



CITY OF VINCENT

MINUTES

Ordinary Council Meeting

17 March 2020

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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, 17 MARCH 2020 AT 6PM**

PRESENT:	<p>Mayor Emma Cole Cr Susan Gontaszewski Cr Alex Castle Cr Joanne Fotakis Cr Jonathan Hallett Cr Joshua Topelberg Cr Sally Smith Cr Ashley Wallace</p>	<p>Presiding Member South Ward North Ward North Ward South Ward South Ward North Ward South Ward</p>
IN ATTENDANCE:	<p>David MacLennan Andrew Murphy Virginia Miltrup John Corbellini Stephanie Smith Jay Naidoo Emma Simmons Wendy Barnard</p>	<p>Chief Executive Officer Executive Director Infrastructure & Environment Executive Director Community & Business Executive Director Strategy & Development Manager Policy & Place (left at 8.42pm) Manager Development & Design (left at 8.42pm) Governance Projects Officer Council Liaison Officer</p>
Media:	Nil	
Public:	Approximately 10 members of the public.	

1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY

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

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

2 APOLOGIES / MEMBERS ON LEAVE OF ABSENCE

Apology and request for leave of absence for period 17 March 2010 to 8 April 2020, inclusive (see **Item 4**) was received from Cr Dan Loden – North Ward.

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.

3.1 Marie Slyth of West Perth – Items 12.2 and 10.2

Item 12.2

- Spoke against the recommendations, specifically motion 6 which relates to the upgrade of Colvin Lane.
- Also spoke on behalf of her neighbour, Sue, who opposes the recommendation for motion 6.
- Stated that it is hazardous when exiting their driveways into Colvin Lane, because of the speed of passing traffic in the laneway.

Item 10.2

- Spoke against the recommendations.
- Objects to the bike lane due to safety concerns.

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

3.2 Carol Manus of North Perth – Item 9.1

- Spoke for the recommendations.
- Stated that there is a major shortage of suitable and affordable housing for young adults with mild intellectual disabilities.
- Stated that this proposal would help alleviate the State's housing crisis.

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

3.3 Paul DiFlorio, AdBrands Media of Perth– Item 9.2

- Spoke for the recommendations.
- Stated that AdBrands Media is a small family owned business and tenant of the building at 12 Newcastle Street.
- Stated that digital screens are presently up on the freeway, with no safety reports provided.
- Stated that the proposed screen will not affect the flow of traffic.
- Stated that Main Roads is a referral agency only, which means Council has the final decision making power.

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

3.4 Thomas Corbett of North Perth – Item 9.1

- Spoke against the recommendations, specifically condition 11.
- Stated that condition 11.2 regarding occupancy does not reflect an occupancy limit, which means up to 6 people could live at each of those dwellings, which is too many.
- Requests that Council include some wording specifying an upper limit for occupancy.

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

3.5 Carlo Giudice of North Perth – Item 9.1

- Lives on Leake Street.
- Stated that he is not averse to the intention to develop the site.
- Stated that he will remove his objection if it is limited to 3 occupants per dwelling.

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

3.6 Aaron Sta Maria from Urbanisa Town Planning, Perth – Item 12.3

- Spoke for the recommendations.
- Noted that the only change if this proposal was approved would be that the umbrellas would be fixed.

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

3.7 Dudley Maier of Highgate – items 12.2, 10.3 and 3(B)

Item 12.2

- Stated in respect to Motion 1 that the Mayor, in 2017 during her campaign, she committed to engage with the community on underground power.
- Stated in respect to Motion 3 that the request to include community submissions in reports is to force staff to address the comments.

Item 10.3

- Spoke against the recommendations.
- Stated that no community comments were considered.

Item 3(B)

Raised a number of questions relating to questions previously raised at the 11 February 2020 Council Meeting, for further response by Administration.

1. At the last meeting I asked what items were submitted to the Council Workshop on 28 January 2020. The response I received via email on the 18 February listed nine items that were discussed. The answer included in this week's agenda just lists two of the nine.
 - What is the reason for the discrepancy?
 - What items were discussed or presented at the council workshops of 28 January and 25 February?
2. At the last meeting I asked when changes to the Design Guidelines for William Street and Design Guidelines for Perth were advertised. The response is that they were advertised between 23 October and 11 December 2018. I make copies of all items that are advertised on a weekly basis, and have access to copies of the Voice. While the Built Form Policy was advertised in that period, the design guidelines were not mentioned anywhere in the material concerning the Built Form Policy.
 - What documentary evidence can you provide to show that they were advertised when you say they were?
 - And if you can't, why was I provided with an answer which is not correct and is misleading?

For the purpose of clarity this is not about the relevance of the design guidelines but about the response from the Administration.

3. At the last meeting I asked if a business in the Mt Lawley - Highgate Town Centre wanted to significantly increase patron numbers, but was not proposing a change of use, would they need to seek development approval? The answer is that they don't.
 - Given that the Council decision of 23 July 2019 only related to a change of use, what statutory authority are the Administration relying on to ignore normal planning requirements?
 - What other policies are the staff ignoring?
4. Given that the planning condition imposed by the WAPC on the office building at 246 Vincent Street states the "building shall only be used for the purposes associated directly with the management and administration of sport and recreation" will the City be applying for a change of use if staff members of the Department involved in local government or cultural industries wish to use the building?

Won't it set a bad example to the rest of the community if a change of use is not applied for?

The Presiding Member Mayor Emma Cole thanked Mr Maier for his comments and advised that a response will be provided by email and included in the 7 April 2020 Council Meeting Agenda.

3.8 Andrew Main of Leederville – Item 10.2

Item 10.2

- Spoke against the recommendations.
- Stated that he has safety concerns with proposed bike lane.

Raised several concerns in respect to the property at 54 Cowle Street, Leederville

- Stated that it is an A grade heritage listed property.
- Noted that over the past four years, the property has been constantly vandalised.
- Stated that it is covered in graffiti, the back door is often open, the roof is off.
- Urged Council to take stronger action.

The Presiding Member Mayor Emma Cole thanked Mr Main for his comments and advised that an update would be provided by email and included in the 7 April 2020 Council Meeting Agenda.

3.9 Ken Wibberley of Ecologic Homes – item 9.3

- Spoke for the recommendations.
- Stated that the proposal complies with the majority of the relevant guidelines.
- Stated that the proposal has advantages for the area, as well as retaining the existing building.

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

3.10 Maurice Nugent of West Perth – item 9.3

- The applicants referred to their proposed group dwelling as a dual occupancy scenario. Dual occupancy is by definition multiple occupancy which requires certain criteria, which this does not meet. It has to be standalone and a certain size.
- The applicants also suggested this is an all or nothing scenario, they can't afford to demolish and build group dwellings, so we leave them in their current condition or approve their current proposal.

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

There being no further speakers, Public Question Time closed at approximately 6.32pm.

(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 on 11 February 2020.

- 1. In respect to Item 12.4, stated that the lease of 246 Vincent Street is significantly different from the previous approval in that there is no longer a requirement for the \$1.6 million portion of the incentive to be spent in accordance with an approved schedule of works. On this basis queried whether the City had complied with regulation 10 of the *Local Government (Administration) Regulations 1996*?**

Regulation 10(3) provides that this regulation does not apply to a change of decision unless "the effect of the change would be that the decision would be revoked or would become substantially different." The effect of the 11 February 2020 amendment to Council's decision made at the 10 December 2019 Meeting is that a further \$25,000 of the incentive is paid to the Minister for Works, and there is no requirements for how this portion of the incentive is to be spent by the Minister for Works. The rent and the total incentive payment (40 per cent of the rent) did not change. Therefore it is Administration's view that Council's decision was not substantially different. It is noted that this

item was carried unanimously at the 11 February 2020 Meeting, which would satisfy the absolute majority requirements if regulation 10 was applicable.

2. **Did the City formally approach the Minister with a view of amending the vesting order for Leederville Oval (also known as Reserve 3839), as had previously been done in 1994, prior to the building of the child care centre on a portion of the land. If so, when?**

Administration has discussed the management order for Leederville Oval with State Government officials as part of the Leederville Oval Masterplan process – not the Minister. The City does intend to meet with the Minister for Sport to discuss the Leederville Oval Masterplan shortly.

