



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

12 November 2019

Table of Contents

1	Declaration of Opening / Acknowledgement of Country.....	5
2	Apologies / Members on Leave of Absence	5
3	(A) Public Question Time and Receiving of Public Statements	5
	(B) Response to Previous Public Questions Taken on Notice	7
4	Applications for Leave of Absence	7
5	The Receiving of Petitions, Deputations and Presentations	7
5.1	Petition – Ms Lauren Ireland of Turner Street, Highgate	7
6	Confirmation of Minutes	8
6.1	Ordinary Meeting of Council – 15 October 2019	8
6.2	Special Meeting of Council – 22 October 2019	8
7	Announcements by the Presiding Member (Without Discussion)	8
7.1	Citizenship Ceremony – 9 November 2019	8
7.2	Garden Competition – 13 November 2019	8
7.3	Pride Parade – 30 November 2019	8
7.4	Consultation on Design Leederville	8
7.5	Congratulations City of Vincent Writers Group	9
7.6	Survey – Live Streaming Public Question Time	9
7.7	Two Way William Street.....	9
8	Declarations of Interest	9
	REPORTS	10
	Items Approved "En Bloc":	11
9	Strategy and Development	12
9.2	No. 536 (Lot: 216; D/P: 2672) Charles Street, North Perth - Proposed Mixed Use Development Comprising of Two Commercial Tenancies and Two Multiple Dwellings	12
9.3	Amendment No. 4 to Local Planning Scheme No. 2 (No. 20 (Lot: 100) Brentham Street, Leederville) - Outcomes of Advertising	17
11	Community and Business Services	19
11.2	Financial Statements as at 30 September 2019.....	19
11.3	Authorisation of Expenditure for the Period 24 September 2019 to 21 October 2019	20
12	Chief Executive Officer	21
12.4	Council Workshop, Briefing and Ordinary Meeting of Council dates for 2020	21
12.10	Information Bulletin	22
	INDIVIDUAL REPORTS.....	23
9	Strategy and Development	23
9.1	No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth - Multiple Dwelling (Amendment to Approved).....	23
10	Infrastructure and Environment	25
10.1	Use of Weld Square to Deliver Free Meal Service to People Who Are Experiencing Homelessness [ABSOLUTE MAJORITY DECISION REQUIRED]	25
10.2	Minor Parking Restriction Improvements and Amendments	27

11	Community and Business Services	29
11.1	Investment Report as at 30 September 2019	29
11.4	Floreat Athena Football Club Inc. - Lease - Final Report	30
12	Chief Executive Officer	36
12.1	Cities Power Partnership	36
12.2	Lease of 246 Vincent Street, Leederville to Minister for Works - Department of Local Government, Sport and Cultural Industries	37
12.3	Interim arrangement for the management of the Robertson Park Tennis Centre	39
12.5	Annual Corporate Business Plan Quarterly Update	41
12.6	Appointment of community members and Elected Members to the City of Vincent Audit Committee and amendment of Terms of Reference	42
12.7	Appointment of an alternate member for the Mindarie Regional Council meeting - 12 December 2019.....	44
12.8	Appointment of Elected Members to CEO Performance Review Panel	45
12.9	Appointment of Elected Members to the Metro West Joint Development Assessment Panel	46
13	Motions of Which Previous Notice Has Been Given	47
13.1	Cr Joanne Fotakis - Review of Local Government Property Local Law	47
14	Questions by Members of Which Due Notice Has Been Given (Without Discussion)	48
15	Representation on Committees and Public Bodies	48
16	Urgent Business	48
17	Confidential Items/Matters For Which the Meeting May be Closed	49
17.1	Management of the Loftus Community Centre	49
18	Closure	51

**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 12 NOVEMBER 2019 AT 6PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Dan Loden Cr Sally Smith Cr Joshua Topelberg Cr Ashley Wallace</p>	<p>Presiding Member South Ward North Ward North Ward South Ward North Ward North Ward South Ward South Ward</p>
IN ATTENDANCE:	<p>David MacLennan Andrew Murphy Stephanie Smith John Corbellini Joslin Colli Meluka Bancroft Sandra Watson Sharron Kent</p>	<p>Chief Executive Officer Executive Director Infrastructure & Environment A/Executive Director Planning & Place A/Executive Director Community & Business Services Coordinator Planning Services Executive Manager Corporate Strategy & Governance Manager Customer & Library Services Governance & Council Liaison Officer</p>
Media:	Nil.	
Public:	Approximately 11 members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.01pm and read the following Acknowledgement of Country statement:

“The City of Vincent would like to acknowledge the Traditional Owners of the land, the Whadjuk people of the Noongar nation and pay our respects to Elders past, present and emerging”.

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Nil

3 (A) PUBLIC QUESTION TIME AND RECEIVING OF PUBLIC STATEMENTS

The following is a summary of questions and submissions received and responses provided at the meeting. This is not a verbatim record of comments made at the meeting.

1. Ms Penny Thomas of Dianella – *Confidential Item 17.1 Management of the Loftus Community Centre*
 - Spoke in support of the Centre and its services to the community;
 - Stated the positive impact the Centre has had on her personally and the benefits that the Centre provides to other members of the wider community, particularly seniors.

The Presiding Member Mayor Emma Cole thanked Ms Thomas for her comments.

2. Mr Dan Lees, Element Consulting – *Item 9.1 No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth - Multiple Dwelling (Amendment to Approved)*
 - Spoke in support of the recommendation;
 - Stated that the work order to rectify the hole in the roof has been actioned;
 - Outlined the positive impact the conditions will provide;
 - Encouraged Council to approve the recommendation.

The Presiding Member Mayor Emma Cole thanked Mr Lees for his comments.

2. Mr Dudley Maier of Highgate - Questions on various issues and statement regarding *Confidential Item 17.1 Management of the Loftus Community Centre*

Questions - Fairfield Street:

1. Can you confirm that at the Special Council Meeting of 19 November 2014 that Council explicitly decided to pursue zoning at 40-60 Fairfield Street as R40?
2. Can you confirm that the gazetted scheme map shows 40-60 Fairfield Street coded as R60 (except for 50 Fairfield St which is coded as R40)?
3. Can you confirm that on 29 May 2018 the Council approved an amendment to the scheme map – coding 50 Fairfield Street from R40 to R60?
4. Why have the properties at 40-60 Fairfield Street been coded R60 when Council explicitly decided to code them as R40?
5. Were the owners of the affected properties consulted on the changes to the approved after the 18 November 2014 decision?
6. Were Council Members made aware of the changes prior to the gazette of the LPS 2?

Questions - Baker Avenue:

1. Did the City apply the standard condition about finishing boundary walls when approval was given to 9 Baker Avenue on either the (28 January 2016 or 25 May 2018)?
2. Did the plans for either of these approvals show the external walls would be rendered brickwork?
3. Given that the development plans in the Agenda on 15 October 2019 Council meeting show that all external walls are to be rendered brickwork and that these plans date back to 2016 will the City be requiring the owner to render those walls?
4. If so by when – if not why not?

Questions - Cheriton Street:

1. Can you confirm that at the Special Council Meeting of 18 November 2014 the Council decided to code 34 Cheriton Street as either public purpose or mixed use R100?
2. Can you confirm that the current scheme map shows this lot as being coded 'commercial'?
3. Why was the lot coded commercial rather than mixed use R20 like all the surrounding lots?
4. Were Council members made aware of the changes from public purpose to commercial – if so, when?

Questions - Public Registers:

1. Who's responsible for updating the publicly available Council registers – such as Contact with Developers, gifts, contracts register, tenders, community funding grants, etc? Why aren't these being updated in a timely manner?

Questions - Purchase of iPad for Councillor:

1. Can you confirm that the City paid \$1,855 for an iPad and keyboard for the former Cr Harley on 19 March 2019?
2. Why was the iPad brought for the former Cr Harley but not any other council members?
3. Was the model purchased consistent with others provided for other council members?
4. Did the former Cr Harley purchase that iPad at the end of her term and office and how much did she pay?

Statement - Confidential Item 17.1 Management of the Loftus Community Centre Loftus Community Centre

- Stated that the facility operated on "the smell of an oily rag" due to reliance on volunteers.
- Stated that the City could not provide similar services and that the facility needs more support.

The Presiding Member Mayor Emma Cole thanked Mr Maier for his comments – the questions were taken on notice and a response will be provided to Mr Myer in the Agenda of the December Ordinary Meeting of Council.

4. Emmanuel Takoniatis of Inglewood – *Item 11.4 Floreat Athena Football Club Inc. – Lease – Final Report*
- Spoke in support of the recommendations;
 - Stated that discussions to date have been constructive and positive and is optimistic for the Club's future;
 - Thanked the Mayor and Councillors, the CEO and Administration for showing respect for the Club and undertaking extensive discussions;
 - Requests a 10 year plus 5 year option lease, as it would be instrumental to see the Club's progress.

The Presiding Member Mayor Emma Cole thanked Mr Takoniatis for his comments.

There being no further speakers, Public Question Time closed at approximately 6.16pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 PETITION – MS LAUREN IRELAND OF TURNER STREET, HIGHGATE

MOTION AND COUNCIL DECISION

Moved: Cr Gontaszewski, **Seconded:** Cr Loden

That Council:

- **RECEIVES** the Petition received from Ms Lauren Ireland of Turner Street, Highgate, comprising of 109 signatures, requesting that Council “relocate all street parking on Turner Street from the North to the South side of the Street (adjacent to Jack Marks Park) on a trial basis for 12 months” and giving reasons supporting the request; and
- **REFERS** the petition to the Director Infrastructure & Environment to report back to Council at its December 2019 Ordinary Meeting of Council.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

6 CONFIRMATION OF MINUTES

6.1 ORDINARY MEETING OF COUNCIL – 15 OCTOBER 2019

MOTION AND COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Hallett

That the Minutes of the Ordinary Meeting of Council held on 15 October 2019 be confirmed subject to the correction of the lot number in Item 12.1, Recommendation 3 to read “9510”.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

Note: Administration drew to the attention of Council a correction to Item 12.1 Revocation of Power of Attorney and New Power of Attorney – Lot 9510 was referred to as Lot 9501 in the Recommendation and Minutes. The Recommendation is clear that the City has appointed the CEOs of the Owner Councils as the City's Attorney in respect to the land on Deposited Plan 73462, as detailed in the Power of Attorney at Attachment 1 of the Agenda dated 15 October 2019. The Power of Attorney is correct and therefore the Recommendation is enforceable. The Minutes have been corrected to reflect Lot 9510 at Recommendation 3 and that version confirmed as above.

