



**CITY OF VINCENT**

# **MINUTES**

**Ordinary Council Meeting**

**17 October 2017**

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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 OCTOBER 2017 AT 6PM**

|                       |   |   |
|-----------------------|---|---|
| <b>PRESENT:</b>       | <b>Mayor Emma Cole</b><br><b>Cr Roslyn Harley (Deputy Mayor)</b><br><b>Cr Matt Buckels</b><br><b>Cr Jonathan Hallett</b><br><b>Cr Dan Loden</b><br><b>Cr Joshua Topelberg</b><br><b>Cr Jimmy Murphy</b> | <b>Presiding Member</b><br><b>North Ward</b><br><b>North Ward</b><br><b>South Ward</b><br><b>North Ward</b><br><b>South Ward</b><br><b>South Ward</b>   |
| <b>IN ATTENDANCE:</b> | <b>Len Kosova</b><br><b>John Paton</b><br><b>Michael Quirk</b><br><b>Craig Wilson</b><br><b>Stephanie Smith</b><br><b>Paola Di Perna</b><br><b>Tim Evans</b><br><b>Emma Simmons</b>                     | <b>Chief Executive Officer</b><br><b>Director Corporate Services</b><br><b>Director Community Engagement</b><br><b>A/Director Technical Services</b><br><b>A/Director Development Services</b><br><b>Manager Approval Services</b><br><b>Manager Governance and Risk</b><br><b>Governance and Council Support Officer</b> |
| <b>Media:</b>         | <b>Julian Wright</b>  | <b>Journalist – “The Guardian Express”</b>  |
| <b>Public:</b>        | <b>Approximately 27 members of the public.</b>  |   |

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

The Presiding Member, Mayor Emma Cole declared the meeting open at 6.04pm 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 Susan Gontaszewski on approved leave of absence from 2 September 2017 to 21 October 2017.

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

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

1. Caleb Jones of West Perth – Item 9.4

- Spoke against the application.

*The Presiding Member Mayor Cole thanked Mr Jones for his comments.*

2. Bianca Sandri of Urbanista – Item 9.4

- Spoke in support of the application.

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

## 3. Daniella Mrdja of Urbanista, Perth – Item 9.4

- Spoke against the conditions imposed on the application.
- Requested a deferral of the Item to enable a meeting between owners, City Officers and Urbanista.

*The Presiding Member Mayor Cole thanked Ms Mrdja for her comments.*

## 4. Dudley Maier of Highgate – Item 3B

- Queried several of the City's responses to questions taken on notice at the previous Council Meeting.

*The Presiding Member Mayor Cole thanked Mr Maier for his comments and reminded him of the Chief Executive Officer's invitation to meet with him.*

*Chief Executive Officer Len Kosova advised that all questions previously raised by Mr Maier have been addressed and responded to. The Chief Executive Officer reiterated his previous invitation to meet with Mr Maier in order to discuss any specific questions, concerns or follow up queries in relation to those responses. The Chief Executive Officer further added that just because Mr Maier does not like, accept or agree with the responses that have been provided to him does not make those responses incorrect.*

## 5. Alison Grant of West Perth – Item 9.4

- Spoke against the application.

*The Presiding Member Mayor Cole thanked for Ms Grant for her comments.*

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

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

3.1 Response to questions from Mr Dudley Maier taken on notice at the Ordinary Council Meeting held on 19 September 2017.

3.2 Response to questions from Mr Vern Gardam taken on notice at the Ordinary Council Meeting held on 19 September 2017.

## **4 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

## **5 THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS**

## 1. Sam Winfield (Applicant) and Paul Kotsoglo (Planning Solutions) - Item 9.3

- Made a deputation in relation to Item 9.3.
- Spoke in support of the application.
- Advised that the venue is an intimate neighbourhood wine bar.
- Noted that it will be one of the smallest licenced venues in Perth.
- Requested that Council waive the requirement for a cash in lieu car parking contribution.

*The Presiding Member Mayor Cole thanked for Mr Winfield and Mr Kotsoglo for their comments.*

## 6 CONFIRMATION OF MINUTES

### COUNCIL DECISION

Moved: Cr Loden, Seconded: Cr Hallett

That the minutes of the Ordinary Meeting held on 19 September 2017 be confirmed.

**CARRIED UNANIMOUSLY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)

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

The Presiding Member Mayor Emma Cole made the following announcements:

### 7.1 RIDE TO WORK WEEK

*On Thursday morning we will be celebrating Ride to Work Week with a community bike breakfast at 7am at the Oxford Street Reserve.*

### 7.2 GARAGE SALE TRAIL

*This weekend we have the Garage Sale Trail which runs over two days this year. Up to 350,000 people across Australia participate in the Garage Sale Trail and I understand that WA has the highest per capita rate of participation. There is usually a good trail in Vincent. I did have a look at their website [www.garagesaletrail.com.au](http://www.garagesaletrail.com.au) and I spotted an interesting one in Mt Hawthorn called 'Will from the Bachelorette is getting married and his fiancé is making him get rid of all his stuff', so there are a variety of garage sales out there and I encourage you to embrace it and see what is out there.*

### 7.3 MOUNT HAWTHORN OLD SCHOOL COMMUNITY FAIR

*The Mount Hawthorn Old School Community Fair will be taking place on Saturday 28 October 2017. The City of Vincent is very proud to provide a sponsorship grant for the fair and is holding a stall at this very popular event.*

### 7.4 PRIDE FAIR DAY

*Sunday 29 October 2017 is Pride Fair Day. The Pride Fair did have a bit of a hiatus so we are very pleased that it is back and very happy that the organisers have chosen Birdwood Square in the City of Vincent this year. We will also be hosting a stall at this event.*

### 7.5 ANGOVE STREET HALLOWEEN PARTY

*North Perth Local is getting into the spooky spirit with an Angove Street Halloween Party from 4.30pm to 8.30pm on Tuesday 31 October 2017; this is a very family friendly event that supports local businesses. The City of Vincent is again very proud to provide a sponsorship grant for this event.*

**7.6 SPRING WELL AND WISE COMMUNITY CALENDAR**

*The City of Vincent has just released its new 'Spring Well and Wise Community Calendar' which has a range of social activities for over 65s in Vincent.*

**7.7 LOCAL GOVERNMENT ELECTION DAY**

*This Saturday is local government election day. I strongly encourage all residents and ratepayers to cast their vote. As of today, there is a 25% return rate in the north ward and a 22.75% return rate in the south ward. At this point, it would be best to bring your sealed ballot papers into the City of Vincent, where you can also claim a new ballot paper if it hasn't arrived or made it in to the recycling.*

**7.8 CR MATT BUCKELS – LAST COUNCIL MEETING**

*That brings me to a special presentation this evening, given that it is Council Elections on Saturday we do have one of our long standing Council Members stepping down and that is Matt Buckells. I would also like to welcome tonight matts Wife Jess and sons Jack and Charlie.*

*Matt, back in 2009 you were elected to Council after two earlier unsuccessful attempts. You came onto the scene offering to rock the boat and to ruffle a few established feathers and I think that you can safely say that you achieved that. You have been driven by a desire to see genuine change in:*

- *an increase in plastics recycling – tick;*
- *restoring the Hyde Park Lakes – tick;*
- *bringing a focus to our town centres – tick; and*
- *Making Vincent Carbon neutral ... well you can't will them all.*