3. **Can the City confirm that a change of use is just one of a number of circumstances that triggers the need to obtain Development Approval, noting that parking requirements and building works are examples of other triggers?**

Not all changes of use require development approval but, yes, it is one of the circumstances that may trigger the need for Development Approval. Building works would normally require development approval but, again, not in all cases.

4. **Can the City confirm that since the gazettal of the Planning and Development (Local Planning Scheme) Regulations 2015, development approval is not required for a change of use of a non-heritage listed property, if the use is permitted under the scheme, and if there is no works component, or development approval is not required for any of the works component?**

Yes, that is correct.

5. **Has the City been adhering to these Regulations since 2015?**

Yes

6. **Between 2015 and 24 July 2019 would development approval be required for a proposal in the Mount Lawley- Highgate town centre that involved a change of use to one permitted under the scheme but which required discretion in terms of parking provisions?**

Yes, Development Approval would be required in this instance.

7. **Would such a proposal be required to seek such a development approval if contemplated after 24 July 2019?**

No, development approval is not required for changes of use in the Mount Lawley/Highgate Town Centre for 12 months since the commencement of operation.

8. **Is development approval required if a business in the Mount Lawley- Highgate town centre requested a change of use which would see a significant increase in parking requirements from the current permitted use but which does not require any building works?**

No, not for the first 12 months of operation. After 12 months, a development approval is required to continue operating.

9. **Is development approval required if a business in the Mount Lawley- Highgate town centre wants to significantly increase its patronage numbers therefore requiring more parking but does not require any building works and does not propose a change of use.**

No, not for the first 12 months of operation. After 12 months, a development approval is required to continue operating.

10. On 23 July 2019 Council approved advertising changes to policy 7.51 - Minor Nature Development. Why hasn't these policy changes been advertised yet?

The change of use exemption/amnesty is being run as a trial first to inform advertising and consultation material for Policy 7.5.1. Once the results of the trial have been collated, advertising of the policy amendment will have significantly more value than if no results had been collected. Since the Council approved advertising, the State Government has also proposed its own measures to achieve a similar outcome through 'Planning Reform'. The full extent of these proposals must be understood prior to advertising the proposed amendment.

11. On the 18 September 2018 Council noted amendments to the Design Guidelines for William Street and Design Guidelines for Perth and noted that they would be advertised for 28 days. When were the changes to the two design guidelines advertised and why haven't the amendments to these guidelines come back to Council?

The guidelines were advertised between 23 October and 11 December 2018. The changes proposed to the guidelines are contingent on a simultaneous amendment to the Built Form Policy. The proposed modifications to the guidelines will be reported back to Council at the same time as Amendment 2 to the Built Form Policy.

12. What items were presented to the Council Workshop held on 28 January 2020 and which Council Members attended?

The items discussed related to the 2020/21 budget and the Long Term Financial Plan.

13. Why do the reports on the Agenda no longer show the author and the authorising officer of the reports?

This is internal administrative detail not relevant to Council's decision making process. The CEO is the authoriser of all reports to Council.

14. Why hasn't the community funding register for 2019/2020 been placed on the City's website?

The Community Funding Grants Register for the 2019/20 Financial Year is on the City's website under "Accountability and Governance - Publicly Available Council Registers" – link here - <https://www.vincent.wa.gov.au/council/publications/public-documents.aspx>
The register is updated as funding is awarded.

4 APPLICATIONS FOR LEAVE OF ABSENCE

COUNCIL DECISION

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

Cr Dan Loden requested leave from 17 March 2020 to 8 April 2020, inclusive, which includes the 17 March 2020 and 7 April 2020 Ordinary Council Meetings.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

The Council received the following deputation:

5.1 Lou Fotakis from AdBrands Media, Perth - Item 9.2

- Stated that Main Roads WA are not always consistent in their decisions.
- Stated that Main Roads WA approved a screen visible from the Mitchell Freeway, which has a six lane road system which requires the changing of lanes.
- Stated that Main Roads WA use criteria and formulas to calculate device restricted areas.
- Noted that the crash report from Main Roads WA refers to two crashes in 2014 which will fall off the 5 year report soon.
- Noted that Main Roads WA approved a screen directly above the Kwinana Freeway over the northbound line near Bulls Creek, which is also in a device restricted area.
- Stated that the proposed screen would be much higher and less intrusive on motorists.
- Noted that the screen would be over a three lane road, with no requirement to change lanes or merge.
- Encouraged Council to approve this proposal.
- Stated that the proposal is good for the City and will be a positive contribution.

6 CONFIRMATION OF MINUTES

COUNCIL DECISION

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

That the minutes of the Ordinary Meeting held on 11 February 2020 be confirmed.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

7.1 CORONAVIRUS

- Stated that social distancing measures have been put in place at this meeting and encouraged members of the public to watch the meeting via the live stream.
- Noted that large scale events, such as St Patricks Day and Anzac Day have been cancelled.
- Confirmed that the City was offering refunds to customers who hired community facilities.
- Stated that the cleaning of community facilities had been increased.

8 DECLARATIONS OF INTEREST

8.1 All Elected Members declared an impartiality interest in item 12.15 'Lease of 245 Vincent Street, Leederville to Town Team Movement', as an employee of Town Team Murphy, Jimmy Murphy is a previous Elected Member and is known by all the Elected Members.

8.2 Cr Joshua Topelberg declared a proximity interest in Item 9.5 'Amendment No 5 to Local Planning Scheme No 2 – Outcomes of Advertising'. The nature of his interest is that his primary residence is within the proposed amendment area. He is not seeking approval to participate in the debate or to remain in Chambers and vote on the matter.

8.3 Cr Joshua Topelberg declared an impartiality interest in Item 9.1 'No. 15 (Lot 5 D/P 3192) Leake Street, North Perth, Proposed Three Aged or Dependent Person's Dwellings'. The nature of his interest is that he is a former resident of Leake Street and knows a number of people on the street, including one of the landowners of 15 Leake Street. He has been contacted by the applicant and a number of residents of Leake Street in relation to the proposed development. He has not lived on Leake Street since 2014 and has no social or professional relationship with any resident of the street.

8.4 Cr Joshua Topelberg declared a financial interest in Item 10.3 'Waste Strategy Project – 8 Commercial Waste Collections Options Appraisal'. The nature of his interest is that his business is within the City of Vincent and currently utilises the City's commercial waste service. He is seeking approval to participate in the debate, but not to vote.

8.5 APPROVAL TO TAKE PART IN DISCUSSION ON ITEM 10.3 WASTE STRATEGY PROJECT - 8 COMMERCIAL WASTE COLLECTIONS OPTIONS APPRAISAL

PROCEDURAL MOTION

Moved: Cr Gontaszewski, Seconded: Cr Fotakis

That Cr Joshua Topelberg be allowed to take part in the debate on Item 10.3 Waste Strategy Project – 8 Commercial Waste Collections Options Appraisal. He is not seeking approval to vote.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

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 9.1, 9.2, 9.3, 10.2, 12.2, 12.3.
- (B) **ITEMS WHICH REQUIRE AN ABSOLUTE MAJORITY DECISION WHICH HAVE NOT ALREADY BEEN THE SUBJECT OF A PUBLIC QUESTION/COMMENT, BEING:**
ITEMS 11.2, 12.10.
- (C) **ITEMS WHICH COUNCIL MEMBERS/OFFICERS HAVE DECLARED A FINANCIAL OR PROXIMITY INTEREST, BEING:**
ITEMS 9.5, 10.3.

