



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**15 September 2020**



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**MINUTES OF CITY OF VINCENT  
ORDINARY COUNCIL MEETING  
HELD AS E-MEETING AND  
AT THE ADMINISTRATION AND CIVIC CENTRE  
244 VINCENT STREET, LEEDERVILLE  
ON TUESDAY, 15 SEPTEMBER 2020 AT**

<b>PRESENT:</b>	<p><b>Mayor Emma Cole</b>  <b>Cr Susan Gontaszewski</b>  <b>Cr Alex Castle</b>  <b>Cr Joanne Fotakis</b>  <b>Cr Jonathan Hallett</b>  <b>Cr Dan Loden</b></p> <p><b>Cr Joshua Topelberg</b>  <b>Cr Sally Smith</b>  <b>Cr Ashley Wallace</b></p>	<p><b>Presiding Member</b>  <b>South Ward</b>  <b>North Ward</b>  <b>North Ward</b>  <b>South Ward</b>  <b>North Ward (joined 6.04pm, electronically)</b>  <b>South Ward</b>  <b>North Ward</b>  <b>South Ward</b></p>
<b>IN ATTENDANCE:</b>	<p><b>David MacLennan</b>  <b>Andrew Murphy</b></p> <p><b>Jay Naidoo</b></p> <p><b>Dale Morrissy</b></p> <p><b>Meluka Bancroft</b></p> <p><b>Joslin Colli</b>  <b>Wendy Barnard</b></p>	<p><b>Chief Executive Officer</b>  <b>Executive Director Infrastructure &amp; Environment</b>  <b>A/Executive Director Strategy &amp; Development</b>  <b>A/Executive Director Community &amp; Business Services</b>  <b>Executive Manager Corporate Strategy &amp; Governance</b>  <b>A/Manager Development &amp; Design</b>  <b>Council Liaison Officer</b></p>
<b>Public:</b>	Approximately two members of the public.	

## **1 DECLARATION OF OPENING / ACKNOWLEDGEMENT OF COUNTRY**

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.00pm 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**

Cr Loden joined the meeting at 6.04pm

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

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

### **3.1 Paul DiFlorio of Adbrands Media – Item 9.3 No. 12 (Lot: 829 D/P: 40498) Newcastle Street, Perth - Proposed Third Party Digital Billboard Sign s.31 Reconsideration**

- He is the applicant for the billboard at 12 Newcastle Street, Perth.
- The City of Vincent have previously used their discretion to approve four billboards. There are 90 bus shelters within the City of Vincent with third party advertising and a further four bus shelters with digital advertising on them which have been approved for the next 15 years.
- The billboard is in a commercial, not residential, area and fits the landscape of the surrounding area. Adbrands intend to maintain the billboard.
- He requests that this is taken into consideration.

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

The following questions and statements were submitted prior to the Meeting and were read out by the Executive Manager Corporate Strategy & Governance.

### 3.2 Dudley Maier of Highgate – Item 10.1 Waste Strategy Project

The Waste Strategy report (Item 10.1) is appalling on a number of levels, and I'd suggest that another alternative is to get staff who can provide a competitive, cost effective and contemporary service.

#### Questions

1. How much has the City spent on consultants in developing the Integrated Transport Plan? What is the estimated cost of staff time in developing this plan? What is its current status?
2. At the 30 March and 18 August meetings the Council agreed to exemptions under Schedule 2, Part 7, Clause 61(2)(d) of the Planning and Development (Local Planning Schemes) Regulations 2015. That clause refers to temporary uses in existence for 48 hours, or a longer period agreed by the local government. Both council decisions neglected to explicitly specify a longer period as required by the regulations.

Was it an oversight, and does the failure to nominate a period mean that temporary uses are restricted to 48 hours?

What (temporary) uses would be allowed under Vincent's approach which would not be allowed under the Minister's Notice of Exemption of 30 April?

3. In December 2016 the city completed a Bike Boulevard which extended along Shakespeare Street from Scarborough Beach Road to Green Street and which cost \$757,000. In March this year, prior to any Covid restrictions, the Bicycle Network conducted the annual Super Tuesday Bike Count. This counts all bicycle usage at strategic intersections during the morning peak period.

Can the administration confirm that the results of this year's count showed that not a single cyclist used the bike boulevard between Scarborough Beach Road and Green Street?

What confidence does the administration have that there will be any more cyclists using the proposed bike route along Strathcona Street, or will this be more wasted money providing bike routes that cyclists don't use?

4. The answers to previous questions about the elements of the Built Form Policy requiring applicants to provide Urban Design Studies and to meet specified 'sustainability performance standards', plus the monthly application statistics, indicates that not all development applications are required to provide these.

What criteria do the staff use to determine when these are required, and how do applicants know, prior to submitting an application, that they are required to provide them? Why aren't these criteria included in the policy?

5. The minutes of the Reconciliation Working Group indicate the group recently considered the co-naming of Hyde Park. Given that the council requested that the co-naming of Weld Square be progressed over 10 years ago, and the response from the administration on 8 March 2016, in response to a motion at the AGM, was that it would be referred to the Reconciliation Working Group, has the co-naming of Weld Square been referred to the working group and what is the status of the initiative?
6. There are currently plans out for public comment for a single dwelling at 67 Mary Street, Highgate. Two of the areas which do not meet the deemed to comply provisions are the garage setback and garage width. The problem is that the plans clearly show that the garage faces the laneway and not the street.

Who checks assessments before they are put out for comment and who takes responsibility for this incorrect assessment?

### 3.3 Andrew Main of North Perth

#### Parking across footpath

- I have submitted numerous online and verbal requests for rangers to deal with the regular parking of vehicles across the footpath at two properties on Wasley Street, Mt Lawley. Will the City be taking any action to prevent this from occurring in future?

#### Beatty Park Reserve

- There are two water fountains at the reserve. One was turned off in 2019, the other earlier this year. Is there a plan to turn these back on?
- Do the works that took place on the demolished Pavillon site comply with safety and disability regulations? In particular the gradient of the ramp leading from the reserve to the car park, and the drop of approximately 1m from the garden to the carpark.

#### William/Brisbane St 'two way project'

- When did council approve this project?
- Were members of the community given the opportunity to make comment on detailed plans for this project before the City finalised its plans and carried out the works?
- Is council aware that there are no kerb ramps or median islands on William Street between Brisbane and Newcastle Streets?
- Does council consider the lack of safe pedestrian crossing points acceptable? In addition, is this situation in compliance with relevant disability laws and regulations?

#### William/Walcott St intersection

- Is council aware that the kerb ramps and median island cut outs on Walcott Street on the southern side of this intersection, have recently been removed.
- Why were these works considered necessary?
- Who approved these works?
- Prior to these works being approved, was public feedback sought? If so, when and how did this occur?

#### Driveways and crossovers

- I refer to the City's policy on driveways and crossovers. I note that this policy states that the maximum driveway width is to be 6m. As such, if the street frontage of a property is 6m or less, could a crossover covering the entire verge be constructed?
- If so, is council concerned about this outcome and taking any steps to change the laws relating to this issue?
- In addition, I am aware of a property where a recently constructed driveway and associated crossover is 8m in width. Given the City's policy, are these works illegal?

#### Verge paving

- I note the City's policy that governs the paving of verges. This policy indicates that verges can be paved to a maximum width of 7.5m. If this is the case, and the street frontage of a property is 7.5m or less, does this mean the entire verge can be paved?
- If so, is the Council concerned with this potential outcome?

Administrations' responses will be provided in the Agenda for the 20 October 2020 Ordinary Council Meeting.

There being no further speakers, Public Question Time closed at approximately 6.11pm.

**(B) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

**3.1 Sally Lake – Highgate – Item 12.6**

The answer to Andrew Main’s question of 28th July about street trees says the staff use the Street Tree Selection Tool together with the current policy and consultation and they act on a case by case basis. On Page 22 of the Four Year Capital Works Program (Item 12.6 in this agenda) it shows future expenditure will be determined on a “re-assessment of the Street Tree masterplan”.

- Is there an existing Street Tree masterplan?  
*Administration has developed a traffic light assessment of all streets within the City in respect to existing tree canopy cover and this is referred to as the street tree masterplan.*
- If yes, is it currently used to assist in decision-making?  
*This is one of the tools used by Administration to determine which areas require priority tree planting.*
- Will the City make the Street Tree Selection Tool available to the community for their own use (e.g. place it on the web site)?  
*No, the Street Tree Selection Tool was developed as a tool for administrative use only and provides a guide for staff on street tree selection based on the various streetscape typologies within the City.*

The Presiding Member, Mayor Emma Cole requested that further information be provided to Sally Lake in response to the Street Tree Selection Tool.