*You were passionate on the Vincent to Perth campaign, with a fierce opposition to the crazy idea of splitting Vincent "Earth to City of Perth... get with the program—real cities need real people" you said at the time. You were part of the working group on this big issue, which saw some of the biggest rallies and turn outs our City has ever seen. You even famously started a Vincent to Perth Memes Facebook page reaching the dizzying heights of 68 likes.*

*You have never been shy to speak your mind and I quote, "Whichever genius decided Beaufort Street would benefit from having not one, not two, but three local governments in charge, well, they deserve an 'idiot of the year' medal and to be put on paper clip sorting duty for a month, if that's not beyond them."*

*You first mooted the design excellence concept at a Council Meeting. Something that is now being championed through the State Government's Design WA draft planning policy. You have a strong interest in Planning and are an advocate for density and bringing European heights and streetscapes to our main activity corridors such as Oxford Street. You have an appreciation for good quality design and a progressive approach.*

*The Voice describes you as "libertarian leaning which set him apart from other councillors more susceptible to NIMBYist complaints"*

*You are regularly referred to as a Transport Wizard given your background in sustainable transport and you are now pursuing further qualifications and a bonafide career as a Planner. We wish you all the best in this pursuit and area of passion.*

*I have come to know you as Mr Leederville. You have lived in Leederville for 16 years, with wife Jess, Jack and Charlie, a dog and some chooks. You have had long-time involvement in Leederville's original Arty Farty Street Party about 10 years ago which was the precursor to the Leederville Carnival. We are still very shocked that you are leaving not only Council but Leederville itself.*



*You have been described as ‘zany and idiosyncratic’ with a ‘cheeky turn of phrase and an independent streak’. Ros recalled that you debated so well you talked yourself out of voting your intended way. You’re also able to have a spirited debate/disagreement of ideas and still have friendly banter and a laugh afterwards.*

*Dan thought it was pretty funny when you complained about being moved from your old Council seat so that your expanding bald patch was directly presented to the journalist desk - probably now captured on the live stream.*

*You made us all laugh, and honestly wonder, when you used a pretty strange analogy about Pandas in demonstrating your commitment to banning the bag and sustainability generally. You said banning plastic bags is a bit like saving the panda and that the ban makes you think more broadly about the environment. You then went on to “compare Plastic Free July,” with “the refugee challenge”.*

*We know if we miss this banter in our Council debates, we can find you on The West Australian Facebook page (or numerous other pages and online discussions) taking the debate up to the masses.*

*Matt, you can be congratulated, and rightly claim your part in dragging the City of Vincent out of the past. Thank you for the confidence that you have placed in the rest of us who remain to get on with this job. Thank you for the part you have played in this.*

*I conclude in Matt’s words “The City of Vincent is almost unrecognisable compared to the council I joined in 2009, and that is because we’ve made brave decisions. We’ve overhauled what we do and how we do it and we’ve built an Administration that really gets Vincent.”*

*Mayor Cole presented Cr Matt Buckels with a Certificate of Service from the City, with applause from the Council Chamber and public gallery.*

## **8 DECLARATIONS OF INTEREST**

- 8.1** The Chief Executive Officer, Len Kosova declared a direct financial interest in Item 18.1 – Confidential Report: Chief Executive Officer’s Performance Review 2016-17. The nature of his interest is that the Item relates to his performance in the role of Chief Executive Officer, his remuneration and his contract of employment with the City.

## **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 9.4.
- (b) **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment, being:**  
Items 9.1, 9.2, 11.3, 11.4, 12.1 and 12.2.
- (c) **Items which Council Members/Officers have declared a financial or proximity interest, being:**  
Items 18.1.

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 Harley (Deputy Mayor) | 11.3                  |
| Cr Loden                 | 11.2, 11.3, 11.8      |
| Cr Topelberg             | 10.1                  |

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

- (e) **Unopposed items which will be moved “En Bloc”, being:**  
Items 11.1, 11.5, 11.6, 11.7, 13.1 and 13.2
- (f) **Confidential Reports which will be considered behind closed doors, being:**  
Items 18.1 and 18.2.

#### **ITEMS APPROVED “EN BLOC”:**

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

#### **COUNCIL DECISION**

**Moved: Cr Harley, Seconded: Cr Murphy**

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

**Items 11.1, 11.5, 11.6, 11.7, 13.1 and 13.2**

**CARRIED UNANIMOUSLY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

**(Cr Gontaszewski was on approved leave of absence for the meeting.)**

**11.1 REVIEW OF POLICY 4.1.26 - RISK MANAGEMENT****TRIM Ref:** D17/100647**Author:** Tim Evans, Manager Governance and Risk**Authoriser:** John Paton, Director Corporate Services**Attachments:** 1. POLICY NO: 4.1.26 - Risk Management [⇒](#) **RECOMMENDATION:**

That Council **ADOPTS** the revised Policy No 4.1.26 - Risk Management included as Attachment 1 and agrees that public advertising and community consultation is not required;

**COUNCIL DECISION ITEM 11.1****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**11.5 FINANCIAL STATEMENTS AS AT 31 AUGUST 2017****TRIM Ref:** D17/135961**Author:** Nilesh Makwana, Accounting Officer**Authoriser:** John Paton, Director Corporate Services**Attachments:** 1. Financial Statements as at 31 August 2017 [⇒](#) **RECOMMENDATION:**

That Council RECEIVES the Financial Statements for the month ended 31 August 2017 as shown in Attachment 1.

**COUNCIL DECISION ITEM 11.5****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY "EN BLOC" (7-0)**

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**11.6 AUTHORISATION OF EXPENDITURE FOR THE PERIOD 24 AUGUST 2017 TO 22 SEPTEMBER 2017****TRIM Ref:** D17/133290**Author:** Nikki Hirrill, Accounts Payable Officer**Authoriser:** John Paton, Director Corporate Services**Attachments:**

1. Payments by EFT September 17 [⇒](#) 
2. Payments by Cheque September 17 [⇒](#) 
3. Payments by Credit Card September 17 [⇒](#) 

**RECOMMENDATION:**


That Council RECEIVES the list of accounts paid under delegated authority for the period 24 August 2017 to 22 September 2017 as detailed in attachment 1, 2 and 3 as summarised below:

**COUNCIL DECISION ITEM 11.6****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**11.7 INVESTMENT REPORT AS AT 30 SEPTEMBER 2017****TRIM Ref:** D17/136201**Author:** Sheryl Teoh, Accounting Officer**Authoriser:** John Paton, Director Corporate Services**Attachments:** 1. Investment Report [↗](#) **RECOMMENDATION:**

That Council NOTES the provisional Investment Report for the month ended 30 September 2017 as detailed in Attachment 1.