THE PRESIDING MEMBER, MAYOR EMMA COLE, REQUESTED ELECTED MEMBERS TO INDICATE:

- (D) **ITEMS WHICH ELECTED 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
CR GONTASZEWSKI	11.5, 12.4 AND 12.8
CR HALLETT	12.10 AND 12.6
CR TOPELBERG	10.1, 12.7

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 9.4, 9.6, 11.1, 11.3, 11.4, 11.6, 12.1, 12.5, 12.9, 12.11, 12.12, 12.13 AND 12.15
- (F) **CONFIDENTIAL REPORTS WHICH WILL BE CONSIDERED BEHIND CLOSED DOORS, BEING:**
NIL

ITEMS APPROVED "EN BLOC":

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

COUNCIL DECISION

Moved: Cr Topelberg, Seconded: Cr Castle

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

Items 9.4, 9.6, 11.1, 11.3, 11.4, 11.6, 12.1, 12.5, 12.9, 12.11, 12.12, 12.13 and 12.15

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

STRATEGY & DEVELOPMENT

9.4 CITY OF VINCENT SUBMISSION ON COMMERCIAL BUILDING APPROVAL REFORMS - CONSULTATION REGULATORY IMPACT STATEMENT

- Attachments:
1. Consultation Regulatory Impact Statement 
 2. City of Vincent Submission - Commercial Building CRIS 

RECOMMENDATION:

That Council:

1. ENDORSES Attachment 2 as the City of Vincent's submission in support of all proposals within 'Reforms to the approval process for commercial buildings in Western Australia – Consultation Regulatory Impact Statement'; and
2. NOTES the City will forward the submission included as Attachment 2 to the Department of Mines, Industry Regulation and Safety.

COUNCIL DECISION ITEM 9.4

Moved: Cr Topelberg, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

9.6 COMMUNITY SPORTING AND RECREATION FACILITIES FUND SMALL GRANTS APPLICATION - LEEDERVILLE TENNIS CLUB**Attachments:** 1. 2020 CSRFF Small Grants Application Form **RECOMMENDATION:****That Council:**

1. **NOTES** the Community Sporting and Recreation Facilities Fund Small Grant submission received from Leederville Tennis Club and **ENDORSES** Administrations assessment of the submission, included as Attachment 1;
2. **SUPPORTS IN PRINCIPLE** the Leederville Tennis Club's Community Sporting and Recreation Facilities Fund Small Grants application included as Attachment 1 subject to:
 - 2.1 The application being successful in obtaining funding from the Department of Local Government, Sport and Cultural Industries; and
 - 2.2 Including \$21,548 in the City's budget for the 2020/21 financial year to fund one third of the project; and
3. **NOTES** that Administration will forward the submission to the Department of Local Government, Sport and Cultural Industries for consideration.

COUNCIL DECISION ITEM 9.6**Moved:** Cr Topelberg, **Seconded:** Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

INFRASTRUCTURE & ENVIRONMENT

11.1 INVESTMENT REPORT AS AT 31 JANUARY 2020

Attachments: 1. Investment report 31 January 2020 

RECOMMENDATION:

That Council NOTES the Investment Report for the month ended 31 January 2020 as detailed in Attachment 1.

COUNCIL DECISION ITEM 11.1

Moved: Cr Topelberg, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

11.3 FINANCIAL STATEMENTS AS AT 31 JANUARY 2020

Attachments: 1. Financial statements as at 31 January 2020 

RECOMMENDATION:

That Council RECEIVES the financial statements for the month ended 31 January 2020 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.3

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

11.4 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 JANUARY 2020 TO 31 JANUARY 2020

- Attachments:
1. Payments by EFT, BPAY and Payroll January 2020 
 2. Payments by Cheque January 2020 
 3. Payments by Direct Debit January 2020 

RECOMMENDATION:

That Council RECEIVES the list of accounts paid under delegated authority for the period 1 January 2020 to 31 January 2020 as detailed in Attachments 1, 2 and 3 as summarised below:

EFT and BPAY payments, including payroll	\$5,035,831.93
Cheques	\$656.75
Direct debits, including credit cards	\$226,820.63
Total payments for January 2020	\$5,263,309.31

COUNCIL DECISION ITEM 11.4

Moved: Cr Topelberg, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

11.6 DRAFT CITY PROPERTY MANAGEMENT FRAMEWORK AND NEW PROPERTY MANAGEMENT POLICY

- Attachments:
1. Property Management Framework 
 2. Draft Property Management Framework Policy 
 3. Council Policy No. 1.2.1 - Terms of Leases 
 4. List of City properties 
 5. Community Benefit Matrix 
 6. Five year forecasted financials 

RECOMMENDATION:

That Council:

1. NOTES the draft Property Management Framework, at Attachment 1;
2. RECEIVES the draft policy – ‘*Property Management Policy*’ at Attachment 2;
3. AUTHORISES the Chief Executive Officer to provide local public notice of the new Policy in Recommendation 2 above and invite public comments for a period of at least 21 days; and
4. NOTES that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

COUNCIL DECISION ITEM 11.6

Moved: Cr Topelberg, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

CHIEF EXECUTIVE OFFICER

12.1 CONSIDERATION OF SUBMISSIONS ON PROPOSAL TO LEASE BEATTY PARK CAFE

- Attachments:
1. Table of Submissions and Responses 
 2. Leasing Proposal Submission - Confidential

RECOMMENDATION:

That Council:

1. NOTES the submissions received in response to the public notice for the proposed lease of the Café at Beatty Park Leisure Centre, 220 Vincent Street, Leederville to Hospitality Industry Service Providers (HISP) Pty Ltd, as summarised at Attachment 1 and confidential Attachment 2;
2. APPROVES the City entering into a lease of the Café with Hospitality Service Providers (HISP) Pty Ltd on the key terms as approved by Council at its Ordinary Meeting of 10 December 2019 (Item 11.1), subject to the following amendments to reflect the new lease commencement date:
 - '1.1 Term: Three years, commencing on 1 ~~March~~ **May** 2020;
 - 1.3 Rent: \$22,984 plus GST per annum, with no rent payable between 1 ~~March~~ **May** 2020 and ~~30 June~~ **31 August** 2020 (inclusive) to allow for the café set up period;'
3. AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the Lease as set out in Recommendation 2.

COUNCIL DECISION ITEM 12.1

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

12.5 ANNUAL CORPORATE BUSINESS PLAN QUARTERLY UPDATE

- Attachments:
1. Corporate Business Plan 2018/19 - 2021/22 (2019/20) Quarterly Update as at 28 February 2020 
 2. CBP 3.10 Youth Action Plan - Change Request 
 3. CBP 3.10 Youth Action Plan - Submitted Project on a Page (incorporating change request) 
 4. Top 10 Project Status Summary 

RECOMMENDATION:

1. That Council RECEIVES the update on the City's Corporate Business Plan 2018/19 – 2021/22 2019/20 at Attachment 1.
2. APPROVES the change to the scope of Item 3.10 – Youth Action Plan on the City's Corporate Business Plan 2018/19 – 2021/22 2019/20, as detailed at Attachments 2 and 3.

COUNCIL DECISION ITEM 12.5

Moved: Cr Topelberg, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

12.9 RECORDING PUBLIC QUESTION TIME AND DEPUTATIONS - AMENDMENTS TO CITY'S POLICY 4.2.4 - 'COUNCIL MEETINGS - RECORDING AND WEB STREAMING'

- Attachments:
1. City's Policy 4.2.4 - 'Council Meetings - Recording and Web Streaming' - current 
 2. Council Proceedings - Recording and Web Streaming Policy - draft 

RECOMMENDATION:

That Council:

1. **APPROVES** the repeal of the City's Policy 4.2.4 – '*Council Meetings – Recording and Web Streaming*', at Attachment 1; and
2. **APPROVES** the updated policy '*Council Meetings and Briefings – Recording and Web Streaming Policy*', at Attachment 2; and
3. **AUTHORISES** the Chief Executive Officer to provide local public notice of the repeal of the current policy in recommendation 1. above, and the new policy in recommendation 2. above, and invite public comments for a period of at least 21 days; and
4. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

COUNCIL DECISION ITEM 12.9

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

12.11 LOCAL GOVERNMENT STATUTORY COMPLIANCE AUDIT RETURN 2019**Attachments:** 1. **Compliance Audit Return 2019** **RECOMMENDATION:****That Council:**

1. **ADOPTS** the City of Vincent's Compliance Audit Return for the period 1 January 2019 to 31 December 2019, at Attachment 1, noting the three areas of non-compliance reported; and
2. **AUTHORISES** the Compliance Audit Return in recommendation 1. above to be certified by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*.