**Dudley Maier – Highgate**

1. At the last meeting I asked about one of the typos in the Built Form policy which resulted in council approving the policy with ambiguous lot setbacks. The response was that it is a typo which will be corrected without coming back to council.

1.1. Why is the administration assuming what council intended rather than bringing the change back to council for clarification?

*The intent of the lot boundary setback provisions has been reported as providing separation between higher density development and lower density established residential areas.*

*The provision that is subject of the ambiguity applies to lots that are coded R80 and above. The provision was adapted from the former version of the R Codes as follows:*

	Width of the lot in metres (m)		
	≤14	15	≥16
Side setback in metres (m)	3	3.5	4

*In adapting this provision for inclusion in the Built Form Policy, there was an error in drafting. This error has since been corrected.*

1.2. While in this instance it would not be logical for somebody to appeal in relation to this clause, if there was an appeal, would the City’s response be “it’s the vibe your honour”?

*A 3 metre side setback would be permitted as of right for a 14 metre long wall in both the version of the Built Form Policy with the drafting error, as well as the version of the Policy that has since been corrected. This would be the case if a development application relating to this provision was appealed to the State Administrative Tribunal. This is because the*

*deemed to comply side setback applicable for a 14 metre long wall would be both 3 and 4 metres based on the drafting error.*

2. At the last meeting I asked about requirements of the Built Form Policy for all applicants to submit an Urban Design Study and meet specified 'sustainability performance standards'. The answer said that the administration has been advising proponents of the requirements rather than saying that they are mandatory.

- 2.1. How many development applications submitted since 11 July 2020 have provided an Urban Design Study and demonstrated the required 'sustainability performance standards'?

*Since 11 July 2020 the City has received seven development applications which have required assessment against the Urban Design Study local housing objectives. Two of these provided an Urban Design Study at the time of lodgement. The City has requested the Urban Design Study in the remaining five applications.*

*Since 11 July 2020 the City has received five development applications which require assessment against the Environmentally Sustainable Design (ESD) local housing objectives. None of these provided information at the time of lodgement with respect to ESD considerations. The City has requested this ESD information for each of these applications.*

- 2.2. How many development applications approved since 11 July 2020 have provided an Urban Design Study and demonstrated the required 'sustainability performance standards'?

*Since 11 July 2020 the City has determined four development applications which required assessment against the Urban Design Study local housing objectives. Two of these applications provided an Urban Design Study. Administration was satisfied that the remaining two applications adequately satisfied the applicable local housing objectives.*

*Since 11 July 2020 the City has determined four development applications which required assessment against the ESD local housing objectives. Each of these applications satisfied the applicable standards.*

3. The reason that I ask is that I have heard on the grapevine that: 1 – some staff do not support these requirements for all DAs and feel that they are imposed by council; and 2 – staff are ignoring these requirements for applications that can be decided under delegation.

- 3.1. Will all future Development Applications be required to adhere to these two requirements or do the staff have some internal guidelines which indicate when they will turn a blind eye?

*These ESD local housing objectives represent a Council adopted policy position and Administration will continue to work with applicants to ensure that these standards have been demonstrated to be satisfied.*

4. At the last meeting I asked if recent Percent for Art grants conformed to the 'Newbury Principles'. The answer said that the imposed condition was consistent with those principles. However my question was about the application of the condition, rather than the imposition of that condition. There is a nexus between the planning condition and the Percent for Art Policy - the policy is explicitly mentioned in the standard condition.

The Policy gives a clear indication that projects should result in tangible, physical works of art which 'improve the quality of the City's built environment' (Objective 2).

I am not questioning whether some of the projects are worthy or not as arts projects per se – it is about whether the use of developer's contributions are in accordance with the policy, or whether the Percent for Art is just used as a tax on development.

- 4.1. Do all recently funded projects comply with clause 2.5 of the Percent for Arts Policy and the definition of Professional Artist?

Yes

- 4.2. When were the ABNs for each of the artists made active?

*Each of the applicants were required to provide the City with a current ABN as part of the EOI process. The City did not check when the ABN's were activated, as that is not a relevant consideration"*

- 4.3. What is the postcode of each artist's home address?

*Successful artists registered postcodes were: 6000, 6005, 6050, 6000,6006, 6016, 6027, 6006, 6003, 6061, 6003, 6148, 6006, 6006, 6006, and 6006.*

*Consideration was given to the fact that there are many artists who greatly contribute to Vincent's creative community without being residents. Eligibility for the grant was not limited only to residents however grant recipients needed to demonstrate an ongoing contribution to arts in Vincent.*

- 4.4. Prior to today, was clause 3.5 of the policy complied with, and if the response refers to the COVID-19 Committee, when was the power to approve the projects delegated to that committee?

*This approval was delegated by Council to the COVID Relief and Recovery Committee in items 6.2 and 7.2 of the Special Council Meeting held 30 March 2020.*

5. What council workshops have been held since 24 June and what topics were discussed at each workshop?

*Workshops have been held on 4 August, 25 August and 1 September. Items discussed were as follows:*

*4 August 2020*

- *Long Term Financial Plan*
- *Draft Corporate Business Plan & Capital Works Program 2020/21 – 2023/24*
- *Public Open Space Implementation and Preliminary Cost Estimates for the Long Term Financial Plan*
- *Asset Management Strategy Objectives*

*25 August 23020*

- *Marketing Plan Consultation Process*
- *Draft Haynes Street Development Plan*
- *Mount Hawthorn and Oxford Street Speed Zone Review*
- *City of Vincent Bicycle Network Update*
- *Beaufort Town Square Concept Plan (Barlee Street Carpark)*
- *Purchasing Policy – Amendment*

*1 September 2020*

- *Prioritisation of 2020-21 Strategic Projects*
- *Vincent Rebound Plan*
- *Hyde Park Commercial Kiosk Proposal*
- *Draft amendments to R Codes Volume 1 and Planning and Development Regulations – State Government Planning Reforms*
- *Update of Local Government Review Panel final report and the City of Perth Inquiry*
- *FOGO Consultation and Communications Strategy – Revised Timeline as per Special Council Meeting held 30 March 2020.*

**Statement****Andrew Main – North Perth – Item 10.4**

The aim of the LTCN should be to quickly increase the number cycling trips and people of all ages and abilities riding a bike. I do not believe it will achieve this.

One of my key concerns is the approach to place secondary routes on distributor roads with high volumes of vehicle traffic. Even if these routes were permitted by Main Roads WA, they will take a long time to build, are very expensive, and they are undesirable for bike riders due to conflicts with vehicle drivers, and the noise and air pollution from vehicles.

The solution is - wherever possible - to place these routes on roads designated as access roads in the State's functional road hierarchy. The aim of the plan should be to minimise conflict between drivers and riders, because when you introduce conflict between motorists and bike riders the bike riders will always lose out

Placing the routes on access roads precludes the need for expensive 'safe active street' treatments of \$1million per km.

Instead, routes can be made safe by preventing drivers using local roads except for those that live on the street or are visiting people that do. This can be done through the use of a modal filtering approach - examples of which are already present in the City. This approach is far less expensive and quicker to implement.

Comments on specific routes.

Bourke St - should not be a secondary route as it is a distributor road with high volumes of traffic. The secondary route should be placed on Emmerson and Richmond Street.

View Street should not be a secondary route as it is a distributor road with high volumes of traffic and is also on a steep hill which makes it very undesirable to ride on. Claverton Street should be the preferred route.

Angove Street should not be a secondary route for the same reasons as View St. Albert Street should be considered as the secondary route instead.

Vincent Street should not be a secondary route as it runs along the footpath, crosses many roads and driveways and there is conflict with pedestrians. Emmerson/Richmond Sts should be the preferred route.

Norfolk Street. I do not support the new idea to turn into Raglan Street then onto Ethel. Raglan is a narrow street on a steep hill. If it must turn off Norfolk, then Chelmsford or the lane behind, would be better options. However, my preference is that there be a shared path built on the northern boundary of Hyde Park taking riders to Throssell. This path would also benefit other uses of the park including accessibility for people in wheelchairs and pushing prams.

