Not applicable unless in accordance with a provision of the Scheme or Precinct Structure Plan" is simply recognition that higher order planning instruments may deem it appropriate to place maximum limits on the provision of car parking in specified areas of the Town. In these instances the policy's 'Open Option' approach would be overridden. It is open to Council to rename this option.

Mayor Karen Vernon clarified that Cr Jesse Hamer would like the example of another word for 'open option'.



Coordinator Strategic Planning and Economic Development advised that there is not one at this point in time.

*2. The report also mentioned 'Walkable' in scale (Figure 1 – Parking Requirements Spectrum), how would a shop or development without car parking become walkable in the scale?*

Coordinator Strategic Planning and Economic Development advised that 'Walkable in scale' refers to an environment that encourages trips to be made via walking. Factors include both the distance between places (typically to a maximum of 15mins walk between destinations) and an environment that is conducive to walking (well connected footpaths, shade and shelter, places to rest, things to see and do etc). Many parts of Albany Highway, Archer Street or other local centres within the Town where businesses are located close together and address the street well would be considered 'walkable in scale'.

*3. For example, in the recent decision regarding the possible IGA in Carlisle, if it lacks car parking, would it still be considered as walkable in scale?*

Coordinator Strategic Planning and Economic Development advised that the proposed IGA Carlisle has potential to be a walkable development regardless of car parking. In general, providing less parking on-site can contribute to a more walkable design outcome.

*4. Does that imply that the walkable scale is more about the proximity of shops and the pathways that connect them, rather than the actual parking those developments have access to?*

Coordinator Strategic Planning and Economic Development advised that where developments or pedestrian access is close to the street; they may still provide parking. However, the volume of parking provided is also a factor.

*5. Point 13 mentions concern of the current policy for mandating that all businesses should be accessible via private motor vehicles. The example that the Town provided are the businesses that doesn't have parking. Is not having parking means that it will be not accessible by vehicle?*

Coordinator Strategic Planning and Economic Development advised that the examples provided are businesses in the Town that are on sites that provide no parking, which would comply with the proposed policy but do not comply with our current policy stating that 'all businesses should provide parking.' It doesn't mean those businesses cannot be accessed by car, but rather that individuals wishing to access the businesses cannot park their car on the property of that business as a result.

*Cr Jesse Hamer asked for more clarification on this matter.*

Coordinator Strategic Planning and Economic Development advised that it is the difference between whether a person parks on the property of that business and it's that businesses responsibility to provide parking for their patrons or if people happen to access their business by car and park in the street because there is no parking available at the business. A business providing no parking on site is not accommodating vehicles to access their business directly.

*6. Accessing a location by using street parking or another car park is the example within the definition? Will the development that does not provide the on-site parking be considered as not accessible by motor vehicle?*

Coordinator Strategic Planning and Economic Development advised that that is not the case; the location of the businesses will be accessible by vehicle in some form, depending on the policy's recommendation

regarding whether the development should have on-site parking or not. However, not providing on-site parking does not imply that no one can access the business by car; it simply means they cannot park on-site.

*7. The report mentioned that parking spaces limit the available space for landscaping and trees. If a development doesn't need parking, why wouldn't it use that space to make the footprint of development bigger?*

Coordinator Strategic Planning and Economic Development advised that a business owner or developer may choose to allocate space that is otherwise be required to be dedicated to car parking to increase the footprint of the development over the provision of landscaping, subject to other development standards such as plot ratio, boundary setbacks etc. A development may choose to provide additional landscaping to increase the amenity of the business (for example to repurpose parking space for an alfresco dining area of a cafe, restaurant or pub). The removal of minimum parking requirements makes these choices more readily available to businesses to decide as they choose.

*8. For the current planning mechanisms, regarding the development which might intend to change the providing services that was restrained by a parking shortfall, what is the process for the development to be approved with that current shortfall, would it be council decision?*

The Chief Community Planner advised that staff have the delegation to deal with car parking shortfalls. The shortfall may or may not be advertised, under the Local Planning Policy 37, if the development meets the threshold for acquiring advertising for a parker. The Town would undertake assessment of the submissions, also an assessment of car parking in the area.

*9. To clarify, does that mean the current planning is not as restrictive?*

The Chief Community Planner advised that it is the assessment. However, the requirement is high compared to what the Town is proposing.

## **Cr Sky Croeser**

*1. Do we currently have any higher order policy documents that impose parking maximums?*

Coordinator Strategic Planning and Economic Development advised that there is currently a parking maximum applicable to the Burswood Station East Precinct. That is a local planning policy but also contained within the local planning scheme that sets a parking maximum are based on land area. There is a ratio based on how much car parking can be provided based on the amount of land an owner has. That parking maximum was put in place on the recommendations of Main Roads. That particular area is quite locked in accessibility and can't accommodate significant vehicle movement increases in that area in the future.

*2. Are there any areas of the Town which are covered by higher order policy documents that impose parking minimums that would sit above this policy?*

Coordinator Strategic Planning and Economic Development advised that there are some examples of local development plans and existing structure plan type documents that do have parking minimums. Generally they apply to R code or Residential development.

Coordinator Strategic Planning and Economic Development took the question on notice to the extent of commercial development.

3. *If some of the existing businesses currently do not meet the minimum parking requirements and they wanted to undergo substantial renovation, upgrade, or be replaced with similar services, will the existing parking requirements block this?*

Chief Community Planner advised that a refurbishment, or doing renovations inside, there will be no requirement for additional parking. Regarding replacing businesses with the similar kind of services, they may not need planning approval. Unless the businesses are changing to something completely different and requiring a change of use, then they will not need a new car parking calculation.