COUNCIL DECISION ITEM 12.11**Moved:** Cr Topelberg, **Seconded:** Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

12.12 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 3 MARCH 2020

- Attachments:
1. Minutes - Audit Committee - 3 March 2020 
 2. Minutes Attachments - Audit Committee Meeting 3 March 2020 

RECOMMENDATION:

That Council:

1. RECEIVES this report from the Audit Committee meeting of 3 March 2020 and the minutes of that meeting at Attachment 1; and
2. NOTES the recommendations of the Audit Committee in respect to the City's Compliance Audit Return 2019, which is the subject of a separate item on this Council Agenda.

COUNCIL DECISION ITEM 12.12

Moved: Cr Topelberg, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

12.13 INFORMATION BULLETIN

- Attachments:
1. Minutes of the Tamala Park Regional Council Meeting held on 20 February 2020 
 2. Confirmed Minutes of the Design Review Panel Meeting held on 15 January 2020 
 3. Confirmed Minutes of the Design Review Panel Meeting held on 22 January 2020 
 4. Statistics for Development Applications as at end of January 2020 
 5. Register of Legal Action and Prosecutions Monthly - Confidential
 6. Register of Legal Action - Orders and Notices Quarterly - Confidential
 7. Register of State Administrative Tribunal (SAT) Appeals - Progress Report as at 27 February 2020 
 8. Register of Applications Referred to the MetroWest Development Assessment Panel - Current 
 9. Register of Applications Referred to the Design Review Panel - Current 
 10. Register of Petitions - Progress Report - March 2020 
 11. Register of Notices of Motion - Progress Report - March 2020 
 12. Register of Reports to be Actioned - Progress Report - March 2020 
 13. Interstate Conference Attendance – National Climate Emergency Summit 

RECOMMENDATION:

That Council RECEIVES the Information Bulletin dated March 2020.

COUNCIL DECISION ITEM 12.13

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

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

12.15 LEASE OF 245 VINCENT STREET, LEEDERVILLE TO TOWN TEAM MOVEMENT**Attachments: Nil****RECOMMENDATION:****That Council:**

1. **APPROVES** a lease of 245 Vincent Street, Leederville (Premises) to the Town Team Movement Ltd (TTM) on the following key terms:
 - 1.1 **Term:** 6 months with two 6 month option terms (at City's discretion);
 - 1.2 **Rent:** \$1,327.04 incl. GST (includes a 12% community benefit rebate), indexed by CPI (if option term exercised);
 - 1.3 **Outgoings:** utilities, statutory compliance costs, pest inspections, Emergency Services Levy (ESL) and rubbish/recycling bin charges payable by TTM;
 - 1.4 **Insurance:** TTM to effect and maintain public liability insurance of no less than \$20 million per claim;
 - 1.5 **Condition:** Premises is provided 'as is, where is'. City will not undertake any capital or renewal works during the term of the lease, which includes repairing or replacing any fixtures or fittings at the end of their life;
 - 1.6 **Repairs:** TTM is responsible for minor repairs and maintenance of the Premises;
 - 1.7 **Upgrade:** City responsible for roofing, mechanical services and main structures of the Premises. Work to be undertaken at the City's discretion;
 - 1.8 **Damage:** if the Premises is damaged so it is unfit for use, the City may at its discretion terminate the lease, and no compensation will be payable;
 - 1.9 **Termination:** by either party, subject to one months' written notice;
 - 1.10 **Shared use:** shared use/hire of the facilities for a fee (in accordance with the City's Schedule of Fees and Charges as amended from time to time), sub-leasing of any part of the Premises only to occur with the City's consent; and
 - 1.11 **Approvals:** TTM to obtain any relevant development approval prior to commencing use of the property, noting that the City granting this lease provides no warranty that development approval would be granted by the City; and
2. **Subject to final satisfactory negotiations being carried out between the TTM and the Chief Executive Officer, AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the lease in Recommendation 1. above.

COUNCIL DECISION ITEM 12.15

Moved: Cr Topelberg, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Loden was on approved leave of absence for the Meeting.)

ITEMS WITH DISCUSSION**CHIEF EXECUTIVE OFFICER****12.2 MINUTES AND MOTIONS FROM ANNUAL GENERAL MEETING OF ELECTORS HELD ON 28 JANUARY 2020**

Attachments: 1. Minutes of Annual General Meeting of Electors - 28 January 2020 

RECOMMENDATION:

That Council:

1. **RECEIVES** the Minutes of the Annual General Meeting of Electors held on Tuesday 28 January 2020, included at Attachment 1; and
2. **NOTES** and **ENDORSES** the responses provided by Administration to the General Business motions carried at the Annual General Meeting of Electors held on Tuesday 28 January 2020 for the reasons outlined in the report.

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

That the recommendation be adopted.

PROPOSED AMENDMENT 1

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

That the recommendation be amended to include the following:

3. **NOTES** that Council will consider the development of an Underground Power Policy as part of the next Corporate Business Plan review, subject to Administration's advice on resourcing requirements.

AMENDMENT 1 CARRIED (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

PROPOSED AMENDMENT 2

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

That the recommendation be amended to include the following:

4. **REQUESTS** that Council Administration assess the current speed requirements and traffic conditions in Colvin Lane prior to determining if any additional treatments are required to reduce speed.

AMENDMENT 2 CARRIED (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 12.2**Moved: Cr Hallett, Seconded: Cr Fotakis****That Council:**

1. **RECEIVES** the Minutes of the Annual General Meeting of Electors held on Tuesday 28 January 2020, included at Attachment 1; and
2. **NOTES** and **ENDORSES** the responses provided by Administration to the General Business motions carried at the Annual General Meeting of Electors held on Tuesday 28 January 2020 for the reasons outlined in the report.
3. **NOTES** that Council will consider the development of an Underground Power Policy as part of the next Corporate Business Plan review, subject to Administration's advice on resourcing requirements.
4. **REQUESTS** that Council Administration assess the current speed requirements and traffic conditions in Colvin Lane prior to determining if any additional treatments are required to reduce speed.

CARRIED UNANIMOUSLY (8-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil**(Cr Loden was on approved leave of absence for the Meeting.)**

STRATEGY & DEVELOPMENT

9.1 NO. 15 (LOT: 5 D/P: 3192) LEAKE STREET, NORTH PERTH - PROPOSED THREE AGED OR DEPENDENT PERSONS' DWELLINGS

Ward: South

- Attachments:
1. Consultation and Location Map 
 2. Development Plans 
 3. Applicant's Written Justification 
 4. Superseded Advertised Plans 
 5. Summary of Submissions - Administration's Response 
 6. Summary of Submissions - Applicant's Response 
 7. Detailed Streetscape Analysis 
 8. 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 three Aged or Dependent Persons' Dwellings at No. 15 (Lot: 5; D/P: 3192) Leake Street, North Perth, in accordance with the plans shown in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 8:

1. Land Use

This approval is for three Aged or Dependent Persons' Dwellings as shown on the approved plans dated 19 February 2020, 27 February 2020 and 28 February 2020. No other development forms part of this approval;

2. 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;

3. 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 are to be fully rendered or face brick, or material as otherwise approved, to the satisfaction of the City;

4. Visual Privacy

Prior to occupancy or use 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;

5. Schedule of Colours and Materials

Prior to the lodgement of a building permit, a schedule detailing the colour and texture of the building materials (including the retractable screens to the outdoor living areas of Units 2 and 3), demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the City, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the City, prior to occupation of the development;

6. Landscaping

- 6.1 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 12.2 percent deep soil area, as defined by the City's Policy No. 7.1.1 – Built Form;
 - The inclusion of informal seating in the communal open space area;
 - The inclusion of a shade tolerant lawn variety in the communal open space area; and
 - The provision a minimum of 17.5 percent canopy coverage at maturity, as defined by the City's Policy No. 7.1.1 – Built Form. The tree species are to be in accordance with the City's recommended tree species list and should be selected to maximise canopy coverage on site; and
- 6.2 All works shown in the plans as identified in Condition 6.1 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;

7. Sight Lines

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

- walls, letterboxes or fences adjoin vehicular access points to the site; or
- a driveway meets a public street; or
- two streets intersect;

unless otherwise approved by the City;

