



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

10 December 2019

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**MINUTES OF CITY OF VINCENT
ORDINARY COUNCIL MEETING
HELD AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 10 DECEMBER 2019 AT 6PM**

PRESENT:	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	Presiding Member South Ward North Ward North Ward South Ward North Ward North Ward South Ward South Ward
IN ATTENDANCE:	David MacLennan Andrew Murphy Stephanie Smith John Corbellini Jay Naidoo Meluka Bancroft Emma Simmons Greg Godwin Aram Madnack	Chief Executive Officer Executive Director Infrastructure & Environment A/Executive Director Strategy & Development A/Executive Director Community & Business Services Manager Development & Design Executive Manager Corporate Strategy & Governance Governance Projects Officer Moore Stephens (WA) Pty Ltd (from 7.06pm to 7.19pm) Office of the Auditor General (from 7.06pm to 7.19pm)
Media:	Nil.	
Public:	3 members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Mayor Emma Cole declared the meeting open at 6pm 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 Bianca Sandri of Urbanista Town Planning – Item 9.4
 - Spoke in support of the application.
 - Stated that the applicant intends to undertake delapidation reports on all adjoining properties.
 - Advised that an increase to the size of windows to the rear section of the elevations had been requested by the Design Review Panel.

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

There being no further speakers, Public Question Time closed at approximately 6.04pm.

(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**3.1 Response to questions from Mr Dudley Maier taken on notice at the Ordinary Council Meeting held on 12 November 2019.****Questions - Fairfield Street:****1. Can you confirm that the Special Council Meeting of 19/11/14 that Council explicitly decided to pursue zoning at 40-60 Fairfield Street as R40?**

18 November 2014 – yes as follows:

AMENDMENT 3

Moved: Cr Cole, Seconded: Cr Topelberg

That a new Recommendation 3.4.1 (d) be added as follows:

3.4.1 (d) To abandon the advertised zoning changes at 40-60 Fairfield Street, Mount Hawthorn from Residential R30 to Residential R60 and to instead prescribe a new coding of Residential R40.

AMENDMENT 3 PUT AND CARRIED (6-2)

2. Can you confirm that the Gazetted scheme map shows 40-60 Fairfield Street coded as R60 (except for 50 Fairfield Street which is coded as R40)?

No, the Gazetted map currently shows all of 40-60 (even numbers only) as R60. 50 Fairfield is R60 as of Amendment 1 to LPS gazetted 3 August 2018. Prior to Amendment 1, 50 Fairfield Street was R40.

3. Can you confirm that on 29/5/18 the Council approved amendment to scheme map – coding to 50 Fairfield Street from R40 to R60?

Council 'prepared' the amendment, they did not 'approve' it.

4. Why have the properties at 40-60 Fairfield Street been coded R60 when council explicitly decided to code them as R40?

On 8 December 2017, the A/Minister for Planning Ben Wyatt decided to modify the City's proposed Local Planning Scheme No. 2 to code 40, 42, 44, 48, 48A, 48B, 52, 54, 56, 58 and 60 Fairfield as R60.

5. Were the owners of the affected properties consulted on the changes to the approved after the 18/11/14 decision?

The affected owners were informed by letter following Gazettal of LPS2.

6. Were council members made aware of the changes prior to the gazette of the LPS2?

Yes, on 28 February 2018 at a Council Workshop. Also, Mayor Emma Cole signed the modified LPS 2 Mt Hawthorn map prior to forwarding to the WAPC for endorsement by the Minister for Planning.

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 (28/1/16 or 25/5/18)?**

Yes, the City imposed the following condition (Condition 1) as part of the development approval issued on 28 January 2016 for the subject building:

“The owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing 7 Baker Avenue and 11 Baker Avenue, in a good and clean condition. The finish of the walls are to be fully rendered or face brickwork to the satisfaction of the City”.

The development approval issued on 25 May 2018 related to unauthorised alterations to the building and did not relate to the finish of the boundary walls.

2. Did the plans for either of these approvals show the external walls would be rendered brickwork?

The plans in the development approval issued on 28 January 2016 that is applicable to the finish of the boundary walls of the building does not show that the walls would be rendered. Condition 1 of the development approval requires the boundary walls facing 7 Baker Avenue and 11 Baker Avenue to be either fully rendered or face brickwork finish.

3. Given that the development plans in the Agenda on 15/10/19 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?

The development approval issued on 15 October 2019 relates to a change of use of the building to a Music Studio only and does not relate to the finish of the boundary walls. The finish of the boundary walls are required to be rendered or face brickwork as per Condition 1 in the development approval issued on 28 January 2016.

4. If so by when – if not why not?

The boundary walls are not required to be finished in render. This is because the boundary walls of the building have been finished in face brickwork which satisfies Condition 1 of the development approval issued on 28 January 2016.

Questions - Cheriton Street:

1. Can you confirm that at the Special Council Meeting of 18/11/14 the Council decided to code 34 Cheriton Street as either public purpose or mixed use R100?

No. 34 Cheriton was shown as Public Purpose under the Metropolitan Region Scheme (MRS). This was not a decision, it was a reflection of the current MRS Zone.

2. Can you confirm that the current scheme map shows this lot as being coded ‘commercial’.

Yes.

3. Why was the lot coded commercial rather than mixed use R20 [it is mixed use R100 to the west and R80 to the north] like all the surrounding lots?

On 8 December 2017, the A/Minister for Planning Ben Wyatt decided to modify the City’s proposed Local Planning Scheme No. 2 to zone 34 Cheriton Street as Commercial. The reasons for each of the A/Minister’s modifications have not been made public

4. Were Council members made aware of the changes from public purpose to commercial – if so, when?

Yes, on 28 February 2018 at a Council Workshop.

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?

Registers are updated by the relevant officers as required to ensure the information remains relevant and accurate:

- Common Seal Usage – updated as the Common Seal is applied
- Contact with Developers – updated as disclosures are received
- Current Register of Gifts – updated as disclosures are received
- Freedom of Information Requests – updated as requests are received
- Register of Complaints – updated after any minor breach findings are determined
- Conflicts of Interests at Meetings – updated after each Council Meeting
- Council Members and Employee Business Dealings / Contracts Register – updated as disclosures are received
- Contracts Register – updated as contracts are entered into (Administration is currently reviewing and updating register)
- Tenders Register 2019 – updated as tenders close
- Lease Register – updated annually – Administration is currently reviewing and updating register
- Community Funding Grant Registers – updated as grants are processed – Administration is currently reviewing and updating register

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 19/3/19?**

Yes, this is correct.

2. **Why was the iPad brought for the former Cr Harley but not any other council members?**

Cr Harley's iPad had some operating/ technical issues, which meant it was not fit for purpose and required replacement.

3. **Was the model purchased consistent with others provided for other council members?**

It was a newer version, but consistent with the model provided to all other Elected Members.

4. **Did the former Cr Harley purchase that iPad at the end of her term and office and how much did she pay?**

Cr Harley was given the option to purchase the iPad in accordance with the City's Policy 4.2.7 "Council Members – Allowances, Fees and Reimbursement of Expenses" but chose to return it to the City. It was returned on 19 November 2019.

4 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

Nil

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Fotakis

That the Minutes of the Ordinary Meeting of Council held 12 November 2019 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcements:

7.1 COMMUNITY VOLUNTEERS CHRISTMAS SUNDOWNER

On Friday 13 December at 6pm the City will be celebrating our community volunteers at North Perth Town Hall. Mayor Cole stated that this event is in recognition of our many volunteers and all that they bring to the City of Vincent.