6.2 SPECIAL MEETING OF COUNCIL – 22 OCTOBER 2019

MOTION AND COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Fotakis

That the Minutes of the Special Meeting of Council held on 22 October 2019 be confirmed.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcements:

7.1 CITIZENSHIP CEREMONY – 9 NOVEMBER 2019

The City welcomed 96 new Australian citizens at Hyde Park on Saturday 9 November.

7.2 GARDEN COMPETITION – 13 NOVEMBER 2019

Judging is being held on the evening on Wednesday 13 November and Mayor Cole encourages everyone to attend to share tips on composting, native plants and more.

7.3 PRIDE PARADE – 30 NOVEMBER 2019

As a principle partner of Pride Fest, the City is flying the rainbow flag outside the City's Administration Building and at Axford Park and participating in the Pride Parade on Saturday 30 November. Mayor Cole invites the community to the parade and to a breakfast being held at the North Perth Town Hall on Friday 6 December.

7.4 CONSULTATION ON DESIGN LEEDERVILLE

The City is currently undertaking community consultation which will inform both the Leederville Activity Centre Plan and Leederville Centre Place Plan which in turn informs the future vision for Leederville. Mayor Cole invites the community to a workshop being held on Saturday 16 November at the Library at which Leederville businesses will speak.

7.5 CONGRATULATIONS CITY OF VINCENT WRITERS GROUP

Mayor Cole congratulated the Vincent Writers Group on their book launch of 'Reflections and Introspections' – an anthology of poems and short stories - held Tuesday 12 November. The group meets at the North Perth Town Hall regularly and is a great example of a creative community group coming together to produce work together.

7.6 SURVEY – LIVE STREAMING PUBLIC QUESTION TIME

The City has been live streaming Council meetings for almost two years with the exception of Public Question Time. Mayor Cole advised the Gallery that a survey is currently being conducted to determine the views of the public on the City's proposal to live stream 'Public Question Time and Receiving of Public Statements'. The survey is made available to complete at each Council Briefing and Council Meeting and on the City's website.

7.7 TWO WAY WILLIAM STREET

From 1 December, parts of William Street and Brisbane Street will be turning from one way to two way to make it easier for people to get around. A transition to two way traffic will match the rest of William Street, be safer, reduce bottle necks and improve travel times. Roadworks to update the line markings and change traffic signals will occur from now until Sunday 1 December.

8 DECLARATIONS OF INTEREST

- 8.1** Cr Dan Loden declared an impartiality interest in *Item 11.4 Floreat Athena Football Club Inc. – Lease – Final Report.*

The extent of his interest in this matter is that he plays indoor soccer with people who are members of the Club and Executive. In addition, a Club member supported his recent election campaign by displaying a post on their fence. As a consequence, there may be a perception that his impartiality on the matter may be affected. He declares that he will consider this matter on its merits and vote accordingly.

- 8.2** Mayor Emma Cole declared an impartiality interest in *Item 11.4 Floreat Athena Football Club Inc. – Lease – Final Report.*

The extent of her interest in this matter is that during her brief election campaign a member of the Floreat Athena Football Club displayed her poster in their shop window in the City of Perth. At that time Mayor Cole was not aware that he was a board member of the Floreat Athena Football Club. As a consequence, there may be a perception that her impartiality on the matter may be affected. She declares that she will consider this matter on its merits and vote accordingly.

- 8.3** Mayor Emma Cole declared an impartiality interest in *Confidential Item 17.1 Management of Loftus Community Centre.*

The extent of her interest in this matter is that her child attended the Loftus Community Centre (3+) kindy program in 2014 and her children have previously attended activities involving room hire at the centre. As a consequence, there may be a perception that her impartiality on the matter may be affected. She declares that she will consider this matter on its merits and vote accordingly.

- 8.4** Cr Alex Castle declared an impartiality interest in *Confidential Item 17.1 Management of Loftus Community Centre.*

The extent of her interest in this matter is that her children have been regular patrons of the Loftus Community Centre for approximately 11 years, using services operated directly by Loftus Community Centre (3+ kindy) and services provided by third parties (drama classes). As a consequence, there may be a perception that her impartiality on the matter may be affected. She declares that she will consider this matter on its merits and vote accordingly.

- 8.5** Cr Sally Smith declared an impartiality interest in *Confidential Item 17.1 Management of Loftus Community Centre.*

The extent of her interest in this matter is that she knows an employee working at the Loftus Community Centre in the capacity of a school associate. As a consequence, there may be a perception that her impartiality on the matter may be affected. She declares that she will consider this matter on its merits and vote accordingly.

REPORTS

The Presiding Member, Mayor Emma Cole, advised the meeting of:

(a) **Items which are the subject of a question, comment or deputation from Members of the Public, being:**

- Item 9.1 No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth – Multiple Dwelling (amendment to Approved)
- Item 11.4 Floreat Athena Football Club Inc. – Lease – Final Report
- Item 17.1 Management of Loftus Community Centre

(b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**

- Item 10.1 Use of Weld Square to Deliver Free Meal Service to People Who Are Experiencing Homelessness.

(c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**

- Item 11.4 Floreat Athena Football Club Inc. – Lease – Final Report.
- Item 17.1 Management of Loftus Community Centre

The Presiding Member, Mayor Emma Cole, requested Council Members to indicate:

(d) **Items which Council Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority decision and the following was advised:**

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Mayor Cole	12.6 Appointment of community members and Elected Members to the City of Vincent Audit Committee and amendment of Terms of Reference 12.7 Appointment of an alternate member for the Mindarie Regional Council Meeting – 12 December 2019 12.8 Appointment of Elected Members to CEO Performance Review Panel 12.9 Appointment of Elected Members to the Metro West Joint Development Assessment Panel
Cr Gontaszewski	12.3 Interim arrangement for the management of the Robertson Park Tennis Centre
Cr Castle	12.5 Annual Corporate Business Plan Quarterly Update
Cr Fotakis	12.1 Cities Power Partnerships 12.2 Lease of 246 Vincent Street, Leederville to Minister for Works – Department of Local Government, Sport and Cultural Industries 13.1 Cr Joanne Fotakis – Review of Local Government Property Local Law
Cr Hallett	10.2 Minor Parking Restriction Improvements and Amendments
Cr Loden	11.1 Investment report as at 30 September 2019

The Presiding Member, Mayor Emma Cole therefore requested the Chief Executive Officer, David MacLennan to advise the meeting of:

(e) **Unopposed items which will be moved “En Bloc”, being:**

- Item 9.2 No. 536 (Lot: 216 D/P: 2672) Charles Street, North Perth comprising Two Commercial Tenancies, Two Multiple Dwellings
- Item 9.3 Amendment No. 4 to Local Planning Scheme No. 2 (No. 20 (Lot: 100) Brentham Street, Leederville) – Outcomes of Advertising
- Item 11.2 Financial Statements as at 30 September 2019
- Item 11.3 Authorisation of Expenditure for the Period 24 September 2019 to 21 October 2019

Item 12.4 Council Workshop, Briefing and Ordinary Meeting of Council dates for 2020

Item 12.10 Information Bulletin

(f) **Confidential Reports which will be considered behind closed doors, being:**

Item 17.1 Management of Loftus Community Centre

ITEMS APPROVED "EN BLOC":

The following Items were adopted unopposed and without discussion "*En Bloc*", as recommended:

MOTION AND COUNCIL DECISION

Moved: Cr Fotakis, Seconded: Cr Hallett

That the following unopposed items be adopted "En Bloc", as recommended:

Items 9.2, 9.3, 11.2, 11.3, 12.4 and 12.10

Item 9.2 No. 536 (Lot: 216 D/P: 2672) Charles Street, North Perth comprising Two Commercial Tenancies, Two Multiple Dwellings

Item 9.3 Amendment No. 4 to Local Planning Scheme No. 2 (No. 20 (Lot: 100) Brentham Street, Leederville) – Outcomes of Advertising

Item 11.2 Financial Statements as at 30 September 2019

Item 11.3 Authorisation of Expenditure for the Period 24 September 2019 to 21 October 2109

Item 12.4 Council Workshop, Briefing and Ordinary Meeting of Council dates for 2020

Item 12.10 Information Bulletin

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

9 STRATEGY AND DEVELOPMENT

9.2 NO. 536 (LOT: 216; D/P: 2672) CHARLES STREET, NORTH PERTH - PROPOSED MIXED USE DEVELOPMENT COMPRISING OF TWO COMMERCIAL TENANCIES AND TWO MULTIPLE DWELLINGS







TRIM Ref: D19/74077

Authors: Clair Morrison, Urban Planner
Mitchell Hoad, Senior Urban Planner

Authoriser: Joslin Colli, Coordinator Planning Services

Ward: North

Attachments:

1. Consultation and Location Map 
2. Original Development Plans dated 15 March 2019 
3. Development Plans dated 3 September 2019 
4. Summary of Submissions - Administration's Response 
5. Design Review Panel Minutes 
6. Determination Advice Notes 

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for development approval of the Mixed Use Development comprising of Two Commercial Tenancies, Two Multiple Dwellings and Associated Car Parking at No. 536 (Lot: 216 D/P: 2672) Charles Street, North Perth, in accordance with the plans shown in Attachment 3, subject to the following conditions and the associated advice notes in Attachment 6:

1. Land Use

- 1.1 The tenancies shown as 'Comm A' and 'Comm B' are approved for the purpose of 'Office' as defined in the City of Vincent Local Planning Scheme No. 2 and the subject land may not be used for any other use without the prior approval of the City; and
- 1.2 The proposed Office shall be limited to the following hours of operation:
 - 9:00am to 5:00pm, Monday to Friday;

2. Acoustic Report

- 2.1 A Notification under Section 70A of the *Transfer of Land Act 1893* must be registered over the certificate of title to the land the subject of the proposed development. The notification shall notify owner and prospective purchaser of the property as follows:

"The lot is situated in the vicinity of a transport corridor and in close proximity to commercial and non-residential activities. The use or enjoyment of the property may be affected by increased noise levels resulting from the live and/or amplified music, traffic, car parking and other impacts associated with nearby commercial and non-residential activities and the transport corridor."