**Cr Daniel Minson**

1. *Is there any considerations given to utilising maximum parking requirements for the different types of land uses?*

Coordinator Strategic Planning and Economic Development advised that based on research into different approaches to the Town's parking policy, it is found that using ratios based on land use is a common practice. Implementing maximum parking requirements may limit flexibility. Therefore, it is currently unnecessary to consider maximum requirements for the Town-wide policy.

2. *As an example, the corner store where there is no requirement to provide parking, would it be through this LPP that we would put in place maximum parking requirements?*

Coordinator Strategic Planning and Economic Development advised that potentially the policy could contemplate the location types of land uses that would be required to have maximums in place. That approach is not recommended.

3. *On the ACROD parking requirements, the Local Planning Policy (LPP) suggests ACROD bays provided at a 1 in 20 rate. Is that the standard or is that acknowledging that removing minimum parking requirements most likely reduce the number of ACROD bays rolled out that that is a higher requirement to cover the loss of ACROD we could expect.*

Coordinator Strategic Planning and Economic Development advised that the provision of ACROD bays is set by the Building Code of Australia and is set above what is proposed for this policy. The rationale behind 1 in 20 ratios reflect the recognition of the Town's demographics and demands for ACROD bays. It is unlikely there will be a loss of ACROD bays.

4. *Following on from question 3, will the Town Planning Policy potentially address the risk of shortfall spacing of ACROD parking?*

Coordinator Strategic Planning and Economic Development advised that the parking policy is targeted private land development which the Town has limited capacity. The questions referring to more of street parking. There is no current council policy apply for on-street ACROD bay, however, this matter could be contemplated.

**Cr Claire Anderson**

1. *Has the town factored in a budget allocation to improve the walkability on the footpath infrastructure?*

Coordinator Strategic Planning and Economic Development advised that yes, it is factored into the budget of 2024-2025. A number of subprograms including, but not limited to, pedestrian infrastructure focusing on

a range of small improvement such as bike rack installations, pram ramps, crossing installation and corner conversions. Also, the streetscape improvements including Archer Mint, Burswood Station East etc and Leafy Streets Sub-Program for shade by planting street trees to encourage walking.

*2. How much is the amount of budget allocation per subprogram, and what is the timeframe for improving walkability implementation?*

Coordinator Strategic Planning and Economic Development took the question on notice due to it relating a to financial component. However, all the programs are annual programs, and changing the transport network is a long-term process with implementation occurring over more than just the next year.

**Mayor Karen Vernon**

*1. What is the correlation of bicycle parking and the end trip facilities by using an example from table 1. Referencing a place of assembly, short stays to be one space per 100 square metres, but long stay is one space per 500 square metres, what does that add up to in total regarding the minimum provision of end trip facilities?*

Coordinator Strategic Planning and Economic Development advised that they will be added together. For example, a thousand square metres that would require 10 short stays by school parking bays include loop bicycle parking, and 2 long stays bicycle parking facilities include dedicated storage locker for secure parking. So, the number will be added together which total for the end trip facilities is 12. 4 of them being showers and change room facilities. However, the discretion is recommended provision an allocation for a place of assembly can be vary under the similar discretion under policy.

*2. Regarding the places for worship, would that mean the minimum to provide is 4 showers and change room facilities under the minimum end trip facilities, however, they could request for the amount of the room to be less, is that correct?*

Coordinator Strategic Planning and Economic Development advised that the Town has initially calibrate the ratio from Austroads but is open to interpretation. Bicycle parking and end of trip facilities are not standardised in planning frameworks; it does vary and open to considering on different situations.

*3. Regarding the long stay bicycle parking, could you clarify 'they are to be accessible via a continuous path of travel from the cycling or vehicle entry point to the premises'?*

Coordinator Strategic Planning and Economic Development advised that the definition for continuous path is an uninterrupted route to or within premises or buildings and providing access to all services and facilities. It shall not incorporate any steps, stairways, turnstiles, revolving doors, escalators or other impediments which would prevent it from being safely negotiated by people with disability. The definition is in the Building Code to ensure the end of trip cycling facilities are accessible to all.

*4. Relating to question 3, would that mean for some buildings, they will have to allocate their land to accommodate long stay bicycle parking as part of the inside of the building due to some might have limited space outside the building.*

Chief Community Planner advised that we do frequently see these cases in large apartment buildings, quite often long stay bicycle parking is provided in the basement. However, many design review panel comments by architects and engineers required the end of trip facilities to be located in more convenient ways, such as within continuous path of travel.

*5. What about the smaller building that does not contain a basement, in order to get a continuous pathway from long stay bicycle parking into the end of trip facilities, with the limited capacity outside the building? Does that mean the facilities have to be inside the building?*

Chief Community Planner advised that there is no current particular example, but it is possible. However, planning policies do have ability for discretion, if the situation is not practical, planning officers are open to consider exceptions.

*6. Regarding policy position, would it normally include guidance in policies to assist planners in understanding what the council considers important when exercising discretion to permit deviations?*

Chief Community Planner advised that if council want planning staff to have more discretion, staff are open to council providing that direction.

*7. Regarding the landscaping, 'uncovered at-grade parking shall be landscaped by a soft landscaping strip and include shade trees at a minimum rate of one medium tree every four bays'. Does the Town have a view on encourage a type of canopy, so we can ensure that the particular tree the people will be planted is going to provide a proper shade?*

Coordinator Strategic Planning and Economic Development advised that there is a definition of medium tree to meet requirements including minimum height of 8 metres with a minimum canopy width of 6 metres and minimum sizeable at least 35 litres when planted. The medium tree indicates within g) on the draft policy.