7.2 ACHIEVEMENTS FOR 2019

2019 has been a very productive year for the City of Vincent. Mayor Emma Cole acknowledged the following achievements:

- We finalised our Public Open Space Strategy and now have a great evidence-base strategy that is informing all of our decision making about green space in the City of Vincent;
- We started Western Australia's first 40kph speed zone trial in our southern-most suburbs to test the amenity and safety impacts of slower speeds on our residential areas;
- We signed a memorandum of understanding with inner City Mayors demonstrating the City of Vincent's willingness to collaborate and work across boundaries to get the best outcomes for our community;
- We finally went both ways on William Street with the best road works announcement ever seen in local government;
- We engaged an outreach worker at Weld Square working with our homeless people;
- We finalised our Reconciliation Action Plan continuing on our journey of reconciliation;
- We have rallied behind our high streets with the Beaufort Street 'Jump Start' initiative.
- We have improved a lot of our public spaces;
- We have become more playful with the launch of our first Pop Up Play initiatives to encourage older children and teenagers outside;
- We created and supported a number of community events to bring our community together;
- We have installed solar panels on all of our major buildings and we are now seeing a 10 per cent reduction in our power bills and have invested in electric cars and hybrid vehicles;
- We continue to plant trees and native plants throughout Vincent;
- We have started to move to a third Food and Organics bin which will be rolled out in October 2020 to reduce our waste to landfill; and
- We have welcomed two new council members this year, Sally Smith and Ashley Wallace and bid farewell to Jimmy Murphy and Roslyn Harley.

Mayor Cole thanked Council colleagues, Chief Executive Officer, David MacLennan, and Administration for their support and hard work throughout 2019.

8 DECLARATIONS OF INTEREST

- 8.1** Cr Susan Gontaszewski declared an interest affecting impartiality in Item 9.1 No. 160 (Lot: 307; D/P: 29908 and Lot: 84;D/P: 1106) Lincoln Street, Highgate - Proposed Single House. The extent of her interest in this matter is that she is friends with Joe Chindarsi who is the Director of Chindarsi Architects, the applicant for this item.
- 8.2** Cr Susan Gontaszewski declared an interest affecting impartiality in Item 9.4 - Nos. 514-516 (Lot: 14-16; D/P: 1106) William Street, Highgate - Proposed Four Grouped Dwellings. The extent of her interest in this matter is that her children attended the same primary school as the children of the owners of the neighbouring property to the development.
- 8.3** Cr. Topelberg declared a financial interest in Item 12.1 - Lease of 246 Vincent Street, Leederville to Minister for Works - Department of Local Government, Sport and Cultural Industries. The extent of his interest in this matter is that representatives of his company recently engaged with the City in relation to potential upgrade works for the property at 246 Vincent Street, Leederville. As the potential procurement of these products and services relates to the lease agreement, he is not seeking approval to participate in the debate or to remain in Chambers or vote on the matter.
- 8.4** Cr. Topelberg declared an interest affecting impartiality in Item 12.5 - Acquisition of the right of way known as Lot 305, bounded by Charles, Walcott and Hilda Streets, North Perth as Crown land, and vesting in the City as a public right of way. The extent of his interest in this matter is that a family member owns and resides at a property adjacent to a portion of the ROW in question.

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:**
Items 9.4
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**
Items 10.2, 11.1, 11.2, 11.6, 12.3 and 12.4,
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**
Items 12.1.

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 Emma Cole	12.1
Cr Loden	10.1
Cr Topelberg	12.2

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:**
Items 9.1, 9.2, 9.3, 9.5, 9.6, 10.3, 10.4, 11.3, 11.4, 11.5, 11.7, 12.5, 12.6 and 12.8
- (f) **Confidential Reports which will be considered behind closed doors, being:**
Items 17.1.

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Fotakis, Seconded: Cr Loden

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

Items 9.1, 9.2, 9.3, 9.5, 9.6, 10.3, 10.4, 11.3, 11.4, 11.5, 11.7, 12.5, 12.6 and 12.8

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

9.1 NO. 160 (LOT: 307; D/P: 29908 AND LOT: 84; D/P: 1106) LINCOLN STREET, HIGHGATE - PROPOSED SINGLE HOUSE**TRIM Ref:** D19/157728**Author:** Natasha Trefry, Urban Planning Advisor**Authoriser:** Jay Naidoo, Manager Development & Design**Ward:** South**Attachments:**

1. Consultation and Location Plans 
2. Development Plans 
3. 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 a Single House at No. 160 (Lot: 307; D/P: 29908 and Lot: 84; D/P: 1106) Lincoln Street, Highgate, in accordance with the plans shown in Attachment 2, subject to the following conditions and the associated advice notes in Attachment 3:

1. Amalgamation

Prior to the lodgement of a Building Permit application for the proposed development, Lot: 84; D/P: 1106 and Lot: 307; D/P: 29908 ('The lots') are to be amalgamated into a single lot on a Certificate of Title; or alternatively, the owner entering into a legal agreement with the City and secured by an absolute caveat lodged over the certificates of title to the Lots requiring the amalgamation to be completed within twelve months of the issue of a Building Permit for the proposed works.

The owner shall be responsible to pay all costs associated with the City's solicitor's costs incidental to the preparation of (including all drafts) and stamping of the agreement and lodgement of the absolute caveat;

2. Boundary Walls

The surface finish of boundary walls facing an adjoining property shall be of a good and clean condition, prior to the practical completion of the development, and thereafter maintained, to the satisfaction of the City. The finish of boundary walls is to be fully rendered or face brick; or material as otherwise approved; to the satisfaction of the City;

3. Landscaping Plan

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 provision of a minimum of 15 percent deep soil area and no less than 22.3 percent canopy coverage at maturity, as defined by the City's Policy No. 7.1.1 - Built Form;
- The provision of trees within deep soil areas on site to maximise the amount of canopy coverage. The tree species are to be in accordance with the City's recommended tree species list; and
- The provision of two Paperbark trees within the verge of Lincoln Street adjoining the development site. The trees are to be a minimum size of 200 litres; and

3.2 All works shown on 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 of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers; and

4. Sightlines

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

4.1 Walls, letterboxes or fences adjoin vehicular access points to the site; or

4.2 A driveway meets a public street; or

4.3 Two streets intersect;

Unless otherwise approved by the City of Vincent;

5. 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;

6. Car Parking and Access

6.1 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;

6.2 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

6.3 Vehicle access points are required to match into existing right of way levels;

7. Visual Privacy

Prior to occupancy of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City;

8. 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;

9. Colours, Materials and Finishes

The colours, materials and finishes of the development shall be in accordance with the approved schedule of finishes which forms part of this approval;

10. Right of Way

The landowner shall remove any development or other works and shall seal, drain and grade to match the existing right of way within 1.5 metres of the north eastern lot boundary at the time the portion of ROW widening is ceded to the City. Any costs associated with the above are the responsibility of the owner; and

11. Street Walls and Fences

The pedestrian access gate shall be visually permeable in accordance with the Residential Design Codes Volume 1, to the satisfaction of the City.





COUNCIL DECISION ITEM 9.1

Moved: Cr Fotakis, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.2 CITY OF VINCENT SUBMISSION - DESIGN WA STAGE 2 PRECINCT DESIGN**TRIM Ref:** D19/157747**Author:** Amanda Fox, Strategic Planning Officer**Authoriser:** Stephanie Smith, A/Executive Director Strategy and Development**Attachments:**








1. Design WA Stage 2 - Draft Precinct Design Policy 
2. Design WA Stage 2 - Draft Precinct Design Guidelines 
3. Design WA Stage 2 - Precinct Design Discussion Paper 
4. Design WA Stage 2 - City of Vincent Submission 

RECOMMENDATION:**That Council:**

1. **ENDORSES** the City's submission on Design WA Stage 2 – Precinct Design, included as Attachment 4; and
2. **NOTES** that Administration will forward the submission to the Western Australian Planning Commission.