This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;

- 2.2 An Acoustic Report in accordance with the State Planning Policy 5.4 – Road and Rail Noise the City's Policy No. 7.5.21 – Sound and Attenuation shall be lodged with and approved by the City prior to the lodgement of a Building Permit; and
- 2.3 All recommended measures in the Acoustic report shall be undertaken in accordance with the report identified in Condition 2.2 to the City's satisfaction, prior to the occupation or use of the development and maintained thereafter to the satisfaction of the

City at the expense of the owners/occupiers;

3. Landscaping

3.1 A detailed landscape and reticulation plan for the development site and adjoining road verge, to the satisfaction of the City, shall be lodged with and approved by the City prior to lodgement of a Building Permit. The plan shall be drawn to a scale of 1:100 and show the following:

- The location and type of existing and proposed trees and plants;
- Areas to be irrigated or reticulated;
- The retention and protection of the existing frangipani tree located on the site;
- The provision of a minimum of 17 percent deep soil area, as defined by the City's Policy No. 7.1.1 – Built Form, and 16 percent canopy cover;
- The provision of trees contributing towards canopy coverage within deep soil areas provided. The tree species are to be in accordance with the City's recommended tree species list; and
- Provision of tree species within the landscaping area on the southern side of the development to mitigate the impact of building bulk. The selected tree species are to be in accordance with the City's recommended tree species list;

3.2 All works shown in the plans as identified in Condition 3.1 above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupancy or use of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers; and

3.3 No verge tree shall be removed without the prior written approval of the City. The verge tree shall be retained and protected from damage including unauthorised pruning to the satisfaction of the City;

4. Environmentally Sustainable Design

An updated Environmentally Sustainable Design Report reflecting the approved development proposal shall be submitted to and approved by the City prior to the issuing of a building permit;

5. Building Design

5.1 Doors and windows and adjacent floor areas fronting Charles Street and Hilda Street shall maintain an active and interactive relationship with this street;

5.2 Ground floor glazing and/or tinting shall be a minimum of 70 percent visually permeable to provide unobscured visibility. Darkened, obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited; and

5.3 The awning within the Charles Street and Hilda Street road reservation attached to the façade of the building shall be designed to be removable, to the satisfaction of the City;

6. Fencing

The gate and/or fencing infill panels above the approved solid portions of wall shall be visually permeable in accordance with the State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City;

7. Sightlines

No walls, letterboxes or fences above 0.75 metres in height to be constructed within the 1.5 metre of where:

- Walls, letterboxes or fences adjoin vehicular access points to the site; or
- A driveway meets a public street; or

- Two streets intersect;

unless otherwise approved by the City of Vincent

8. Car Parking, Bicycle Parking and Access

8.1 Prior to occupation of the building:

8.1.1 a minimum of two parking bays for the residents of the multiple dwelling;

8.1.2 one visitor bay for the visitors of the multiple dwellings; and

8.1.3 two commercial bays;

shall be provided on the site and permanently marked for the use of residents, visitors and tenants parking in accordance with Australian Standard AS2890.1;

8.2 Prior to occupation of the development, a Parking Management Plan shall be submitted to and approved by the City. The Parking Management Plan is to include, but not limited to addressing the following:

8.2.1 Detailed management measures for the operation of the vehicular entry gate, to ensure access is readily available for owners, visitor and tenants to the residential and non-residential units at all times;

8.2.2 The allocation of the car parking bays to ensure that a minimum of two parking bays for the residents of the multiple dwelling, one visitor bay for the visitors of the multiple dwellings, and two commercial bays; and

8.2.3 Reciprocal parking arrangements for the use of the commercial bays for visitors of the multiple dwellings outside of operating hours;

The approved Parking Management Plan shall be implemented, and the development shall be carried out in accordance with the approved Parking Management Plan and approved plans, to the satisfaction of the City;

8.3 A minimum of two short-term bicycle bays and one long term bicycle bay shall be provided within the development. The bicycle bay shall be designed in accordance with AS2890.3 and installed prior to occupation to the satisfaction of the City;

8.4 All driveways, car parking and manoeuvring area(s) which form part of this approval shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner/occupier to the satisfaction of the City; and

8.5 All pedestrian access and vehicle driveway/crossover levels shall match into existing verge, footpath and Right of Way levels to the satisfaction of the City. The proposed vehicular access gate is required to open wholly within the subject lot;

9. Waste Management

9.1 A Waste Management Plan must be submitted to and approved by the City prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the City:

- the location of bin storage areas and bin collection areas;
- the provision and specifications of a roof to the bin store area/s;
- the number, volume and type of bins, and the type of waste to be placed in the bins;
- details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and

- frequency of bin collections; and

9.2 The Waste Management Plan must be implemented at all times to the satisfaction of the City;

10. Stormwater

Stormwater from all roofed and paved areas shall be collected and contained on site. Stormwater must not affect or be allowed to flow onto or into any other property or road reserve;

11. Clothes Drying Facilities

Each multiple dwelling shall be provided with a clothes drying area screened from the public realm in accordance with State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments, to the satisfaction of the City, prior to the occupation or use of the development;

12. Construction Management Plan

A Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area shall be lodged with and approved by the City prior to the commencement of the development (including demolition and/or forward works). The Construction Management Plan is required to address the following concerns that relate to any works to take place on the site:

- Public safety, amenity and site security;
- Contact details of essential site personnel;
- Construction operating hours;
- Noise control and vibration management;
- Dilapidation Reports of nearby properties;
- Air, sand and dust management;
- Stormwater and sediment control;
- Soil excavation method;
- Waste management and materials re-use;
- Traffic and access management;
- Parking arrangements for contractors and subcontractors;
- Consultation plan with nearby properties; and
- Compliance with AS4970-2009 relating to the protection of trees on the development site.

13. Schedule of External Finishes

Prior to the lodgement of a building permit, a schedule detailing the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the City, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, prior to occupation of the development;

14. External Fixtures

All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and

15. Road Reserve

15.1 No earthworks are to encroach into the road reserve area;

15.2 No stormwater drainage is to be discharged onto the road reserve; and

15.3 The landowner/applicant shall make good any damage to the existing verge vegetation within the road reserve.

COUNCIL DECISION ITEM 9.2

Moved: Cr Fotakis, Seconded: Cr Hallett

That the recommendation be adopted.

CARRIED EN BLOC (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

9.3 AMENDMENT NO. 4 TO LOCAL PLANNING SCHEME NO. 2 (NO. 20 (LOT: 100) BRENTHAM STREET, LEEDERVILLE) - OUTCOMES OF ADVERTISING**TRIM Ref:** D19/137053**Author:** Madison Rea, Strategic Planning Officer**Authoriser:** Stephanie Smith, A/Executive Director Planning and Place**Attachments:**
1. Land Exchange Map 
2. Scheme Amendment No. 4 **RECOMMENDATION:****That Council:**

1. **SUPPORTS** Amendment No. 4 to Local Planning Scheme No. 2 (No. 20 (Lot: 100) Brentham Street, Leederville) without modification as per Attachment 2, pursuant to Regulation 53(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
2. **FORWARDS** Amendment No. 4 to Local Planning Scheme No. 2 and any required documentation to the Western Australian Planning Commission within 21 days, pursuant to Regulation 53(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL DECISION ITEM 9.3**Moved:** Cr Fotakis, **Seconded:** Cr Hallett**That the recommendation be adopted.****CARRIED EN BLOC (9-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil

11 COMMUNITY AND BUSINESS SERVICES**11.2 FINANCIAL STATEMENTS AS AT 30 SEPTEMBER 2019****TRIM Ref:** D19/157370**Author:** Nirav Shah, Coordinator Financial Services**Authoriser:** Rosslind Ellis, A/Executive Director Community & Business Services**Attachments:** 1. Financial statements as at 30 September 2019 **RECOMMENDATION:**

That Council RECEIVES the financial statements for the month ended 30 September 2019 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.2**Moved:** Cr Fotakis, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED EN BLOC (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil

11.3 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 24 SEPTEMBER 2019 TO 21 OCTOBER 2019**TRIM Ref:** D19/161519**Author:** Nikki Hirrill, Accounts Payable Officer**Authoriser:** Rosslind Ellis, A/Executive Director Community & Business Services**Attachments:**
1. Payments by EFT, BPAY and Payroll October 2019 
2. Payments by Cheque October 2019 
3. Payments by Direct Debit October 2019 **RECOMMENDATION:**

That Council RECEIVES the list of accounts paid under delegated authority for the period 24 September 2019 to 21 October 2019 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT and BPAY payments, including payroll	\$4,617,624.26
Cheques	\$1,356.19
Direct debits, including credit cards	\$259,106.95
Total payments for October 2019	\$4,878,087.40

COUNCIL DECISION ITEM 11.3**Moved:** Cr Fotakis, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED EN BLOC (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil

12 CHIEF EXECUTIVE OFFICER**12.4 COUNCIL WORKSHOP, BRIEFING AND ORDINARY MEETING OF COUNCIL DATES FOR 2020****TRIM Ref:** D19/146976**Author:** Sharron Kent, Governance and Council Liaison Officer**Authoriser:** Meluka Bancroft, Manager Governance, Property and Contracts**Attachments:** 1. Proposed 2020 Council Meeting Cycle **RECOMMENDATION:**

That Council **ADOPTS** the 2020 monthly cycle of Council Workshops, Council Briefings and Ordinary Meetings of Council, consisting of:













1. Eleven (11) Council Workshops, commencing on Tuesday 28 January 2020;
2. Eleven (11) Council Briefings, commencing on Tuesday 4 February 2020; and
3. Eleven (11) Ordinary Meetings of Council, commencing on Tuesday 11 February 2020.