**COUNCIL DECISION ITEM 11.7****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**13.1 INFORMATION BULLETIN****TRIM Ref:** D17/95467**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** Len Kosova, Chief Executive Officer

- Attachments:**
1. Halloween Night' Road Closure – Buxton street, Mt Hawthorn 
  2. Minutes of the Business Advisory Group Meeting held on 18 January 2017 
  3. Minutes of the Design Advisory Committee Meeting held on 9 August 2017 
  4. Minutes of the Design Advisory Committee Meeting held on 23 August 2017 
  5. Children and Young People Advisory Group Unconfirmed Minutes Thursday 17 August 2017 
  6. Minutes of the Audit Committee Meeting held 26 September 2017 
  7. Statistics for Development Applications as at end of September 2017 
  8. Register of Legal Action and Prosecutions Register Monthly - Confidential
  9. Register of State Administrative Tribunal (SAT) Appeals – Progress Report as at 21 September 2017 
  10. Register of Applications Referred to the MetroWest Development Assessment Panel – Current 
  11. Register of Applications Referred to the Design Advisory Committee – Current 
  12. Summary Minutes of WALGA State Council Meeting held on 8 September 2017 
  13. Minutes of the Tamala Park Regional Council Meeting held on 17 August 2017 
  14. Minutes of the Mindarie Regional Council Meeting held on 14 September 2017 
  15. Register of Petitions - Progress Report - October 2017 
  16. Register of Notices of Motion - Progress Report - October 2017 
  17. Register of Reports to be Actioned - Progress Report - October 2017 

**RECOMMENDATION:**

That Council RECEIVES the Information Bulletin dated October 2017

**COUNCIL DECISION ITEM 13.1**

**Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**13.2 APPROVAL OF COUNCIL BRIEFING AND COUNCIL MEETING DATES FOR 2018****TRIM Ref:** D17/132537**Author:** Emma Simmons, Governance and Council Support Officer**Authoriser:** Len Kosova, Chief Executive Officer**Attachments:** 1. Draft Meeting Schedule - 2018 [⇒](#) **RECOMMENDATION:**

That Council **ADOPTS** the 2018 Council Briefing and Council Meeting Schedule included as Attachment 1, consisting of a monthly meeting cycle of:

1. Twelve (12) Council Briefing Sessions, commencing Tuesday 30 January 2018; and
2. Twelve (12) Council Meetings, commencing Tuesday 6 February 2018.

**COUNCIL DECISION ITEM 13.2****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**CARRIED UNANIMOUSLY “EN BLOC” (7-0)**

(Cr Gontaszewski was on approved leave of absence for the meeting.)



At 6.47pm pm, Cr Roslyn Harley left the meeting.

## 9 DEVELOPMENT SERVICES

### 9.4 NOS. 1-16/17 (LOTS: 1-16; STR: 59813) HARWOOD PLACE, WEST PERTH - CHANGE OF USE FROM MULTIPLE DWELLINGS TO SERVICED APARTMENTS (AMENDMENT TO APPROVAL)

TRIM Ref: D17/115525








Author: Steve Laming, Urban Planner

Authoriser: Paola Di Perna, Manager Approval Services

Ward: South

Precinct: 13 – Beaufort

Attachments:

1. Attachment 1 - Consultation and Location Map [⇒](#) 
2. Attachment 2 - Previous Development Approval Granted 3 May 2016 [⇒](#) 
3. Attachment 3 - Existing Approved Management Plan - May 2016 [⇒](#) 
4. Attachment 4 - Proposed Updated Management Plan - September 2017 [⇒](#) 
5. Attachment 5 - Summary of Submissions [⇒](#) 
6. Attachment 6 - Applicant's Justification Report and Response to Submissions [⇒](#) 
7. Attachment 7 - Recommended Condition 4 & 5 Track Change [⇒](#) 

#### RECOMMENDATION:

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application to amend the conditions for development approval 5.2015.568.1 granted on 3 May 2016 for a Change of Use from Multiple Dwellings to Serviced Apartments at Nos. 1-16/17 (Lots: 1-16; STR: 59813) Harwood Place, West Perth subject to the following:

1. All conditions and advice notes detailed on development approval 5.2015.568.1 granted on 3 May 2016 included as Attachment 2 continue to apply to this approval, except as follows:
  - 1.1. Condition 4 of the development approval is as follows:
    - “4. *The serviced apartments shall include within the entrance, foyer or lobby of the premises a reception desk which shall be attended by staff during scheduled guest check-ins and check-outs*”;
  - 1.2. Condition 5 of the development approval is deleted and replaced as follows:
    - “5. *Within 28 days of the issue date of this approval the Management Plan included as Attachment 4 shall be amended, submitted to, and approved by the City, to include the following:*
      - *All guests/residents of the Serviced Apartments are subject to a one strike policy, whereby should any unacceptable noise/disturbance/anti-social behaviour be reported and verified by staff, the offending guests/residents shall be required to leave the premises immediately and shall be banned from occupying the premises in the future. This information shall be documented and registered with the City of Vincent;*
      - *24 hour contact details of the Serviced Apartments owners, licensed operator and the relevant security company, to be provided to all owners/occupiers of the adjoining residential properties on Harwood Place and made available at all times on the serviced apartment's website;*
      - *The two car parking bays accessed from Harwood Place shall be labelled*

as 'pick up/drop off' bays for use by on-demand transport or buses and shall not be used by guests;

- A Code of Conduct detailing the expected behaviour of guests/residents in order to minimise any impact on adjoining residents;
- No more than six guests/residents shall be permitted in any Serviced Apartment at any one time;
- Minimum three night stay for all guests of the serviced apartments;
- Each serviced apartment shall be provided with one dedicated parking bay to encourage patrons and/or visitors to use the onsite parking facilities; and
- A record of complaints and enquiries logged, and the applicant's response, is to be provided as requested or on a 6 monthly basis to the City of Vincent.

5.1 The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review."

#### COUNCIL DECISION ITEM 9.4

Moved: Cr Buckels, Seconded: Cr Loden

That the recommendation be adopted.

#### PROPOSED AMENDMENT

Moved: Cr Loden, Seconded: Cr Murphy

That Recommendation 1.2 be amended as follows:

"Condition 5 of the development approval is deleted and replaced as follows:

"5. *Within 28 days of the issue date of this approval the Management Plan included as Attachment 4 shall be amended to include the following and, submitted to, ~~and approved by the City for approval:~~*

- (a) *All guests/residents of the Serviced Apartments are subject to a one strike policy, whereby should any unacceptable noise/disturbance/anti-social behaviour be reported and verified by staff, the offending guests/residents shall be required to leave the premises immediately and shall be banned from occupying the premises in the future. This information shall be documented and registered with the City of Vincent;*
- (b) *24 hour contact details of the Serviced Apartments owners, licensed operator and the relevant security company, to be provided to all owners/occupiers of the adjoining residential properties on Harwood Place and made available at all times on the serviced apartment's website;*
- (c) *The two car parking bays accessed from Harwood Place shall be labelled as 'pick up/drop off' bays for use by on-demand transport or buses and shall not be used by guests;*
- (d) *A Code of Conduct detailing the expected behaviour of guests/residents in order to minimise any impact on adjoining residents;*
- (e) *No more than six guests/residents shall be permitted in any Serviced Apartment at any one time;*
- (f) *A requirement that security personnel be present on site and conduct walk throughs at 7:00pm, 10:00pm, 1:00am, 3:00am, 5:00am and 7:00am on Fridays, Saturdays and Sundays prior to public holidays including a walk-through between 10:00pm and 10:30pm to ensure that all visitors have left in accordance*

with the Code of Conduct;

- (g) A requirement that security personnel be present and conduct a walk-through on ordinary Sundays and Monday to Thursday between 7:00pm and 7:00am, with further walk-throughs where a 'minor noise disturbance and minor complaints' or 'parties, major noise disturbance and other high-level complaints' is received;
- (h) Minimum three night stay for all guests of the serviced apartments;
- (i) Each serviced apartment shall be provided with one dedicated parking bay to encourage patrons and/or visitors to use the onsite parking facilities; and
- (j) A record of complaints and enquiries logged, and the applicant's response, is to be provided as requested or on a 6 monthly basis to the City of Vincent.