COUNCIL DECISION ITEM 9.2**Moved: Cr Fotakis, Seconded: Cr Loden****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

9.3 NO. 14 (LOT: 3; S/P: 32001) VIEW STREET, NORTH PERTH - PROPOSED CHANGE OF USE FROM OFFICE TO OFFICE AND CONSULTING ROOMS (MEDICAL)**TRIM Ref:** D19/169804**Author:** Kate Miller, Senior Urban Planner**Authoriser:** Jay Naidoo, Manager Development & Design**Ward:** North**Attachments:**

1. Consultation and Location Map 
2. Development Plans 
3. Parking Management Plan and Parking Survey 
4. Strata Plan and Previously Approved Site Plan 
5. Summary of Submissions - Administration's Response 
6. Summary of Submissions - Applicant's Response 
7. 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 a Change of Use from Office to Office and Consulting Rooms (Medical) at No. 14 (Lot: 3; S/P: 32001) View Street, North Perth, in accordance with the plans provided in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. This approval is for Change of Use from Office to Consulting Rooms (Medical) on the ground floor of the building as shown on the approved plans dated 2 September 2019 and 18 October 2019. The first floor of the building shall remain as Office. No other development forms part of this approval;
2. This approval is for Consulting Rooms 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;
3. The proposed Consulting Rooms shall be limited to the following hours of operation:
 - 8:00am to 9:00pm Monday to Friday;
 - 8:00am to 5:00pm Saturday;
 - 11:00am to 5:00pm Sunday and Public Holidays; and
 - Closed Christmas Day, Good Friday and ANZAC Day;
4. A maximum of two consultants shall operate from the premises at any one time;
5. The Parking Management Plan dated 18 October 2019 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 at the expense of the owners/occupiers;
6. Prior to commencement of the use, copies of Consultants' certificates from a relevant legitimate and reputable association or organisation shall be provided to the City;
7. All signage is to be in strict accordance with the City's Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained;
8. All off street parking is to be available during business hours for all customers and staff; and
9. A minimum of two bicycle parking bays (one short term and one long term) shall be provided on site prior to occupation of the development. The design and construction of the bike bays shall be in accordance with Australian Standards AS2890.3:2015 Parking Facilities Part 3: Bicycle Parking.

COUNCIL DECISION ITEM 9.3

Moved: Cr Fotakis, Seconded: Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9.5 CITY OF VINCENT SUBMISSION ON SINGLE RESIDENTIAL BUILDING REFORMS - CONSULTATION REGULATORY IMPACT STATEMENT**TRIM Ref:** D19/173106**Authors:** Adam Freeman, Coordinator Building Services
Mark Fallows, Manager Built Environment and Wellbeing**Authoriser:** Stephanie Smith, A/Executive Director Strategy and Development**Attachments:** 1. Consultation Regulatory Impact Statement 
2. City of Vincent Submission - Building Reforms CRIS **RECOMMENDATION:****That Council:**

1. **ENDORSES** Attachment 2 as the City of Vincent's submission in response to the 'Reforms to the building approval process for single residential buildings in Western Australia – Consultation Regulatory Impact Statement', which supports 'Option 3 – Improvements to the current building approvals process'; and
2. **NOTES** the City will forward the submission included as Attachment 1 to the Department of Mines, Industry Regulation and Safety.

COUNCIL DECISION ITEM 9.5**Moved:** Cr Fotakis, **Seconded:** Cr Loden**That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

9.6 PARKLET PROPOSAL - NO. 711 NEWCASTLE STREET, LEEDERVILLE**TRIM Ref: D19/174994****Author: Tim Elliott, A/Coordinator Policy and Place****Authoriser: Stephanie Smith, A/Executive Director Strategy and Development****Ward: South****Attachments: Nil****RECOMMENDATION:**

That Council **AUTHORISES** the Chief Executive Officer to issue a Section 40 Certificate for Fibber McGee's located at NO. 711 Newcastle Street, Leederville, for the purposes of licensing the adjacent Parklet, until such time that a report is presented to Council on the results of community consultation on draft Policy No. 2.2.13 – Parklets.

COUNCIL DECISION ITEM 9.6**Moved: Cr Fotakis, Seconded: Cr Loden****That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

10.3 CITY HOMELESSNESS FRAMEWORK COMMITTEE ACTION PLAN UPDATE**TRIM Ref:** D19/175318**Authors:** Cara Finch, Safer Vincent Advisor
Paul Morrice, A/Manager Ranger Services**Authoriser:** Andrew Murphy, Executive Director Infrastructure and Environment**Attachments:** 1. City Homeless Framework Committee Action Plan **RECOMMENDATION:****That Council:**

1. **NOTES** the update on the implementation of the City Homeless Framework Committee Action Plan (Attachment 1) and the broader Western Australian 10-Year Strategy on Homelessness; and
2. **NOTES** that Administration will provide a further update to Council on the progress of the City Homeless Framework Committee Action Plan and Western Australian 10-Year Strategy on Homelessness within the next six months.

COUNCIL DECISION ITEM 10.3**Moved:** Cr Fotakis, **Seconded:** Cr Loden**That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

10.4 STREET TREE REMOVAL REQUESTS**TRIM Ref: D19/179444****Author: Jeremy van den Bok, Manager Parks & Urban Green****Authoriser: Andrew Murphy, Executive Director Infrastructure and Environment****Attachments: Nil****RECOMMENDATION:****That Council;**

- 1. APPROVES Administration from February 2020 including on a quarterly basis in the Information Bulletin presented to Council a summary of all requests received and decisions made regarding removal of verge trees in the City of Vincent.**

COUNCIL DECISION ITEM 10.4**Moved: Cr Fotakis, Seconded: Cr Loden****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

11.3 REQUEST FOR WAIVER OF FEES - LEEDERVILLE OVAL - AFLW**TRIM Ref:** D19/176388**Author:** Karen Balm, Senior Community Partner**Authoriser:** John Corbellini, A/Executive Director Community and Business Services**Attachments:** 1. Letter from WAFC requesting waiver of fees for AFLW fixture 29 February 2020 **RECOMMENDATION:**

That Council **APPROVES** a waiver of fees for the hire of Leederville Oval for the West Australian Football Commission to host an AFLW fixture on Saturday 29 February 2020 in the amount of \$8,000 for the reasons outlined in this report.

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.4 INVESTMENT REPORT AS AT 31 OCTOBER 2019**TRIM Ref:** D19/170901**Author:** Nirav Shah, Coordinator Financial Services**Authoriser:** John Corbellini, A/Executive Director Community and Business Services**Attachments:** 1. Investment Report as at 31 October 2019 **RECOMMENDATION:**

That Council NOTES the Investment Report for the month ended 31 October 2019 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.4**Moved:** Cr Fotakis, **Seconded:** Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

11.5 FINANCIAL STATEMENTS AS AT 31 OCTOBER 2019**TRIM Ref: D19/176385****Author: Nirav Shah, Coordinator Financial Services****Authoriser: John Corbellini, A/Executive Director Community and Business Services****Attachments: 1. Financial Statements as at 31 October 2019 ****RECOMMENDATION:**

That Council RECEIVES the financial statements for the month ended 31 October 2019 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.5**Moved: Cr Fotakis, Seconded: Cr Loden****That the recommendation be adopted.****CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

11.7 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 22 OCTOBER 2019 TO 18 NOVEMBER 2019**TRIM Ref:** D19/178532**Author:** Nikki Hirrill, Accounts Payable Officer**Authoriser:** John Corbellini, A/Executive Director Community and Business Services**Attachments:**

1. Payments by EFT, BPAY and Payroll November 19 
2. Payments by Cheque November 19 
3. Payments by Direct Debit November 19 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 22 October 2019 to 18 November 2019 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT and BPAY payments, including payroll	\$5,271,352.39
Cheques	\$8,025.11
Direct debits, including credit cards	\$193,330.14
Total payments for November 2019	\$5,472,707.64

COUNCIL DECISION ITEM 11.7**Moved:** Cr Fotakis, **Seconded:** Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)



