



CITY OF VINCENT

MINUTES

Special Council Meeting

28 January 2020

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**MINUTES OF CITY OF VINCENT
SPECIAL COUNCIL MEETING
HELD AT THE ADMINISTRATION AND CIVIC CENTRE
244 VINCENT STREET, LEEDERVILLE
ON TUESDAY, 28 JANUARY 2020 AT 7.23PM**

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 Joshua Topelberg	South Ward
	Cr Sally Smith	North Ward
	Cr Ashley Wallace	South Ward

IN ATTENDANCE:

David MacLennan	Chief Executive Officer
Andrew Murphy	Executive Director Infrastructure & Environment
Jordan Korovesi	A/Manager Policy and Place
Dale Morrissy	A/Manager Community & Business Services
Meluka Bancroft	Executive Manager Corporate Strategy & Governance
Sandra Watson	Manager Customer Service & Library
Debra Costarella	Council Liaison Officer

Media: Nil

Public: Approximately 7 members of the public.

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

The Presiding Member, Emma Cole, declared the meeting open at 7.23pm 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 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.

3.1 David Read of Element 1, on behalf of Kidz Galore Pty Ltd, of Perth - Item 5.1

- Supports the recommendation.
- Provided an outline of Kidz Galore’s history.
- Stated that Kidz Galore is looking for direction and assistance from Council.
- Thanked the Mayor and the community for their help on this matter.

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

3.2 Marie Boyd of North Perth - Item 5.1

- Advised that she has not seen the recommendations or the Agenda for the meeting on the City’s website.
- Supports the recommendation.

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

3.3 Shanahan Mooney of North Perth – Item 5.1

- Raised concerns with anti social behaviour and underage drinking that may result from having a skate park in the area.

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

There being no further speakers, Public Question Time closed at approximately 7.34pm.

4 DECLARATIONS OF INTEREST

4.1 Nil

5 STRATEGY & DEVELOPMENT

5.1 HAYNES STREET RESERVE DEVELOPMENT PLAN - NO. 15 HAYNES STREET, NOS. 25 AND 31 SYDNEY STREET, NORTH PERTH

- Attachments:
1. Plan of Haynes Street Reserve Land Parcels 
 2. Consultation Map 
 3. Haynes Street Reserve Development Plan (3a) Transition Plan (3b) and Landscaping Plan (3c) 

RECOMMENDATION:

That Council:

1. **NOTES** that the current use of No. 15 (Lot 9) Haynes Street, North Perth is in breach of the Deed of Trust dated 2 October 1941 and therefore the Attorney General or the Supreme Court could require the City (as the trustee) to comply with the Deed of Trust, hold the City liable for the breach or give directions in respect to the administration of the Deed of Trust, in accordance with Section 21 of the *Charitable Trusts Act 1962*;
2. **ENDORSES** the draft Haynes Street Reserve Development Plan (includes proposed transition plan and proposed landscaping concept plan), included as Attachment 3, for submission to the Attorney General in accordance with Recommendation 3, and advertising for public comment subject to approval from the Attorney General;
3. **NOTES** the proposed five year transition plan at Attachment 3b for the childcare service based on the length of time children currently enrolled would require that service;
4. **AUTHORISES** the Mayor to apply for approval from the Attorney General for the draft Haynes Street Reserve Development Plan including the following information to support the Development Plan:
 - a. **Acknowledgement** that the City has been in breach of the Deed of Trust dated 21 October 1941 in respect to its use of No. 15 (Lot 9) Haynes Street, North Perth as a child care premises;
 - b. **Confirmation** that the City intends to transition the use of No. 15 (Lot 9) Haynes Street to comply with the Deed of Trust in accordance with the draft Haynes Street Reserve Development Plan included as Attachment 3;
 - c. **The following proposed terms for a future lease of No. 15 (Lot 9) Haynes Street:**
 - i. **From the commencement of the new lease, no enrolments should be taken for the site after 31 December 2025;**
 - ii. **At the end of year 2, the lessee would need to submit a satisfactory relocation plan or business plan which shows a transition from the site or how they will scale down the current operations by the end of year 5. If this is considered to be sufficient, the 2 year option period may be considered by the City; and**
 - iii. **At the end of year 4, the City would require a closure plan which demonstrates the timeline of closure and removal of buildings and property from the site. If this is considered to be sufficient, an additional 1 year lease may be considered by the City.**
 - d. **The City's commitment that past revenue to the value of \$134,241.13 obtained from the use of No. 15 (Lot 9) Haynes Street, since the 2015/16 financial year, will be used to return No. 15 (Lot 9) Haynes Street to public open space in accordance with the timeframe of the draft Haynes Street Reserve Development Plan;**
 - e. **The City's commitment that all additional revenue obtained from the use of No. 15 (Lot 9) Haynes Street will be used to return No. 15 (Lot 9) Haynes Street to public open space in**

accordance with the timeframe of the draft Haynes Street Reserve Development Plan;