COUNCIL DECISION ITEM 12.4**Moved:** Cr Fotakis, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED EN BLOC (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil

12.10 INFORMATION BULLETIN**TRIM Ref:** D19/126478**Author:** Sharron Kent, Governance and Council Liaison Officer**Authoriser:** Meluka Bancroft, Manager Governance, Property and Contracts

- Attachments:**
1. Minutes of the Children and Young People Advisory Group Meeting held on 2 September 2019 
 2. Confirmed Minutes of the Design Review Panel Meeting held on 4 September 2019 
 3. Confirmed Minutes of the Design Review Panel Meeting held on 18 September 2019 
 4. Minutes of Tamala Park Regional Council Meeting held on 17 October 2019 
 5. Street Tree Removal Information 
 6. Statistics for Development Applications as at October 2019 
 7. Register of Legal Action and Prosecutions Monthly - Confidential 
 8. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 24 October 2019
 9. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
 10. Register of Applications Referred to the Design Review Panel – Current 
 11. Register of Petitions - Progress Report - November 2019 
 12. Register of Notices of Motion - Progress Report - November 2019 
 13. Register of Reports to be Actioned - Progress Report - November 2019 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated November 2019.

COUNCIL DECISION ITEM 12.10

Moved: Cr Fotakis, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED EN BLOC (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

INDIVIDUAL REPORTS

9 STRATEGY AND DEVELOPMENT









9.1 NO. 48 (LOT: 60; D/P: 414285) AND NO. 50 (LOT: 61; D/P: 414285) COWLE STREET, WEST PERTH - MULTIPLE DWELLING (AMENDMENT TO APPROVED)

TRIM Ref: D19/159044

Authors: Clair Morrison, Urban Planner
Mitchell Hoad, Senior Urban Planner

Authoriser: Joslin Colli, Coordinator Planning Services

Ward: South

- Attachments:
1. Consultation and Location Map 
 2. Original Development Approval issued 8 February 2016 
 3. Amendment to Approval issued 3 March 2017 
 4. Amendment to Approval issued 23 October 2017 
 5. Development Plans 
 6. Written Submission 
 7. Minutes from 15 October 2019 Ordinary Meeting of Council 
 8. Landscape Plan 
 9. Summary of Submissions - Administration's Response 
 10. Summary of Submissions - Applicant's Response 
 11. Determination Advice Notes 
 12. Environmentally Sustainable Design Report 

RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for development approval Five Storey Multiple Dwelling Development (Amendment to Approved) at No. 48 (Lot: 60; D/P: 414285) and No. 50 (Lot: 61; D/P: 414285) Cowle Street, West Perth, in accordance with the plans shown in Attachment 5 subject to the following conditions and the associated advice notes in Attachment 11:

1. Amendment to Approved (Time Extension)

- 1.1 All conditions, requirements and advice notes detailed on development approval 5.2015.417.1 granted on 8 February 2016, development approval 5.2016.545.1 granted on 3 March 2017 and development approval 5.2017.273.1 granted on 23 October 2017 continue to apply to this approval, except as follows:

1.1.1 Condition 2 of approval 23 October 2017 is amended to read as follows:

2. *This decision constitutes development approval only and is valid for one year from the 8 February 2020. If the subject development is not substantially commenced by 8 February 2021, the approval shall lapse and be of no further effect.*

1.1.2 Condition 2 of approval dated 8 February is amended to include the following:

2. Car Parking and Accessways

- 2.8 *The visitor bays shall be marked and clearly signposted as dedicated for visitor use only, to the satisfaction of the City;*

1.1.3 Condition 7.4 is amended to read as follows:

7.4 Landscape and Reticulation Plan

A detailed landscape and reticulation plan for the development site and

adjoining road verge is to be lodged with and approved by the City prior to the commencement of the development. The plan shall be drawn to a scale of 1:100 and show the following:

- 7.4.1 The location and type of existing and proposed trees and plants;*
- 7.4.2 Areas to be irrigated or reticulated;*
- 7.4.3 The removal of redundant crossovers;*
- 7.4.4 A minimum of 15 mature trees (minimum 500 litres) are to be provided onsite;*
- 7.4.5 The location of a 500L Weeping Peppermint Tree within the verge area;*
- 7.4.6 A minimum of 400.7 square metres of deep soil area to be provided for in accordance with State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments; and*
- 7.4.7 The provision of trees contributing towards canopy coverage within deep soil areas provided. The tree species are to be in accordance with the City's recommended tree species list.*

All works shown in the plans as identified above shall be undertaken in accordance with the approved plans to the City's satisfaction, prior to occupation or use of the development and maintained thereafter to the satisfaction of the City.

1.1.4 Condition 8.8 is amended to read as follows:

8.8 Bicycle Bays

A minimum of 25 resident bays and 10 visitor bays are to be provided onsite. Bicycle bays must be provided at a location convenient to the entrance and publically accessible. The bicycle facilities must be designed in accordance with AS2890.3.

1.1.5 Insert new Condition 10 to read as follows:

10 Environmentally Sustainable Design

All measures as identified in the Environmentally Sustainability Report prepared by Wood and Grieve engineers dated 2 August 2016 are to be implemented during construction of the development to the satisfaction of the City.

COUNCIL DECISION ITEM 9.1

Moved: Cr Joshua Topelberg, Seconded: Cr Dan Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

Cr Wallace vacated the Chamber at 8.03pm and returned at 8.04pm prior to discussion and voting on the following Item.

10 INFRASTRUCTURE AND ENVIRONMENT

10.1 USE OF WELD SQUARE TO DELIVER FREE MEAL SERVICE TO PEOPLE WHO ARE EXPERIENCING HOMELESSNESS

TRIM Ref: D19/154792

Author: Cara Finch, Community Partner – Community Safety

Authoriser: Andrew Murphy, Executive Director Infrastructure and Environment

Attachments: Nil

RECOMMENDATION:

That Council:

- 1. APPROVES the use of Weld Square by Manna Inc. to deliver a free lunch meal service for people who are experiencing homelessness or at risk of homelessness for a period of up to twelve months, concluding no later than 30 November 2020, subject to the following conditions:**
 - 1.1 Hours of operation shall remain between 1:30pm and 2:15pm on Mondays, Wednesdays, Thursdays and Fridays, and between 12:30pm and 1:15pm on Tuesdays;**
 - 1.2 Manna Inc. shall ensure that service provision practices minimise impacts and disturbance to nearby amenities, businesses and residences;**
 - 1.3 Relevant Manna Inc. staff and volunteers are required to attend a minimum of one information session with City of Vincent, Nyoongar Outreach Services, Uniting Care West outreach services at Weld Square and WA Police Force representatives during the approval period to re-affirm expectations and protocols;**
 - 1.4 Manna Inc. shall ensure that actions identified by City of Vincent, Nyoongar Outreach Services and WA Police Force to deter anti-social behaviour are implemented in a timely manner;**
 - 1.5 Manna Inc. shall provide the City of Vincent, Nyoongar Outreach Services and WA Police Force with the details of a representative who is contactable during both office hours and after hours;**
 - 1.6 No more than two Manna Inc. vehicles are authorised to access Weld Square during the meal service;**
 - 1.7 Manna Inc. vehicles shall enter Weld Square via the Newcastle Street crossover and provide the meal service at the southern side of the park in Winter and the northern side of the park in Summer, with these specific seasonal dates to be determined by the City of Vincent;**
 - 1.8 Manna Inc. staff and volunteers shall pick up all rubbish and litter associated with the meal service prior to leaving Weld Square;**
 - 1.9 Manna Inc. shall maintain Public Liability Insurance coverage for a minimum of \$20 million and indemnify the City of Vincent against any accident, injury or damage resulting from their use of Weld Square; and**
 - 1.10 The City of Vincent may withdraw approval for the Manna Inc. meal service to operate from Weld Square at its sole discretion.**
- 2. APPROVES a waiver of reserve hire fees for Manna Inc. to deliver a free meal service for up to**

twelve months at Weld Square for people who are experiencing homelessness.

3. NOTES that Manna Inc. has entered negotiations with Uniting Care West to transition the Weld Square meal service to Tranby Centre during this approval period, and that Administration will continue to work with key stakeholders to ensure that any changes and transitional arrangements are communicated and managed appropriately.
4. NOTES that minor changes to the actual times of the Weld Square lunch meal service may occur within the approval period, to support the new operational requirements of the recently expanded Tranby Centre, the transition of the Weld Square meal service to Tranby Centre and if agreed between the City of Vincent, Manna Inc., Nyoongar Outreach Services and Uniting Care West;
5. NOTES that Administration will provide a further update to Council on the progress of the abovementioned transition of the Weld Square meal service to Tranby Centre within the next six months.
6. NOTES that Administration will not consider any applications for additional goods and services for people who are experiencing homelessness or at risk of homelessness at Weld Square during this approval period, so that the demand on Weld Square services as a result of Tranby Centre's extended service hours and the proposed transition of Manna's food service to Tranby Centre can be assessed.