5.1 *The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review.*””

AMENDMENT CARRIED (5-1)

**For:** Mayor Cole, Cr Buckels, Cr Hallett, Cr Loden and Cr Topelberg

**Against:** Cr Murphy

(Cr Gontaszewski was on approved leave of absence for the meeting.)

(Cr Harley was absent from the meeting and did not vote)

PROCEDURAL MOTION

Moved: Cr Topelberg, Seconded: Cr Murphy

That the motion be deferred to the next Ordinary Meeting of Council.

CARRIED UNANIMOUSLY (6-0)

**For:** Mayor Cole, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy



**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)

(Cr Harley was absent from the meeting and did not vote.)

**9.3 NOS. 452 - 460 (LOT: 1; D/P: 613) WILLIAM STREET, PERTH - CHANGE OF USE FROM SHOP TO TAVERN****TRIM Ref:** D17/104022**Author:** Steve Laming, Urban Planner**Authoriser:** Paola Di Perna, Manager Approval Services**Ward:** South**Precinct:** 13 – Beaufort

**Attachments:**

1. Attachment 1 - Consultation and Location Map  
2. Attachment 2 - Development Plans  
3. Attachment 3 - Summary of Submissions  
4. Attachment 4 - Applicant's Response to Submissions  
5. Attachment 5 - Management Plan  
6. Attachment 6 - Car Parking Assessment  
7. Attachment 7 - Determination Advice Notes  

**RECOMMENDATION:**

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, **APPROVES** the application for a change of use from Shop to Tavern at Nos. 452-460 (Lot: 1; D/P: 613) William Street, Perth, in accordance with the plans provided as Attachment 2 subject to the following conditions, with the associated determination advice notes in Attachment 7:

**1. Use of Premises**

The use shall be limited to:

- 1.1. A maximum of 22 customers shall be permitted within the indoor area at any given time;
- 1.2. A maximum of 28 customers shall be permitted within the outdoor alfresco area at any given time; and
- 1.3. The area shown as 'WINE STORE & BAR' on the approved ground floor plan shall only be used for the purpose of the proposed Tavern. The area shown as 'STORAGE AREA' on the approved first floor plan shall only be used for storage of goods associated with the Tavern on the ground floor;

**2. Active Frontage**

The development shall maintain an active and interactive relationship and uninterrupted views between the use of the development and William Street during the hours of the development's operation to the satisfaction of the City. Darkened, obscured, mirror or tinted glass or the like is prohibited. Curtains, blinds and other internal or external treatments that obscure the view of the 'WINE STORE & BAR', as shown on the approved ground floor plan, from William Street are not permitted to be used during the hours of the development's operation;

**3. External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and be screened from view from the street, and surrounding properties to the satisfaction of the City;

**4. Hours of Operation**

The hours of operation shall be limited to the hours of:

- Tuesday to Saturday and Sundays prior to public holidays: 7:00am to midnight;
- Ordinary Sundays and Public Holidays: 7:00am to 10:00pm; and
- Monday: CLOSED;

**5. Acoustic Report**

5.1. An Acoustic Report, in accordance with the City's Policy No. 7.5.21 - Sound Attenuation and State Planning Policy 5.4 - Road and Rail Transport Noise and Freight Considerations in Land Use Planning, shall be lodged with and approved by the City prior to the commencement of the development; and

5.2. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City prior to the use or occupation of the development and maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers;

**6. Management Plan**

6.1. An updated Management Plan in accordance with the City's Policy No. 7.5.7 – Licenced Premises shall be submitted to, and approved by the City prior to the development commencing. The updated Management Plan shall address the following matters and shall be in accordance with all conditions of this approval:

- Any recommendations detailed in the Acoustic Report (as per Condition 5 above);
- Floor plans of the premises;
- The maximum number of patrons;
- Hours of operation;
- Noise Management Plan;
- Patron and anti-social behaviour;
- Entertainment and Music; and
- Time and frequency of waste collection and deliveries at the premises;

6.2. Use of the premises shall be carried out in accordance with the approved Management Plan or any Plan approved by the City thereafter and all requirements of the Management Plan shall be implemented to the satisfaction of the City; and

6.3. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review;

**7. Cash-in-Lieu**

A cash-in-lieu contribution shall be paid to the City for the shortfall of 3.72 car bays, based on the cost of \$5,400 per bay as set out in the City's 2017/2018 Schedule of Fees and Charges being a contribution of \$20,088 prior to the commencement of development or by entering into a written agreement to the City to pay the cash-in-lieu over an agreed period up to five years; and

**8. Heritage**

8.1. The existing front double doors shall be retained in place; and

8.2. The original fabric to the bay windows shall be retained where it is extant.

**COUNCIL DECISION ITEM 9.3**

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

**That the recommendation be adopted.**

At 7.03pm, Cr Roslyn Harley returned to the meeting.

At 7:12 pm, Cr Dan Loden left the meeting.

At 7:14 pm, Cr Dan Loden returned to the meeting.

At 7:26 pm, Cr Joshua Topelberg left the meeting.

At 7:28 pm, Cr Joshua Topelberg returned to the meeting.

**CARRIED UNANIMOUSLY (6-1)**

**For:** Mayor Cole, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Cr Harley

**(Cr Gontaszewski was on approved leave of absence for the meeting.)**

**9.2 NO. 404 (LOT: 3; STR: 12113) NEWCASTLE STREET, WEST PERTH - CHANGE OF USE FROM WAREHOUSE TO UNLISTED USE (MOTOR VEHICLE REPAIR SHOP) (RETROSPECTIVE)**

TRIM Ref: D17/75415



Author: Steve Laming, Urban Planner

Authoriser: Paola Di Perna, Manager Approval Services

Ward: South

Precinct: 13 – Beaufort

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Determination Advice Notes 

**RECOMMENDATION:**

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application for a change of use from Warehouse to Unlisted Use (Motor Vehicle Repair Shop) (Retrospective) at No. 404 (Lot: 3; D/P: 12113) Newcastle Street, West Perth in accordance with the plans provided as Attachment 2 subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. Use of Premises**

- 1.1. The Motor Vehicle Repair Shop shall be limited to a maximum of one person operating from the premises at any time;
- 1.2. The Motor Vehicle Repair Shop shall be limited to a maximum of three (3) working bays;
- 1.3. The operating hours of the Motor Vehicle Repair Shop shall be limited as follows:
  - Monday to Friday: 8:00am – 5:00pm;
  - Saturday: 9:00am to 2:00pm; and
  - Sunday and Public Holidays: CLOSED;

**2. External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and be screened from view from the street, and surrounding properties to the satisfaction of the City;

**3. Management Plan**

- 3.1. Within 28 days of the issue date of this approval, a Management Plan shall be lodged with and approved by the City that includes but is not limited to the following in accordance with all conditions of the approval:
  - Hours of operation;
  - Types of activities carried out on-site;
  - Noise attenuation and emissions control measures;
  - Deliveries;
  - Waste collection;
  - Number of working bays; and
  - Parking;

- 3.2. Use of the premises shall be carried out in accordance with the approved Management Plan or any Plan approved by the City thereafter and all requirements of the Management Plan shall be implemented to the satisfaction of the City; and
- 3.3. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review;

4. Parking

- 4.1 A minimum of three (3) car bays shall be provided on-site for the exclusive use of the Motor Vehicle Repair Shop; and
- 4.2 The car parking areas that form part of this application shall be sealed, drained, paved and line marked in accordance with the approved plans and the requirements of Australian Standard AS2890.1 and shall be maintained by the owner/operator at all times to the City's satisfaction.