*Mr Main provided feedback via email as part of the Long Term Cycle Network (LTCN) community consultation and attended the community forum on the 3<sup>rd</sup> of August. The comments he provided were considered by the Administration and Department of Transport before the draft LTCN was updated.*

*Any new comments provided by Mr Main at the 18<sup>th</sup> August Council Meeting have now been provided to the Department of Transport.*

## 4 APPLICATIONS FOR LEAVE OF ABSENCE

**Moved: Cr Castle, Seconded: Cr Fotakis**

Mayor Emma Cole requested leave from 6 – 10 October 2020 inclusive. A Deputy Committee Member will be selected to attend the 6 October 2020 COVID-19 Relief and Recovery Committee meeting.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

## 5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

The Council received the following deputation:

### 5.1 Lou DiFlorio from Adbrands Media, Perth - Item 9.3 -No. 12 (Lot: 829 D/P: 40498) Newcastle Street, Perth - Proposed Third Party Digital Billboard Sign s.31 Reconsideration

- The State Administrative Tribunal (SAT) invited the City to reconsider its decision, subject to amended plans and additional information provided by the applicant to address the reasons for refusal. Following this, the applicant has:
  - Reduced the size of the screen to meet the requirements of Main Roads WA policy
  - Submitted a draft signage policy
  - A perspective images have been submitted. These support the fact that with the introduction of the rooftop garden it will not take away any existing views.
  - Main Roads WA requested updated crash data, which has been provided by Transcorp. The last crash was almost five years ago, 920m away from the building and in the opposite direction. For this reason the crash should be excluded from the data.
  - We would like to encourage the Council to approve this application.

## 6 CONFIRMATION OF MINUTES

**Moved: Cr Wallace, Seconded: Cr Hallett**

**That the minutes of the Ordinary Meeting held on 18 August 2020 be confirmed.**

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

## 7 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

The Presiding Member Emma Cole made the following announcement:

### 7.1 SUMMARY OF COUNCIL MEETING AGENDA

Item 11.6 Adoption of the Property Management Framework has been withdrawn by Administration. There are some key items on the agenda, including the consideration of the commercial waste services and the adoption of the Vincent Rebound Plan. This Rebound Plan follows on from our COVID-19 Response and Relief Strategy and is the next phase. This plan focuses on the health and wellbeing of our community and helping our local business thrive, diversify and even start up. We have reduced red tape through planning exemptions and the City's business is going to be with the local businesses and contractors.

The City has joined with neighbouring City Councils to advertise attractions through Visit Perth and have had a lot of activity in that space, with people enjoying smaller events, public art and participating in the local sporting clubs and community groups.

### 7.2 BANKS RESERVE PLAYGROUND AND ACTIVE ZONE

The Banks Reserve Playground and Active Zone is nearing completion and a small opening ceremony is planned for the last day of the school term to enable it to be used during the school holidays. The ceremony will be Friday, 25 September 2020 at 3.30pm and children will be invited to take part in activities.

### 7.3 MEMORIAL SERVICE FOR REBECCA EGAN

Mayor Cole and Cr Fotakis attended the memorial service of Rebecca Egan at Aranmore Senior College, where she had been head girl. Rebecca was a member of our community and her passing has impacted so many people. She was an exceptional person of many talents.

## 8 DECLARATIONS OF INTEREST

- 8.1 Cr Topelberg declared a financial interest in Item 10.1 Waste Strategy Project - 8 Commercial Waste Collections (Update Report). The extent of his interest is that he operates a business which will be directly affected by the proposed changes. He is not seeking approval to participate in the debate or vote in the matter.
- 8.2 Cr Topelberg declared an Impartiality interest in Item 9.1 - No. 465 (Lot: 1; D/P: 5364) William Street, Perth - Proposed Change of Use from Eating House to Restaurant and Small Bar. The extent of his interest is that the applicant is a personal acquaintance.
- 8.3 The Chief Executive Officer, David MacLennan, declared a financial interest in item 17.2 Annual CEO Performance Review 2019-20 and Key Performance Indicators 2019-20. The extent of his interest is that this item includes the consideration of the CEO's remuneration package. He will not remain in the Chamber while this portion of the item is discussed.

## 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 9.3 and 10.1. .
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**  
Items 12.1 and 12.10..
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**  
Items 10.1.

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

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

COUNCIL MEMBER	ITEMS TO BE DISCUSSED
Cr Topelberg	9.1, 9.4, 10.2, 12.4, 12.6 and 12.8
Cr Wallace	12.10

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 9.2, 11.1, 11.2, 11.3, 11.4, 11.5, 12.2, 12.3, 12.5, 12.7, 12.9, 12.11, 12.12, 17.2 and 17.3.  
9.2, 11.1, 11.2, 11.3, 11.4, 11.5, 12.2, 12.3, 12.5, 12.7, 12.9, 12.11 and 12.12

- (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 Castle, Seconded: Cr Fotakis**

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

**Items 9.2, 11.1, 11.2, 11.3, 11.4, 11.5, 12.2, 12.3, 12.5, 12.7, 12.9, 12.11, 12.12, 17.2 and 17.3**

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

9.2 NOS. 338-342 (LOTS: 9 AND 10; D/P: 2287) OXFORD STREET, LEEDERVILLE - CHANGE OF USE FROM EDUCATIONAL ESTABLISHMENT TO PLACE OF WORSHIP (AMENDMENT TO APPROVED)

Ward: North

Attachments: 1. Consultation and Location Map  
2. Supporting Information  
3. Minutes of 13 December 2016 and 4 April 2017 Council Meetings and Approved Development Plans

**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 Change of Use from Educational Establishment to Place of Worship (Amendment to Approved) at No. 338-342 (Lots: 9 and 10; D/P: 2287) Oxford Street, Leederville, subject to the following conditions:

1. All development plans, conditions, requirements and advice notes detailed on development approval 5.2016.305.1 dated 4 April 2017 continue apply to this approval, except as follows:

1.1 Condition 2.1 is deleted and replaced with the following condition:

“2.1 The maximum number of persons permitted on the site shall be limited to:

- 360 persons from 10:00 am to 1:00 pm on Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 300 persons from 10:00am to 1:00pm Sundays, except Easter Sunday, Christmas Sunday, Father's Day Sunday and Mother's Day Sunday;
- 200 persons from 11:00am to 5:00pm Saturdays and 2:00pm to 8:00pm Sundays;
- 30 persons from 10:00am to 2.30pm Monday to Friday;
- 30 persons from 7:00pm to 10:00pm Monday to Thursday;
- 50 persons from 7:30pm to 10:00pm Friday; and
- 10 persons at all other times unless a revised Parking and Traffic Management Plan is submitted to an approved by the City in accordance with Condition 1. above, in which case the maximum number of persons permitted on the site will be limited by the approved Parking and Traffic Management Plan”.

1.2 Condition 14 is added:

“14 Noise Management

All recommendations and requirements detailed in the Acoustic Technical Memorandum by Lloyd George Acoustics dated 29 July 2020 (their reference 20065572-01A.docx), must be implemented, to the satisfaction of the City.”

**COUNCIL DECISION ITEM 9.2**

**Moved:** Cr Castle, **Seconded:** Cr Fotakis

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**11.1 LEASE OF COMMUNITY BUILDING AT WOODVILLE RESERVE, 10 FARMER STREET, NORTH PERTH, WADJAK NORTHSIDE ABORIGINAL COMMUNITY GROUP**

Attachments: Nil

**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 continued use of the Premises beyond 2022/23 would not be recommended. It is likely the building would be proposed to be demolished or repurposed as part of the development of the Woodville Reserve Masterplan.
2. **APPROVES** a lease of the Premises to the Wadjak Northside Aboriginal Community Group (WN), subject to the approval of the Minister for Lands, and on the following key terms, which align with the lease terms for a Category Two (2) tenant under the City's Property Management Framework:
  - 2.1 **Term:** one year;
  - 2.2 **Option term:** 3 x one year options at City's sole discretion;
  - 2.3 **Lease fee:** \$3,870 (excluding GST), which includes a 25% community benefit rebate, indexed at CPI (if option exercised);
  - 2.4 **Outgoings:** payable by WN, includes utilities, Emergency Services Levy (ESL) and rubbish/recycling bin charges;
  - 2.5 **Public liability:** WN 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 WN with excess on any claim also payable by WN;
  - 2.8 **Maintenance/repairs:** responsibility of WN, 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 WN 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;
4. **APPROVES** a waiver of fees in the amount of \$3,870 for the initial term of the lease in order to provide assistance with the establishment of an Aboriginal Community Resource Centre by WN; and
5. **NOTES** Transition Town Vincent no longer wishes to enter into an agreement to lease 10 Farmer Street, North Perth and have formally withdrawn their application.

**COUNCIL DECISION ITEM 11.1**

**Moved: Cr Castle, Seconded: Cr Fotakis**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**11.2 ADVERTISING OF AMENDMENTS - PURCHASING POLICY**

- Attachments:
1. Purchasing Policy - Updated 2020 - marked up copy
  2. Purchasing Policy - Updated 2020 - clean copy

**RECOMMENDATION:**

That Council:

1. **APPROVES** the proposed amendments to the '*Purchasing Policy*', at Attachment 1, for the purpose of public notice;
2. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed amendments to the '*Purchasing Policy*' in recommendation 1. above and invite public comments for a period of at least 21 days; and
3. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

**COUNCIL DECISION ITEM 11.2**

**Moved:** Cr Castle, **Seconded:** Cr Fotakis

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

11.3 INVESTMENT REPORT AS AT 31 JULY 2020

Attachments: 1. Investment Statistics as at 31 July 2020

RECOMMENDATION:

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

COUNCIL DECISION ITEM 11.3

Moved: Cr Castle, Seconded: Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (9-0)

11.4 FINANCIAL STATEMENTS AS AT 31 JULY 2020

Attachments: 1. Financial Statements as at 31 July 2020

RECOMMENDATION:

That Council RECEIVES the Financial Statements for the month ended 31 July 2020 as shown in Attachment 1.