COUNCIL DECISION ITEM 10.1


Moved: Cr Susan Gontaszewski, **Seconded:** Cr Joanne Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

10.2 MINOR PARKING RESTRICTION IMPROVEMENTS AND AMENDMENTS**TRIM Ref:** D19/134409**Author:** Craig Wilson, Manager Asset & Engineering**Authoriser:** Andrew Murphy, Executive Director Infrastructure and Environment**Attachments:** 1. Plan No. 3457-PP-01 **RECOMMENDATION:**

That Council:

1. **APPROVES** the following minor parking restriction improvements and amendments:
 - 1.1 Install a compliant ACROD bay in Carr Place, adjacent 666 Newcastle Street, Leederville, Plan No. 3457-PP-01 (Attachment 1); and
 - 1.2 Remove the existing on-road ACROD bay and two 1P Ticket Parking bays from in front of 742 Newcastle Street, 'The Garden'; and
 - 1.3 Install a Loading Zone and a 5 min Set Down and Pick-up parking bay in place of the above, Plan No. 3457-PP-01 (Attachment 1).

COUNCIL DECISION**Moved:** Cr Topelberg, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

AMENDED MOTION**Moved:** Cr Topelberg, **Seconded:** Cr Gontaszewski

That Recommendation 1.3 be amended as follows shown in red:

- 1.3 Install a Loading Zone and ~~a 5 min Set Down and Pick-up~~ retain one of the existing 1P Ticket Parking bays 8.00am to 7.00pm and P Ticket parking from 7.00pm to midnight in place of the above, Plan No. 3457-PP-01A (Attachment 1).

CARRIED UNANIMOUSLY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil**Reasons for Amendment**

- The Council has previously removed a taxi rank in this location given ongoing and persistent issues with "ramping".
- Leederville Village Square is designed to be a slow speed, more pedestrian friendly zone and frequent vehicle movements for pick up and set down is at odds with this.
- Council recently approved a number of pick up and set down locations throughout the Leederville Town centre and changed parking restrictions to accommodate this.
- Local traders are currently expressing concern over less car parking bays due to the Leederville Hotel carpark being redeveloped.

COUNCIL DECISION ITEM 10.2**Moved:** Cr Topelberg, **Seconded:** Cr Gontaszewski

That Council:

1. APPROVES the following minor parking restriction improvements and amendments:
 - 1.1 Install a compliant ACROD bay in Carr Place, adjacent 666 Newcastle Street, Leederville, Plan No. 3457-PP-01 (Attachment 1); and
 - 1.2 Remove the existing on-road ACROD bay and two 1P Ticket Parking bays from in front of 742 Newcastle Street, 'The Garden'; and
 - 1.3 Install a Loading Zone and retain one of the existing 1P Ticket Parking bays 8.00am to 7.00pm and P Ticket parking from 7.00pm to midnight in place of the above, Plan No. 3457-PP-01A (Attachment 1).

CARRIED UNANIMOUSLY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil

11 COMMUNITY AND BUSINESS SERVICES**11.1 INVESTMENT REPORT AS AT 30 SEPTEMBER 2019****TRIM Ref:** D19/150702**Author:** Nirav Shah, Coordinator Financial Services**Authoriser:** Rosslind Ellis, A/Executive Director Community & Business Services**Attachments:** 1. Investment Report as at 30 September 2019 **RECOMMENDATION:**






That Council NOTES the Investment Report for the month ended 30 September 2019 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.1**Moved:** Cr Loden, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil

11.4 FLOREAT ATHENA FOOTBALL CLUB INC. - LEASE - FINAL REPORT**TRIM Ref:** D19/145496**Author:** Karen Balm, Senior Community Partner**Authoriser:** John Corbellini, A/Executive Director Community and Business Services**Attachments:**

1. Attachment 1 - Asset Management Plan 
2. Attachment 2 - Community Benefit Statement 
3. Attachment 3 - Financial records - Confidential
4. Attachment 4 - Club Development Plan 
5. Attachment 5 - Community Development Grants Programme Application - Confidential
6. Attachment 6 - Building Condition Assessment & Forward Works Plan - 2016 
7. Attachment 7 - Proposed Lease Area 

RECOMMENDATION:**That Council:**

1. **APPROVES** a 9 month extension to the current lease with Floreat Athena Football Club Inc. dated 4 April 2018 for Litis Stadium located at 41 Britannia Road, Leederville, from 1 January 2020 to 30 September 2020, on the same key terms as the current lease, subject to the removal of perimeter fencing by the City to enable greater public access;
2. **NOTES** that in accordance with Clause 12.3 Yield Up of this lease, the Floreat Athena Football Club Inc. will be responsible for handing the toilets, change rooms, grandstand, scoreboard, pitch and grounds back to the City on 1 October 2020 in good and substantial repair, order and condition consistent with its use in the National Premier League;
3. **NOTES** that Floreat Athena Club Inc. will be required to provide Administration and contractors unfettered access to the stadium in order to undertake a comprehensive review of the assets and infrastructure to obtain an understanding of the current and future maintenance costs;
4. **APPROVES** a 5 year lease to Floreat Athena Football Club Inc. from 1 October 2020 to 30 September 2024 for the stadium clubrooms (including the service access area, canteen, car park area behind clubrooms and tiered seating in front of the clubrooms – Attachment 7) located at 41 Britannia Road, Leederville on the following key terms:
 - 4.1 **Option Term:** 5 years subject to the Club facilitating full and open access to the community and other sporting clubs; Council endorsement of a site Development Plan; and the completion and submission of the Key Performance Indicators by the Club:
 - 4.1.1 **Financial Management Plan** that incorporates:
 - i). Past, present and 5 year projected financial data;
 - ii). Lifecycle Cost Analysis integrated within the Financial Plan;
 - iii). Audited Financials; and
 - iv). Asset Management Plan for the clubrooms; and
 - v). Facility Management Plan as per the Department of Local Government, Sport and Cultural Industries Facility Management Guide;
 - 4.2 **Rent** \$5,500 plus GST (indexed to CPI) per annum;
 - 4.3 **Rates & Taxes:** Lessee to pay including rubbish bin charges and ESL;
 - 4.4 **Outgoings:** Lessee to pay;
 - 4.5 **Repairs & Maintenance:** Lessee responsible for all repairs, maintenance and renewal (capital works) to keep premises clean and in good condition, this includes repair of damage due to fair wear and tear, and structural maintenance. Lessor not responsible for any structural repair;
 - 4.6 **Minimum Level of Service:** Lessee to pay for cost of statutory compliance, and pest inspections and treatment;
 - 4.7 **Insurance:** Lessee to effect a public liability policy with cover not less than \$20 million, and pay premium for building insurance policy;

- 4.8 Indemnification: Lessee to indemnify the City against all costs and claims;
 - 4.9 Permitted Purpose: Sporting, recreational and community activities;
 - 4.10 Shared Use: Lessee permitted to hire out clubrooms, function rooms at its discretion provided that the use is consistent with the Permitted Purpose;
 - 4.11 Alterations: Not without the prior approval in writing of the Lessor;
 - 4.12 Lessor's Covenant: Lessor will provide Lessee with quiet enjoyment of the premises for the term of the lease;
 - 4.13 Payment Without Delay: Lessee must duly and punctually pay all rent, rates and taxes, outgoing, costs and interest on the terms specified by the Lessor;
 - 4.14 Nuisance and Incidental Use: Lessee must submit a Management Plan for approval in writing by the Lessor for any events commencing from and continuing beyond 5:00pm, any events with amplified or live music, and any national/international sporting events;
 - 4.15 Parking & Traffic Management: Lessee must submit a Parking and Traffic Management Plan for approval in writing by the Lessor for any events with an estimated attendance above 1,000 people; and
 - 4.16 Community Group and Sporting Club Health Checks: Lessee must submit a fully completed Community Group and Sporting Club Health Check each year or upon request from the Lessor;
5. Subject to satisfactory negotiations being carried out by the Chief Executive Officer **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the deed of extension of lease in Recommendation 1 above and the new lease in Recommendation 4 above;
 6. **NOTES** that the charging methodology associated with the recommended lease fee will be reassessed following the implementation of the draft City Property Management Framework;
 7. **ADVISES** Floreat Athena Football Club Inc. that from 1 October 2020 their first preference access to the stadium pitch will only be from April to September annually and will be through the City's seasonal ground allocation with the club being responsible for all associated fees and charges including floodlight usage charges during this period;
 8. **NOTES** that from 1 October 2020 the City will be assuming responsibility for the stadium surrounds and will work collaboratively with the club and the Australian Government to successfully obtain \$3 million through the Community Development Grants Program towards upgraded sporting facilities – including a full integration between Litis Stadium and Britannia Reserve and rationalising any non-essential assets; and
 9. **NOTES** that Administration will call for Expressions of Interest for the use of the stadium (excluding the clubrooms) for summer usage from October 2020 through March 2021.

COUNCIL DECISION

Moved: Cr Loden, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Fotakis, **Seconded:** Cr Loden

That Recommendation 4.1.1 i) be amended, 4.1.1 iii) be deleted and 4.1.1 v) becomes 4.1.2, shown in **red**:

- 4.1 Option Term: 5 years subject to the Club facilitating full and open access to the community and other sporting clubs; Council endorsement of a site Development Plan; and the completion and submission of the Key Performance Indicators by the Club:
 - 4.1.1 Financial Management Plan that incorporates:
 - i). **Audited Financials for the past 5 financial years and, present financial year and the ~~and 5-year~~ projected financial data for the remaining 5 financial years of the lease option;**

- ii). Lifecycle Cost Analysis integrated within the Financial Plan;
- ~~iii). Audited Financials; and~~
- ~~iii)iv). Asset Management Plan for the clubrooms; and~~
- 4.1.2 v). Facility Management Plan as per the Department of Local Government, Sport and Cultural Industries Facility Management Guide;

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

At 7.36pm, during discussion but prior to voting on the following amendment Cr Loden vacated the Chamber and returned at 7.37pm.