Moved: Cr Topelberg, Seconded: Cr Hallett

That the recommendation be adopted.

PROPOSED AMENDMENT 1

Moved: Cr Topelberg, Seconded: Cr Buckels

That Condition 1.3 be amended as follows:

"1.3 The operating hours of the Motor Vehicle Repair Shop shall be limited as follows:

- Monday to Friday: ~~8:00am – 5:00pm~~ 7:00am to 5:30pm;
- Saturday: 9:00am to 2:00pm; and
- Sunday and Public Holidays: CLOSED;"

AMENDMENT CARRIED (7-0)

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)

PROPOSED AMENDMENT 2

Moved: Cr Topelberg, Seconded: Cr Harley

That Condition 1.1 be modified as follows:

"1.1 The Motor Vehicle Repair Shop shall be limited to a maximum of ~~one person~~ three people operating from the premises at any time;"

AMENDMENT CARRIED (7-0)

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)



**COUNCIL DECISION ITEM 9.2**

That Council in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application for a change of use from Warehouse to Unlisted Use (Motor Vehicle Repair Shop) (Retrospective) at No. 404 (Lot: 3; D/P: 12113) Newcastle Street, West Perth in accordance with the plans provided as Attachment 2 subject to the following conditions, with the associated determination advice notes in Attachment 4:

**1. Use of Premises**

- 1.1. The Motor Vehicle Repair Shop shall be limited to a maximum of three people operating from the premises at any time;
- 1.2. The Motor Vehicle Repair Shop shall be limited to a maximum of three (3) working bays;
- 1.3. The operating hours of the Motor Vehicle Repair Shop shall be limited as follows:
  - Monday to Friday: 7:00am – 5:30pm;
  - Saturday: 9:00am to 2:00pm; and
  - Sunday and Public Holidays: CLOSED;

**2. External Fixtures**

All external fixtures and building plant, including air conditioning units, piping, ducting and water tanks, shall be located so as to minimise any visual and noise impact on surrounding landowners, and be screened from view from the street, and surrounding properties to the satisfaction of the City;

**3. Management Plan**

- 3.1. Within 28 days of the issue date of this approval, a Management Plan shall be lodged with and approved by the City that includes but is not limited to the following in accordance with all conditions of the approval:
  - Hours of operation;
  - Types of activities carried out on-site;
  - Noise attenuation and emissions control measures;
  - Deliveries;
  - Waste collection;
  - Number of working bays; and
  - Parking;
- 3.2. Use of the premises shall be carried out in accordance with the approved Management Plan or any Plan approved by the City thereafter and all requirements of the Management Plan shall be implemented to the satisfaction of the City; and
- 3.3. The Management Plan shall be reviewed every 12 months, with any changes identified during this review or by the City, being incorporated into an updated Management Plan approved by the City as part of the review;

**4. Parking**

- 4.1 A minimum of three (3) car bays shall be provided on-site for the exclusive use of the Motor Vehicle Repair Shop; and
- 4.2 The car parking areas that form part of this application shall be sealed, drained, paved and line marked in accordance with the approved plans and the requirements of Australian Standard AS2890.1 and shall be maintained by the owner/operator at all times to the City's satisfaction.

**CARRIED BY ABSOLUTE MAJORITY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

**(Cr Gontaszewski was on approved leave of absence for the meeting.)**

9.1 SHOP 20, NOS. 148-158 (LOT: 600 D/P: 47025) SCARBOROUGH BEACH ROAD, MOUNT HAWTHORN - CHANGE OF USE FROM CONSULTING ROOMS (NON-MEDICAL: MASSAGE THERAPY) TO ALTERNATIVE MEDICINE CONSULTING ROOMS (UNLISTED USE)

TRIM Ref: D17/122121



Author: Joslin Colli, Coordinator Planning Services

Authoriser: Paola Di Perna, Manager Approval Services

Ward: North

Precinct: 1 – Mount Hawthorn and 2 – Mount Hawthorn Centre

Attachments:

1. Attachment 1 - Consultation and Location Map 
2. Attachment 2 - Development Plans 
3. Attachment 3 - Summary of Submissions 
4. Attachment 4 - Determination Advice Notes 

**RECOMMENDATION:**

That Council, in accordance with the provisions of the City of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the development application for Change of Use from Consulting Rooms – Non-Medical (Massage Therapy) to Alternative Medicine Consulting Rooms (Unlisted Use) at Shop 20, Nos. 148-158 (Lot: 600; D/P: 47025) Scarborough Beach Road, Mount Hawthorn in accordance with the plans included in Attachment 2, subject to the following conditions, with the associated determination advice notes in Attachment 4:

1. Use of Premises

- 1.1. The development shall be used in accordance with the definition of 'Alternative - Medicine Consulting Rooms' as set out under the City's Policy No. 7.5.22 – Consulting Rooms;
- 1.2. A maximum of three therapist and consulting rooms shall operate from the tenancy at any one time;
- 1.3. The hours of operation for the 'Alternative Medicine Consulting Rooms' shall be limited to the following times:
  - 9:00am to 6:00pm Monday to Wednesday and Friday;
  - 9:00am to 9:00pm Thursday;
  - 9:00am to 5:00pm Saturday;
  - 11:00am to 5:00pm Sunday and other public holidays;
  - Closed Christmas Day, Good Friday and Anzac Day.

**COUNCIL DECISION ITEM 9.1**

**Moved:** Cr Loden, **Seconded:** Cr Buckels

That the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)



## 10 TECHNICAL SERVICES

### 10.1 HYDE STREET RESERVE - PROPOSED EXTENSION

TRIM Ref: D17/116556

Author: Jeremy van den Bok, Manager Parks & Property Services

Authoriser: Jeremy van den Bok, Manager Parks & Property Services

Attachments: 1. Summary of Comments - Proposed Extension of Hyde Street Reserve [⇒](#)   
2. Plan No. 3435-CP-01(A) [⇒](#) 

#### RECOMMENDATION:

That Council:

1. NOTES the comments received during the community consultation on regarding the proposal to extend Hyde Street Reserve as shown in Attachment 1;
2. ENDORSES the proposed extension of Hyde Street Reserve by permanently closing off a portion of Hyde Street, Mount Lawley as shown on the attached Plan No. 3435-CP-01A (Attachment 2) subject to the formal road closure proceedings being enacted and concluded in accordance with 3 and 4 below;
3. GIVES local public notice, pursuant to section 3.50(4) of the *Local Government Act 1995*, of the proposed closure to vehicular traffic of a portion of Hyde Street, Mount Lawley between Forrest Street and Alma Road as shown on attached Plan No. 3435-CP-01A (Attachment 2);
4. DELEGATES BY ABSOLUTE MAJORITY to the Chief Executive Officer the powers, pursuant to sections 3.50(1) and 3.50(4) of the *Local Government Act 1995*, to consider and determine any submissions made in relation to the local public notice given in 3 above and to order that Hyde Street, Mount Lawley is permanently closed to the passage of vehicles between Forrest Street and Alma Road; and
5. NOTES the City's application for a "Stronger Communities" grant for \$20,000 and Administration's intention to increase the project scope and budget to include solar lighting in the event that the grant application is successful and THANKS Federal Member for Perth, Tim Hammond MP for his support of that application.

#### COUNCIL DECISION ITEM 10.1

Moved: Cr Topelberg, Seconded: Cr Hallett

That the recommendation be adopted.