12.5 ACQUISITION OF THE RIGHT OF WAY KNOWN AS LOT 305, BOUNDED BY CHARLES, WALCOTT AND HILDA STREETS, NORTH PERTH AS CROWN LAND, AND VESTING IN THE CITY AS A PUBLIC RIGHT OF WAY

TRIM Ref: D19/166783

Author: Daniel Janssen, Land Projects Officer

Authoriser: Meluka Bancroft, Executive Manager Corporate Strategy and Governance

Attachments:

1. Plan showing portion of right of way (Lot 305) within the Walcott Street road reserve 
2. Plan of full extent of the right of way (Lot 305 on DP 28281) 

RECOMMENDATION:

That Council:

1. **REQUESTS** the Minister for Lands to acquire the private right of way known as Lot 305 on Plan 28281 and being the land comprised in Certificate of Title Volume 2217 Folio 814 (Lot 305), as shown in Attachment 2, as Crown land pursuant to section 52(1)(b) of the *Land Administration Act 1997* (LAA) subject to the Chief Executive Officer:
 - 1.1 notifying the owners of each lot adjacent to Lot 305 of the proposed acquisition;
 - 1.2 advising all suppliers of public utility services to Lot 305 of the proposed acquisition;
 - 1.3 stating in the notices referred in 1.1 and 1.2 above that submissions must be provided to the City within 31 days of the date of the notice; and
 - 1.4 considering and responding to any submissions or objections received;
2. **NOTES** that any submissions or objections received in accordance with recommendation 1. above will be considered by the Chief Executive Officer and incorporated into the request to the Minister for Lands; and
3. Following the acquisition of Lot 305, **REQUESTS** the Minister for Lands to reserve Lot 305 as a reserve for the purpose of a public right of way and place the care, control and management in the City of Vincent pursuant to sections 41 and 46(1) of the *Land Administration Act 1997*.

COUNCIL DECISION ITEM 12.5

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

12.6 LEEDERVILLE GARDENS INC.

TRIM Ref: D19/178571

Author: John Paton, Executive Manager - Office of the CEO

Authoriser: David MacLennan, Chief Executive Officer

Attachments: 1. Leederville Gardens Inc. Rules of Association **RECOMMENDATION:**

That Council:

1. **CONSENTS** to an amendment to sub-rule 51 (1) of the Rules of Leederville Gardens Inc. as detailed below:
 - (a) *accumulated operating surplus means the Members Funds of the Association at the relevant year end less:*
 - (i) *Any amounts which in the opinion of the Board are likely to be required and have been set aside for:*
 - *The replacement of the Association's assets;*
 - *The planned maintenance of the Association's assets;*
 - *The purchase or construction of new assets for the Association; and*
 - *The repurchase of resident leases including capital improvements required.*
 - (ii) *Reserves arising out of a capital revaluation.*
 - (iii) *The Deferred Management Fund (DMF).*
 - (iv) *Any amounts which, in the opinion of the Board, should be retained for orderly operation and enhancement of the village.*
- and
2. **ADVISES** the Board of Management of Leederville Gardens Inc. of its decision in 1 above.

COUNCIL DECISION ITEM 12.6**Moved:** Cr Fotakis, **Seconded:** Cr Loden

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

12.8 INFORMATION BULLETIN**TRIM Ref:** D19/183248**Author:** Sharron Kent, Governance and Council Liaison Officer**Authoriser:** David MacLennan, Chief Executive Officer

- Attachments:**
1. Confirmed Minutes of the Design Review Panel Meeting held on 2 October 2019 
 2. Confirmed Minutes of the Design Review Panel Meeting held on 16 October 2019 
 3. Unconfirmed Minutes of the Safer Vincent Advisory Group meeting held on 25 September 2019 
 4. Statistics for Development Applications as at November 2019 
 5. Monthly Street Tree Removal Information 
 6. Report on Environmental Health Australia National Conference 2019 
 7. Register of Legal Action and Prosecutions Monthly - Confidential - Confidential
 8. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 21 November 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 - December 2019 
 12. Register of Notices of Motion - Progress Report - December 2019 
 13. Register of Reports to be Actioned - Progress Report - December 2019 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated December 2019.

COUNCIL DECISION ITEM 12.8

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

9 STRATEGY & DEVELOPMENT

9.4 NOS. 514-516 (LOT: 14-16; D/P: 1106) WILLIAM STREET, HIGHGATE - PROPOSED FOUR GROUPED DWELLINGS








TRIM Ref: D19/169932

Author: Karsen Reynolds, Urban Planner

Authoriser: Jay Naidoo, Manager Development & Design

Ward: South

Attachments:

1. Consultation and Location Map 
2. Proposed Development Plans 
3. Supporting Information 
4. Summary of Submissions - Administration Response 
5. Summary of Submissions - Applicant Response 
6. Design Review Panel Meeting Minutes 
7. 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 Four (4) Grouped Dwellings at Nos. 514-516 (Lots: 14-16; D/P: 1210) William Street, Highgate, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Development Plans

- 1.1 The development must be at all times constructed and used precisely as shown on the approved plans, both internally and externally, to the satisfaction of the City; andww
- 1.2 The Unit 2 'Multi-Purpose' room shall not be used as a kitchen, kitchenette, or laundry, to the satisfaction of the City;

2. Amalgamation

Prior to the lodgement of a Building Permit application for the proposed development, Lot 14, Lot 15 and Lot 16 ('The lots') are to be amalgamated into a single lot on a Certificate of Title; or alternatively, the owner entering into a legal agreement with the City and secured by an absolute caveat lodged over the certificates of title to the Lots requiring the amalgamation to be completed within twelve months of the issue of a Building Permit for the proposed works;

The owner shall be responsible to pay all costs associated with the City's solicitor's costs incidental to the preparation of (including all drafts) and stamping of the agreement and lodgement of the absolute caveat;

3. Boundary Walls

The owners of the subject land shall finish and maintain the surface of all boundary walls facing adjoining properties in a good and clean condition prior to practical completion of the development to the satisfaction of the City. The finish of the boundary walls is to be fully rendered or face brickwork; or material as otherwise approved; to the satisfaction of the City;

4. Landscaping

- 4.1 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 construction. 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 provision of a minimum of 15 percent deep soil area per unit;
- The provision of canopy cover that is no less than that shown on the approved plans; and
- The provision of trees within deep soil areas on site to maximise the amount of canopy coverage. The tree species are to be in accordance with the City's recommended tree species list;

4.2 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

4.3 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;

5. 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;

6. 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;

7. Sightlines

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

7.1 Walls, letterboxes or fences adjoin vehicular access points to the site; or

7.2 A driveway meets a public street; or

7.3 Two streets intersect;

Unless otherwise approved by the City of Vincent;

8. Car Parking and Access

8.1 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;

8.2 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;

8.3 Vehicle access points are required to match into existing right of way levels;

8.4 Prior to the first occupation of the development, redundant or "blind" crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner's full expense; and

8.5 All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications;

9. Schedule of External Finishes

The colours, materials and finishes of the development shall be in accordance with the approved elevations and schedule of finishes which forms part of this approval, unless otherwise approved by the City's Design Review Panel prior to the issue of the 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;

10. 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;

11. Visual Privacy

Prior to occupancy of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City;

12. Right of Way

The landowner shall remove any development or other works and shall seal, drain and grade to match the existing right of way within 1.5 metres of the eastern lot boundary at the time the portion of ROW widening is ceded to the City. Any costs associated with the above are the responsibility of the owner; and

13. Dilapidation Report

A Dilapidation Report for No. 512 William Street Highgate, No. 518 William Street Highgate and No. 21 Harley Street, Highgate shall be prepared and submitted to the City prior to the commencement of the development.

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be adopted.

PROPOSED AMENDMENT

Moved: Cr Loden, Seconded: Cr Hallett

That the recommendation be amended as follows:

That Condition 4.1 be amended to include a sixth dot point as follows:

“The provision of two (2) Broad Leaved Paperbark trees within the verge of William Street adjoining the development site. The trees are to be a minimum of 200 litres;”.