AMENDMENT 2

Moved: Cr Topelberg, **Seconded:** Cr Fotakis

That Recommendation 4 be amended as below in **red**:

- 4. APPROVES a **5 10** year lease to Floreat Athena Football Club Inc. from 1 October 2020 to 30 September **2030 2024** for the stadium clubrooms (including the service access area, canteen, car park area behind clubrooms and tiered seating in front of the clubrooms – Attachment 7) located at 41 Britannia Road, Leederville on the following key terms:

- 4.1 Option Term: **7 5** years **and 3 months** subject to the Club facilitating full and open access to the community and other sporting clubs; Council endorsement of a site Development Plan; and the completion and submission of the Key Performance Indicators by the Club:

LOST (3-6)

For: Cr Gontaszewski, Cr Topelberg, Cr Fotakis,

Against: Mayor Cole, Cr Castle, Cr Hallett, Cr Loden, Cr Smith and Cr Wallace

AMENDMENT 3

Moved: Cr Topelberg, **Seconded:** Cr Fotakis

That Recommendation 4 and 4.1 be amended as below in **red**:

- 4. APPROVES a **10 5**-year lease with a **7 5** year **and 3 months option term-lease** to Floreat Athena Football Club Inc. from 1 October 2020 to 30 September **2030 2024** for the stadium clubrooms (including the service access area, canteen, car park area behind clubrooms and tiered seating in front of the clubrooms – Attachment 7) located at 41 Britannia Road, Leederville on the following key terms:

- 4.1 **Option Term: 5 years** subject to the Club facilitating full and open access to the community and other sporting clubs; Council endorsement of a site Development Plan; and the completion and submission of the **following** Key Performance Indicators by the Club:

- 4.1.1 Financial Management Plan that incorporates:

- i). Audited Financials for the past 5 financial years and present financial year and the projected financial data for the remaining financial years of the lease option;
- ii). Lifecycle Cost Analysis integrated within the Financial Plan;
- ~~iii). Asset Management Plan for the clubrooms; and~~

- 4.1.2 **No later than 30 September 2021 provision of an agreed:**
~~iv).—i).~~ Asset Management Plan for the clubrooms; and
~~v).—ii).~~ Facility Management Plan as per the Department of Local Government,
 Sport and Cultural Industries Facility Management Guide;

LOST (3-6)

For: Cr Gontaszewski, Cr Topelberg, Cr Fotakis,

Against: Mayor Cole, Cr Castle, Cr Hallett, Cr Loden, Cr Smith and Cr Wallace

AMENDMENT 4

Moved: Cr Loden, **Seconded:** Cr Gontaszewski

That Recommendation 4 be amended as below in **red**:

4. APPROVES a **10 5**-year lease to Floreat Athena Football Club Inc. from 1 October 2020 to 30 September **2030 2024** for the stadium clubrooms (including the service access area, canteen, car park area behind clubrooms and tiered seating in front of the clubrooms – Attachment 7) located at 41 Britannia Road, Leederville on the following key terms:

- 4.1 **Option Term: 5 years**-subject to the Club facilitating full and open access to the community and other sporting clubs; Council endorsement of a site Development Plan; and the completion and submission of the **following** Key Performance Indicators by the Club:

4.1.1 Financial Management Plan that incorporates:

- i). Audited Financials for the past 5 financial years and present financial year and the projected financial data for the remaining financial years of the lease option;
- ii). Lifecycle Cost Analysis integrated within the Financial Plan;
- ~~iii). Asset Management Plan for the clubrooms; and~~

4.1.2 **No later than 30 September 2021 provision of an agreed:**

- ~~iv).—i).~~ Asset Management Plan for the clubrooms; and
- ~~v).—ii).~~ Facility Management Plan as per the Department of Local Government,
 Sport and Cultural Industries Facility Management Guide;

CARRIED (6-3)

For: Mayor Cole, Cr Gontaszewski, Cr Hallett, Cr Fotakis, Cr Topelberg and Cr Loden

Against: Cr Castle, Cr Smith and Cr Wallace

AMENDMENT 5

Moved: Cr Castle, **Seconded:** Cr Topelberg

That Recommendation 4 be amended as below in **red**:

- 4.1 Subject to the Club facilitating full and open access to the community and other sporting clubs; no later than 30 September 2021 Council endorsement of a site Development Plan; and the completion and submission of the following Key Performance Indicators by the Club:

4.1.1 Financial Management Plan that incorporates:

- i). Audited Financials for the past **2 5** financial years and present financial year and the projected financial data for the remaining financial years of the lease option;
- ii). Lifecycle Cost Analysis integrated within the Financial Plan;

iii). Asset Management Plan for the clubrooms.

- 4.1.2 ~~No later than 30 September 2021 provision of an agreed:~~ Facility Management Plan as per the Department of Local Government, Sport and Cultural Industries Facility Management Guide;

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

COUNCIL DECISION ITEM 11.4:

Moved: Cr Loden, **Seconded:** Cr Gontaszewski

That Council:

1. APPROVES a 9 month extension to the current lease with Floreat Athena Football Club Inc. dated 4 April 2018 for Litis Stadium located at 41 Britannia Road, Leederville, from 1 January 2020 to 30 September 2020, on the same key terms as the current lease, subject to the removal of perimeter fencing by the City to enable greater public access;
2. NOTES that in accordance with Clause 12.3 Yield Up of this lease, the Floreat Athena Football Club Inc. will be responsible for handing the toilets, change rooms, grandstand, scoreboard, pitch and grounds back to the City on 1 October 2020 in good and substantial repair, order and condition consistent with its use in the National Premier League;
3. NOTES that Floreat Athena Club Inc. will be required to provide Administration and contractors unfettered access to the stadium in order to undertake a comprehensive review of the assets and infrastructure to obtain an understanding of the current and future maintenance costs;
4. APPROVES a 10 year lease to Floreat Athena Football Club Inc. from 1 October 2020 to 30 September 2030 for the stadium clubrooms (including the service access area, canteen, car park area behind clubrooms and tiered seating in front of the clubrooms – Attachment 7) located at 41 Britannia Road, Leederville on the following key terms:
 - 4.1 Subject to the Club facilitating full and open access to the community and other sporting clubs; no later than 30 September 2021 Council endorsement of a site Development Plan; and the completion and submission of the following Key Performance Indicators by the Club:
 - 4.1.1 Financial Management Plan that incorporates:
 - i). Audited Financials for the past 2 financial years and present financial year and the projected financial data for the remaining 5 financial years of the lease option; and
 - ii). Lifecycle Cost Analysis integrated within the Financial Plan;
 - iii). Asset Management Plan for the clubrooms.
 - 4.1.2 Facility Management Plan as per the Department of Local Government, Sport and Cultural Industries Facility Management Guide;
 - 4.2 Rent \$5,500 plus GST (indexed to CPI) per annum;
 - 4.3 Rates & Taxes: Lessee to pay including rubbish bin charges and ESL;
 - 4.4 Outgoings: Lessee to pay;
 - 4.5 Repairs & Maintenance: Lessee responsible for all repairs, maintenance and renewal (capital works) to keep premises clean and in good condition, this includes repair of damage due to fair wear and tear, and structural maintenance. Lessor not responsible for any structural repair;

- 4.6 **Minimum Level of Service:** Lessee to pay for cost of statutory compliance, and pest inspections and treatment;
 - 4.7 **Insurance:** Lessee to effect a public liability policy with cover not less than \$20 million, and pay premium for building insurance policy;
 - 4.8 **Indemnification:** Lessee to indemnify the City against all costs and claims;
 - 4.9 **Permitted Purpose:** Sporting, recreational and community activities;
 - 4.10 **Shared Use:** Lessee permitted to hire out clubrooms, function rooms at its discretion provided that the use is consistent with the Permitted Purpose;
 - 4.11 **Alterations:** Not without the prior approval in writing of the Lessor;
 - 4.12 **Lessor's Covenant:** Lessor will provide Lessee with quiet enjoyment of the premises for the term of the lease;
 - 4.13 **Payment Without Delay:** Lessee must duly and punctually pay all rent, rates and taxes, outgoings, costs and interest on the terms specified by the Lessor;
 - 4.14 **Nuisance and Incidental Use:** Lessee must submit a Management Plan for approval in writing by the Lessor for any events commencing from and continuing beyond 5:00pm, any events with amplified or live music, and any national/international sporting events;
 - 4.15 **Parking & Traffic Management:** Lessee must submit a Parking and Traffic Management Plan for approval in writing by the Lessor for any events with an estimated attendance above 1,000 people; and
 - 4.16 **Community Group and Sporting Club Health Checks:** Lessee must submit a fully completed Community Group and Sporting Club Health Check each year or upon request from the Lessor;
5. **Subject to satisfactory negotiations being carried out by the Chief Executive Officer AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the deed of extension of lease in Recommendation 1 above and the new lease in Recommendation 4 above;**
 6. **NOTES that the charging methodology associated with the recommended lease fee will be reassessed following the implementation of the draft City Property Management Framework;**
 7. **ADVISES Floreat Athena Football Club Inc. that from 1 October 2020 their first preference access to the stadium pitch will only be from April to September annually and will be through the City's seasonal ground allocation with the club being responsible for all associated fees and charges including floodlight usage charges during this period;**
 8. **NOTES that from 1 October 2020 the City will be assuming responsibility for the stadium surrounds and will work collaboratively with the club and the Australian Government to successfully obtain \$3 million through the Community Development Grants Program towards upgraded sporting facilities – including a full integration between Litis Stadium and Britannia Reserve and rationalising any non-essential assets; and**
 9. **NOTES that Administration will call for Expressions of Interest for the use of the stadium (excluding the clubrooms) for summer usage from October 2020 through March 2021.**

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

12 CHIEF EXECUTIVE OFFICER**12.1 CITIES POWER PARTNERSHIP****TRIM Ref:** D19/149856**Author:** Sara Orsi, Sustainability Officer**Authoriser:** John Paton, Executive Manager - Office of the CEO**Attachments:** 1. Cities Power Partnership 2019 Information for Councils **RECOMMENDATION:****That Council:**

1. **ENDORSES** the City of Vincent joining the Climate Council's National Cities Power Partnership;
and
2. **NOTES** that the Mayor will write to the CEO of the Climate Council confirming the City of Vincent's participation in the Cities Power Partnership.