## 13 Chief Operations Officer reports

### 13.1 Aqualife Cafe - Disposal by way of lease

<b>Location</b>	East Victoria Park
<b>Reporting officer</b>	Manager Property Development and Leasing
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. CONFIDENTIAL - Applicant 1 - Part 3 Respondents Proposal [<b>13.1.1</b> - 2 pages]</li><li>2. CONFIDENTIAL - Applicant 1 - Part 2 Business Case [<b>13.1.2</b> - 9 pages]</li><li>3. CONFIDENTIAL - Applicant 2 - 1 Resume [<b>13.1.3</b> - 2 pages]</li><li>4. CONFIDENTIAL - Applicant 2 - Part 3 Respondents Proposal [<b>13.1.4</b> - 4 pages]</li><li>5. CONFIDENTIAL - Applicant 2 - Part 2 Business Case [<b>13.1.5</b> - 11 pages]</li><li>6. CONFIDENTIAL - Applicant 3 - Part 3 Respondents Proposal [<b>13.1.6</b> - 3 pages]</li><li>7. CONFIDENTIAL - Applicant 3 - Part 2 Business Case [<b>13.1.7</b> - 5 pages]</li></ol>

### Summary

The purpose of this report is for Council to consider a new lease for the Aqualife Cafe, 42 Somerset Street, East Victoria Park with Applicant 2 (Anjana Arumugham & Daniel Pham) subject to advertising compliance.

### Recommendation

That Council

1. Authorises the Chief Executive Officer to negotiate with Anjana Arumugham and Daniel Pham (Partnership or Company name and ABN TBC) for a lease for the Aqualife Café located at 42 Somerset Street, East Victoria Park, consistent with key terms as follows:
  - a. Land: Portion of Lot 311 on Deposited Plan 63589 (42 Somerset Street, East Victoria Park)
  - b. Lessee: Anjana Arumugham & Daniel Pham
  - c. Term: 3 years
  - d. Further term: 2 Years
  - e. Tenant break right on or about the end of years 2 and 4.
  - f. Rent: \$13,000 per annum plus any GST at commencement.
    - i. Year 1 – 100% abated rent (Nil rent).
    - ii. Year 2 – 50% abated rent (\$6,500) (indexed to CPI).
    - iii. Year 3 – full rent (indexed to CPI).
    - iv. Year 4 – full rent (indexed to CPI).
    - v. Year 5 – full rent (indexed to CPI).
  - g. Outgoings: The Tenant is responsible for all outgoings from commencement date.
  - h. Maintenance: The Tenant is responsible for non-structural and preventative maintenance.
  - i. Permitted Use: Café (no alcoholic beverages).
  - j. Operating hours: Flexible hours to cater to community and peak times (subject to Aqualife operational hours/access).

- k. Insurance: The Tenant is responsible for \$20M Public Liability Insurance and workers compensation cover. The Landlord is responsible for Building Insurance.
  - l. Signage: With prior written consent from the Landlord.
  - m. Special Conditions:
    - i. No operating subsidy during the Term or Further Term.
    - ii. Redevelopment Clause.
    - iii. The food service is for the attendees and patrons of the Centre and outside food services are not allowed except at the absolute discretion of the Chief Executive Officer.
    - iv. Town to remove vending machines and cease sale of confectionary within the Aqualife Centre.
  - n. Terms to be set by the Towns lawyers and to incorporate any variations or amendments to key terms as may be considered reasonable and necessary by the Chief Executive Officer.
2. Authorises the Chief Executive Officer to advertise the proposed disposal of the Aqualife Café by way of lease by public notice pursuant to section 3.58 of the *Local Government Act 1995*.
  3. Authorises the Chief Executive Officer to execute all documents necessary to give effect to the lease referred to in 1. above, provided that no submissions are received pursuant to 2 above.
  4. Authorises the Chief Executive Officer to re-advertise for Expressions of Interest (EOI) and to lease the Aqualife Cafe to an alternative operator within the parameters of the key terms in 1(a)-(n) and the terms of 2 & 3 above, should the proposed lease not commence within a reasonable timeframe determined by the Chief Executive Officer.

## Background

1. Prior to 2009, the cafe in Aqualife was leased (together with the cafe in Leisurelife) to a private tenant operator. Both leases were terminated, and the Town took possession in October 2009, due to the tenant failing to address rent arrears.
2. The Town then operated the Cafes at both centres, in house.
3. The operation of the Cafes ceased, following an operational review in 2017, which noted that the Cafes had operated at a loss and decided to advertise to seek an external operator.
4. In July 2018, the Town proposed to grant a lease to Onca Enterprises Pty Ltd for both Leisurelife and Aqualife Cafes, with the Aqualife Cafe lease being 1 year with four 1-year options, year 1 rent \$6,250pa+Outgoings+GST with rent increasing to \$12,500pa+Outgoings+GST thereafter.
5. In January 2019, Onca Enterprises Pty Ltd withdrew their Expression of Interest and did not proceed with leasing the Cafes.
6. In July 2019, the Town entered into an agreement with Hospitality Industry Service Providers Pty Ltd (HISP) for both the Leisurelife and Aqualife Cafes.
7. The lease for Aqualife Cafe started 1/07/2019 for 1 year with four 1-year options, year 1 rent \$6,250pa+Outgoings+GST with rent increasing to \$12,500pa+Outgoings+GST thereafter.
8. In January 2020, HISP advised *"After reflecting upon the future prospects of our business we do not believe it will be financially feasible or beneficial to continue operating at these centres."*
9. At the Ordinary Council Meeting of 21 April 2020, Council accepted the surrender of lease effective 31 March 2020 for both the Leisurelife Cafe and Aqualife Café lease.
10. At the Ordinary Council Meeting held 21 April 2020, the Council resolved:

*Authorises the Chief Executive Officer to advertise by public notice within the next 12- 24 months of the intention to dispose of the Leisurelife Café and Aqualife Café by lease for a social enterprise to operate from the premises under Policy 114 Community Funding Policy, subsection Operating Subsidy.*