**CARRIED UNANIMOUSLY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)





## 11 CORPORATE SERVICES

### 11.2 LEASE OF 4 VIEW STREET, NORTH PERTH TO MULTICULTURAL SERVICES CENTRE OF WA

TRIM Ref: D17/129834

Author: Meluka Bancroft, Property Leasing Officer

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Plan of Lease Area - 4 View Street    
2. Submission from MSCWA - services and users of services at 4 View Street  

#### RECOMMENDATION:

That Council:

1. APPROVES a new lease of 4 View Street, North Perth to the Multicultural Services Centre of WA, commencing on 1 December 2017, on the following key terms:

- 1.1. Term: 1 year, commencing 1 December 2017;
- 1.2. Option term: Two 1 year terms, at the City's sole discretion;
- 1.3. Permitted purpose: community facility;
- 1.4. Rent: \$16,296 incl GST (indexed by CPI on 1 July);
- 1.5. Rates & Taxes: payable by the lessee (including ESL & bin charge);
- 1.6. Outgoings: payable by the lessee;
- 1.7. Insurance: lessee to effect and maintain public liability insurance;
- 1.8. Indemnity: lessee indemnifies the lessor against loss / damage / claims;
- 1.9. Repair & maintenance: lessee to keep premises and fittings & fixtures clean and in good repair, and repair any damage caused by lessee or due to fair wear and tear (unless major structural damage);
- 1.10. Structural damage: if damage renders premises unsafe / unfit for occupation, lease will terminate and no compensation will be payable to lessee;
- 1.11. Painting: lessee responsible to repaint prior to expiry, unless lessor determines that repainting unnecessary;
- 1.12. Assignment / subletting: lessor's written consent required, which can be withheld at lessor's discretion;
- 1.13. Shared use: lessee can hire premises to community groups when not in use, and charge fee consistent with fees in City's Schedule of Fees & Charges; and
- 1.14. Termination: by mutual agreement or by lessor if default occurs.

2. SUBJECT to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and Director Corporate Services, to affix the common seal and execute the lease in 1 above.

Moved: Cr Loden, Seconded: Cr Buckels

That the recommendation be adopted.

**PROPOSED AMENDMENT**

**Moved:** Cr Loden, **Seconded:** Cr Murphy

That a new Recommendation 3 be added as follows:

- "3. APPROVES the transfer to the Asset Sustainability Reserve at the end of each financial year, all lease income in excess of the costs incurred by the City to maintain the facility during the Term and Option Terms detailed in 1. above."

**AMENDMENT LOST (1-6)**

**For:** Cr Loden

**Against:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Topelberg and Cr Murphy

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**COUNCIL DECISION ITEM 11.2**

That Council:

1. APPROVES a new lease of 4 View Street, North Perth to the Multicultural Services Centre of WA, commencing on 1 December 2017, on the following key terms:
  - 1.1. Term: 1 year, commencing 1 December 2017;
  - 1.2. Option term: Two 1 year terms, at the City's sole discretion;
  - 1.3. Permitted purpose: community facility;
  - 1.4. Rent: \$16,296 incl GST (indexed by CPI on 1 July);
  - 1.5. Rates & Taxes: payable by the lessee (including ESL & bin charge);
  - 1.6. Outgoings: payable by the lessee;
  - 1.7. Insurance: lessee to effect and maintain public liability insurance;
  - 1.8. Indemnity: lessee indemnifies the lessor against loss / damage / claims;
  - 1.9. Repair & maintenance: lessee to keep premises and fittings & fixtures clean and in good repair, and repair any damage caused by lessee or due to fair wear and tear (unless major structural damage);
  - 1.10. Structural damage: if damage renders premises unsafe / unfit for occupation, lease will terminate and no compensation will be payable to lessee;
  - 1.11. Painting: lessee responsible to repaint prior to expiry, unless lessor determines that repainting unnecessary;
  - 1.12. Assignment / subletting: lessor's written consent required, which can be withheld at lessor's discretion;
  - 1.13. Shared use: lessee can hire premises to community groups when not in use, and charge fee consistent with fees in City's Schedule of Fees & Charges; and
  - 1.14. Termination: by mutual agreement or by lessor if default occurs.
2. SUBJECT to final satisfactory negotiations being carried out by the Chief Executive Officer, AUTHORISES the Mayor and Director Corporate Services, to affix the common seal and execute the lease in 1 above.

**CARRIED UNANIMOUSLY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**11.3 TERMINATION OF LEASE AND OPTIONS FOR FUTURE USE - 245 (LOT 245) VINCENT STREET, LEEDERVILLE**

TRIM Ref: D17/118750

Author: Meluka Bancroft, Property Leasing Officer

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Aerial View of 245 Vincent Street    
2. Plan of 245 Vincent Street showing internal layout  

**RECOMMENDATION:**

That Council:

1. **APPROVES** by mutual agreement the termination of the lease of 245 Vincent Street, Leederville, dated 20 September 2011, held by Patricia Giles Centre Inc. effective 31 August 2017;
2. **NOTES** and **ENDORSES** Administration's intent to appoint a suitably qualified and experienced agent to secure and manage a residential lease over 245 Vincent Street, Leederville;
3. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the *Local Government Act 1995*, the unbudgeted expenditure of \$7,700 plus GST to enable the upgrade of the kitchen at 245 Vincent Street, Leederville, to a residential standard (oven, cooktop, range hood, dishwasher, pantry and overhead cupboards) and other minor works to facilitate the residential lease in 2. above; and
4. **NOTES** the expenditure in 3. above will be offset by an increase in the property income.

**DECISION ITEM 11.3****Moved:** Cr Harley, **Seconded:** Cr Murphy

That the recommendation be adopted.

**PROPOSED AMENDMENT 1****Moved:** Cr Murphy, **Seconded:** Cr Buckels

That the Recommendation be amended as follows:

1. **APPROVES** by mutual agreement the termination of the lease of 245 Vincent Street, Leederville, dated 20 September 2011, held by Patricia Giles Centre Inc. effective 31 August 2017;
2. **NOTES** and **ENDORSES** Administration's intent to appoint a suitably qualified and experienced agent to secure and manage a residential lease for a period of 12 months over 245 Vincent Street, Leederville;
3. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the *Local Government Act 1995*, the unbudgeted expenditure of \$7,700 plus GST to enable the upgrade of the kitchen at 245 Vincent Street, Leederville, to a residential standard (oven, cooktop, range hood, dishwasher, pantry and overhead cupboards) and other minor works to facilitate the residential lease in 2. above; and
4. **NOTES** the expenditure in 3. above will be offset by an increase in the property income.

5. APPROVES the advertising of an Expression of Interest for the sale or lease of 245 Vincent Street, Leederville in order to inform decisions regarding the future use and ownership of the property; and
6. NOTES a report will be submitted to Council at the conclusion of the Expression of Interest process in recommendation 5. above for Council to consider disposition options, including sale or lease in accordance with the requirements of section 3.58 of the Local Government Act 1995.

**AMENDMENT 1 CARRIED (4-3)**

**For:** Cr Buckels, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Mayor Cole, Cr Harley and Cr Hallett

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**PROPOSED AMENDMENT 2**

**Moved:** Cr Harley, **Seconded:** Cr Loden

That recommendation 2 be amended as follows:

2. **NOTES and ENDORSES Administration's intent to appoint a suitably qualified and experienced agent to secure and manage a residential or commercial or community lease for a period of a minimum of 12 months over 245 Vincent Street, Leederville;**

**AMENDMENT 2 LOST (1-6)**

**For:** Cr Harley

**Against:** Mayor Cole, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**PROPOSED AMENDMENT 3**

**Moved:** Cr Harley, **Seconded:** Cr Hallett

That recommendation 2 be amended as follows:

2. **NOTES and ENDORSES Administration's intent to appoint a suitably qualified and experienced agent to secure and ~~manage~~ recommend a residential or commercial or community lease for a period of 12 months over 245 Vincent Street, Leederville;**

**AMENDMENT 3 LOST (1-6)**

**For:** Cr Harley

**Against:** Mayor Cole, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

(Cr Gontaszewski was on approved leave of absence for the meeting.)