AMENDMENT CARRIED (8-1)

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

Against: Cr Topelberg

COUNCIL DECISION ITEM 9.4

Moved: Cr Topelberg, Seconded: Cr Loden

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 Four (4) Grouped Dwellings at Nos. 514-516 (Lots: 14-16; D/P: 1210) William Street, Highgate, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 7:

1. Development Plans

- 1.1 The development must be at all times constructed and used precisely as shown on the approved plans, both internally and externally, to the satisfaction of the City; andww**
- 1.2 The Unit 2 'Multi-Purpose' room shall not be used as a kitchen, kitchenette, or laundry, to the satisfaction of the City;**

2. Amalgamation

Prior to the lodgement of a Building Permit application for the proposed development, Lot 14, Lot 15 and Lot 16 ('The lots') are to be amalgamated into a single lot on a Certificate of Title; or alternatively, the owner entering into a legal agreement with the City and secured by an absolute caveat lodged over the certificates of title to the Lots requiring the amalgamation to be completed within twelve months of the issue of a Building Permit for the proposed works;

The owner shall be responsible to pay all costs associated with the City's solicitor's costs incidental to the preparation of (including all drafts) and stamping of the agreement and lodgement of the absolute caveat;

3. Boundary Walls

The owners of the subject land shall finish and maintain the surface of all boundary walls facing adjoining properties in a good and clean condition prior to practical completion of the development to the satisfaction of the City. The finish of the boundary walls is to be fully rendered or face brickwork; or material as otherwise approved; to the satisfaction of the City;

4. Landscaping

4.1 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 construction. 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 provision of a minimum of 15 percent deep soil area per unit;**
- The provision of canopy cover that is no less than that shown on the approved plans;**
- The provision of trees within deep soil areas on site to maximise the amount of canopy coverage. The tree species are to be in accordance with the City's recommended tree species list; and**
- The provision of two (2) Broad Leaved Paperbark trees within the verge of William Street adjoining the development site. The trees are to be a minimum of 200 litres;**

4.2 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

4.3 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;

5. 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;

6. 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;

7. Sightlines

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

7.1 Walls, letterboxes or fences adjoin vehicular access points to the site; or

7.2 A driveway meets a public street; or

7.3 Two streets intersect;

Unless otherwise approved by the City of Vincent;

8. Car Parking and Access

8.1 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;

8.2 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;

8.3 Vehicle access points are required to match into existing right of way levels;

8.4 Prior to the first occupation of the development, redundant or “blind” crossovers shall be removed and the verge and kerb made good to the satisfaction of the City, at the applicant/owner’s full expense; and

8.5 All new crossovers shall be constructed in accordance with the City’s Standard Crossover Specifications;

9. Schedule of External Finishes

The colours, materials and finishes of the development shall be in accordance with the approved elevations and schedule of finishes which forms part of this approval, unless otherwise approved by the City’s Design Review Panel prior to the issue of the 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;

10. 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;

11. Visual Privacy

Prior to occupancy of the development, all privacy screening shall be visually impermeable and is to comply in all respects with the requirements of Clause 5.4.1 of the Residential Design Codes (Visual Privacy) deemed to comply provisions, to the satisfaction of the City;

12. Right of Way

The landowner shall remove any development or other works and shall seal, drain and grade to match the existing right of way within 1.5 metres of the eastern lot boundary at the time the portion of ROW widening is ceded to the City. Any costs associated with the above are the responsibility of the owner; and

13. Dilapidation Report

A Dilapidation Report for No. 512 William Street Highgate, No. 518 William Street Highgate and No. 21 Harley Street, Highgate shall be prepared and submitted to the City prior to the commencement of the development.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

10 INFRASTRUCTURE & ENVIRONMENT

10.1 RESPONSE TO PETITION REQUESTING THE RELOCATION OF PARKING ON TURNER STREET, HIGHGATE ADJACENT JACK MARKS RESERVE

TRIM Ref: D19/179993

Author: Paul Morrice, A/Manager Ranger Services

Authoriser: Andrew Murphy, Executive Director Infrastructure and Environment

Attachments: 1. Petition - Confidential
2. Location Map of Petitioners - Confidential
3. Existing Parking Arrangements on Turner Street (Plan No. 3462-PP-01) 

Tabled Attachments:1. [Plan No. 3462-PP-02](#)

2. [Plan No. 3462-PP-04](#)

RECOMMENDATION:

That Council:

1. APPROVES consultation with Turner Street, Highgate residents in relation to the proposed minor parking amendments communicating the following;
 - 1.1 The proposed reallocation of all street parking on Turner Street, Highgate from the north side to the south side of the street; and
 - 1.2 The proposed reallocation of the 'No Stopping' zone on Turner Street, Highgate from the south side to the north side of the street; and
2. NOTES that any submissions received as a result of the consultation as set out in clause 1 above will be presented to Council by March 2020 for consideration.

Moved: Cr Fotakis, Seconded: Cr Loden

That the recommendation be adopted.

PROPOSED AMENDMENT 1

Moved: Cr Loden, Seconded: Cr Castle

That the recommendation be amended as shown in strikethrough and in red below:

That Council:

1. APPROVES consultation with Turner Street, Highgate residents in relation to the proposed minor parking amendments communicating the following;
 - 1.1 The proposed reallocation of ~~some~~ **some or** all street parking on Turner Street, Highgate from the north side to the south side of the street **as outlined in drawing no. 3462-PP-01, 3462-PP-02 and 3462-PP-04;** and
 - 1.2 The proposed reallocation of the 'No Stopping' zone on Turner Street, Highgate from the south side to the north side of the street; and
2. NOTES that any submissions received as a result of the consultation as set out in clause 1 above will be presented to Council by March 2020 for consideration.

AMENDMENT 1 CARRIED (9-0)

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

Against: Nil

PROPOSED AMENDMENT 2

Moved: Cr Gontaszewski, Seconded: Cr Loden

That the recommendation be amended as shown in strikethrough and in red below:

That Council:

1. **APPROVES** consultation with Turner Street, Highgate residents in relation to the proposed minor parking amendments communicating the following;
 - 1.1 The proposed reallocation of some or all street parking on Turner Street, Highgate from the north side to the south side of the street as outlined in drawing no. 3462-PP-01, 3462 – PP-02 and 3462-PP-04 **subject to amendment to drawings 3462 – PP-02 and 3462-PP-04 to retain additional bays at the eastern end of Turner Street;** and
 - 1.2 The proposed reallocation of the ‘No Stopping’ zone on Turner Street, Highgate from the south side to the north side of the street; and
2. **NOTES** that any submissions received as a result of the consultation as set out in clause 1 above will be presented to Council by March 2020 for consideration.

AMENDMENT 2 CARRIED (8-1)

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

Against: Cr Fotakis

COUNCIL DECISION ITEM 10.1

Moved: Cr Fotakis, Seconded: Cr Loden

That Council:

1. **APPROVES** consultation with Turner Street, Highgate residents in relation to the proposed minor parking amendments communicating the following;
 - 1.1 The proposed reallocation of some or all street parking on Turner Street, Highgate from the north side to the south side of the street as outlined in drawing no. 3462-PP-01, 3462 – PP-02 and 3462-PP-04 subject to amendment to drawings 3462 – PP-02 and 3462-PP-04 to retain additional bays at the eastern end of Turner Street; and
 - 1.2 The proposed reallocation of the ‘No Stopping’ zone on Turner Street, Highgate from the south side to the north side of the street; and
2. **NOTES** that any submissions received as a result of the consultation as set out in clause 1 above will be presented to Council by March 2020 for consideration.