11. Two expressions of interest (EOI) were received during the public submission period, which closed on 4 March 2022. Neither EOI evidenced qualification as a social enterprise under the definition of a social enterprise within Policy 114 Community Funding Policy.
12. At the Ordinary Council Meeting held on 12 April 2022, Council resolved to authorise the Chief Executive Officer to readvertise by public notice the lease of the Leisurelife Café and Aqualife Café by lease pursuant to section 3.58 of the Local Government Act 1995, with criteria to include that the Town seeks a service provider, community or sporting organisation that would complement the services provided by the Town at the Leisurelife Recreation Centre and Aqualife Aquatic Centre.
13. One EOI was received from Black Bean Coffee Bar for the Aqualife Cafe and one EOI was received from Perth Basketball Association for the Leisurelife Cafe.
14. In August 2022, Council resolved to negotiate a lease for the Aqualife Cafe with Black Bean Coffee Bar for a 3-year term with a further 2 years (to offer lease tenure of up to 5 years in accordance with the *Commercial Tenancy (Retail Shops) Agreements Act 1985*), with the following rent structure:
  - (a) Rent: \$13,000 per annum plus any GST at commencement.
    - i. Year 1 – 100% abated rent proposed at Nil.
    - ii. Year 2 – 50% abated rent proposed at \$6,500 pa (indexed to CPI).
    - iii. Year 3 – full rent \$13,000 pa (indexed to CPI from commencement).
15. The applicant Black Bean Coffee Bar withdrew from leasing the Aqualife Café in February 2023 and at the Ordinary Council Meeting held 21 March 2023, the Council resolved to advertise by public notice to invite for submissions of interest.
16. Subsequently, the Town advertised the Cafe to invite EOI on several occasions, without success.
17. The Town's officers sought feedback from a Commercial Real Estate Agent as to the viability of the Cafe space. The opinion received was as follows:-

*"In short, the café is not a viable commercial operation. This is due to:*

  - *Average number of patron numbers being 800 to 1,000 people per day (which includes minors who usually cannot buy from food outlets without the authority or resources of a parent or guardian).*
  - *Highly seasonal patronage (higher during the warmer months and when schools have more carnivals and lessons)*
  - *Location of outlet not being optimal. Less 'impulse buy' decisions as you have to seek out the café.*
  - *The space cannot readily be converted to alternate uses due to its design."*
18. Following indications of renewed interest in leasing the Cafe, the Town re-advertised for EOI on 22<sup>nd</sup> March 2024 with advertising closing on 13<sup>th</sup> May 2024, on the following platforms:-
  - a. West Australian Newspaper
  - b. Town's website



- c. Social media
- d. Town noticeboards
- e. E-newsletter (1<sup>st</sup> April & 1<sup>st</sup> May)
- f. A professional Real Estate campaign

19. Conversations have taken place with the applicants prior to the EOI closing to inform them of aspects of the commercial prospects, the level of patronage at the centre, as well as the Café's history. The applicants remain keen on taking up the opportunity to establish the Café business.
20. Three (3) submissions were received during the submission period.
21. The Town's evaluation panel comprising officers from Asset Management, Community Development and Leisure Facilities assessed the submissions against the following qualitative criteria:

Qualitative Criteria	Weighting
<p><b>A. Business Structure &amp; Financial Position</b></p> <p>Respondents should detail their business structure and use for the proposed lease space including a detailed business case (labelled "Business Case"). The Business Case should address a minimum of the following:</p> <ol style="list-style-type: none"> <li>1. BUSINESS STRUCTURE               <ol style="list-style-type: none"> <li>a) Organisational background to include mission, purpose, and history.</li> <li>b) Current business structure (evidence of incorporations, NFP or charity)</li> <li>c) Outline how you believe your business will align with the Town's plans, policies, and strategies.</li> <li>d) Any commercial benefit outcomes intended to be achieved</li> <li>e) Any community benefit outcomes intended to be achieved</li> </ol> </li> <li>2. FINANCIAL POSITION               <ol style="list-style-type: none"> <li>f) Provide latest audited financial statements</li> <li>g) Financial reference (bank manager or accountant)</li> </ol> </li> <li>3. INSURANCE / RISK MANAGEMENT               <ol style="list-style-type: none"> <li>h) Public Liability Insurances (no less than \$20M)</li> <li>i) Workers compensation insurance cover</li> <li>j) Work Health and Safety considerations and compliance.</li> </ol> </li> </ol>	<p><b>35%</b></p>
<p><b>B. Detailed Lease Proposal</b></p> <p>Provide a detailed lease proposal (labelled "Lease Proposal") which addresses, at a minimum the Applicants proposed:</p> <ol style="list-style-type: none"> <li>a) Agreement Type</li> <li>b) Lessee details (registered business name, ABN etc.)               <ol style="list-style-type: none"> <li>i) Any guarantor/s to be listed</li> </ol> </li> <li>c) Term of Lease</li> <li>d) Rent               <ol style="list-style-type: none"> <li>i) Rent Review method</li> <li>ii) Security Deposit / Bank Guarantee</li> </ol> </li> </ol>	<p><b>35%</b></p>

e) Special conditions (requested by the Applicant and clearly outlining any terms or licences required etc.)	
<p><b>C. Fit out Concept Plans</b></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>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> <p>Noting, the Applicant will be responsible for any works and will be required to comply with any applicable Planning, Building and Environmental Health requirements.</p>	<b>10%</b>
<p><b>D. Relevant Experience</b></p> <p>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>	<b>20%</b>