COUNCIL DECISION ITEM 12.1**Moved:** Cr Fotakis, **Seconded:** Cr Loden**That the recommendation be adopted.****CARRIED UNANIMOUSLY (9-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil

12.2 LEASE OF 246 VINCENT STREET, LEEDERVILLE TO MINISTER FOR WORKS - DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES

TRIM Ref: D19/160814

Author: Meluka Bancroft, Executive Manager Corporate Strategy and Governance

Authoriser: David MacLennan, Chief Executive Officer

Attachments:

1. Plan of lease area and car parking bays 
2. Minister for Works' lease proposal dated 1 November 2019 
3. Valuation for 246 Vincent Street, Leederville - Confidential

RECOMMENDATION:

That Council:

1. **APPROVES** a variation and extension of the City's lease to the Minister for Works for the office building located at 246 Vincent Street, Leederville, on the following key terms:
 - 1.1 **Term:** 10 years commencing 22 December 2019;
 - 1.2 **Option term:** 5 years commencing 22 December 2029;
 - 1.3 **Rent:** \$300 per square meter per annum, equating to \$754,800 per annum excluding GST;
 - 1.4 **Rent review:** Annual rent increase of 3 per cent, market rent review at the commencement of the option term;
 - 1.5 **Lease Area:** Office building (area of 2,516m²), including the basement carpark, and surrounding garden and outdoor areas, as shown in the plan at Attachment 1;
 - 1.6 **Outgoings:** Lessee to pay the estimated outgoings for each financial year via monthly instalments. The outgoings include the building insurance premium, management agency fees (up to 3 per cent of the annual rent), auditing of the outgoing statements, pest inspections and treatment, gardening and landscaping costs, utility and service costs, maintenance and repair of the premises including the plant and equipment, security costs, car park maintenance and repair costs, rubbish disposal and the emergency services levy;
 - 1.7 **Capital / structural works:** City to undertake at its cost;
 - 1.8 **Managing agent:** City to appoint a commercial managing agent, to be agreed with the lessee;
 - 1.9 **Permitted use:** Office;
 - 1.10 **Indemnification:** Lessee to indemnify the City against all costs and claims arising in respect to the premises;
 - 1.11 **Car parking licence:** Lessee may use the 21 secured car bays within the Leederville Oval Carpark between 7.30am and 5.30pm Monday to Friday for staff parking, and the 10 visitor bays within the Leederville Oval Carpark between 7.30am and 5.30pm Monday to Friday for visitor parking, as shown in the plan at Attachment 1;
 - 1.12 **Car parking fee:** 23 secure basement car bays - \$225 per month per bay
21 secure car bays - \$125 per month per bay
This equates to \$93,600 per annum, indexed by CPI; and
 - 1.13 **Incentive:** 40 per cent, equates to \$3,019,840 over the 10 year lease term. The incentive is applied against the rent, with up to \$1.6 million to be allocated towards the lessee's fit out (but not to be paid prior to 30 June 2020), with the balance to be amortised evenly over the remainder of the lease term;
2. Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the Deed of Variation and Extension of Lease to effect the variation and extension of lease in recommendation 1. above; and
3. **NOTES** that the following capital works will be undertaken at the City's cost in the 2020/21 and

2021/22 financial years, subject to finalisation of the scope of the works, prioritisation of the works in consultation with the Minister for Works and funding being secured in the relevant budgets:

- 3.1 upgrade and refurbishment of the bathroom facilities;
- 3.2 upgrade of the ground floor tea preparation area;
- 3.3 upgrade of the internal façade and lighting of the lift;
- 3.4 upgrade of the end of trip facilities, including the installation of more lockers in the bathrooms;
- 3.5 replacement of all lights with LED lights; and
- 3.6 installation of solar panels.

COUNCIL DECISION

Moved: Cr Topelberg, **Seconded:** Cr Loden

That the recommendation be adopted.

PROCEDURAL MOTION TO DEFER ITEM AND COUNCIL DECISION ITEM 12.2

Moved: Cr Fotakis, **Seconded:** Cr Topelberg

That the recommendation be deferred to the December 2019 Ordinary Meeting of Council so that further information can be provided within the report.

CARRIED UNANIMOUSLY (8-1)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Cr Loden

Reason for deferral

So that information that has already been provided to Elected Members under separate cover can be provided as part of the publicly available report to Council.

12.3 INTERIM ARRANGEMENT FOR THE MANAGEMENT OF THE ROBERTSON PARK TENNIS CENTRE**TRIM Ref:** D19/160403**Authors:** Karen Balm, Senior Community Partner
Meluka Bancroft, Executive Manager Corporate Strategy and Governance**Authoriser:** David MacLennan, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION:****That Council:**

1. **NOTES** that the Tennis Seniors Association of Western Australia (Tennis Seniors) will terminate its monthly tenancy of the tennis club located at Robertson Park, 176 Fitzgerald Street, Perth, effective 12 November 2019;
2. **APPROVES** an interim management arrangement with the Tennis Association of Western Australia (Tennis West) in respect to the tennis club located at Robertson Park, 176 Fitzgerald Street, Perth, on the following key terms:
 - 2.1 **Term:** 12 November 2019 to 31 March 2020;
 - 2.2 **Rent:** \$772 per month excluding GST;
 - 2.3 **Rates and taxes:** Tennis West to pay, includes rubbish and recycling bin charges and emergency services levy;
 - 2.4 **Outgoings / utilities:** Tennis West to pay;
 - 2.5 **Repairs and maintenance:** Tennis West to keep the premises clean and in good repair having regard to the current condition of the premises. This includes repairing any damage due to fair wear and tear and to keep the premises safe;
 - 2.6 **Structural repairs:** At the discretion of the City, this includes any structural repairs to the heritage huts. The City does not intend to undertake this work prior to 31 March 2020;
 - 2.7 **Capital works / upgrades:** At the discretion of the City, this includes replacement / resurfacing of the tennis courts, bore and lighting. The City does not intend to undertake this work prior to 31 March 2020;
 - 2.8 **Emergency works:** At the discretion of the City, this includes any major / structural emergency works, such as the failure of the bore. Council approval of the work will be required, and will depend on the cost and implications for the use of the premises;
 - 2.9 **Minimum Level of Service:** Tennis West to pay for cost of statutory compliance (RCD, smoke alarm, emergency exit and fire hydrant testing) and pest inspections and treatment;
 - 2.10 **Insurance:** Tennis West to effect a public liability policy, with cover not less than \$20 million, and pay the City's annual building insurance premium for the Premises;
 - 2.11 **Indemnification:** Tennis West to indemnify the City against all costs and claims arising in respect to the premises;
 - 2.12 **Permitted purpose:** Sporting and recreation facility, with associated commercial sporting and recreation purpose. Permitted hours of use are 6am to 10.30pm daily; and
 - 2.13 **Shared use:** Tennis West will make the hardcourts available for use by the City, free of charge, when not required for coaching or pennants, for community sport.
2. **Subject to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the interim management arrangement in recommendation 2. above.

COUNCIL DECISION ITEM 12.3

Moved: Cr Gontaszewski, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

12.5 ANNUAL CORPORATE BUSINESS PLAN QUARTERLY UPDATE**TRIM Ref:** D19/163985**Author:** Tracy Spadanuda, Special Project Officer**Authoriser:** David MacLennan, Chief Executive Officer**Attachments:** 1. Attachment 1 - CBP Progress Update as at 30 October 2019 **RECOMMENDATION:**

That Council RECEIVES the Progress Report for the City of Vincent Corporate Business Plan 2018/19 – 2021/22 2019/20 Update included as Attachment 1.

COUNCIL DECISION ITEM 12.5**Moved:** Cr Alex Castle, **Seconded:** Cr Jonathan Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil


12.6 APPOINTMENT OF COMMUNITY MEMBERS AND ELECTED MEMBERS TO THE CITY OF VINCENT AUDIT COMMITTEE AND AMENDMENT OF TERMS OF REFERENCE

TRIM Ref: D19/127782

Author: Sharron Kent, Governance and Council Liaison Officer

Authoriser: Meluka Bancroft, Manager Governance, Property and Contracts

Attachments:

1. Audit Committee Terms of Reference (with proposed changes in mark up)
2.  Audit Committee Nomination - Resume of Applicant 1 - Confidential
3. Audit Committee Nomination - Resume of Applicant 2 - Confidential
4. Audit Committee Nomination - Resume of Applicant 3 - Confidential
5. Assessment of submissions for external members of the City's Audit Committee 2019 - Confidential

RECOMMENDATION:

That Council:

1. **ADOPTS** the revised Terms of Reference for the Audit Committee at Attachment 1, to increase the number of external independent members to up to three persons, and total members to seven persons;
2. In accordance with the provisions of sections 5.10 and 7.1A of the *Local Government Act 1995*, **APPROVES BY ABSOLUTE MAJORITY** the appointment of the following Elected Members to the Audit Committee for the term 12 November 2019 to the date of the next ordinary local government election, 16 October 2021:
 1. _____
 2. _____
 3. _____
 4. _____
3. In accordance with the provisions of sections 5.10 and 7.1A of the *Local Government Act 1995*, **APPROVES BY ABSOLUTE MAJORITY** the appointment of the external independent members to the Audit Committee for the term 12 November 2019 to the date of the next ordinary local government election, 16 October 2021.
 1. _____
 2. _____
 3. _____

COUNCIL DECISION ITEM 12.6

Moved: Cr Topelberg, Seconded: Cr Hallett

That Council:

1. **ADOPTS** the revised Terms of Reference for the Audit Committee at Attachment 1, to increase the number of external independent members to up to three persons, and total members to seven persons;
2. In accordance with the provisions of sections 5.10 and 7.1A of the *Local Government Act 1995*, **APPROVES BY ABSOLUTE MAJORITY** the appointment of the following Elected Members to the Audit Committee for the term 12 November 2019 to the date of the next ordinary local government election, 16 October 2021:
 1. Cr Joshua Topelberg
 2. Cr Dan Loden
 3. Cr Susan Gontaszewski
 4. Cr Ashley Wallace

3. In accordance with the provisions of sections 5.10 and 7.1A of the *Local Government Act 1995*, APPROVES BY ABSOLUTE MAJORITY the appointment of the external independent members to the Audit Committee for the term 12 November 2019 to the date of the next ordinary local government election, 16 October 2021.