COUNCIL DECISION ITEM 11.4

Moved: Cr Castle, Seconded: Cr Fotakis

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (9-0)

**11.5 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 1 JULY 2020 TO 31 JULY 2020**

- Attachments:
1. Payments by EFT and Payroll July 20
  2. Payments by Cheque July 20
  3. Payments by Direct Debit July 20

**RECOMMENDATION:**

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

EFT payments, including payroll	\$5,337,563.29
Cheques	\$36,006.30
Direct debits, including credit cards	\$182,936.03
Total payments for July 2020	\$5,556,505.62

**COUNCIL DECISION ITEM 11.5**

**Moved:** Cr Castle, **Seconded:** Cr Fotakis

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**12.2 REPEAL OF THE CITY OF VINCENT PARKING AND PARKING FACILITIES AMENDMENT LOCAL LAW 2020****Attachments: Nil****RECOMMENDATION:****That Council:**

- 1. NOTES the Joint Standing Committee on Delegated Legislation’s decision dated 13 August 2020 to give a Notice of Motion in the Legislative Council to disallow the City of Vincent Parking and Parking Facilities Amendment Local Law 2020;**
- 2. APPROVES the repeal of the City of Vincent Parking and Parking Facilities Amendment Local Law 2020, which will occur by 31 December 2020;**
- 3. RESOLVES that the City of Vincent Parking and Parking Facilities Amendment Local Law 2020 will not be enforced prior to its repeal;**
- 4. GIVES statewide and local public notice, in accordance with section 3.12 of the *Local Government Act 1995*, that the City of Vincent Parking and Parking Facilities Amendment Local Law 2020 is to be repealed;**
- 5. NOTES that any submissions received as a result of the public notice provided as set out in Recommendation 4. above will be presented to Council for consideration; and**
- 6. ADVISES the Joint Standing Committee on Delegated Legislation of Council’s decision; and**
- 7. NOTES that a new Parking Local Law will be drafted for Council’s review by 31 March 2021.**

**COUNCIL DECISION ITEM 12.2****Moved: Cr Castle, Seconded: Cr Fotakis****That the recommendation be adopted.****CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**12.3 OUTCOME OF ADVERTISING AND ADOPTION OF AMENDMENTS - EXECUTION OF DOCUMENTS POLICY**

- Attachments:
1. Submission
  2. Execution of Documents Policy - amended clean version for adoption
  3. Execution of Documents Policy - marked up

**RECOMMENDATION:**

That Council:

1. NOTES the submission received in relation to the Execution of Documents policy, at Attachment 1; and
2. ADOPTS the Execution of Documents Policy at Attachment 2.

**COUNCIL DECISION ITEM 12.3**

**Moved: Cr Castle, Seconded: Cr Fotakis**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**12.5 ADVERTISING OF NEW POLICY - POLICY DEVELOPMENT AND REVIEW POLICY**

- Attachments:
1. DRAFT - Policy Development and Review Policy
  2. Policy 4.1.1 - Policy Manual, Adoption and Review

**RECOMMENDATION:**

That Council:

1. **APPROVES** the proposed policy '*Policy Development and Review Policy*', at Attachment 1, for the purpose of public notice, which is proposed to replace the City's Policy 4.1.1 - '*Policy Manual – Adoption and Review*', at Attachment 2;
2. **AUTHORISES** the Chief Executive Officer to provide local public notice of the proposed new policy in Recommendation 1. above and invite public comments for a period of at least 21 days; and
3. **NOTES** that at the conclusion of the public notice period any submissions received would be presented to Council for consideration.

**COUNCIL DECISION ITEM 12.5**

**Moved:** Cr Castle, **Seconded:** Cr Fotakis

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**12.7 SALE OF 202 (LOT 43) VINCENT STREET, NORTH PERTH TO MAIN ROADS WA**

- Attachments:
1. Main Road's letter of offer dated 17 August 2020
  2. Plan of Lot 43 showing PCA 125 and Other Regional Road Reserve
  3. Valuation Report - February 2020 - Confidential
  4. Photograph of lot from north (Charles Street side)
  5. Photograph of lot from south (Vincent Street side)
  6. Offer from Private Party - Confidential

**RECOMMENDATION:**

That Council:

1. **RECEIVES** Main Roads Western Australia's (Main Roads) offer for the purchase of 202 (Lot 43) Vincent Street, North Perth (Lot 43) for \$475,000, as at Attachment 1;
2. **APPROVES** the transfer of Lot 43 to Main Roads for \$475,000 plus GST (if applicable), subject to the City and Main Roads entering into the permit at Recommendation 4.
3. **NOTES** that Lot 43 will remain as public open space and be maintained by the City until required by Main Roads for future road projects;
4. **APPROVES** the City entering into a permit with Main Roads to formalise the continued public use of Lot 43 as set out in Recommendation 3. above; on the following key terms:
  - 4.1 Lot 43 will remain open to the public until such time as required by Main Roads for road widening. At least 3 months' notice will be provided to the City if Lot 43 is required;
  - 4.2 The City will maintain Lot 43 to a standard consistent with its current condition, at nil cost to Main Roads;
  - 4.3 The City will pay any utilities in respect to Lot 43 and will effect and maintain public liability insurance, at nil cost to Main Roads;
  - 4.4 The City indemnifies Main Roads from all matters, claims and costs that may arise in relation to the unregulated use of the two informal car bays on Lot 43; and
  - 4.5 Main Roads and the City will in good faith negotiate for the future use and management of the balance (if any) of Lot 43 following the road project as set out in Recommendation 4.1.
5. 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 Transfer of Land and Permit in recommendations 2. and 4. above;
6. **RECEIVES** and **REJECTS** the unconditional offer of \$480,000 as at Confidential Attachment 6.

**COUNCIL DECISION ITEM 12.7**

**Moved:** Cr Castle, **Seconded:** Cr Fotakis

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**12.9 APPROVAL OF CHIEF EXECUTIVE OFFICER'S APPOINTMENT TO THE AUSTRALIAN URBAN DESIGN RESEARCH CENTRE BOARD**

Attachments: 1. Invitation from the AUDRC Board to Mr MacLennan dated 1 September 2020

**RECOMMENDATION:**

That Council:

1. **APPROVES** Mr David MacLennan's request to join the Australian Urban Design Research Centre (AUDRC) Board, subject to:
  - (a) Mr David MacLennan completing a conflict of interest disclosure for review by Mayor Cole;
  - (b) the appointment being recorded on the City's conflict of interest register;
2. **NOTES** that Mr MacLennan has been invited to Chair the Board following the resignation of the current Chair later this year; and
3. **ADVISES** Mr MacLennan of Council's decision.

**COUNCIL DECISION ITEM 12.9**

**Moved:** Cr Castle, **Seconded:** Cr Fotakis

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**12.11 APPROVAL OF CR JOANNE FOTAKIS' APPOINTMENT TO THE PERTH MUSIC COMMITTEE**

- Attachments:**
- 1. Letter of Invitation to Cr Joanne Fotakis from Perth Music Committee**
  - 2. Perth Music Committee Vision Document**
  - 3. Terms of Reference for the Perth Music Committee**

**RECOMMENDATION:**

That Council **APPROVES** Cr Joanne Fotakis' request to represent the City of Vincent on the Perth Music Committee.

**COUNCIL DECISION ITEM 12.11**

**Moved: Cr Castle, Seconded: Cr Fotakis**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

**12.12 INFORMATION BULLETIN**

- Attachments:**
1. Minutes of Mindarie Regional Council Meeting held on 2 July 2020
  2. Minutes of Mindarie Regional Council Special Meeting held on 30 July 2020
  3. Minutes of Mindarie Regional Council Special Meeting held on 20 August 2020
  4. Minutes of Tamala Park Regional Council Meeting held on 20 August 2020
  5. Minutes of Reconciliation Action Plan Working Group (RAPWG) 27 July 2020
  6. Statistics for Development Services Applications as at end of August 2020
  7. Register of Legal Action and Prosecutions Monthly - Confidential
  8. Register of Legal Action - Orders and Notices Quarterly - Confidential
  9. Register of State Administrative Tribunal (SAT) Appeals - Progress report as at 28 August 2020
  10. Register of Applications Referred to the MetroWest Development Assessment Panel - Current
  11. Register of Applications Referred to the Design Review Panel - Current
  12. Register of Petitions - Progress Report - September 2020
  13. Register of Notices of Motion - Progress Report - September 2020
  14. Register of Reports to be Actioned - Progress Report - September 2020

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated September 2020.