8. Parking & Access

- 8.1 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;
- 8.2 The layout and dimensions of all driveway(s) and parking area(s) shall be in accordance with AS2890.1;
- 8.3 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
- 8.4 All new crossovers to lots are subject to a separate application to be approved by the City. All new crossovers shall be constructed in accordance with the City's Standard Crossover Specifications, which specify that the portion of the existing footpath traversing the proposed crossover (subject to the Footpath being in good condition as determined by the Infrastructure and Environment Services Directorate), must be retained. The proposed crossover levels shall match into the existing footpath levels. Should the footpath not to be in satisfactory condition, it must be replaced with in-situ concrete panels in accordance with the City's specification for reinstatement of concrete

paths;

9. Front Fence

The gate and/or fencing infill panels above the approved solid portions of wall shall be visually permeable in accordance with the Residential Design Codes of WA, to the satisfaction of the City;

10. Right of Way Widening

A 0.5 metre wide right-of-way widening is to be provided, constructed and drained to the specifications of the City of Vincent at the landowner/applicant cost along the North eastern boundary of the subject land (see advice note 8). The right-of-way is to be accurately illustrated on any future Deposited Plan or Survey-strata plan and vested in the Crown under Section 152 of the *Planning and Development Act 2005*, such land to be ceded free of cost and without any payment of compensation by the Crown;

11. Aged or Dependent Persons' Dwellings

11.1 Prior to issue of a Building Permit, the owner must execute and provide to the City a notification pursuant to Section 70A of the Transfer of Land Act 1893 (as amended) to be registered on the Certificate of Title advising prospective purchasers that the use of the land is subject to the aged persons or dependent persons restriction set out in Condition 11.2 to the satisfaction of the City;

11.2 Any Aged or Dependent Persons' Dwelling must be designed and used only for the permanent accommodation of persons who:

11.2.1 are aged 55 years or more; or

11.2.2 have a recognised form of disability requiring special or supported accommodation, and may also accommodate the spouse or carer of those persons;

11.3 The internal design of each dwelling shall be in accordance with Clause 5.5.2 C2.2 - 2.4 of the Residential Design Codes which requires specific design features; and

11.4 The external paths and car parking areas shall be developed in accordance with the requirements of AS4299/1995 – Adaptable Housing; and

12. Alteration to Blade Wall Between Units 2 and 3

Prior to issue of a Building Permit and subject to compliance with the Building Code of Australia, amended plans shall be submitted to the City that reduces the extent that the upper floor blade wall projects out from the building façade between Units 2 and 3 and that faces the right-of-way. The blade wall is to be in line with the vertical portion of the feature awning.

COUNCIL DECISION ITEM 9.1

Moved: Cr Gontaszewski, Seconded: Cr Fotakis

That the recommendation be adopted.

CARRIED (5-3)

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

Against: Cr Fotakis, Cr Topelberg and Cr Wallace

(Cr Loden was on approved leave of absence for the Meeting.)

9.2 NO. 12 (LOT: 829; D/P: 40498) NEWCASTLE STREET, PERTH - PROPOSED THIRD PARTY DIGITAL BILLBOARD SIGN**Ward:** South

- Attachments:**
1. Location and Consultation Plan 
 2. Development Plans 
 3. Applicant's Written Justification 
 4. Safety Assessment Review Report 
 5. Summary of Submissions - Administration's Response 
 6. Summary of Submissions - Applicant's Response 
 7. Main Roads WA Comments 
 8. Design Review Panel Minutes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, REFUSES the application for the proposed Third Party Digital Billboard Sign at No. 12 (Lot: 829; D/P: 40498) Newcastle Street, Perth, in accordance with the plans in Attachment 2, for the following reasons:

1. The proposed Third Party Digital Billboard Sign does not comply with the requirements of the City's Policy No. 7.5.2 – Signs and Advertising as it constitutes a Billboard advertising third party content;
2. The proposed size, scale and visual prominence of the Third Party Digital Billboard Sign:
 - 2.1 Would not be compatible with its setting and is inconsistent with Clause 67(m) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
 - 2.2 Would have an adverse impact on the amenity of the surrounding area and is not consistent with the objective of the City's Policy No. 7.5.2 – Signs and Advertising and Clause 67(n) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
 - 2.3 Would have the potential to impact on the safety of motorists and is inconsistent with Clause 67(r) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. The proposal does not meet the requirements of the Policy and Application Guidelines for Advertising Signs Within and Beyond State Road Reserves, taking into account the submission received from Main Roads WA as per Clause 67(za) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL DECISION ITEM 9.2**Moved:** Cr Hallett, **Seconded:** Cr Gontaszewski

That the recommendation be adopted.

CARRIED (6-2)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Hallett, Cr Topelberg and Cr Wallace**Against:** Cr Fotakis and Cr Smith

(Cr Loden was on approved leave of absence for the Meeting.)

INFRASTRUCTURE & ENVIRONMENT

10.2 FLORENCE AND CARR STREETS BIKE NETWORK IMPROVEMENTS

- Attachments:
1. Carr St Occupancy Studies Summary 
 2. Florence & Carr Streets Bike Network Improvement Letter to Residents Launch Consultation 
 3. Florence & Carr Streets Bike Network Improvement Consultation Feedback Grouped 
 4. Florence & Carr Streets Bike Network Improvement Map of Consultation Responses 
 5. Florence & Carr Streets Bike Network Improvement Cycle Lane Map 1 
 6. Florence & Carr Streets Bike Network Improvement Cycle Lane Concept 1 
 7. Florence & Carr Streets Bike Network Improvement Cycle Lane Concept 2 
 8. DoT Letter Outlining Position re Carr St Cycle Lane 

RECOMMENDATION:

That Council:

1. NOTES the outcome of the Public Consultation for the proposed Florence Street bike friendly improvements and Carr Street protected bike lanes;
2. APPROVES the construction this financial year of the Florence and Carr Streets bike network improvements, in line with the \$150,000 grant funding approval provided by the Department of Transport;
3. REQUESTS Administration to advise the Department of Transport and the respondents of its decision; and
4. NOTES that further parking surveys will be undertaken between three and six months after construction is complete to establish if further changes or restrictions to parking arrangements are required.

COUNCIL DECISION ITEM 10.2

Moved: Cr Gontaszewski, Seconded: Cr Fotakis

That the recommendation be adopted.

LOST (0-8)

For: Nil

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

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 10.2ALTERNATIVE RECOMMENDATION

Moved: Cr Gontaszewski, Seconded: Cr Fotakis

That Council,

1. NOTES the outcome of the Public Consultation for the proposed Florence Street bike friendly

improvements and Carr Street protected bike lanes;

2. **DECLINES TO APPROVE** the construction of the Carr Street bike network improvements at this time;
3. **APPROVES** the construction of Safe Active Street improvements at this time;
4. **CONSIDERS** the renewal of existing Carr Street cycle treatments and additional works as per the City of Vincent Bike Network Plan 2013 in forward budget planning; and
5. **REQUESTS** Administration notify the Department of Transport of Council's Decision

REASON:

1. There is existing cycling treatments on Carr Street.
2. The City of Vincent Bike Network Plan 2013 does not identify Carr/Florence Street as a proposed strategic cycling route and does not identify Carr Street as a key strategic route for upgrade or improvement.
3. The use of a Safe Active Street grant to fund additional street tree wells and line markings on Florence Street will benefit pedestrians and cyclists by reducing vehicle speed and increasing canopy cover.
4. Budget austerity is likely to be required as part of the response to the emerging COVID-19 pandemic. New, non-essential projects requiring the use of municipal funds should be reconsidered where appropriate.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

CHIEF EXECUTIVE OFFICER

12.3 LICENCE OF ROAD RESERVE ADJACENT TO LOT 47 (NO. 29), SCARBOROUGH BEACH ROAD, NORTH PERTH - CHINTA CAFE

- Attachments:
1. Aerial plan of proposed licence area 
 2. Delegated Approval Notice - 29 Scarborough Beach Road, North Perth - Confidential
 3. Approved Plans - 29 Scarborough Beach Road, North Perth - Confidential

RECOMMENDATION:

That Council:

1. APPROVES the City granting a licence to Chinta Café (T/A), tenants of Lot 47 (No. 29) Scarborough Beach Road, North Perth, for part of the adjacent road reserve (Licence Area), as shown in Attachment 1, on the following key terms:
 - 1.1 Term: 2 years with a 2 year option term;
 - 1.2 Licence area: 30m² of road reserve (verge area);
 - 1.3 Licence fee: Nil;
 - 1.4 Permitted use: Casual outdoor dining;
 - 1.5 Non-exclusive use: Chinta granted non-exclusive use of the Licence Area;
 - 1.6 Insurance: Chinta to effect and maintain public liability insurance to minimum value of \$20,000,000 (per claim);
 - 1.7 Indemnity: Chinta to indemnify the City and the Minister for Lands against loss or damage to property or persons occurring as a result of the Chinta's fixtures and use of the Licence Area;
 - 1.8 Maintenance: Maintenance and repair of the Licence Area and fixtures at the Chinta's cost;
 - 1.9 Outdoor Eating Area Permit: Chinta to maintain a valid Outdoor Eating Area Permit for the Licence Area;
 - 1.10 Assignment: Chinta must assign the licence to new owner on transfer/sale of business or land;
 - 1.11 Removal and make good: The fixtures must be removed and the Licence Area made good by Chinta to the satisfaction of the City on request of the City, Minister for Lands, utility service provider or a public authority or on the termination of the Licence; and
 - 1.12 Compensation: No compensation will be payable to Chinta if the City, Minister for Lands, utility service provider or a public authority make a request in accordance with recommendation 1.11 above;
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 licence in recommendation 1. above.

COUNCIL DECISION ITEM 12.3

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

That the recommendation be adopted.

CARRIED (7-1)

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

Against: Mayor Cole

(Cr Loden was on approved leave of absence for the Meeting.)

STRATEGY & DEVELOPMENT

9.3 NO. 17 (LOTS: 1-8; D/P: 4465) FLORENCE STREET, WEST PERTH - PROPOSED FOUR MULTIPLE DWELLINGS AND ALTERATIONS AND ADDITIONS TO EIGHT EXISTING MULTIPLE DWELLINGS

Ward: South

- Attachments:
1. Consultation and Location Map 
 2. Development Plans 
 3. Supporting Information 
 4. Summary of Submissions - Administration's Response 
 5. Summary of Submissions - Applicant's Response 
 6. Design Review Panel Minutes 

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **REFUSES** the application for proposed Four New Multiple Dwellings and Alterations and Additions to Eight Existing Multiple Dwellings at No. 17 (Lots: 1-8; D/P: 4465) Florence Street, West Perth, in accordance with the plans provided in Attachment 2, for the following reasons:

1. The proposed four new Multiple Dwellings are not permitted under Clause 32(1) of the Local Planning Scheme No. 2;
2. The proposed development is contrary to the Local Planning Scheme No. 2 Residential zone objectives as the alterations and additions to the existing Multiple Dwellings would not facilitate high quality design, built form and streetscape within the locality. The design and siting of the car parking results in a visual dominance to the streetscape that negatively impacts the prevailing amenity and character of the neighbourhood; and
3. As a consequence of the scale and intensity of the proposal, the development does not meet the Element Objectives of State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments as:
 - 3.1 The design and location of car parking does not minimise negative visual impacts on the amenity and the adjoining public domain and is inconsistent with the existing neighbourhood streetscape character and dominates the interface of the development (Element 3.6, Element 3.9 and Element 4.6);
 - 3.2 The provision of screening devices to the private open spaces of Unit 6 and Unit 7 reduce the external outlook from the balcony and adjoining living spaces, resulting in decreased residential amenity for occupants (Element 3.5 and Element 4.4); and
 - 3.3 Units 5 – 8 are not provided with well-designed, functional and conveniently located storage areas, resulting in a decreased amenity on-site (Element 4.6).

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

That the recommendation be adopted.

PROCEDURAL MOTION

Moved: Cr Topelberg, Seconded: Cr Hallett

That the motion be DEFERRED for a period of no more than 90 days in order to address the concerns relating to the development.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

INFRASTRUCTURE & ENVIRONMENT

10.3 WASTE STRATEGY PROJECT - 8 COMMERCIAL WASTE COLLECTIONS OPTIONS APPRAISAL

Attachments: 1. Business Case - Waste Strategy Project 8: Commercial Waste Collections Options Appraisal 

RECOMMENDATION:

That COUNCIL:

1. NOTES:

- 1.1 the commercial waste collection options appraisal which was a key action from the City's Waste Strategy;
- 1.2 that the City's current commercial waste service is no longer viable as it does not meet the objectives of the City's Waste Strategy and as a result of the adoption of a FOGO third bin in October 2020;
- 1.3 that administration will provide a communications plan to Council which supports implementation of any of these options apart from retaining status quo; and
- 1.4 that rebate considerations from operational savings will be determined and approved as part of the development of the long term financial plan (LTFP); and

2. APPROVES the business case to discontinue commercial waste collection from 30 June 2021.

Moved: Cr Gontaszewski, Seconded: Cr Smith

That the recommendation be adopted.

At 8:27 pm, Cr Joshua Topelberg left the meeting.

At 8:30 pm, Cr Joshua Topelberg returned to the meeting.

At 8:32 pm, Cr Joshua Topelberg left the meeting.

At 8:33 pm, Cr Joshua Topelberg returned to the meeting.

LOST (0-7)

For: Nil

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

(Cr Loden was on approved leave of absence for the Meeting.)

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

COUNCIL DECISION ITEM 10.3

Moved: Cr Gontaszewski, Seconded: Cr Smith

That Council:

- 1. NOTES:**
 - 1.1 the commercial waste collection options appraisal which was a key action from the City's Waste Strategy;**
 - 1.2 that the City's current commercial waste service is no longer a viable option in the future as it does not meet the objectives of the City's Waste Strategy and as a result of the adoption of a FOGO third bin in October 2020;**
- 2. PROVIDES in-principle support for the discontinuance of commercial waste collection from 30 June 2021 on the basis that Administration:**
 - 2.1 presents a further developed business case to Council for Option 5, including information about potential impacts on commercial ratepayers transitioning to alternative waste services;**
 - 2.2 provides a communications plan to Council which supports implementation of Option 5; and**
 - 2.3 that rebate considerations from operational savings will be incorporated as part of the development of the long term financial plan (LTFP).**

REASON

Because of the current situation and potential impacts on commercial ratepayers.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

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

9 STRATEGY & DEVELOPMENT

9.5 AMENDMENT NO. 5 TO LOCAL PLANNING SCHEME NO. 2 - OUTCOMES OF ADVERTISING

- Attachments:
1. Map of Character Streets - LPS2 Clause 26(6) Outlined 
 2. Advertised Amendment No. 5 to Local Planning Scheme No. 2 
 3. Summary of Submissions - Scheme Amendment No. 5 

RECOMMENDATION:

That Council:

1. **NOTES** the submissions received and **ENDORSES** Administration's response to those submissions in relation to the advertising of Amendment No. 5 to Local Planning Scheme No. 2 included as Attachment 3;
2. **DOES NOT SUPPORT** Amendment No. 5 to Local Planning Scheme No. 2 pursuant to Part 5, Division 3, Regulation 50(3)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
3. **FORWARDS** Amendment No. 5 to Local Planning Scheme No. 2 and any required documentation to the Western Australian Planning Commission within 21 days, pursuant to Regulation 53(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

COUNCIL DECISION ITEM 9.5

Moved: Cr Gontaszewski, Seconded: Cr Fotakis

At 8:33 pm, Cr Joshua Topelberg left the meeting.

That the recommendation be adopted.

CARRIED UNANIMOUSLY (7-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

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

At 8:34 pm, Cr Joshua Topelberg returned to the meeting.

10 INFRASTRUCTURE & ENVIRONMENT

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

Attachments: Nil

RECOMMENDATION:

That Council:

1. NOTES the results of the consultation;
2. DOES NOT APPROVE the relocation of parking as requested in the petition presented to Council at its Ordinary Meeting of 12 November 2019; and
3. NOTES that Administration will inform the residents, owners and lead petitioner of Council's decision.