1. Mr Conley Manifis
2. Ms Elizabeth Hunt
3. Mr Robert Piper

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil


12.7 APPOINTMENT OF AN ALTERNATE MEMBER FOR THE MINDARIE REGIONAL COUNCIL MEETING - 12 DECEMBER 2019**TRIM Ref:** D19/151566**Author:** Meluka Bancroft, Manager Governance, Property and Contracts**Authoriser:** David MacLennan, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION:**

That Council APPROVES BY ABSOLUTE MAJORITY the appointment of Councillor _____ as its Alternate Member (Deputy) for the Mindarie Regional Council meeting to be held on 12 December 2019, due to the inability of Council's appointed Member, Mayor Emma Cole to attend on this occasion.

COUNCIL DECISION ITEM 12.7**Moved:** Cr Dan Loden, **Seconded:** Cr Joshua Topelberg

That Council APPROVES BY ABSOLUTE MAJORITY the appointment of Councillor Joshua Topelberg as its Alternate Member (Deputy) for the Mindarie Regional Council meeting to be held on 12 December 2019, due to the inability of Council's appointed Member, Mayor Emma Cole to attend on this occasion.

CARRIED UNANIMOUSLY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil

12.8 APPOINTMENT OF ELECTED MEMBERS TO CEO PERFORMANCE REVIEW PANEL**TRIM Ref:** D19/157120**Author:** Sharron Kent, Governance and Council Liaison Officer**Authoriser:** Meluka Bancroft, Manager Governance, Property and Contracts**Attachments:** 1. Policy 4.2.16 - CEO Annual Performance Review **RECOMMENDATION:**

That Council **APPOINTS** the following Elected Members to the CEO Performance Review Panel for the term 12 November 2019 to the next ordinary local government election, 16 October 2021:

1. Mayor Emma Cole Chairperson
2. Cr _____;
3. Cr _____; and
4. Cr _____;

COUNCIL DECISION ITEM 12.8**Moved:** Cr Loden, **Seconded:** Cr Topelberg

That Council **APPOINTS** the following Elected Members to the CEO Performance Review Panel for the term 12 November 2019 to the next ordinary local government election, 16 October 2021:

1. Mayor Emma Cole Chairperson
2. Cr Susan Gontaszewski;
3. Cr Alex Castle; and
4. Cr Joanne Fotakis

CARRIED UNANIMOUSLY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace**Against:** Nil

12.9 APPOINTMENT OF ELECTED MEMBERS TO THE METRO WEST JOINT DEVELOPMENT ASSESSMENT PANEL

TRIM Ref: D19/163536

Author: Sharron Kent, Governance and Council Liaison Officer

Authoriser: Meluka Bancroft, Executive Manager Corporate Strategy and Governance

Attachments: 1. Development Assessment Panel request for nominations **RECOMMENDATION:**

That Council **APPOINTS** the following Elected Members to represent the City of Vincent on the Metro West Joint Development Assessment Panel (JDAP) for the period 27 January 2020 – 26 January 2022:

Member:

1. Cr _____;
2. Cr _____

Alternate Members:

1. Cr _____;
2. Cr _____

COUNCIL DECISION ITEM 12.9**Moved:** Cr Loden, **Seconded:** Cr Gontaszewski

That Council **APPOINTS** the following Elected Members to represent the City of Vincent on the Metro West Joint Development Assessment Panel (JDAP) for the period 27 January 2020 – 26 January 2022:

Member:

1. Cr Dan Loden
2. Cr Joshua Topelberg

Alternate Members:

1. Cr Susan Gontaszewski;
2. Cr Ashley Wallace

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**13.1 CR JOANNE FOTAKIS - REVIEW OF LOCAL GOVERNMENT PROPERTY LOCAL LAW**

That Council REQUESTS that Administration:

1. Considers the display of election signage on land controlled or owned by the City and land adjacent to thoroughfares controlled by the City, and the associated procedures and penalties for non-compliance as part of the City's current review of the Local Government Property Local Law; and
2. Provides the draft new local law to Council for review for advertising by June 2020.

COUNCIL DECISION ITEM 13.1

Moved: Cr Fotakis, **Seconded:** Cr Loden

That the Motion be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

**14 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN
(WITHOUT DISCUSSION)**

Nil

15 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil

16 URGENT BUSINESS

Nil

17 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED

17.1 MANAGEMENT OF THE LOFTUS COMMUNITY CENTRE

TRIM Ref: D19/161296

Author: Sandra Watson, Manager Customer and Library Services

Authoriser: John Corbellini, A/Executive Director Community and Business Services

Attachments:

1. Loftus Community Centre Report - Community Benefit & Performance
2. Letter from Management Committee
3. Financial Statements Loftus Community Centre
4. Loftus Community Centre 2018 Annual Report
5. Legal Advice - Minter Ellison (LCC) 2019
6. LCC Staff Proposal - Final - Confidential
7. LCC fees and charges

Section under the Act	The grounds on which part of the Council or Committee may be closed to the public are listed in Section 5.23(2) of the <i>Local Government Act 1995</i> .
Sub-clause and Reason:	e(iii) - a matter that if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person, where the information is held by, or is about, a person other than the local government.

PROCEDURAL MOTION AND COUNCIL DECISION

Moved: Cr Topelberg, **Seconded:** Cr Hallett

Pursuant to Section 5.23(2) of the *Local Government Act 1995* and clause 2.14 of the City of Vincent Meeting Procedures Local Law, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential reports.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

At 9.15pm Cr Fotakis vacated the Chamber and returned at 9.16pm prior to discussion and voting on Confidential Item 17.1 Management of the Loftus Community Centre.

At 9.15pm Cr Hallett vacated the Chamber and returned at 9.16pm prior to discussion and voting on Confidential Item 17.1 Management of the Loftus Community Centre.

At 9.15pm Cr Smith vacated the Chamber and returned at 9.18pm prior to discussion and voting on Confidential Item 17.1 Management of the Loftus Community Centre.

PROCEDURAL MOTION AND COUNCIL DECISION

Moved: Cr Topelberg, **Seconded:** Cr Hallett

That the Council APPROVE the meeting to continue beyond 10pm to consider matters not yet raised.

CARRIED (8-1)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Cr Loden

RECOMMENDATION:

That Council:

1. PROVIDES in principle support for the City to take over the direct management of the Loftus Community Centre effective from 1 January 2020 or a date agreed by the CEO;
2. APPROVES BY ABSOLUTE MAJORITY the current Loftus Community Centre Inc. fees and charges schedule, included as Attachment 7 for:
 - 2.1 Fees payable for the hire of rooms in the centre until the end of the 2019/20 financial year; and
 - 2.2 Membership fees payable for a family, business and seniors membership per annum;
3. NOTES that a review of the Loftus Community Centre's operations and running costs will be undertaken over the next six months and that the results of this review will be presented to Council as part of its 2020/21 Budget considerations; and
4. AUTHORISES BY AN ABSOLUTE MAJORITY the following 2019/2020 budget adjustments to facilitate 1. and 2. above:

<i>Existing Budget 2019/20</i>	<i>From</i>	<i>To</i>
Fees and Charges		-\$75,000
Salaries – casual staff hours		\$85,000
Community Budget Submissions	\$50,000	-\$50,000
Other operating expenses – cleaning, electricity, insurance, program expenses etc.		\$40,000
TOTAL FINANCIAL IMPACT	Net Surplus	\$0

COUNCIL DECISION ITEM 17.1

Moved: Cr Castle, **Seconded:** Cr Hallett

That the recommendation be adopted.

CARRIED UNANIMOUSLY (9-0)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Loden, Cr Murphy, Cr Smith, Cr Topelberg and Cr Wallace

Against: Nil

Note: As there were no members of the public or media present Mayor Cole did not resume the meeting but read aloud the Resolution, which is deemed no longer confidential, for the purposes of the audio recording and the livestream.

18 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 10.06pm with the following persons present:

PRESENT:	Mayor Emma Cole	Presiding Member
	Cr Susan Gontaszewski	South Ward
	Cr Alex Castle	North Ward
	Cr Joanne Fotakis	North Ward
	Cr Jonathan Hallett	South Ward
	Cr Dan Loden	North Ward
	Cr Sally Smith	North Ward
	Cr Joshua Topelberg	South Ward
	Cr Ashley Wallace	South Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment
	Stephanie Smith	A/Executive Director Planning & Place
	John Corbellini	A/Executive Director Community & Business Services
	Joslin Colli	Coordinator Planning Services
	Meluka Bancroft	Executive Manager Corporate Strategy & Governance
	Sharron Kent	Governance & Council Liaison Officer
Media:	Nil.	
Public:	Nil.	

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 November 2019.

Signed:



Mayor Emma Cole

Dated: 10 December 2019