**COUNCIL DECISION ITEM 12.12**

**Moved: Cr Castle, Seconded: Cr Fotakis**

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**17.2 ANNUAL CEO PERFORMANCE REVIEW 2019-20 AND KEY PERFORMANCE INDICATORS 2020-21**

**Attachments:** 1. **Confidential - CEO Performance Review 2019-20 - Summary Report to Council**

**RECOMMENDATION:**

**That Council:**

- 1. RECEIVES the Chief Executive Officer's Annual Performance and Remuneration Review (2019-2020) Report to Council included as Confidential Attachment 1;**
- 2. ENDORSES the outcome of the performance review that the Chief Executive Officer has met the performance expectations of the position for the 2019-2020 review period;**
- 3. APPROVES the outcome of the remuneration review that the CEO receive an additional 3 days non-cumulative leave from 29-31 December 2020 in recognition of work performed during the COVID-19 response; and**
- 4. APPROVES the draft CEO Key Performance Indicators and Development Plan for the 2020-2021 review period contained in Confidential Attachment 1.**

**Moved: Cr Castle, Seconded: Cr Fotakis**

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY "EN BLOC" (9-0)**

17.3 INSTALLATION OF MEMORIAL PLAQUE AT LYNTON STREET RESERVE

Attachments: 1. Request from Julian Forte

RECOMMENDATION:

That Council APPROVES the installation of a memorial plaque at the Lynton Street Reserve.

Moved: Cr Castle, Seconded: Cr Fotakis

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (9-0)**

**ITEMS APPROVED WITH DISCUSSION****9.3 NO. 12 (LOT: 829 D/P: 40498) NEWCASTLE STREET, PERTH - PROPOSED THIRD PARTY DIGITAL BILLBOARD SIGN S.31 RECONSIDERATION****Ward:** South

- Attachments:**
1. Location and Consultation Plan
  2. Development Plans
  3. Previous Council Refusal Plans
  4. 17 March 2020 Ordinary Council Meeting Minutes
  5. Applicant's Written Justification
  6. Applicant's Draft Signage Strategy
  7. Perspective Images from Mixed Use R160 Site at No. 71 Edward Street, Perth
  8. Updated Crash Calculation Data
  9. Summary of Submissions - Administration's Response
  10. Summary of Submissions - Applicant's Response

**RECOMMENDATION:**

That Council, in accordance with Section 31 of the *State Administrative Tribunal Act 2004*, the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, AFFIRMS its decision of 17 March 2020 and 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 standards of the City's Policy No. 7.5.2 – Signs and Advertising as it constitutes a Billboard advertising third party content. The proposed Third Party Digital Billboard Sign would not satisfy the objective or design principles of the City's Policy 7.5.2 – Signs and Advertising as the size, scale, visual prominence and advertising content:
  - 1.1 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*;
  - 1.2 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
  - 1.3 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
2. 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 9.3**

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

That the recommendation be adopted.

**CARRIED (8-1)**

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

**Against:** Cr Fotakis

**10.1 WASTE STRATEGY PROJECT - 8 COMMERCIAL WASTE COLLECTIONS (UPDATE REPORT)**

- Attachments:**
1. **Waste Strategy Project 8: Business Case for the Discontinuance of Commercial Waste Services**
  2. **Communications Strategy**

**RECOMMENDATION:**

That Council:

1. **NOTES** that the current commercial waste service is no longer a viable option in the future for the following reasons:
  - a) **It does not meet the objectives of the City's Waste Strategy or its vision of achieving zero waste to landfill;**
  - b) **The current commercial system is an extension of the City's residential two bin system and does not offer a tailored approach to the requirements of different businesses;**
  - c) **The introduction of a third Food Organics Garden Organics bin in 2021 would introduce greater inefficiency in the current commercial service; and**
  - d) **A significant additional investment would be required for the City to provide a fit for purpose commercial service;**
2. **APPROVES** the:
  - 2.1 **Revised Business Case for the discontinuance of commercial waste services; and**
  - 2.2 **Communications Strategy to support the service transition; and**
3. **APPROVES** an amendment to the Long Term Financial Plan adopted by Council on 18 August to adopt Scenario 2A as the new base which uses the operational saving to provide a one year rebate to commercial ratepayers to assist with the transition to a commercial service.
4. **NOTES** that Administration will provide advice and recommendations to Council on the rebate implementation options as part of the development of the 2021-2022 Annual Budget.

**Moved: Cr Gontaszewski, Seconded: Cr Lod**

That the recommendation be adopted.

**AMENDMENT**

**Moved: Cr Castle, Seconded: Cr Gontaszewski**

That the recommendation be amended as follows:

That Council:

1. **NOTES** that the current commercial waste service is no longer a viable option in the future for the following reasons:
  - a) **It does not meet the objectives of the City's Waste Strategy or its vision of achieving zero waste to landfill;**
  - b) **The current commercial system is an extension of the City's residential two bin system and does not offer a tailored approach to the requirements of different businesses;**

- c) The introduction of a third Food Organics Garden Organics bin in 2021 would introduce greater inefficiency in the current commercial service; and
- d) A significant additional investment would be required for the City to provide a fit for purpose commercial service;

2. APPROVES the:

- 2.1 Revised Business Case for the discontinuance of commercial waste services **in July 2021**; and
- 2.2 Communications Strategy to support the **nine month** service transition;

~~3. APPROVES an amendment to the Long Term Financial Plan adopted by Council on 18 August to adopt Scenario 2A as the new base which uses the operational saving to provide a one year rebate to commercial ratepayers to assist with the transition to a commercial service; and~~

~~4. NOTES that Administration will provide advice and recommendations to Council on the rebate implementation options as part of the development of the 2021-2022 Annual Budget.~~

3. APPROVES in-principle a rebate in 2021-2022 of the final total operational saving for 2021-2022 (currently estimated at \$921,000) being provided equitably to all commercial ratepayers (currently estimated at \$520 per commercial ratepayer), as reflected in Scenario 2A in the Long Term Financial Plan and for finalisation as part of the 2021-2022 Annual Budget; and

4. REQUESTS an implementation review report to Council on the discontinuation of the commercial waste service six months after implementation. The review report should include any financial and service impacts on commercial ratepayers and an assessment of any further transitional support that may be required for commercial ratepayers, to be considered as part of the 2022-2023 Annual Budget.

**REASON:**

Whilst the case studies provided in the Business Case for the Discontinuance of Commercial Waste Services demonstrate that commercial ratepayers/businesses may yield savings or realise a cost-neutral outcome through a tailored, externally-provided commercial waste service, the precise financial impact on individual commercial ratepayers is difficult to fully understand prior to implementation.

It is important in communicating this change in service that commercial ratepayers are aware of the estimated level of rebate that is available when planning their transition to an external commercial waste provider. The provision of a full rebate during the transitional year in 2021-22 will allow for a smoother change process.

Once the service transition is completed in 2021-22, the City of Vincent will understand if there are any ongoing financial or service impacts on commercial ratepayers and further support can then be considered as part of the 2022-23 Annual Budget.

**AMENDMENT CARRIED (8-0)**

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

**Against:** Nil

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

**COUNCIL DECISION 10.1**

**That Council:**

- 1. NOTES that the current commercial waste service is no longer a viable option in the future for

the following reasons:

- a) It does not meet the objectives of the City's Waste Strategy or its vision of achieving zero waste to landfill;
- b) The current commercial system is an extension of the City's residential two bin system and does not offer a tailored approach to the requirements of different businesses;
- c) The introduction of a third Food Organics Garden Organics bin in 2021 would introduce greater inefficiency in the current commercial service; and
- d) A significant additional investment would be required for the City to provide a fit for purpose commercial service;

2. APPROVES the:

2.1 Revised Business Case for the discontinuance of commercial waste services in July 2021; and

2.2 Communications Strategy to support the nine month service transition;

3. APPROVES in-principle a rebate in 2021-2022 of the final total operational saving for 2021-2022 (currently estimated at \$921,000) being provided equitably to all commercial ratepayers (currently estimated at \$520 per commercial ratepayer), as reflected in Scenario 2A in the Long Term Financial Plan and for finalisation as part of the 2021-2022 Annual Budget; and
4. REQUESTS an implementation review report to Council on the discontinuation of the commercial waste service six months after implementation. The review report should include any financial and service impacts on commercial ratepayers and an assessment of any further transitional support that may be required for commercial ratepayers, to be considered as part of the 2022-2023 Annual Budget.

**CARRIED UNANIMOUSLY (8-0)**

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

**Against:** Nil

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

At 6:56 pm, Cr Joshua Topelberg returned to the meeting.