COUNCIL DECISION ITEM 10.1

Moved: Cr Topelberg, Seconded: Cr Gontaszewski

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

11 COMMUNITY & BUSINESS SERVICES

11.2 MID YEAR BUDGET REVIEW 2019/2020

- Attachments:
1. Statement of Comprehensive Income - Nature & Type 
 2. Statement of Comprehensive Income by Program 
 3. Rate setting statement 
 4. Capital budget amendments 
 5. Cash backed reserves 

RECOMMENDATION:

That Council **ADOPTS BY AN ABSOLUTE MAJORITY** the mid-year budget review for the 2019/20 financial year as detailed in this report and Attachments 1 – 5, in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

COUNCIL DECISION ITEM 11.2

Moved: Cr Hallett, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED BY ABSOLUTE MAJORITY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

11.5 MAJOR PUBLIC ARTWORK COMMISSION ARTIST AND DESIGN SELECTION

- Attachments:**
1. Major Public Artwork Commission EOI 
 2. Major Public Artwork Panel Recommendation Background - Confidential
 3. Major Public Artwork Panel Scoring - Confidential
 4. Major Public Artwork Recommended Concept Design - Confidential
 5. EOI Submissions Scoring - Confidential

RECOMMENDATION:

That Council **ENDORSES** the Major Public Artwork commission for progression to development, fabrication and instalment, as recommended by the tender evaluation panel, and detailed in Confidential Attachments 2, 3 and 4.

COUNCIL DECISION ITEM 11.5

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

That the recommendation be adopted.

LOST UNANIMOUSLY (0-8)

For: Nil

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

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 11.5**PROPOSED ALTERNATIVE RECOMMENDATION:**

That Council:

1. **NOTES** the Major Public Artwork commission, as recommended by the tender evaluation panel, and as detailed in Confidential Attachments 2, 3 and 4 of this agenda paper;
2. **NOTES** that the commission process did not seek to procure an entry statement artwork in accordance with the approved Arts Development Action Plan;
3. **RESOLVES NOT TO PROCEED WITH** the current Major Public Artwork commission Expression of Interest;
4. **COMMENDS** all participating artists for their submissions and creative briefs, as received in this process; and
5. **REQUESTS** the Chief Executive Officer to provide Council with an agenda paper that:
 - 5.1 **Reviews** the 2019 Major Public Artwork commissioning process; and
 - 5.2 **Presents** an amended procurement process and Expression of Interest, for endorsement by Council by May 2020, for an entry statement artwork.

REASON:

1. The commission of a major artwork as an entry statement was a project identified in the City of Vincent Arts Development Action Plan 2018-2020.
2. The Expression of Interest released in 2019 and subsequent tender and evaluation process did not relate to procurement of an entry statement artwork.
3. The assessment criteria for the design concept placed a weighting on the artwork being context specific.
4. The design selection of the tender evaluation panel is not considered suitable for repurposing as an entry statement as it is highly context specific.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

PROPOSED AMENDMENT

Moved: Cr Fotakis, Seconded: Cr Gontaszewski

That the recommendation be amended as follows:

- 5.2 **Presents an amended procurement process and Expression of Interest, for endorsement by Council by ~~May~~ August 2020, for an entry statement artwork.**

AMENDMENT CARRIED (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 11.5

That Council:

1. **NOTES the Major Public Artwork commission, as recommended by the tender evaluation panel, and as detailed in Confidential Attachments 2, 3 and 4 of this agenda paper;**
2. **NOTES that the commission process did not seek to procure an entry statement artwork in accordance with the approved Arts Development Action Plan;**
3. **RESOLVES NOT TO PROCEED WITH the current Major Public Artwork commission Expression of Interest;**
4. **COMMENDS all participating artists for their submissions and creative briefs, as received in this process; and**
5. **REQUESTS the Chief Executive Officer to provide Council with an agenda paper that:**

- 5.1 Reviews the 2019 Major Public Artwork commissioning process; and
- 5.2 Presents an amended procurement process and Expression of Interest, for endorsement by Council by August 2020, for an entry statement artwork.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

12 CHIEF EXECUTIVE OFFICER

12.4 ADVERTISING OF DEVELOPMENT ON CITY OWNED AND MANAGED LAND POLICY

Attachments: 1. Development on City owned and managed land - draft policy 

RECOMMENDATION:

That Council

1. RECIEVES the draft Planning Policy – “*Development on City Owned and Managed Land Policy*”, at Attachment 1;
2. AUTHORISES the Chief Executive Officer to provide local public notice of the new policy in Recommendation 1. above and invite public comments for a period of at least 21 days;
3. NOTES that at the conclusion of the public notice period any submissions received would be presented to Council for consideration;
4. APPROVES BY ABSOLUTE MAJORITY in accordance with section 6.16 of the *Local Government Act 1995* amending the Schedule of Fees and Charges to include the proposed application fees as following:
 - 4.1 \$100 application fee for proposals that are classified as Tier 3 in the “*Development on City Owned and Managed Land Policy*”;
 - 4.2 \$200 application fee for proposals that are classified as Tier 4 in the “*Development on City Owned and Managed Land Policy*”;
 - 4.3 \$300 application fee for proposals that are classified as Tier 5 in the “*Development on City Owned and Managed Land Policy*”; and
5. PROVIDES local public notice of the proposed fees to be included in the City’s Schedule of Fees and Charges, as set out in Recommendation 4. above , pursuant to section 6.19 of the *Local Government Act 1995*.

COUNCIL DECISION ITEM 12.4

Moved: Cr Gontaszewski, Seconded: Cr Topelberg

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

12.6 REIMBURSING THE EXTERNAL MEMBERS OF THE CITY'S AUDIT COMMITTEE

- Attachments: 1. Audit Committee Terms of Reference (proposed changes in mark up) 
2. DLGSC Operational Guidelines 'Audit in Local Government' 

RECOMMENDATION:

That Council **ADOPTS** the revised Terms of Reference for the Audit Committee, as at Attachment 1, to allow the reimbursement of the external Audit Committee members for their expertise provided to the committee meetings.

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

That the recommendation be adopted.

LOST (0-8)

For: Nil

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

(Cr Loden was on approved leave of absence for the Meeting.)

PROCEDURAL MOTION

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

That the consideration of the reimbursement of external Audit Committee members be **DEFERRED** until commencement of the advertising process for the next set of Audit Committee external members in 2021.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

PROPOSED AMENDMENT

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

That the recommendation be amended as follows:

That the consideration of the reimbursement of external Audit Committee members be deferred until commencement of the advertising process for the next set of Audit Committee external members, which will commence no later than July 2021.

AMENDMENT CARRIED (7-1)

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

Against: Cr Castle

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 12.6

That the consideration of the reimbursement of external Audit Committee members be deferred until commencement of the advertising process for the next set of Audit Committee external members, which will commence no later than July 2021.

CARRIED (7-1)

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

Against: Cr Castle

(Cr Loden was on approved leave of absence for the Meeting.)

12.7 LEASE OF 4 VIEW STREET, NORTH PERTH - PRIDE WA INC.**Attachments:** 1. **PrideWA Proposal to Lease 4 View Street, North Perth** **RECOMMENDATION:****That Council:**

1. **APPROVES** a lease of 4 View Street, North Perth (Premises) to Pride Western Australia Incorporated (PrideWA) on the following key terms:
 - 1.1 **Term:** one year with a further one year option term (at City's discretion);
 - 1.2 **Rent:** \$2,359.50 incl. GST (includes a 17.5% community benefit rebate), indexed by CPI (if option term exercised);
 - 1.3 **Outgoings:** utilities, statutory compliance costs, pest inspections, Emergency Services Levy (ESL) and rubbish/recycling bin charges payable by PrideWA;
 - 1.4 **Insurance:** PrideWA to effect and maintain public liability insurance of no less than \$20 million per claim;
 - 1.5 **Condition:** Premises is provided 'as is, where is'. City will not undertake any capital or renewal works during the term of the lease, which includes repairing or replacing any fixtures or fittings at the end of their life;
 - 1.6 **Repairs:** PrideWA is responsible for minor repairs and maintenance of the Premises;
 - 1.7 **Upgrade:** City responsible for roofing, mechanical services and main structures of the Premises. Work to be undertaken at the City's discretion;
 - 1.8 **Damage:** if the Premises is damaged so it is unfit for use, the City may at its discretion terminate the lease, and no compensation will be payable;
 - 1.9 **Termination:** by either party, subject to three (3) months' written notice; and
 - 1.10 **Shared use:** shared use/hire of the facilities for a fee (in accordance with the City's Schedule of Fees and Charges as amended from time to time), sub-leasing of any part of the Premises only to occur with the City's consent.
2. **Subject to final satisfactory negotiations being carried out between PrideWA and 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
3. **APPROVES IN PRINCIPLE** the demolition of the Premises following the expiry of the lease in Recommendation 1. above or by March/April 2022 to align with the implementation of the North Perth Common Concept Plan.