**PROPOSED AMENDMENT 4****Moved: Cr Harley, Seconded: Cr Buckels**

That recommendations 5 and 6 be amended as follows:

5. **APPROVES** the advertising of an Expression of Interest for the ~~sale or lease~~ of 245 Vincent Street, Leederville in order to inform decisions regarding the future use ~~and ownership~~ of the property; and
6. **NOTES** a report will be submitted to Council at the conclusion of the Expression of Interest process in recommendation 5. above for Council to consider disposition options, ~~including sale or lease~~ in accordance with the requirements of section 3.58 of the *Local Government Act 1995*.

**AMENDMENT 4 LOST (2-5)****For:** Cr Harley and Cr Buckels**Against:** Mayor Cole, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy**(Cr Gontaszewski was on approved leave of absence for the meeting.)****PROPOSED AMENDMENT 5****Moved: Cr Topelberg, Seconded: Cr Murphy**

That recommendation 6 be amended as follows:

6. **NOTES** a report will be submitted to Council no later than June 2018 at the conclusion of the Expression of Interest process in recommendation 5. above for Council to consider disposition options, including sale or lease in accordance with the requirements of section 3.58 of the *Local Government Act 1995*.

**AMENDMENT 5 CARRIED (6-1)****For:** Mayor Cole, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy**Against:** Cr Harley**(Cr Gontaszewski was on approved leave of absence for the meeting.)**

**COUNCIL DECISION ITEM 11.3**

1. **APPROVES** by mutual agreement the termination of the lease of 245 Vincent Street, Leederville, dated 20 September 2011, held by Patricia Giles Centre Inc. effective 31 August 2017;
2. **NOTES** and **ENDORSES** Administration's intent to appoint a suitably qualified and experienced agent to secure and manage a residential lease for a period of 12 months over 245 Vincent Street, Leederville;
3. **APPROVES BY ABSOLUTE MAJORITY**, in accordance with section 6.8(1) of the *Local Government Act 1995*, the unbudgeted expenditure of \$7,700 plus GST to enable the upgrade of the kitchen at 245 Vincent Street, Leederville, to a residential standard (oven, cooktop, range hood, dishwasher, pantry and overhead cupboards) and other minor works to facilitate the residential lease in 2. above; and
4. **NOTES** the expenditure in 3. above will be offset by an increase in the property income.
5. **APPROVES** the advertising of an Expression of Interest for the sale or lease of 245 Vincent Street, Leederville in order to inform decisions regarding the future use and ownership of the property; and
6. **NOTES** a report will be submitted to Council no later than June 2018 at the conclusion of the Expression of Interest process in recommendation 5. above for Council to consider disposition options, including sale or lease in accordance with the requirements of section 3.58 of the *Local Government Act 1995*.

**CARRIED BY ABSOLUTE MAJORITY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

**(Cr Gontaszewski was on approved leave of absence for the meeting.)**

**11.4 LEASE TO AXICOM PTY LTD FOR TELECOMMUNICATIONS PURPOSES - LOT 9023 MARMION AVENUE, CLARKSON (TAMALA PARK)**

TRIM Ref: D17/131046

Author: Meluka Bancroft, Property Leasing Officer

Authoriser: John Paton, Director Corporate Services

Attachments: 1. Plan of proposed Lease Area - telecommunications tower **RECOMMENDATION:**

That Council:

1. **AGREES** in principle to lease of the 150m<sup>2</sup> site currently occupied by Axicom Pty Ltd at Lot 9023 Marmion Avenue, Clarkson on a commercial basis for a term of 10 years, subject to the requirements of Section 3.58(3) of the *Local Government Act 1995* and the approval from the City of Joondalup, City of Wanneroo, City of Stirling, City of Perth, Town of Victoria Park and Town of Cambridge;
2. **AUTHORISES** the Chief Executive Officer to liaise with the City of Wanneroo to coordinate the publishing of a public notice of the intention to enter into the Lease in 1. above;
3. **NOTES** that the proposed lease is for a term of 10 years, commencing on 1 November 2017, with the following key terms:
  - 3.1. Rent: \$70,000 pa plus GST;
  - 3.2. Occupation fee: \$5,000 pa plus GST per additional carrier;
  - 3.3. Rent review: 5% increase annually;
  - 3.4. Height restriction: 45m telecommunication tower;
  - 3.5. Utilities: payable by lessee;
  - 3.6. Insurance: lessee to effect and maintain public liability insurance;
  - 3.7. Repairs & maintenance: lessee to repair and maintain premises and any fixtures or fittings, and repair any damage caused;
  - 3.8. Assignment / co-location: written consent of lessor required; and
  - 3.9. Termination: lessee to provide 12 months' notice of termination;
4. **DELEGATES BY ABSOLUTE MAJORITY** to the Chief Executive Officer, the power to consider any submissions received in response to the Public Notice in 2 above, and determine whether to proceed with the proposed disposition listed in 1 above; and
5. Subject to the lease being approved by all Owner Councils, **AUTHORISES** the Mayor and Director Corporate Services to affix the common seal and execute the lease.

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

That the recommendation be adopted.

At 9:05 pm, Cr Jimmy Murphy left the meeting.

**CARRIED BY ABSOLUTE MAJORITY (6-0)****For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden and Cr Topelberg**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)

(Cr Murphy was absent from the meeting and did not vote.)

**11.8 REVIEW OF LOCAL GOVERNMENT ACT – SUBMISSION TO WALGA**

TRIM Ref: D17/133841

Author: Tim Evans, Manager Governance and Risk

Authoriser: John Paton, Director Corporate Services

Attachments: 1. WALGA Discussion Paper - Review of Local Government Act    
2. City of Vincent Submission  **RECOMMENDATION:**

That Council ENDORSES the submission included as Attachment 2 as the City of Vincent's response to the Western Australian Local Government Association (WALGA) discussion paper relating to the Review of the *Local Government Act 1995*.

Moved: Cr Loden, Seconded: Cr Buckels

That the recommendation be adopted.

**PROPOSED AMENDMENT**

Moved: Cr Loden

That the Recommendation be amended as follows:

That Council ENDORSES the submission included as Attachment 2 as the City of Vincent's response to the Western Australian Local Government Association (WALGA) discussion paper relating to the Review of the *Local Government Act 1995* subject to the following changes:

1. The comment in item 30 of the submission being deleted and replaced with:

"The City supports WALGA's position. However, would also like to incorporate into the review:

1. the potential for time-based differential rating to address the issue of vacant buildings being allowed to deteriorate into disrepair.
2. The potential for local governments to differentiate between residential non-owner-occupied and residential owner-occupied dwellings."

AMENDMENT LAPSED FOR WANT OF A SECONDER

**COUNCIL DECISION ITEM 11.8**

That Council ENDORSES the submission included as Attachment 2 as the City of Vincent's response to the Western Australian Local Government Association (WALGA) discussion paper relating to the Review of the *Local Government Act 1995*.