CARRIED (7-2)

For: Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden and Cr Smith

Against: Cr Topelberg and Cr Wallace

**10.2 MAKING THE PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2019
[ABSOLUTE MAJORITY DECISION REQUIRED]****TRIM Ref:** D19/174341**Authors:** Chris Dixon, A/Projects and Strategy Officer
Paul Morrice, A/Manager Ranger Services**Authoriser:** Andrew Murphy, Executive Director Infrastructure and Environment**Attachments:** 1. Parking and Parking Facilities Amendment Local Law 2019 draft 
2. Parking and Parking Facilities Local Law 2007 - marked up draft **RECOMMENDATION:****That Council:**

1. **NOTES** that public notice of the City of Vincent Parking and Parking Facilities Amendment Local Law 2019 was provided for the period 10 August 2019 to 27 September 2019 and no submissions were received;
2. **APPROVES BY AN ABSOLUTE MAJORITY**, in accordance with section 3.12(4) of the *Local Government Act 1995*, making the City of Vincent Parking and Parking Facilities Amendment Local Law 2019, at Attachment 1, **SUBJECT TO** the Chief Executive Officer:
 - 2.1 making minor administrative amendments to the version to be officially gazetted, such as the removal of text boxes and page numbers in the index;
 - 2.2 publishing the City of Vincent Parking and Parking Facilities Amendment Local Law 2019 in the *Government Gazette* in accordance with s3.12(5) of the *Local Government Act 1995* and providing a copy to the Minister for Local Government;
 - 2.2 following Gazettal, providing local public notice that the City of Vincent Parking and Parking Facilities Amendment Local Law 2019 has been published in the *Government Gazette*, in accordance with s3.12(6) of the *Local Government Act 1995*; and including the following details in the public notice:
 - a. stating the title of the local law;
 - b. summarising the purpose and effect of the local law;
 - c. stating the day the local law comes into operation; and
 - d. advising that copies of the local law may be inspected and obtained from the City's office; and
 - 2.3 following Gazettal, in accordance with the Local Laws Explanatory Memoranda Directions as issued by the Minister for Local Government on 12 November 2010, providing a copy of City of Vincent Parking and Parking Facilities Amendment Local Law 2019 and duly completed explanatory memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.

COUNCIL DECISION ITEM 10.2

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

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

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

Against: Nil

11 COMMUNITY & BUSINESS SERVICES

11.1 LEASE OF BEATTY PARK LEISURE CENTRE CAFE TO HOSPITALITY SERVICE PROVIDERS PTY LTD

TRIM Ref: D19/160400

Authors: Dale Morrissy, Manager Beatty Park Leisure Centre
Meluka Bancroft, Executive Manager Corporate Strategy and Governance

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

Attachments: 1. Submission from HISP Pty Ltd for the operation of the cafe at the Beatty Park Leisure Centre - Confidential

RECOMMENDATION:

That Council:

1. APPROVES providing local public notice pursuant to section 3.58 of the *Local Government Act 1995* of the proposed lease of the café at the Beatty Park Leisure Centre, 220 Vincent Street, Leederville, to Hospitality Industry Service Providers Pty Ltd on the following key terms:
 - 1.1 Term: Three years, commencing on 1 March 2020;
 - 1.2 Option Terms: Two five year option terms, each subject to a market rent review;
 - 1.3 Rent: \$22,984 plus GST per annum, with no rent payable between 1 March 2020 and 30 June 2020 (inclusive) to allow for the café set up period;
 - 1.4 Rent review 3% per annum, other than at the commencement of the option terms (market rent review);
 - 1.5 Outgoings: \$14,000 plus GST per annum with fixed increase of 3% per annum from 1 July 2021;
 - 1.6 Land Tax: Payable by the lessee (if applicable);
 - 1.7 Permitted Use: Café to service the Beatty Park Leisure Centre, open for the core business hours of 7am to 7pm daily, and for use for associated catering services;
 - 1.8 Repairs/maintenance: The City to undertake any repairs or maintenance to the premises. If damage is caused by the lessee, the lessee is responsible for the cost. The City is responsible for the cost of repairs due to fair wear and tear and for any structural damage;
 - 1.9 Café equipment: The City will provide the cafe equipment to the lessee in good working order. The lessee is responsible for the servicing, maintenance and repair of the equipment, at its cost. The City will replace any equipment at end of life with a comparable piece of equipment;
 - 1.10 Cleaning: Lessee to keep the premises clean and tidy at all times;
 - 1.11 Redevelopment: The City may undertake alterations, redevelopment, repair or major works to the Beatty Park Leisure Centre at any time, subject to providing the lessee with 3 months' notice. No compensation will be payable to the lessee for any loss of business as a result of such works. If the lessee suffers loss as a result of a downturn in foot traffic / customers which is a direct result of the works, the City will provide the lessee with a rent abatement in line with the reduction in customers;

- 2.12 Emergency works: The City may be required to undertake emergency works from time to time. No compensation will be payable to the lessee for any associated loss of business. If the lessee suffers loss as a result of a downturn in foot traffic / customers which is a direct result of the works, the City will provide the lessee with a rent abatement in line with the reduction in customers;
2. If no submissions are received as a result of the public notice period in recommendation 1. above, **DELEGATES BY ABSOLUTE MAJORITY** to the Chief Executive Officer the power to enter into the lease in recommendation 1. above, and **AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the lease;
3. **NOTES** that if any submissions are received as a result of the public noticed period in recommendation 1. above, the Chief Executive Officer will provide the submissions to Council for consideration, and Council will determine whether to proceed with the proposed lease to Hospitality Industry Service Providers Pty Ltd; and
4. **REQUESTS** that the Chief Executive Officer enter into a Memorandum of Understanding with Hospitality Industry Service Providers Pty Ltd to outline the healthy food options to be provided and sustainable waste management initiatives to be used.

COUNCIL DECISION ITEM 11.1

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

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

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

Against: Nil






12 CHIEF EXECUTIVE OFFICER**12.1 LEASE OF 246 VINCENT STREET, LEEDERVILLE TO MINISTER FOR WORKS - DEPARTMENT OF LOCAL GOVERNMENT, SPORT AND CULTURAL INDUSTRIES**

TRIM Ref: D19/175115

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. Schedule of capital and maintenance works - scope, cost and timing 
3. Minister for Works' lease proposal dated 21 June 2019 
4. Minister for Works' lease proposal dated 1 November 2019 
5. Comparison of loan and asset sustainability reserve 
6. 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. The \$1.6 million is to be paid to the lessee in accordance with a schedule of fit out works approved by the City, with a cap of \$1 million per annum, with the first payment to be made after 1 July 2020, or via three annual instalments of \$0.53 million, to be paid in 2020/21, 2021/22 and 2022/23. The balance of the incentive is to be applied against the rent and amortised evenly over 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;
3. **NOTES** that the City will undertake the following capital works and major maintenance works, as requested by the Minister for Works as part of the lease negotiations, over the next four financial years, totalling approximately \$500,000, with the scope, cost and timing of the works detailed in Attachment 2:
- 3.1 modernisation of the five bathroom facilities;
 - 3.2 upgrade of the ground floor tea preparation area;
 - 3.3 modernisation of the internal façade and lighting of the lift;
 - 3.4 upgrade of the two change rooms (end of trip facilities), including the installation of more lockers in the change rooms, and modernisation of the bathroom facilities;
 - 3.5 replacement of all lights with LED lights;
 - 3.6 installation of solar panels;
 - 3.7 replacement of the external vertical fins on the eastern and western ends of the building;
 - 3.8 rectification of the Donnybrook stone cladding of the building;
 - 3.9 replacement of the exterior tiles on the entrance steps as not fit for purpose; and
 - 3.10 repair of corroded external aluminium cladding.
4. **NOTES** that approximately \$200,000 will be allocated in the 2020/21 budget towards the works listed in recommendation 3. above, and scheduled for 2020/21, as detailed in Attachment 2.

At 6:51 pm, Cr Joshua Topelberg left the meeting.