The Mayor referred to other Local Governments in Metropolitan Perth that do not provide a commercial service or charge for the service, as summarised in the table attached separately.

**9.1 NO. 465 (LOT: 1; D/P: 5364) WILLIAM STREET, PERTH - PROPOSED CHANGE OF USE FROM EATING HOUSE TO RESTAURANT AND SMALL BAR****Ward: South**

- Attachments:**
1. Consultation and Location Map
  2. Development Plans
  3. Venue Management Plan
  4. Previously Approved Development Plans and Delegated Approval Notice
  5. Summary of Submissions - Administration Response
  6. Determination Advice Notes

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for a proposed Change of Use from Eating House to Restaurant and Small Bar at No. 465 (Lot: 1; D/P: 5364) William Street, Perth in accordance with the plans provided in Attachment 2, subject to the following Conditions, with the associated determination advice notes in Attachment 6:

1. This approval is for Change of Use from Eating House to Restaurant and Small Bar as shown on the approved plans dated 16 June 2020. No other development forms part of this approval;
2. Use of Premises
  - 2.1 This approval is for Restaurant and Small Bar as defined in the City of Vincent Local Planning Scheme No. 2 and the subject land may not be used for any other use without the prior approval of the City;
  - 2.2 The Small Bar and Restaurant shall be limited to the following hours of operation:
    - 7:00am to 12:00am Monday to Sunday;
  - 2.3 The Small Bar and Restaurant shall be limited to a maximum of 70 patrons at any one time; and
  - 2.4 The Small Bar and Restaurant use shall operate in accordance with the approved Venue Management Plan at all times to the satisfaction of the City;
3. Acoustic Report
  - 3.1 Within 30 days of the development approval an Acoustic Report, in accordance with the City's Policy No. 7.5.21 – Sound Attenuation and to the satisfaction of the City, shall be lodged with and approved by the City. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development; and
  - 3.2 Certification from an acoustic consultant shall be provided to the City that the recommended measures identified in the approved Acoustic Report have been undertaken to the City's satisfaction, within 60 days of the development approval;
4. Doors and windows and adjacent floor areas fronting Brisbane Street and William Street shall maintain an active and interactive relationship with this street; Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited;
5. All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;
6. Parking and Access

A minimum of 5 off-street parking bays shall be provided for staff and customer use, to the

satisfaction of the City. The parking bays are not to be used for storage purposes or the like;

7. All signage is to be in strict accordance with the City's Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained; and
8. Prior to occupancy or use of the development all off-street parking to be sealed, drained, line marked and accessible on-site during business hours for customers and staff.

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

That the recommendation be adopted.

#### **AMENDMENT**

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

That the recommendation be amended as follows:

That Condition 3 be deleted and the remaining conditions be renumbered accordingly.

#### **REASON:**

The existing use has operated for more than 2 and half years without complaint. The application has been submitted to address liquor licensing requirements to change the license type and does not alter the operations as it does not propose to alter the hours of operation or the scale of operation from the current Eating House Approval.

**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 9.1**

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, APPROVES the application for a proposed Change of Use from Eating House to Restaurant and Small Bar at No. 465 (Lot: 1; D/P: 5364) William Street, Perth in accordance with the plans provided in Attachment 2, subject to the following Conditions, with the associated determination advice notes in Attachment 6:

1. This approval is for Change of Use from Eating House to Restaurant and Small Bar as shown on the approved plans dated 16 June 2020. No other development forms part of this approval;
2. Use of Premises
  - 2.1 This approval is for Restaurant and Small Bar as defined in the City of Vincent Local Planning Scheme No. 2 and the subject land may not be used for any other use without the prior approval of the City;
  - 2.2 The Small Bar and Restaurant shall be limited to the following hours of operation:
    - 7:00am to 12:00am Monday to Sunday;
  - 2.3 The Small Bar and Restaurant shall be limited to a maximum of 70 patrons at any one time; and
  - 2.4 The Small Bar and Restaurant use shall operate in accordance with the approved Venue

Management Plan at all times to the satisfaction of the City;

3. Doors and windows and adjacent floor areas fronting Brisbane Street and William Street shall maintain an active and interactive relationship with this street; Darkened obscured, mirrored or tinted glass or other similar materials as considered by the City is prohibited;
4. All external fixtures, such as television antennas (of a non-standard type), radio and other antennae, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;
5. **Parking and Access**  
  
A minimum of 5 off-street parking bays shall be provided for staff and customer use, to the satisfaction of the City. The parking bays are not to be used for storage purposes or the like;
6. All signage is to be in strict accordance with the City's Policy No. 7.5.2 – Signs and Advertising, unless further development approval is obtained; and
7. Prior to occupancy or use of the development all off-street parking to be sealed, drained, line marked and accessible on-site during business hours for customers and staff.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**9.4 CITY OF VINCENT REBOUND PLAN**

- Attachments:**
1. City of Vincent Community Resilience Scorecard
  2. COVID-19's Impact on WA's Local Economies - WALGA Report
  3. City of Vincent Rebound Plan

**RECOMMENDATION:****That COUNCIL:**

1. **ENDORSES** the City of Vincent Rebound Plan, included as Attachment 3, as an addendum to the COVID-19 Relief and Recovery Strategy; and
2. **NOTES** the City of Vincent Rebound Plan implementation will be updated and reported monthly to the Rebound Roundtable and COVID-19 Relief and Recovery Committee, and quarterly to Council.

**COUNCIL DECISION ITEM 9.4**

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

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**10.2 MANNA INC. MEAL SERVICE AT WELD SQUARE - UPDATE**

Attachments: Nil

**RECOMMENDATION:**

That Council :

1. NOTES this update on the status of the Manna Inc. Meal Service at Weld Square;
2. NOTES that re-location of the Manna Inc. meal service to Tranby Engagement Hub or the Moore Street Accreditation Trial Site is unlikely at this time, with Manna Inc. expressing concerns that not all of those accessing the meal service identify as homeless, which would still result in the need for service provision in the area;
3. NOTES that Administration is currently working with Manna Inc., Uniting WA and other stakeholders to gather further information about the demographics of those accessing the Weld Square meal service to assist in making further recommendations to Council; and
4. NOTES that Administration continues to liaise with Manna Inc. and other key stakeholders regarding this matter, and will provide a further update at the 17 November 2020 Ordinary Meeting of Council.

**Moved: Cr Topelberg, Seconded: Cr Wallace**

That the recommendation be adopted.

**AMENDMENT**

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

That the recommendation be amended as follows:

That Council :

1. NOTES this update on the status of the Manna Inc. Meal Service at Weld Square;
2. NOTES that re-location of the Manna Inc. meal service to Tranby Engagement Hub or the Moore Street Accreditation Trial Site is unlikely at this time, with Manna Inc. expressing concerns that not all of those accessing the meal service identify as homeless, which would still result in the need for service provision in the area;
3. NOTES that Administration is currently working with Manna Inc., Uniting WA and other stakeholders to gather further information about the demographics of those accessing the Weld Square meal service to assist in making further recommendations to Council; and
4. NOTES that Administration continues to liaise with Manna Inc. and other key stakeholders regarding this matter, and will provide a further update at the ~~17 November 2020~~ **20 October 2020** Ordinary Meeting of Council.

**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 10.2**

That Council :

1. **NOTES this update on the status of the Manna Inc. Meal Service at Weld Square;**
2. **NOTES that re-location of the Manna Inc. meal service to Tranby Engagement Hub or the Moore Street Accreditation Trial Site is unlikely at this time, with Manna Inc. expressing concerns that not all of those accessing the meal service identify as homeless, which would still result in the need for service provision in the area;**
3. **NOTES that Administration is currently working with Manna Inc., Uniting WA and other stakeholders to gather further information about the demographics of those accessing the Weld Square meal service to assist in making further recommendations to Council; and**
4. **NOTES that Administration continues to liaise with Manna Inc. and other key stakeholders regarding this matter, and will provide a further update at the 20 October 2020 Ordinary Meeting of Council.**

**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

11.6 ADOPTION OF PROPERTY MANAGEMENT FRAMEWORK

THIS REPORT WAS WITHDRAWN BY ADMINISTRATION.

At 7:22 pm, Cr Dan Loden left the meeting.

**12.1 ADOPTION OF CORPORATE BUSINESS PLAN 2020/21 - 2023/24 & CAPITAL WORKS PROGRAM 2020/21 - 2023/24**

**Attachments:**

1. Corporate Business Plan 2020/2021 - 2023/2024
2. Capital Works Program 2020/21 - 2023/24 (Part B to CBP)
3. Strategic Project Listing (2019/20 version with changes marked-up)

**RECOMMENDATION:**

**That Council:**

1. **ADOPTS BY ABSOLUTE MAJORITY** the City of Vincent Corporate Business Plan 2020/21 - 2023/24 at Attachment 1 including Part B Capital Works Program 2020/21 -2023/24 at Attachment 2; and
2. **NOTES** that final editorial, design and formatting of the documents will be determined by the Chief Executive Officer prior to publication.