**CARRIED UNANIMOUSLY (6-0)**

For: Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden and Cr Topelberg

Against: Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)

(Cr Murphy was absent from the meeting and did not vote.)









## 12 COMMUNITY ENGAGEMENT

### 12.1 SPORTSGROUND FEES & CHARGES REVIEW

TRIM Ref: D17/129664

Author: Karen Balm, Community Partnerships - Projects Officer

Authoriser: Michael Quirk, Director Community Engagement

- Attachments:
1. Sportsground Classification Framework 
  2. Sportsground Licence System Model 
  3. Sportsground Cost Recovery Model 
  4. Standard Per Player Charge Model 
  5. Sports Specific Player Charge Model 
  6. Sportsground Hourly Hire Charge Model 
  7. Sportsgrounds Fees & Charges Financial Impact Summary 
  8. Proposed Schedule of Fees and Charges 2017/18 

#### RECOMMENDATION:

That Council

1. In accordance with Section 6.16 of the *Local Government Act 1995* APPROVES BY ABSOLUTE MAJORITY amendments to Sportsgrounds Seasonal Hire within the Schedule of Fees and Charges 2017/2018 as identified within Attachment 8;
2. PROVIDES public notice of the revised Sportsgrounds Seasonal Hire to be included in the Schedule of Fees and Charges 2017/2018 effective from 1 November 2017 pursuant to section 6.19 of the *Local Government Act 1995*.

#### COUNCIL DECISION ITEM 12.1

Moved: Cr Topelberg, Seconded: Cr Buckels

That the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY (6-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden and Cr Topelberg

**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)

(Cr Murphy was absent from the meeting and did not vote.)

At 9:07 pm, Cr Jimmy Murphy returned to the meeting.

**12.2 UNBUDGETED CAPITAL EXPENDITURE - DIGITAL CAMERA FOR MARKETING AND COMMUNICATIONS**

TRIM Ref: D17/133395

Author: Rosslind Ellis, Manager Marketing and Communications

Authoriser: Michael Quirk, Director Community Engagement

Attachments: Nil

**RECOMMENDATION:**

That Council:

1. In accordance with Section 6.8(1) of the *Local Government Act 1995* APPROVES BY AN ABSOLUTE MAJORITY the unbudgeted expenditure of \$2,532 to purchase a digital camera for marketing and communications purposes and;
2. NOTES the following reallocation of funds to facilitate the expenditure in 1. above:

|                                     | From Account | To Account |
|-------------------------------------|--------------|------------|
| Operating Account – 2165.340.577    | \$2,532      |            |
| New Capital Budget – Digital Camera |              | \$2,532    |

**COUNCIL DECISION ITEM 12.2**

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

That the recommendation be adopted.

**CARRIED BY ABSOLUTE MAJORITY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**14 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

**16 REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil

**17 URGENT BUSINESS**

Nil

**18 CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED****PROCEDURAL MOTION**

**Moved:** Cr Loden, **Seconded:** Cr Murphy

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

**CARRIED UNANIMOUSLY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

**(Cr Gontaszewski was on approved leave of absence for the meeting.)**

At 9.10pm all staff members left the meeting and live streaming was stopped.

|                 |  |                         |
|-----------------|--|-------------------------|
| <b>PRESENT:</b> | <b>Mayor Emma Cole</b>                 | <b>Presiding Member</b> |
|                 | <b>Cr Roslyn Harley (Deputy Mayor)</b> | <b>North Ward</b>       |
|                 | <b>Cr Matt Buckels</b>                 | <b>North Ward</b>       |
|                 | <b>Cr Jonathan Hallett</b>             | <b>South Ward</b>       |
|                 | <b>Cr Dan Loden</b>                    | <b>North Ward</b>       |
|                 | <b>Cr Joshua Topelberg</b>             | <b>South Ward</b>       |
|                 | <b>Cr Jimmy Murphy</b>                 | <b>South Ward</b>       |



**18.1 CHIEF EXECUTIVE OFFICERS PERFORMANCE REVIEW 2016-17****Disclosure of Financial Interest**

The Chief Executive Officer, Len Kosova, has disclosed a direct financial interest in this matter as it relates to his performance and remuneration in the role of CEO and his contract of employment with the City.

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

**Local Government Act 1995 - Section 5.23(2):**

- (a) a matter affecting an employee or employees

Confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation, confidential reports are to be kept confidential until determined by the Council to be released for public information.

At the conclusion of these matters, the Council may wish to make some details available to the public.

**COUNCIL DECISION ITEM 18.1**

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

**That Council:**

1. **RECEIVES** the Chief Executive Officer's Annual Performance Review (2016-17) Confidential Report included as Confidential Attachment 1 and **ENDORSES** the outcome of the review that the Chief Executive Officer has met the performance expectations of the position for the 2016-17 review period;
2. **APPROVES** an increase of 1.25% to the CEO's Total Reward Package, effective 4 September 2017, bringing the Total Reward Package (inclusive of FBT provisions) to \$316,586, which is the maximum limit prescribed by the Salaries and Allowances Tribunal for a CEO of a 'Band 2' local government and **AUTHORISES** the Mayor to execute on Council's behalf an amendment to the CEO's contract of employment to reflect the increased Total Reward Package, noting that the CEO can nominate how this increase is to be allocated in accordance with the Salaries and Allowances Tribunal determination of 11 April 2017;
3. **NOTES** the following items will be presented to Council for consideration on 14 November 2017:
  - (a) Draft CEO Key Performance Indicators for the 2017-18 review period;
  - (b) Draft CEO Performance and Remuneration Review Policy.
4. **NOTES** that appointments to the CEO Performance Review Panel will be presented to Council for consideration as part of the appointment of Council Members to various Committees, Advisory Groups and Statutory Authorities on 14 November 2017.

**CARRIED UNANIMOUSLY (7-0)**

**For:** Mayor Cole, Cr Harley, Cr Buckels, Cr Hallett, Cr Loden, Cr Topelberg and Cr Murphy

**Against:** Nil

**(Cr Gontaszewski was on approved leave of absence for the meeting.)**

**PROCEDURAL MOTION**

**Moved: Cr Topelberg, Seconded: Cr Buckels**

That the Council resume an “open meeting”.

**CARRIED UNANIMOUSLY (8-0)**

(Cr Gontaszewski was on approved leave of absence for the meeting.)

**18.2 LATE REPORT: APPOINTMENT OF DIRECTOR ENGINEERING**

(This item was withdrawn prior to the meeting)

**19 CLOSURE**

There being no further business, the Presiding Member, Mayor Emma Cole, declared the meeting closed at 10.10pm with the following persons present:

|                       |   |   |
|-----------------------|---|---|
| <b>PRESENT:</b>       | <b>Mayor Emma Cole</b><br><b>Cr Roslyn Harley (Deputy Mayor)</b><br><b>Cr Matt Buckels</b><br><b>Cr Jonathan Hallett</b><br><b>Cr Dan Loden</b><br><b>Cr Joshua Topelberg</b><br><b>Cr Jimmy Murphy</b> | <b>Presiding Member</b><br><b>North Ward</b><br><b>North Ward</b><br><b>South Ward</b><br><b>North Ward</b><br><b>South Ward</b><br><b>South Ward</b> |
| <b>IN ATTENDANCE:</b> | <b>Len Kosova</b>   | <b>Chief Executive Officer</b>  |

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 17 October 2017.

Signed: ..... Mayor Emma Cole

Dated this ..... day of .....2017