- f. The City's commitment to convert No. 31 (Lot 100) Sydney Street into public open space in accordance with the timeframe of the draft Haynes Street Reserve Development Plan;
- g. Any additional information requested by the Attorney General or the Department of Justice; and

5. NOTES:

- a. The outcomes of preliminary consultation on the use of Haynes Street Reserve;
- b. The timeframes proposed in the draft Haynes Street Reserve Development Plan and any subsequent leases for No. 15 (Lot 9) Haynes Street, North Perth would be subject to approval by the Attorney General and public notice pursuant to Section 3.58 of the *Local Government Act 1995*;
- c. If the Attorney General makes modifications or does not approve the Transition Plan, this decision will be presented to Council; and
- d. If the Attorney General approves the draft Haynes Street Reserve Development Plan included in Attachment 3, the following process would be followed:
 - i. The draft Haynes Street Reserve Development Plan will be advertised for public comment; and
 - ii. Administration will present a report to Council outlining the results of consultation and making a recommendation regarding whether to proceed with the draft Haynes Street Reserve Development Plan.

Moved: Cr Topelberg, Seconded: Cr Fotakis

That the recommendation be adopted.

AMENDMENT 1

Moved: Cr Topelberg, Seconded: Cr Fotakis

That the recommendation be amended as follows:

- 4. AUTHORISES the Mayor to apply for approval from the Attorney General for the draft Haynes Street Reserve Development Plan including the following information to support the Development Plan:
 - a. Acknowledgement that the City has been in breach of the Deed of Trust dated 21 October 1941 in respect to its use of No. 15 (Lot 9) Haynes Street, North Perth as a child care premises;
 - b. Confirmation that the City intends to transition the use of No. 15 (Lot 9) Haynes Street to comply with the Deed of Trust in accordance with the draft Haynes Street Reserve Development Plan included as Attachment 3;
 - c. The following proposed ~~terms conditions~~ for a future lease of No. 15 (Lot 9) Haynes Street:
 - i. **The lease shall expire on 31 December 2025;**
 - ii. From the commencement of the new lease, no enrolments should be taken for the site after 31 December 2025;
 - iii. At the end of year 2, the lessee ~~would need is required~~ to submit a satisfactory relocation plan or business plan, which shows a transition from the site or how they will scale down the current operations by the end of year 5; ~~if this is considered to be sufficient, the 2-year option period may be considered by the City; and~~
 - iv. At the end of year 4, the ~~City would require lessee is required to submit~~ a closure plan, which demonstrates the timeline of closure and removal of buildings and property from the site; ~~if this is considered to be sufficient, an additional 1-year lease may be considered by the City;~~

- v. **The failure of the lessee to provide the required information to a satisfactory standard by the timeframe specified will result in termination of the lease.**

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 5.1

That Council:

1. **NOTES** that the current use of No. 15 (Lot 9) Haynes Street, North Perth is in breach of the Deed of Trust dated 2 October 1941 and therefore the Attorney General or the Supreme Court could require the City (as the trustee) to comply with the Deed of Trust, hold the City liable for the breach or give directions in respect to the administration of the Deed of Trust, in accordance with Section 21 of the *Charitable Trusts Act 1962*;
2. **ENDORSES** the draft Haynes Street Reserve Development Plan (includes proposed transition plan and proposed landscaping concept plan), included as Attachment 3, for submission to the Attorney General in accordance with Recommendation 3, and advertising for public comment subject to approval from the Attorney General;
3. **NOTES** the proposed five year transition plan at Attachment 3b for the childcare service based on the length of time children currently enrolled would require that service;
4. **AUTHORISES** the Mayor to apply for approval from the Attorney General for the draft Haynes Street Reserve Development Plan including the following information to support the Development Plan:
 - a. **Acknowledgement** that the City has been in breach of the Deed of Trust dated 21 October 1941 in respect to its use of No. 15 (Lot 9) Haynes Street, North Perth as a child care premises;
 - b. **Confirmation** that the City intends to transition the use of No. 15 (Lot 9) Haynes Street to comply with the Deed of Trust in accordance with the draft Haynes Street Reserve Development Plan included as Attachment 3;
 - c. **The following proposed conditions for a future lease of No. 15 (Lot 9) Haynes Street:**
 - i. **The lease shall expire on 31 December 2025;**
 - ii. **From the commencement of the new lease, no enrolments should be taken for the site after 31 December 2025;**
 - iii. **At the end of year 2, the lessee is required to submit a satisfactory relocation plan or business plan, which shows a transition from the site or how they will scale down the current operations by the end of year 5;**
 - iv. **At the end of year 4, the-lessee is required to submit a closure plan, which demonstrates the timeline of closure and removal of buildings and property from the site;**
 - v. **The failure of the lessee to provide the required information to a satisfactory standard by the timeframe specified will result in termination of the lease.**
 - d. **The City's commitment that past revenue to the value of \$134,241.13 obtained from the use of No. 15 (Lot 9) Haynes Street, since the 2015/16 financial year, will be used to return No. 15 (Lot 9) Haynes Street to public open space in accordance with the timeframe of the draft Haynes Street Reserve Development Plan;**
 - e. **The City's commitment that all additional revenue obtained from the use of No. 15 (Lot 9) Haynes Street will be used to return No. 15 (Lot 9) Haynes Street to public open space in accordance with the timeframe of the draft Haynes Street Reserve Development Plan;**
 - f. **The City's commitment to convert No. 31 (Lot 100) Sydney Street into public open space in accordance with the timeframe of the draft Haynes Street Reserve Development Plan;**

- g. Any additional information requested by the Attorney General or the Department of Justice; and

5. NOTES:

- a. The outcomes of preliminary consultation on the use of Haynes Street Reserve;
- b. The timeframes proposed in the draft Haynes Street Reserve Development Plan and any subsequent leases for No. 15 (Lot 9) Haynes Street, North Perth would be subject to approval by the Attorney General and public notice pursuant to Section 3.58 of the *Local Government Act 1995*;
- c. If the Attorney General makes modifications or does not approve the Transition Plan, this decision will be presented to Council; and
- d. If the Attorney General approves the draft Haynes Street Reserve Development Plan included in Attachment 3, the following process would be followed:
 - i. The draft Haynes Street Reserve Development Plan will be advertised for public comment; and
 - ii. Administration will present a report to Council outlining the results of consultation and making a recommendation regarding whether to proceed with the draft Haynes Street Reserve Development Plan.

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

6 COMMUNITY & BUSINESS SERVICES**6.1 ADOPTION OF PROGRAM FEES AND CHARGES LOFTUS COMMUNITY CENTRE**

Attachments: 1. Program Fees to be included in Schedule of Fees and Charges - Loftus Community Centre 

RECOMMENDATION:

That Council:

1. **APPROVES BY ABSOLUTE MAJORITY** in accordance with section 6.16 of the *Local Government Act 1995*, the amendment to the Schedule of Fees and Charges to include the proposed Loftus Community Centre program and activity fees as at Attachment 1, commencing on 1 April 2020; and
2. **PROVIDES** local public notice of the proposed fees to be included in the City's schedule of Fees and Charges, at Attachment 1, pursuant to section 6.19 of the *Local Government Act 1995*.

COUNCIL DECISION ITEM 6.1

Moved: Cr Hallett, **Seconded:** Cr Loden

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

7 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 7.59pm 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 Joshua Topelberg	South Ward
	Cr Sally Smith	North Ward
	Cr Ashley Wallace	South Ward

IN ATTENDANCE:

David MacLennan	Chief Executive Officer
Andrew Murphy	Executive Director Infrastructure & Environment
Jordan Korovesi	A/Manager Policy and Place
Dale Morrissy	A/Manager Community & Business Services
Meluka Bancroft	Executive Manager Corporate Strategy & Governance
Sandra Watson	Manager Customer Service & Library
Debra Costarella	Council Liaison Officer

Media: Nil

Public: Approximately 7 members of the public.

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 28 January 2020.

Signed:



Mayor Emma Cole

Dated: 11 February 2020