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

That the recommendation be adopted.

PROPOSED AMENDMENT

Moved: Cr Hallett, **Seconded:** Cr Gontaszewski

That recommendation 1.13 be amended as shown in strikethrough and in red below:

- 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. The **maximum amount** of \$1.6 million is to be paid to the lessee in accordance with a schedule of fit out works approved by the City, with a cap of ~~\$1 million~~ **\$0.53 million** per annum, ~~with the first payment to be made after 1 July 2020, or~~ via three annual instalments ~~of \$0.53 million~~ to be paid in 2020/21, 2021/22 and 2022/23. The balance of the incentive is to be applied against the rent and amortised evenly over the lease term;

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Topelberg was absent from the Council Chamber and did not vote.)

COUNCIL DECISION ITEM 12.1

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

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. The maximum amount of \$1.6 million is to be paid to the lessee in accordance with a schedule of fit out works approved by the City, with a cap of \$0.53 million per annum, via three annual instalments to be paid in 2020/21, 2021/22 and 2022/23. The balance of the incentive is to be applied against the rent and amortised evenly over 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;
3. **NOTES** that the City will undertake the following capital works and major maintenance works, as requested by the Minister for Works as part of the lease negotiations, over the next four financial years, totalling approximately \$500,000, with the scope, cost and timing of the works detailed in Attachment 2:
- 3.1 modernisation of the five bathroom facilities;
 - 3.2 upgrade of the ground floor tea preparation area;
 - 3.3 modernisation of the internal façade and lighting of the lift;
 - 3.4 upgrade of the two change rooms (end of trip facilities), including the installation of more lockers in the change rooms, and modernisation of the bathroom facilities;
 - 3.5 replacement of all lights with LED lights;
 - 3.6 installation of solar panels;
 - 3.7 replacement of the external vertical fins on the eastern and western ends of the building;
 - 3.8 rectification of the Donnybrook stone cladding of the building;
 - 3.9 replacement of the exterior tiles on the entrance steps as not fit for purpose; and
 - 3.10 repair of corroded external aluminium cladding.
4. **NOTES** that approximately \$200,000 will be allocated in the 2020/21 budget towards the works listed in recommendation 3. above, and scheduled for 2020/21, as detailed in Attachment 2.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Topelberg was absent from the Council Chamber and did not vote.)

At 7:05 pm, Cr Joshua Topelberg returned to the meeting.

12.7 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 26 NOVEMBER 2019

TRIM Ref: D19/183250

Author: Meluka Bancroft, Executive Manager Corporate Strategy and Governance

Authoriser: David MacLennan, Chief Executive Officer

Attachments: 1. Minutes of the Audit Committee - 26 November 2019 **RECOMMENDATION:**

That Council:

1. RECEIVES this report from the Audit Committee meeting of 26 November 2019; and
2. APPROVES the recommendations of the Audit Committee as set out in the Minutes of the 26 November 2019 meeting (Attachment 1).

Moved: Cr Topelberg, Seconded: Cr Loden

That the recommendation be adopted.

PROCEDURAL MOTION**Moved: Cr Topelberg, Seconded: Cr Hallett****That so much of the Meeting Procedures Local Law be suspended as necessary to allow free and open discussion relating to the Audited Annual Financial Statements and the Auditor's Concluding Memorandum for the year ended 30 June 2019.****CARRIED UNANIMOUSLY (9-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil*At 7.06pm Presiding Member Mayor Emma Cole invited Mr Greg Godwin of Moore Stephens (WA) Pty Ltd and Mr Aram Madnack of the Office of the Auditor General into the meeting.**Discussion ensued.**At 7.19pm Mr Greg Godwin of Moore Stephens (WA) Pty Ltd and Mr Aram Madnack of the Office of the Auditor General left the meeting.***PROCEDURAL MOTION****Moved: Cr Topelberg, Seconded: Cr Loden**

That Council resume the Meeting Procedures Local Law.

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

COUNCIL DECISION ITEM 12.7

Moved: Cr Topelberg, Seconded: Cr Loden

That Council:

- 1. RECEIVES this report from the Audit Committee meeting of 26 November 2019; and**
- 2. APPROVES the recommendations of the Audit Committee as set out in the Minutes of the 26 November 2019 meeting (Attachment 1).**

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

13 COMMUNITY & BUSINESS SERVICES

11.2 DRAFT ANNUAL REPORT 2018/19

TRIM Ref: D19/163127

Authors: Joanne Fitzpatrick, Marketing and Communications Officer
Gemma Carter, A/Manager Marketing and Communications
Rosslind Ellis, Manager Marketing and Partnerships

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

Attachments: 1. Draft Annual Report 2018/19 

Tabled Attachments:1. [Mayors Message – Annual Report 2019](#)

2. [CEO Forward – Annual Report 2019](#)

RECOMMENDATION:

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, ACCEPTS BY AN ABSOLUTE MAJORITY the City of Vincent Annual Report for the 2018/2019 Financial Year, included as Attachment 1;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, CONVENES a General Meeting of Electors of the City of Vincent to be held on Tuesday 28 January 2019 at 6.00pm in the City's Council Chambers, to present the City of Vincent Annual Report for the 2018/2019 Financial Year; and
3. NOTES that:
 - 3.1 the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
 - 3.2 pursuant to Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the General Meeting of Electors to be held on Tuesday 28 January and of the availability of the City of Vincent Annual Report for the 2018/2019 Financial Year, as soon as practicable after the report has been accepted by Council; and
 - 3.3 pursuant to Regulation 51 of the Local Government (Financial Management) Regulations 1996, the Director General of the Department of Local Government, Sports and Cultural Industries will be provided with a copy of the City of Vincent Annual Report for the 2018/2019 Financial Year, inclusive of the Annual Financial Report for the same period and the Auditor's Report on that Financial Report.

Moved: Cr Topelberg, Seconded: Cr Hallett

That the recommendation be adopted.

AMENDMENT

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

That the recommendation 1 be amended as shown in strikethrough and in red below:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2018/2019 Financial Year, included as Attachment 1, **inclusive of the Mayor and CEO's forward tabled at the meeting;**

AMENDMENT CARRIED (9-0)

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

Against: Nil

COUNCIL DECISION ITEM 11.2

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

That Council:

1. Pursuant to Section 5.54(1) of the *Local Government Act 1995*, **ACCEPTS BY AN ABSOLUTE MAJORITY** the City of Vincent Annual Report for the 2018/2019 Financial Year, included as Attachment 1, inclusive of the Mayor and CEO's forward tabled at the meeting;
2. Pursuant to Section 5.27 of the *Local Government Act 1995*, **CONVENES** a General Meeting of Electors of the City of Vincent to be held on Tuesday 28 January 2019 at 6.00pm in the City's Council Chambers, to present the City of Vincent Annual Report for the 2018/2019 Financial Year; and
3. **NOTES** that:
 - 3.1 the report will be subject to further formatting and styling to be determined by the Chief Executive Officer, prior to publication;
 - 3.2 pursuant to Sections 5.29 and 5.55 of the *Local Government Act 1995*, the Chief Executive Officer will give local public notice of the General Meeting of Electors to be held on Tuesday 28 January and of the availability of the City of Vincent Annual Report for the 2018/2019 Financial Year, as soon as practicable after the report has been accepted by Council; and
 - 3.3 pursuant to Regulation 51 of the *Local Government (Financial Management) Regulations 1996*, the Director General of the Department of Local Government, Sports and Cultural Industries will be provided with a copy of the City of Vincent Annual Report for the 2018/2019 Financial Year, inclusive of the Annual Financial Report for the same period and the Auditor's Report on that Financial Report.