COUNCIL DECISION ITEM 12.7

Moved: Cr Topelberg, Seconded: Cr Castle

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

12.8 AMENDMENTS TO CITY'S RISK MANAGEMENT POLICY AND APPROVAL OF RISK APPETITE AND TOLERANCE STATEMENTS

- Attachments:**
1. Current Risk Management Policy 4.1.26 
 2. Risk Management Policy - draft 
 3. Risk Appetite and Tolerance statements 

RECOMMENDATION

That Council:

1. **APPROVES** the repeal of the City's Policy 4.1.26 – '*Risk Management*', at Attachment 1;
2. **APPROVES** the updated policy – '*Risk Management*' at Attachment 2;
3. **AUTHORISES** the Chief Executive Officer to provide local public notice of the repeal of the current policy in recommendation 1 above, and updated policy in recommendation 2 above, and invite public comments for a period of at least 21 days; and
4. **ENDORSES** the risk appetite and tolerance statements at Attachment 3.

COUNCIL DECISION ITEM 12.8

Moved: Cr Gontaszewski, Seconded: Cr Wallace

That the recommendation be adopted.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

12.10 ELECTED MEMBERS CONTINUING PROFESSIONAL DEVELOPMENT POLICY

- Attachments:
1. Policy 4.2.9 - 'Council Members - Professional Development' 
 2. Policy 4.1.15 - 'Conferences' 
 3. Elected Members Continuing Professional Development Policy (draft) 

RECOMMENDATION:

That Council:

1. APPROVES the repeal of the City's Policy 4.2.9 – '*Council Members - Professional Development*', at Attachment 1 and Policy 4.1.15 - '*Conferences*', at Attachment 2;
2. APPROVES the new policy '*Elected Members Continuing Professional Development Policy*', at Attachment 3;
3. AUTHORISES the Chief Executive Officer to provide local public notice of the repeal of the current policies in recommendation 1. above, and the new policy in recommendation 2. above, and invite public comments for a period of at least 21 days;
4. NOTES that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

CARRIED BY ABSOLUTE MAJORITY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

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

That the recommendation be adopted.

PROPOSED AMENDMENT 1

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

That Recommendation 2 be amended as follows:

That Council:

2. APPROVES the new policy '*Elected Member Continuing Professional Development Policy*,' **subject to noting that Council will consider whole-of-Council development including a Council assessment of development opportunities which may consider constructive feedback and advice from other Elected Members and/or the Chief Executive Officer. This will promote broader professional development objectives and inform individual or collective training for Elected Members. The changes are shown in the marked up version of the policy at Attachment 3;**

AMENDMENT 1 LOST (0-8)

For: Nil

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

(Cr Loden was on approved leave of absence for the Meeting.)

PROPOSED AMENDMENT 2**Moved:** Cr Topelberg, **Seconded:** Cr Fotakis

That Recommendation 2 be amended as follows:

That Council:

2. APPROVES the new policy 'Elected Member Continuing Professional Development Policy,' **subject to Council approval of intrastate and interstate travel, as shown in the marked up version of the policy at Attachment 3;****AMENDMENT 2 CARRIED (8-0)****For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil

(Cr Loden was on approved leave of absence for the Meeting.)

COUNCIL DECISION ITEM 12.10**RECOMMENDATION:**

That Council:

1. **APPROVES** the repeal of the City's Policy 4.2.9 – '*Council Members - Professional Development*', at Attachment 1 and Policy 4.1.15 - '*Conferences*', at Attachment 2;
2. **APPROVES** the new policy 'Elected Member Continuing Professional Development Policy,' subject to Council approval of intrastate and interstate travel, as shown in the marked up version of the policy at Attachment 3;
3. **AUTHORISES** the Chief Executive Officer to provide local public notice of the repeal of the current policies in recommendation 1. above, and the new policy in recommendation 2. above, and invite public comments for a period of at least 21 days;
4. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

CARRIED BY ABSOLUTE MAJORITY (8-0)**For:** Mayor Cole, Cr Gontaszewski, Cr Castle, Cr Fotakis, Cr Hallett, Cr Topelberg, Cr Smith and Cr Wallace**Against:** Nil

(Cr Loden was on approved leave of absence for the Meeting.)

12.14 LEASE OF COMMUNITY BUILDING AT WOODVILLE RESERVE, 10 FARMER STREET, NORTH PERTH - ETHNIC COMMUNITY COUNCIL OF WA INC.

- Attachments:
1. Calendar of proposed use 
 2. Comparison of Expressions of Interest 

RECOMMENDATION:**That Council:**

1. **NOTES** that the current condition of the community building adjacent to the tennis clubrooms at Woodville Reserve, 10 Farmer Street, North Perth (Premises) is poor and therefore continued use of the Premises beyond 2021/22 will not be possible, as the building will either be demolished or repurposed, based on the recommendations of the Woodville Reserve Masterplan.
2. **APPROVES** a lease of the Premises to the Ethnic Communities Council of WA Incorporated (ECC), subject to the approval of the Minister for Lands, and on the following key terms:
 - 2.1 **Term:** one year;
 - 2.2 **Option term:** 3 x one year options at City's sole discretion;
 - 2.3 **Lease fee:** \$4,386 (excluding GST), which includes a 15% community benefit rebate, indexed at CPI (if option exercised);
 - 2.4 **Outgoings:** payable by ECC, includes utilities, Emergency Services Levy (ESL) and rubbish/recycling bin charges;
 - 2.5 **Public liability:** ECC to effect and maintain current public liability insurance of not less than \$20,000,000 (per claim);
 - 2.6 **Condition:** provided in 'as is, where is' condition. The City will not undertake any capital or renewal works during the term of the lease, which includes repairing or replacing any fixtures or fittings at the end of their life;
 - 2.7 **Building insurance:** payable by the City, excess on any claim payable by ECC;
 - 2.8 **Maintenance/repairs:** responsibility of ECC, this includes keeping the Premises interior and exterior clean and tidy and repairing or replacing any fittings or fixtures if required (but excluding the air-conditioning system and oven);
 - 2.9 **Capital upgrades:** City will not undertake capital or renewal works; and
 - 2.10 **Damage to Premises:** in the event the Premises is damaged so it becomes unfit for use the City may at its discretion terminate the lease, and no compensation will be payable to the tenant.
3. **Subject to final satisfactory negotiations being carried out between ECC and the Chief Executive Officer, AUTHORISES** the Mayor and Chief Executive Officer to affix the common seal and execute the lease in recommendation 2. above; and
4. **NOTES** Transition Town Vincent's proposal to use the Premises at certain times, as detailed in Attachments 1 and 2, and **REJECTS** this proposal as Transition Town Vincent does not have the financial capacity to comply with the proposed licence terms as set out in the City's draft Property Management Framework.

Moved: Cr Topelberg, Seconded: Cr Fotakis

That the recommendation be adopted.

PROCEDURAL MOTION

Moved: Cr Gontaszewski, Seconded: Cr Hallett

That the motion be DEFERRED to allow further discussions with the community groups, and to be reported back to Council within 90 days.

CARRIED UNANIMOUSLY (8-0)

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

Against: Nil

(Cr Loden was on approved leave of absence for the Meeting.)

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

Nil

18 CLOSURE

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 9.34pm 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 Sally Smith	North Ward
	Cr Ashley Wallace	South Ward
IN ATTENDANCE:	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment
	Virginia Miltrup	Executive Director Community & Business
	John Corbellini	Executive Director Strategy & Development
	Emma Simmons	Governance Projects Officer
	Wendy Barnard	Council Liaison Officer

Public: No members of the 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 17 March 2020.

Signed: Mayor Emma Cole

A handwritten signature in blue ink, appearing to read 'Emma Cole', is positioned below the text 'Signed: Mayor Emma Cole'.

Dated 7 April 2020