## Discussion

22. Below is a summary of each application. Copies of the full applications are attached to the report.

Submission	Summary
Applicant 1	<p><b>A. Business Structure &amp; Financial Position</b></p> <p>Has previously operated a food truck business but ceased operating 4 years ago.</p> <p>Sole operator and savings to be used to finance.</p> <p><b>B. Detailed Lease Proposal</b></p> <ul style="list-style-type: none"> <li>• 5-year lease with year probation</li> <li>• 12,500-\$15,000 in rent and requesting 6-12 months' rent abatement.</li> <li>• No guarantor or bank guarantee offered</li> <li>• Would like to sublease</li> </ul> <p><b>C. Fit out Concept Plans</b></p> <p>Difficult to provide any submission due to having not seen the space. They have noted they will need additional equipment.</p> <p><b>D. Relevant Experience</b></p>

	<p>Has some experience in food service and operating a business from 4+years ago</p> <p>No CV provided</p>
Applicant 2	<p><b>A. Business Structure &amp; Financial Position</b></p> <p>A partnership to be established if they are a successful applicant. They have a vision for what can be achieved.</p> <p><b>B. Detailed Lease Proposal</b></p> <ul style="list-style-type: none"> <li>• 3-year lease with a 2-year option</li> <li>• \$13,000pa with 100% abated for year 1, 50% abated for year 2 &amp; full rent in the 3<sup>rd</sup> year</li> <li>• Guarantor provided</li> <li>• Bank guarantee of 3 months</li> </ul> <p><b>C. Fit out Concept Plans</b></p> <p>They have viewed the Cafe and any fit-out will be provided once the Town has conducted clearing and cleaning of the Cafe. They have viewed the Cafe and they have thought about how to operate and make the space work for them and have a concept in mind.</p> <p><b>D. Relevant Experience</b></p> <p>One applicant has experience operating a successful food service business and what it takes to run and operate a business. The second has experience with the Department of Health.</p> <p>1 of 2 CVs provided</p>
Applicant 3	<p><b>A. Business Structure &amp; Financial Position</b></p> <p>A partnership or similar will be established if they are a successful applicant. They have an idea of how they intend to structure their business.</p> <p><b>B. Detailed Lease Proposal</b></p> <ul style="list-style-type: none"> <li>• No term proposed – assumed to be 1 year</li> <li>• No rent offered, just 100% abatement for the first year and following years to be negotiated</li> <li>• No guarantor or bank guarantee offered</li> </ul> <p><b>C. Fit out Concept Plans</b></p> <p>Fit out request to be provided once the Town has conducted a clear out and clean of the Cafe. Some concepts provided.</p> <p><b>D. Relevant Experience</b></p> <p>Both experienced in food service and some experience is running a business</p> <p>No CVs provided</p>

23. The evaluation of the submissions against the qualitative criteria resulted in the scores as shown below:

Submission	Weighted Score
Applicant 1	<b>48.17%</b>
Applicant 2 (Anjana Arumugham and Daniel Pham)	<b>72.17%</b>
Applicant 3	<b>52.67%</b>

24. It will be noted that all proposals received feature requests for rent abatement. Policy 310 – Leasing and Licensing requires a rent for a commercial premises of not less than 10% of a commercial market related rent, and as such, does not make provision for the extent of rent abatement sought.

25. The market rent for the cafe has been assessed at \$12,500 – 15,000pa in terms of a valuation report dated 24 May 2024.

26. The Cafe has been vacant for some time, with equipment needing to be thoroughly cleaned and serviced. Some equipment is no longer working or damaged beyond repair.

27. The Town will service and repair equipment where economical to do so, remove non-working equipment and clean the Cafe, prior to the successful applicant taking up occupancy. It is not envisaged at this time that further works will be conducted at the Town's cost.

28. The Property will be leased "as is." The applicant will be fully responsible for all fit-out works, obtaining approvals and licences.

29. The applicant will be making a significant investment in time and money to start the business up and ensure that it is financially viable.

30. A brief overview of the centre and its patronage:

- Swim lessons run all year round with a 2-week break in July school holidays and a 4-week break in December
- Swim lessons operated from 8am to 12 and 3.30 to 6 weekdays and 7.30am to 12 Sat and Sun
- Swimming squads train mornings from 5.30am to 7am and 3.30 to 6 most weekdays
- Opening hours as per website change slightly to an earlier close in winter from 9pm to 8.30pm
- School carnivals typically run most days during mid Feb / March
- Vic Park Swim Club carnival is usually in December
- Aqualife Summer season runs from 1 January to 31 March
- Aqualife Winter season runs from 1 April to 31 December

31. Whilst the Town obtained an opinion from a Commercial Real Estate Agent on the viability of the Cafe in Aqualife, the market response to this expression of interest has been relatively good. The recent establishment of the new tenancy at Aqualife for the BalanZ Therapy health treatment business further illustrates that Aqualife is attractive to commercial business offerings that provide services

complementary to the Aqualife Centre. In addition, the fortunes of a hospitality business such as a cafe may be favourably affected by the personal touch of a capable operator.

32. Whilst Applicant 2 has not requested a tenant break right at this stage, the recommendation makes provision for a tenant break right on or about the end of years 2 and 4. A similar request arose at a late stage of detailed lease negotiations with a previous prospective tenant.
33. A lease of the Café with the abated rent sought and other recommended terms would: -
  - a. be reflective of the market response, following a competitive EOI process
  - b. take cognisance of the leasing history and other factors detailed in the background section of this report.
  - c. acknowledge the cafe operator’s time and financial investment in starting up the new business, establishing the Café’s presence and building a customer base.
  - d. acknowledge the service that would be provided by the Cafe to Aqualife patrons and potential for increased patronage of the Aqualife facility.
  - e. activate the area in line with the Social Infrastructure Strategy.