**COUNCIL DECISION ITEM 12.1**

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

**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 absent from the Council Chamber and did not vote.)**

At 7:23 pm, Cr Dan Loden returned to the meeting.

#### **12.4 OUTCOME OF ADVERTISING AND ADOPTION OF MEETING PROCEDURES POLICY**

- Attachments:**
- 1. Meeting Procedures Policy**
  - 2. Policy 4.2.3 - Council Briefings, Meetings and Forums - Format, Procedures and Maximum Duration**
  - 3. Council Briefing Guidelines**

#### **RECOMMENDATION:**

**That Council:**

- 1. NOTES that at the conclusion of the local public notice period, no public submissions were received in relation to the Meeting Procedures Policy, at Attachment 1;**
- 2. ADOPTS the Meeting Procedures Policy at Attachment 1; and**
- 3. REPEALS Policy 4.2.3 - 'Council Briefings, Meetings and Forums - Format, Procedure and Maximum Duration' at Attachment 2.**

#### **COUNCIL DECISION ITEM 12.4**

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

**That the recommendation be adopted.**

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**12.6 NEW LEASE TO BETHANIE GROUP INC. - ROYAL PARK, 413 BULWER STREET, WEST PERTH**

- Attachments:**
1. Premises plan
  2. Valuation Report - Confidential

**RECOMMENDATION:**

That Council

1. **APPROVES** a lease to Bethanie Group Incorporated in respect to the Living Well Centre located at 413 Bulwer Street (Royal Park), West Perth on the following key terms:

- 1.1 **Initial term:** 5 years, commencing 1 September 2020.
- 1.2 **Option:** 2 x 5 years, exercised at City's discretion.
- 1.3 **Premises area:** approximately 398m<sup>2</sup> which comprises the building and adjacent courtyard as shown in the plan at Attachment 1.
- 1.4 **Rent:** \$1,500 per annum plus GST, inclusive of \$500 per annum to cover the reticulation, lawn and garden maintenance/costs and water consumption (lawn and garden) for the premises.
- 1.5 **Rent Review:** annual CPI rent review to occur on 1 July each year of the Lease commencing from 1 July 2021.
- 1.6 **Outgoings:** the tenant to pay ESL charges applicable to the premises, rubbish and recycling bin charges for the premises and minimum level of service statutory compliance testing (including RCD, DFES and pest inspection fees and charges).
- 1.7 **Insurance:** tenant to hold and maintain a public liability insurance policy for not less than \$20million per one claim, in respect of the tenant's use and occupation of the Premises and car park. Tenant to reimburse the City for the building insurance premium payable in regard to all buildings, structures and improvements within the Premises area. If the tenant requests the City make a claim on the tenant's behalf (under the building insurance policy) the City may require the tenant to pay any excess payable in respect to that claim.
- 1.8 **Repair/maintenance:** the tenant is responsible for:
  - general minor maintenance of premises which includes replacement of fittings and fixtures including light globes and taps;
  - re-painting of painted surfaces within the premises to ensure they remain in good repair; and
  - cleaning (including carpets annually).
- 1.9 **Capital upgrades:** the tenant is responsible for capital upgrade and capital expansion of all assets within the leased or licenced area and the maintenance of the Premises fit-out. Any capital upgrades are subject to the written consent of the City.

- 1.10 Responsibilities of the City: the City is responsible for:
- maintenance of roofing and main structure of the Premises (unless the damage is caused by the tenant); and
  - capital renewal and upgrade of existing assets at the City's discretion.
- 1.11 Car park licence:
- The City grants the Tenant a licence to use the car park adjacent to the Premises, as shown in Attachment 1, for the duration of the Term and at no extra cost to the Tenant (Licence).
  - The Tenant must at all times keep and maintain the Licensed Area free of litter and in particular oil spillage or leakage and in a reasonable state of cleanliness.
  - The Tenant indemnifies the City from and against all losses arising from damage to any property or the death of or injury to any person caused by:
    - the Tenant or the Tenant's employees and visitors in a vehicle while on the Licensed Area; or
    - the use of the Licensed Area by the Tenant or the tenant's employees and visitors,except to the extent that the loss or damage is caused or contributed to by the City or the City's employees, agents or contractors.
  - The Tenant must extend the public liability insurance policy to be affected by the Tenant under the lease to cover public liability resulting from the use by the Tenant and the Tenant's employees and visitors of the Licensed Area.
  - The Licence will come to an end upon the expiry or determination of this Lease.

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 lease in recommendation 1. above.

#### **COUNCIL DECISION ITEM 12.6**

**Moved:** Cr Topelberg, **Seconded:** Cr Wallace

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**12.8 REPORT AND MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 1 SEPTEMBER 2020 AND AMENDMENT TO AUDIT COMMITTEE TERMS OF REFERENCE**

- Attachments:
1. Audit Committee Meeting Minutes - 1 September 2020
  2. Audit Committee Forward Agenda 2020
  3. Audit Committee Terms of Reference - proposed updates in mark-up

**RECOMMENDATION:**

That Council:

1. RECEIVES this report from the Audit Committee meeting of 1 September 2020 and the minutes of that meeting at Attachment 1;
2. APPROVES the recommendations of the Audit Committee as follows:
  - 2.1 RECEIVES the City's Asbestos Management Framework, subject to the minor amendments as discussed at the meeting, and NOTES that the Asbestos Management Framework satisfies the legislative requirements relating to the City's management of asbestos;
  - 2.2 RECEIVES the Western Australian Auditor General's Report '[Western Australian Public Sector Audit Committee – Better Practice Guide](#)';
  - 2.3 NOTES Administration's review of the Better Practice Guide and the recommendations for Audit Committees in the [Local Government Review Panel's final report](#); and
  - 2.4 COMMITS to ongoing improvements in accordance with these reports;
  - 2.5 APPROVES the Audit Committee forward agenda for 2020/21 at Attachment 2, noting that the agenda for each meeting will be finalised in consultation with the Audit Committee Chair;
  - 2.6 APPROVES the amended Audit Committee's Terms of Reference as at Attachment 3, and APPROVES an update to the City's Governance Framework to reflect the refined role of the Audit Committee as set out in the updated Terms of Reference;
  - 2.7 NOTES the update on the City's response to the risk of cybersecurity issues;
  - 2.8 RECEIVES the City's Corporate Risk Register as at 20 August 2020 and APPROVES the proposed risk management actions for the high and extreme risks; and
  - 2.9 NOTES the status of the City's Audit Log as at 25 August 2020;
3. NOTES that expressions of interest will be invited for a new external Audit Committee member, to replace Elizabeth Hunt, who recently resigned.

**COUNCIL DECISION ITEM 12.8**

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

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**12.10 NEW LEASE TO KIDZ GALORE PTY LTD - 15 HAYNES STREET, NORTH PERTH**

- Attachments:
1. Maintenance obligations schedule
  2. Market rent valuation report - Confidential

**RECOMMENDATION**

That Council

1. **APPROVES** providing local public notice pursuant to section 3.58 of the *Local Government Act 1995* of the proposed lease to Kidz Galore Pty Ltd (ACN 069 285 472) (Tenant) for the childcare premises located at 15 Haynes Street, North Perth (Premises) on the following key terms:

- 1.1. **Term:** Five (5) years, commencing 1 January 2021 and expiring 31 December 2025.
- 1.2. **Option Term:** Nil.  
The Tenant acknowledges that following the lease expiry, the City will not permit any holding over or monthly tenancy.
- 1.3. **Rent:** \$35,000 per annum plus GST.
- 1.4. **Rent Review:** fixed increase of 5% annually on 1 July each year of the lease commencing from 1 July 2021.
- 1.5. **Outgoings:** the Tenant will pay:
  - (a) ESL charges applicable to the premises;
  - (b) rubbish and recycling bin charges for the premises;
  - (c) utilities (including scheme water, electricity and gas); and
  - (d) minimum level of service statutory compliance testing (including RCD, DFES and pest inspection fees and charges).
- 1.6. **Insurance:** Tenant to hold and maintain a public liability insurance policy for not less than \$20million per one claim, in respect of the Tenant's use and occupation of the Premises and car park.
- 1.7. **Repair/maintenance:** in accordance with the maintenance obligation schedule at Attachment 1.
- 1.8. **Responsibilities of the City:** the City is responsible for:
  - (a) maintenance of roofing, mechanical services and main structure of the Premises (unless the damage is caused by the Tenant);
  - (b) capital renewal and upgrade of existing assets, at the City's discretion;
- 1.9. **Special conditions**
  - 1.9.1. **Car park licence**
    - (a) The City grants to the Tenant the right to use the seven (7) car parking bays at 25-29 Sydney Street, North Perth, subject to the Tenant paying an annual licence fee of \$2,600 including GST per annum the Licence Fee at the times and in the manner provided under the Lease (*Licence*),
    - (b) The licence Term is three (3) years, expiring on 31 December 2023, or earlier upon the termination of the Lease.
  - 1.9.2. **Transition plan**
    - (a) The Tenant acknowledges that the City is required to transition the use of the Premises away from childcare services in order to comply with the Deed of Trust dated 2 October 1941;