CARRIED BY ABSOLUTE MAJORITY (9-0)

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

Against: Nil

****The consolidated version of the Annual Report is available on the City's [website](#)**

11.6 NOVEMBER 2019 BUDGET REVIEW (INCLUDING CARRY FORWARDS)**TRIM Ref:** D19/176955**Author:** Vanisha Govender, Manager Financial Services**Authoriser:** John Corbellini, A/Executive Director Community and Business Services**Attachments:**

1. Comprehensive Income by Nature and Type 
2. Comprehensive Income by Program 
3. Rate Setting Statement 
4. List of other proposed Budget Amendments 
5. List of proposed Capital Budget Amendments 

RECOMMENDATION:

That Council BY ABSOLUTE MAJORITY APPROVES the following amendments to the 2019/2020 Annual Budget:

- a) An increase in the Operating Budget of \$120,827 as per the individual line item adjustments listed in Attachments 1 and 2;
- b) A net increase in Reserve movement totalling \$93,295 as reflected in Attachment 3; and
- c) A reduction in the Capital Expenditure Budget of \$352,595 as per the individual line item amendments listed in Attachment 5
- d) A decreased in the opening surplus of \$118,813 as per Attachment 3.

COUNCIL DECISION ITEM 11.6**Moved:** Cr Loden, **Seconded:** Cr Fotakis

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil

12 CHIEF EXECUTIVE OFFICER**12.2 APPOINTMENT OF ELECTED MEMBER TO THE METROPOLITAN REGIONAL ROAD SUB-GROUP (CENTRAL)****TRIM Ref:** D19/38126**Author:** Craig Wilson, Manager Asset & Engineering**Authoriser:** Andrew Murphy, Executive Director Infrastructure and Environment**Attachments:** Nil**RECOMMENDATION:**

That Council APPOINTS _____ as the City's representative on the Metropolitan Regional Road Sub-Group (Central) for a term expiring on 16 October 2021.

COUNCIL DECISION ITEM 12.2**Moved:** Cr Hallett, **Seconded:** Cr Topelberg

That Council APPOINTS Cr Hallett as the City's representative on the Metropolitan Regional Road Sub-Group (Central) for a term expiring on 16 October 2021.

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

12.3 LEASE OF PORTION OF GRANDSTAND MEZZANINE, AEROBICS ROOM AND OLD ADMINISTRATION OFFICES AT BEATTY PARK LEISURE CENTRE - WA SWIMMING ASSOCIATION INC

TRIM Ref: D19/148226

Author: Daniel Janssen, Land Projects Officer

Authoriser: Meluka Bancroft, Executive Manager Corporate Strategy and Governance

Attachments: 1. Letter from Swimming WA requesting a new lease 

RECOMMENDATION:

That Council:

1. **APPROVES** a lease commencing 1 January 2020 to the Western Australian Swimming Association Incorporated for a portion of the office space at the Beatty Park Leisure Centre on the following key items:

- | | | |
|------|---------------------------------------|--|
| 1.1 | Term: | 1.5 years commencing 1 January 2020, to align with the Beatty Park Leisure Centre Options Project implementation; |
| 1.2 | Lease Area: | 377.766 m ² ; |
| 1.3 | Rent: | \$48,294 plus GST per annum indexed to CPI; |
| 1.4 | Outgoings contribution: | \$11,333 plus GST per annum, commencing 1 July 2020, based on a rate of \$30/m ² to cover the utility and building insurance costs; |
| 1.5 | Emergency Services Levy: | Payable by the Lessee; |
| 1.6 | Repair of damage: | Lessee is liable for the cost of the repair of any damage resulting from its use of the premises. The City will arrange the repair / maintenance work; |
| 1.7 | Insurance: | Lessee to effect and maintain public liability insurance of a minimum of \$20,000,000 for any claim; |
| 1.8 | Sub Lease: | Power to sub lease parts of the Lease Area subject to the Lessor's consent, which can not be unreasonably withheld; |
| 1.9 | Redevelopment / capital works: | The City may at its discretion undertake any major capital works or the redevelopment of a portion of the Beatty Park Leisure Centre, subject to providing at least 6 months' notice in writing to the Lessee. If the works are deemed by the City to adversely impact the Lessee's use of the Premises, the lease will terminate, and no compensation to the Lessee will be payable. The City will endeavour to find the Lessee any alternative space within the centre to use during the redevelopment period; and |
| 1.10 | Car parking licence: | Lessee may use 7 staff parking bays and 2 visitor bays within the Beatty Park Leisure Centre car park between business hours, 7.30am – 5.30pm Monday – Friday; |

2. **NOTES** that the City values the Western Australian Swimming Association Incorporated's use of a portion of the Beatty Park Leisure Centre and will look to accommodate their continued use once the Beatty Park Leisure Centre Options Project is completed;

3. **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 lease in recommendation 1. above; and

4. **DELEGATES BY ABSOLUTE MAJORITY** to the Chief Executive Officer under section 5.42 of the *Local Government Act 1995* the power to approve a variation of the lease in recommendation 1. above in respect to the lease area and associated lease fee and outgoings fee, in the event a sub lessee terminates a sub lease with Western Australian Swimming Association Incorporated.

COUNCIL DECISION ITEM 12.3

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

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)

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

Against: Nil

12.4 COUNCIL RECESS PERIOD 2019-20 - DELEGATED AUTHORITY TO THE CHIEF EXECUTIVE OFFICER**TRIM Ref:** D19/163255**Author:** Meluka Bancroft, Executive Manager Corporate Strategy and Governance**Authoriser:** David MacLennan, Chief Executive Officer**Attachments:** Nil**RECOMMENDATION:**

That Council:

1. **DELEGATES BY ABSOLUTE MAJORITY**, pursuant to section 5.42 of the *Local Government Act 1995*, to the Chief Executive Officer, the power to deal with any items of business that may arise from 11 December 2019 to 27 January 2020, and which are not the subject of delegated authority already granted by Council, subject to:
 - 1.1. Reports being issued to all Elected Members for a period of three business days prior to the delegated decision being made and no requests for 'call-in' of the matter being received from Elected Members;
 - 1.2. Reports being displayed on the City's website for a period of three business days prior to the delegated decision being made;
 - 1.3. A report summarising the items of business dealt with under delegated authority being submitted for information to Council at its Ordinary Meeting to be held on 11 February 2020; and
 - 1.4. A Register of Items Approved under this Delegated Authority being kept and made available for public inspection on the City's website during the period that the delegation applies; and
2. **DETERMINES** for the purpose of section 5.43(b) of the *Local Government Act 1995* that the Chief Executive Officer can accept tenders up to a maximum value of \$500,000 for the period 11 December 2019 to 27 January 2020 subject to the conditions in recommendation 1.1 to 1.4 above.

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

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (9-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Loden, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil

13 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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**PROCEDURAL MOTION****Moved: Cr Castle, 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, Council proceeds “behind closed doors” at the conclusion of the items, to consider the confidential report.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

At 7.28pm the meeting went behind closed doors and live streaming was stopped.

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
	Emma Simmons	Governance Projects Officer

No members of the press or public were present.

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

That the Council resume an “open meeting”.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

At 7.52pm Council resumed an open meeting, live streaming was resumed.

Presiding Member Mayor Emma Cole read aloud the following resolution as carried behind closed doors.

17.1 APPOINTMENT OF EXECUTIVE DIRECTOR COMMUNITY AND BUSINESS SERVICES

COUNCIL DECISION ITEM 17.1

Moved: Cr Topelberg, Seconded: Cr Loden

That Council, pursuant to section 5.37(2) of the *Local Government Act 1995*, ACCEPTS the recommendation of the Chief Executive Officer to employ the preferred candidate, as the City's Executive Director Community and Business Services on a five year (5) contract of employment, subject to the terms and conditions as determined by the Chief Executive Officer.

CARRIED UNANIMOUSLY (9-0)

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

Against: Nil

18 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 7.56pm 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
	Emma Simmons	Governance Projects Officer

No members of the press or public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 10 December 2019.

Signed: Mayor Emma Cole

Dated