## Relevant documents

[Policy 310 Leasing and Licensing](#)

## Legal and policy compliance

[Local Government Act – Section 3.58](#)

[Commercial Tenancy \(Retail Shops\) Agreements Act 1985](#)

## Financial implications

<b>Current budget impact</b>	The Town currently does not receive any revenue from the Aqualife Café as this space has remained vacant for some years.
<b>Future budget impact</b>	<p>The leasing of Aqualife Café will provide the Town with an income in the form of reimbursement of outgoings from commencement date and rent for years 2-5.</p> <p>The establishment of a successful cafe operation at Aqualife will enhance the facility and may increase patronage and income received from Aqualife.</p>

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk Mitigation
Financial	Leaving the Cafe vacant will leave the centre not providing new services, benefit, or activation.	High	Low	TREAT risk by leasing the Cafe and activating it for the centre's patrons.
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> .	Low	Low	TREAT risk by following the disposal of property process in accordance with section 3.58 of the Local Government Act 1995.
Reputation	Failure to lease the Cafe to someone to activate the space and service the patrons may damage the reputation of the Aqualife facility.	Medium	Low	TREAT risk by granting a lease to a suitable applicant and activating a much-desired service within the centre.
Service delivery	Failure to secure a suitable operator to meet community expectations.	Medium	Medium	TREAT risk by securing a suitable tenant that complements the Centre and will ensure service provision for the community.

## Engagement

Internal engagement	
Community	Formed part of the assessment panel and support the recommendation
Leisure Facilities	Formed part of the assessment panel and support the recommendation
Asset Management	Supportive of this proposal.
Finance	Supportive of the proposal and have no objections.
Place Planning	Supportive of this proposal. The Social Infrastructure Strategy (2022) identifies Aqualife as a Neighbourhood Hub for recreation and social activity, and a café compliments this arrangement.
Development Services	No objection
Environmental Health	The food business owner will need to comply with the Food Act. Therefore, it is important for the business to ensure that the facilities are suitable for the level of food handling that they wish to undertake (i.e. grease extraction fans, double bowl wash sinks, food preparation sink/s, hand wash basin, fridges, freezers, suitable

flooring/walls/ceiling etc.). Additionally, they will need to ensure they have a Food Safety Supervisor.

## External engagement

Stakeholders	Public at large, service providers, community, and sporting organisations
Period of engagement	22 March 2024 to 13 May 2024 inclusive
Level of engagement	Consult
Methods of engagement	Written submissions accepted
Advertising	The Towns website, social media, the Towns noticeboards, E-newsletter (1 <sup>st</sup> April & 1 <sup>st</sup> May), Posting in the West Australian News Paper and a professional Real Estate campaign
Submission summary	Three submissions received
Key findings	Summary of information resulting from engagement.

## Strategic alignment

### Civic Leadership

Community Priority	Intended public value outcome or impact
CL2 - Communication and engagement with the community.	By prioritising communication, engagement, and community involvement, we can establish the Café as a beloved destination within Aqualife, fostering strong connections and loyalty among patrons.

### Economic

Community Priority	Intended public value outcome or impact
EC2 - Connecting businesses and people to our local activity centres through place planning and activation.	The Cafe has been under utilised and centre patrons have shown some desire to have the space activated and Café facilities will be available within a clean, safe, and accessible environment, activating a service for the patrons that would otherwise be vacant.

### Environment

Community Priority	Intended public value outcome or impact
EN5 - Providing facilities that are well-built and well-maintained.	Any new tenant will be required to operate the Cafe facility to a well-maintained standard.

There were no questions asked or presentations made in relation to this item.



## 13.2 Award of contract TVP/24/06 Truck Mounted Road Sweeper

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Manager Infrastructure Operations
<b>Responsible officer</b>	Chief Operations Officer
<b>Voting requirement</b>	Absolute majority
<b>Attachments</b>	Nil

### Summary

To seek Council's endorsement for the CEO to exercise authority to engage a contractor to supply and deliver a Truck Mounted Road Sweeper as the tender exceeds \$250,000.

The Town has gone out to tender, TVP/24/06 Truck Mounted Road Sweeper.

The proposed purchase is part of the Town's fleet renewal program.

### Recommendation

That Council Delegates authority to the Chief Executive Officer to formally accept a tender, up to the amount of \$450,000, and award a contract for the procurement of a truck mounted road sweeper with the terms and conditions as outlined in the contract, for the lump sum price, providing the award represents the best value for money as assessed.

### Background

1. The Road Sweeper is one of the Town's most utilised pieces of heavy plant. In addition to the work within the Town of Victoria Park, it is also used to sweep roads for the City of South Perth under agreement. Tender TVP/24/06 Truck Mounted Road Sweeper was advertised through vendor Panel on Thursday 23 May 2024, closing Wednesday 5 June 2024 at 2pm. (AWST).
  - Suppliers were requested to provide to provide a lump sum cost for the supply and delivery of the requested road sweeper.
  - The approved municipal funding allocation for this item is \$450,000. (Work order 4865)
  - An evaluation of the tender submissions against the prescribed criteria will be completed once submissions are received after 5 June 2024.
  - Recommended that Council delegates authority to the CEO to accept the preferred submission and enters a contract to purchase a Truck Mounted Road Sweeper.

### Discussion

2. The assessment of the submissions will be formally undertaken by a panel that included:
  - Asset Procurement Coordinator Fleet Services
  - Waste Officer
  - Manager Assets and Environment
3. There is an extended lead time on the construction of the truck and sweeper components. It is anticipated to be purchased this financial year and delivered in the following financial year.

4. The evaluation of the submissions against the quantitative and qualitative criteria will result in rankings with the first ranking scoring the highest.