- (b) In accordance with paragraph (a) above, the Tenant acknowledges and agrees that:
- (i) by the second anniversary of the Commencement Date, the Tenant will submit to the City a relocation or business plan (*Business Plan*) outlining:
    - the Tenant’s planned transition from the Premises; or
    - how the Tenant will scale down its business operations at the Premises by the end of the Lease term; and
  - (ii) by the fourth anniversary of the Commencement Date, the Tenant will submit to the City a closure plan (*Closure Plan*) which will demonstrate:
    - the proposed timeline for the closure of the Tenant’s business at the Premises; and
    - the removal of the Tenant’s buildings (including the demountable building) and property from the Premises; and
  - (iii) the Tenant must completely vacate the Premises by no later than midnight on 31 December 2025.
- (c) If the City is not satisfied with the information contained in either or both the Business Plan or the Closure Plan, the City may provide the Tenant with notice:
- (i) specifying what additional information is required by the City; and
  - (ii) the timeframe within which the Tenant must provide that information to the City.
- (d) If the Tenant fails to provide the City with:
- (c) the Business Plan or Closure Plan within the time specified in paragraph (b)(i) or (b)(ii) (respectively); or
  - (iii) any additional information requested by the City in accordance with paragraph (c),

the City may terminate the Lease and the Tenant must vacate the Premises within one month of being notified of that termination

**1.9.3. Termination for convenience**

The Tenant may terminate the Lease by providing no less than three (3) months’ written notice of termination to the City.

**1.9.4. Removal of demountable building and play equipment**

The Tenant acknowledges and agrees that prior to the lease expiry it is required to remove the demountable building and play equipment from the Premises and make good any damage caused by that removal.

2. If no submissions are received as a result of the public notice period in recommendation 1. above, DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer the power to enter into the lease in Recommendation 1. above, and AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the lease.
3. NOTES that if any submissions are received as a result of the public notice period in Recommendation 1. above, the Chief Executive Officer will provide the submissions to Council for consideration and Council will determine whether to proceed with the proposed lease to the Tenant.

**Moved: Cr Wallace, Seconded: Cr Smith**

That the recommendation be adopted.

**PROCEDURAL MOTION**

**Moved: Cr Wallace, Seconded: Cr Castle**

Pursuant to Section 5.23(2) of the *Local Government Act 1995* and clause 2.14 of the *Meeting Procedures Local Law 2008*, proceeds “behind closed doors” at the conclusion of the items, to consider the confidential attachment.

**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

**PROCEDURAL MOTION**

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

Pursuant to section 4.8 of the Meeting Procedures Local Law 2008, clause 4.4 was suspended to allow Presiding Member Mayor Cole to speak twice.

**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

**PROCEDURAL MOTION**

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

That the Council resume an “open meeting”.

**CARRIED UNANIMOUSLY (9-0)**

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

**Against:** Nil

**COUNCIL DECISION 12.10**

## That Council

1. APPROVES providing local public notice pursuant to section 3.58 of the *Local Government Act 1995* of the proposed lease to Kidz Galore Pty Ltd (ACN 069 285 472) (Tenant) for the childcare premises located at 15 Haynes Street, North Perth (Premises) on the following key terms:
  - 1.1. Term: Five (5) years, commencing 1 January 2021 and expiring 31 December 2025.
  - 1.2. Option Term: Nil.  
The Tenant acknowledges that following the lease expiry, the City will not permit any holding over or monthly tenancy.
  - 1.3. Rent: \$35,000 per annum plus GST.
  - 1.4. Rent Review: fixed increase of 5% annually on 1 July each year of the lease commencing from 1 July 2021.
  - 1.5. Outgoings: the Tenant will pay:
    - (a) ESL charges applicable to the premises;
    - (b) rubbish and recycling bin charges for the premises;
    - (c) utilities (including scheme water, electricity and gas); and
    - (d) minimum level of service statutory compliance testing (including RCD, DFES and pest inspection fees and charges).
  - 1.6. Insurance: Tenant to hold and maintain a public liability insurance policy for not less than \$20million per one claim, in respect of the Tenant's use and occupation of the Premises and car park.
  - 1.7. Repair/maintenance: in accordance with the maintenance obligation schedule at Attachment 1.
  - 1.8. Responsibilities of the City: the City is responsible for:
    - (a) maintenance of roofing, mechanical services and main structure of the Premises (unless the damage is caused by the Tenant);
    - (b) capital renewal and upgrade of existing assets, at the City's discretion;
  - 1.9. Special conditions
    - 1.9.1. Car park licence
      - (a) The City grants to the Tenant the right to use the seven (7) car parking bays at 25-29 Sydney Street, North Perth, subject to the Tenant paying an annual licence fee of \$2,600 including GST per annum the Licence Fee at the times and in the manner provided under the Lease (*Licence*),
      - (b) The licence Term is three (3) years, expiring on 31 December 2023, or earlier upon the termination of the Lease.
    - 1.9.2. Transition plan
      - (a) The Tenant acknowledges that the City is required to transition the use of the Premises away from childcare services in order to comply with the Deed of Trust dated 2 October 1941;
      - (b) In accordance with paragraph (a) above, the Tenant acknowledges and agrees that:
        - (i) by the second anniversary of the Commencement Date, the Tenant will submit to the City a relocation or business

plan (*Business Plan*) outlining:

- the Tenant's planned transition from the Premises; or
- how the Tenant will scale down its business operations at the Premises by the end of the Lease term; and

(ii) by the fourth anniversary of the Commencement Date, the Tenant will submit to the City a closure plan (Closure Plan) which will demonstrate:

- the proposed timeline for the closure of the Tenant's business at the Premises; and
- the removal of the Tenant's buildings (including the demountable building) and property from the Premises; and

(iii) the Tenant must completely vacate the Premises by no later than midnight on 31 December 2025.

(c) If the City is not satisfied with the information contained in either or both the Business Plan or the Closure Plan, the City may provide the Tenant with notice:

(i) specifying what additional information is required by the City; and

(ii) the timeframe within which the Tenant must provide that information to the City.

(d) If the Tenant fails to provide the City with:

(c) the Business Plan or Closure Plan within the time specified in paragraph (b)(i) or (b)(ii) (respectively); or

(iii) any additional information requested by the City in accordance with paragraph (c),

the City may terminate the Lease and the Tenant must vacate the Premises within one month of being notified of that termination

**1.9.3. Termination for convenience**

The Tenant may terminate the Lease by providing no less than three (3) months' written notice of termination to the City.

**1.9.4. Removal of demountable building and play equipment**

The Tenant acknowledges and agrees that prior to the lease expiry it is required to remove the demountable building and play equipment from the Premises and make good any damage caused by that removal.

2. If no submissions are received as a result of the public notice period in recommendation 1. above, DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer the power to enter into the lease in Recommendation 1. above, and AUTHORISES the Mayor and Chief Executive Officer to affix the common seal and execute the lease.

3. NOTES that if any submissions are received as a result of the public notice period in Recommendation 1. above, the Chief Executive Officer will provide the submissions to Council for consideration and Council will determine whether to proceed with the proposed lease to the Tenant.

**CARRIED BY ABSOLUTE MAJORITY (8-1)**

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

**Against:** Cr Wallace

**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****17.1 MINDARIE REGIONAL COUNCIL STRATEGY AND FUTURE OPTIONS – WITHDRAWN BY ADMINISTRATION**

THIS REPORT WAS WITHDRAWN BY ADMINISTRATION.

**18 CLOSURE**

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 7.57pm with the following persons present:

<b>PRESENT:</b>	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
<b>IN ATTENDANCE:</b>	David MacLennan	Chief Executive Officer
	Andrew Murphy	Executive Director Infrastructure & Environment
	Jay Naidoo	A/Executive Director Strategy & Development
	Dale Morrissy	A/Executive Director Community & Business Services
	Meluka Bancroft	Executive Manager Corporate Strategy & Governance
	Wendy Barnard	Council Liaison Officer
<b>Public:</b>	No members of the public.	

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council Meeting held on 15 September 2020.

Signed: Mayor Emma Cole

Dated

Dated