## Compliance criteria

5. Compliance with the Conditions of this tender
6. Compliance with the general Conditions of Contract/Schedules
7. References, provide a minimum of three (3)
8. Complete Tenderer's offer
9. Acknowledgement of Addenda (if any)
10. Complete Pricing Schedule
11. Provide Corporate Information
12. Financial position details
13. Conflict of Interest information
14. Insurance information provided
15. Access and Inclusion Plan response

## Evaluation process

<p><b>Technical Specification Compliance</b></p> <p>The extent the Tenderer's proposed goods and/or services adheres to the required specifications.</p>	<p>Weighting 40%</p>
<p><b>Organisation Capacity, Key Personnel experience and expertise. Parts and service provisions.</b></p> <ol style="list-style-type: none"> <li>i. Tenderers shall provide full details of their back up service including after hour's service for both truck chassis and sweeper unit and service must be available within the metropolitan area.</li> <li>ii. Details on the availability of spare parts and whether inventory is stored within the State, within Australia or outside Australia.</li> <li>iii. Referees from other Local Governments will be well received.</li> </ol>	<p>Weighting 20%</p>
<p><b>Operator assessment</b></p> <ol style="list-style-type: none"> <li>i. Where possible Tenderers should provide an example of the proposed vehicle at the Goods Delivery Location by appointment on 6 June 2024 or 7 June 2024 for physical inspection by operators for assessment of ergonomics and operational ease.</li> <li>ii. Where the above requirement cannot be met, this criterion may be addressed as a condition of Contract award. In this instance please provide indicative times after 7 June 2024 where a sample would be available for physical inspection.</li> </ol>	<p>Weighting 25%</p>
<p><b>Environmental Sustainability</b></p> <p>Tenderers should provide evidence of sustainability in the delivery of the project / goods or services, and in the general day-to-day operation of their organisation.</p> <ol style="list-style-type: none"> <li>i. Does your organisation have an Environmental Management System (EMS) or adopt any environmental/sustainability practices? If yes, please provide details.</li> </ol>	<p>Weighting 15%</p>

- ii. Does your organisation practice waste minimisation e.g., reduce packaging, or packaging with recycled materials or using compostable packaging? Please provide details including % of reused/recycled materials used.
- iii. Has your organisation ever received a warning or convicted of an environmental breach in Australia or overseas? If so, please provide details and outcome of the matter.
- iv. Please provide examples relating to the key environmental impacts considered over the life cycle of the goods/service.

Some examples for consideration are:

- Design for energy efficiency for energy using products.
- Reduced use of water (e.g. water saving/ efficiency)
- Design for recyclability
- Carbon Neutrality
- Substitution of environmentally harmful or scarce materials.
- Noise levels of plant and equipment when in use.
- Fuel consumption and emissions.

## Legal and policy compliance

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

[Part 4 Division 2 of the Local Government \(Functions and General\) Regulations 1996](#)

[Policy 301 – Purchasing](#)

## Financial implications

<b>Current budget impact</b>	<p>As the value of the contract exceeds \$250,000, the acceptance of the offer/tender and subsequent award of any such contract is to be determined by Council.</p> <p>There is currently \$450,000 available in the Fleet Services budget under Work Order 4865, for the replacement of the road sweeper. Due to volatility in vehicle pricing, it is possible that the tender price could come in higher than the proposed budget.</p> <p>Should this be the case, it is proposed that additional funding will be acquired through:</p> <ul style="list-style-type: none"> <li>• Transfer from Plant Reserve Budget</li> </ul>
<b>Future budget impact</b>	<p>Funds will need to be allowed on the future Fleet Services Maintenance Budget for the life of the vehicle, as per standard practice.</p>

## Risk management consideration

Risk impact category	Risk event description	Risk rating	Risk appetite	Risk mitigation
Financial	Failure to purchase suitable replacement vehicle.	High	Low	TREAT risk by carrying out appropriate tender process and providing required budget.
Environmental	Not applicable		Medium	
Health and safety	Selecting a vehicle not easy to operate or not ergonomically suitable.	Medium	Low	TREAT risk by staff assessment of proposed vehicles prior to purchase.
Infrastructure/ ICT systems/ utilities	Not applicable.		Medium	
Legislative compliance	Failure to comply with purchasing requirements.	High	Low	TREAT risk by carrying out appropriate tender process.
Reputation	Not applicable.		Low	
Service delivery	Failure to replace current vehicle resulting in service breakdowns.	Medium	Medium	TREAT risk by replacing current Sweeper before end of its useful working life.

## Engagement

Internal engagement	
Stakeholder	Comments
Procurement	Provided advice and acted as a probity advisor throughout the process.
Waste staff	Provide feedback on vehicle ergonomics and usability
Fleet Coordinator	Provide information and assessment on vehicle maintenance and whole of life costing

## Strategic alignment

Civic Leadership	
Community Priority	Intended public value outcome or impact
CL1 – Effectively managing resources and performance.	Ensuring the appropriate heavy plant is purchased and well utilized within the Town.

Environment	
Community Priority	Intended public value outcome or impact
EN1 - Protecting and enhancing the natural environment.	Removal of debris and pollutants from the Town's roads helps prevent infiltration into the waterways.
EN4 - Increasing and improving public open spaces	Keeping streets and car parks free from debris improves the aesthetics and of the Town's public areas.

There were no questions asked or presentations made in relation to this item.

## 14 Chief Financial Officer reports

### 14.1 Financial Statement April 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	1. Financial Statements - April 2024 [14.1.1 - 24 pages]

### Summary

To present the statement of financial activity reporting on the revenue and expenditure for the period ending 30 April 2024.

#### Recommendation

That Council receives the financial statements for April 2024, as included in the attachment, pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996.

### Background

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

#### Revenue

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

#### Expense

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

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

#### Period variation

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

**Primary reason(s)**

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

**End-of-year budget impact**

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

**Discussion**

4. The Financial Statements – 2024 April 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 Statements – April 2024 be accepted.

**Relevant documents**

Not applicable.

**Legal and policy compliance**

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

**Risk management consideration**

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

Service delivery	Not applicable	Medium
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## Financial implications

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

## Engagement

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

## Strategic alignment

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

There were no questions asked or presentations made in relation to this item.



## 14.2 Schedule of Accounts- April 2024

<b>Location</b>	Town-wide
<b>Reporting officer</b>	Financial Services Controller
<b>Responsible officer</b>	Chief Financial Officer
<b>Voting requirement</b>	Simple majority
<b>Attachments</b>	<ol style="list-style-type: none"><li>1. Payment Summary - April 2024 [<b>14.2.1</b> - 9 pages]</li><li>2. Credit Card Transactions April 2024 [<b>14.2.2</b> - 2 pages]</li><li>3. Fuel and Store Card Transactions April 2024 [<b>14.2.3</b> - 1 page]</li></ol>

### Summary

Council is required to confirm payments made from the municipal fund, payments by employees via purchasing cards each month and fuel and store card transactions under Section 13 and 13A of the Local Government (Financial Management) Regulations 1996. The information required for Council to confirm the payments made is included in the attachment for the month ended 30 April 2024.

### Recommendation

That Council:

1. Receives the accounts for April 2024, as included in the attachment, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
2. Receives the direct lodgement of payroll payments to the personal bank accounts of employees, pursuant to Regulation 13 of the Local Government (Financial Management) Regulations 1996.
3. Receives the credit card transactions attachment, pursuant to Regulation 13A of the Local Government (Financial Management) Regulations 1996.
4. Receives the fuel and store card transactions attachment, pursuant to Regulation 13A of the Local Government (Financial Management) Regulations 1996.

### Background

1. Council has delegated the Chief Executive Officer the authority to make payments from the municipal and trust funds in accordance with the Local Government (Financial Management) Regulations 1996.
2. Under Regulation 13(1) and 13A of the Local Government (Financial Management) Regulations 1996, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the municipal fund or authorised an employee to use a credit, debit or other purchasing card, each payment is to be noted on a list compiled for each month showing:
  - a) The payee's name
  - b) The amount of the payment
  - c) The date of the payment

- d) Sufficient information to identify the transaction
3. That payment list should then be presented at the next ordinary meeting of the Council, following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.
  4. The payment list and the associated report was previously presented to the Audit and Risk Committee. Given this Committee's scope has changed to focus more on the audit function, the payment listings will be forwarded to the Elected Members ahead of time. Any questions received prior to the finalisation of the report will be included along with the responses within the Schedule of Accounts report for that month.
  5. The list of accounts paid in accordance with Regulation 13 and 13A of the Local Government (Financial Management) Regulations 1996 is contained within the attachment and is summarised below.

Fund	Reference	Amounts
<b>Municipal Account</b>		
Automatic Cheques Drawn		\$0
Creditors – EFT Payments		\$3,874,096.41
Payroll		\$1,268,555.91
Bank Fees		\$12,555.04
Corporate MasterCard		\$9,552.36
<b>Total</b>		<b>\$5,164,759.72</b>

## Discussion

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

## Relevant documents

Nil.

## Legal and policy compliance

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

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

[Procurement Policy](#)

## Financial implications

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

## Risk management consideration

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

## Strategic alignment

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

There were no questions asked or presentations made in relation to this item.

## **15 Committee reports**

Nil.

## **16 Motion of which previous notice has been given**

Nil.

## **17 Public participation time**

*Public participation time opened at 7:15pm and there being the indication of no questions or statement to be made from the public, Mayor Vernon closed the public participation time at 7:15pm.*

## **18 Questions from members without notice on general matters**

**Cr Jesse Hamer**

*1. Is there any update on the sea container development at Sonder Café or Read Park?*

Mayor Karen Vernon indicated that the Town took the question on notice.

**Cr Peter Devereux**

*1. Regarding the Leisurelife recently updated the drain outside their building in the car park. Previously, it was one-way, posing a risk for bikes or narrow-wheeled wheelchairs to fall in. Now, it has been replaced with a crisscross grid. Has there been an audit across the Town of the drains like that?*

The Chief Operations Officer advised that the audit has been completed, further information can be provided via the Elected Members post.

*2. Regarding the bulk verge pick up specifically the amount of broken glass on verges, has a risk assessment been done of the broken glass on verges following a bulk waste pick up. Has the broken glass been considered by the Town in terms of risk or whether the public has been advised not to include glass in the bulk verges pick up?*

The Chief Operations Officer took the question on notice.

**Mayor Karen Vernon**

*1. Will the Town be able to provide any update on the completion of the bulk verge pickup?*

The Chief Operations Officer advised that the majority of the bulk verge was completed by 2pm on Friday. The mattress collection is a separate matter with a separate contractor. There were some challenges with the existing contractor due to their workload which we are following up with them.

*2. Regarding the mattresses these seem to be a common theme over previous years that the mattresses are the last things to be picked up. Has the Town considered having a separate date for mattresses to be picked up? If not the case, how can the Town ensure the contractor will pick up the mattresses at the same time as the rest of the bulk verge pick up?*

The Chief Operations Officer took the question on notice.

*3. Has the Town given consideration to KPIs for the contractors for the bulk verge pick up?*

The Chief Operations Officer advised that the Town does have KPIs which the contractor was unable to meet. We are currently looking at what we can do to actively enforce that in the future.

**19 Confidential matters**

Nil.

**20 Closure**

There being no further business, Mayor Karen Vernon closed the meeting at 7:21pm.

I confirm these minutes to be true and accurate record of the proceedings of the Council.

Signed: .....

Dated this: .....

Day of: .....

2024