

# agenda

Special Elected Members Briefing  
Session



To: His Worship the Mayor and Councillors

Please be advised that a **Special Elected members Briefing Session** will be held at **6:00pm** on **Tuesday 26 August 2014** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

A handwritten signature in black ink, appearing to read "A. Vuleta".

**MR ANTHONY VULETA**  
**ACHIEF EXECUTIVE OFFICER**

22 August 2014

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## 1 OPENING

Almighty God, under whose providence we hold responsibility for this Town, grant us wisdom to understand its present needs, foresight to anticipate its future growth and grace to serve our fellow citizens with integrity and selfless devotion.

And to Thee, be all blessing and glory forever.

AMEN

### Acknowledgement of Country (by Mayor)

I acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders both past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

## 2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 3 ATTENDANCE

**Mayor:**

Mr T (Trevor) Vaughan

**Banksia Ward:**

Cr C (Claire) Anderson (Deputy Mayor)  
Cr J (John) Bissett  
Cr K (Keith) Hayes  
Cr M (Mark) Windram

**Jarraah Ward:**

Cr V (Vince) Maxwell  
Cr D V (Vin) Nairn  
Cr B (Brian) Oliver  
Cr V (Vicki) Potter

**A/Chief Executive Officer:**

Mr A (Anthony) Vuleta

**Directors:**

Ms T (Tina) Ackerman  
Mr N (Nathan) Cain  
Ms R (Rochelle) Lavery  
Mr W (Warren) Bow

**A/Director:**

**Secretary:**

Mrs A (Alison) Podmore

**Public:**

### 3.1 Apologies

## 3.2 Approved Leave of Absence

### 4 DECLARATIONS OF INTEREST

Declarations of interest are to be made in writing prior to the commencement of the Meeting, (a form to assist Elected Members and Staff is attached at the end of this Agenda).

#### Declaration of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

#### Declaration of Proximity Interest

Elected members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are to declare an interest in a matter if the matter concerns: a) a proposed change to a planning scheme affecting land that adjoins the person's land; b) a proposed change to the zoning or use of land that adjoins the person's land; or c) a proposed development (as defined in section 5.63(5)) of land that adjoins the persons' land.

Land, the proposed land adjoins a person's land if: a) the proposal land, not being a thoroughfare, has a common boundary with the person's land; b) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or c) the proposal land is that part of a thoroughfare that has a common boundary with the person's land. A person's land is a reference to any land owned by the person or in which the person has any estate or interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

**Declaration of Interest affecting impartiality**

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	
Item No/Subject	
Nature of Interest	
Extent of Interest	

**5 PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)****6 PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)**

## 7 REPORTS

### 7.1 Proposed Agreement For Lease and Lease to West Coast Eagles at Lathlain Park

<b>File Reference:</b>	PR5397~08 CMA/4/1
<b>Appendices:</b>	Yes

<b>Date:</b>	20 August, 2014
<b>Reporting Officer:</b>	T. McCarthy, B. Rose
<b>Responsible Officer:</b>	W. Bow
<b>Voting Requirement:</b>	Absolute Majority

#### Executive Summary:

**Recommendation – That Council approves the Agreement For Lease and the Lease of portion of Lathlain Park to Indian Pacific Ltd trading as the West Coast Eagles for a term of fifty (50) years, with an option to renew for a further term of forty nine (49) years, subject to conditions.**

- Council resolved at the Special Council Meeting held 24 June 2014 to advertise, in accordance with the requirements of Section 3.58 of the *Local Government Act 1995*, the proposed land transaction with the West Coast Eagles.
- Four submissions in relation to the proposed disposition were received by the Town prior to closure of the advertised submission period.

#### TABLED ITEMS

Nil

#### BACKGROUND

At its Special Meeting held on 24 June 2014, Council resolved:

1. *That Council advertises, in accordance with Section 3.58 of the Local Government Act 1995, the proposed land transaction with the West Coast Eagles, being for a term of fifty (50) years, with an option to renew for a further term of forty nine (49) years.*
2. *That following the public advertising period required under Section 3.58 of the Local Government Act 1995, Council consider any public submissions lodged, and make a determination on the execution of the Agreement for Lease and Lease, with or without modifications arising from the public advertising process.*

*The Motion was Put and*

*CARRIED BY ABSOLUTE MAJORITY (8-0)*

In accordance with Council's resolution of 24 June 2014, notice of the proposed disposition was advertised in the West Australian, the Southern Gazette, the Examiner and on the Town's public notice boards at the Administration Centre and Library. The closing time for submissions was 4pm Monday 14 July 2014. Four (4) submissions were received.

## DETAILS

On 5 September 2013, Council unanimously resolved to execute a legally binding Heads of Agreement with the West Coast Eagles. The Heads of Agreement established the principles under which further detailed project feasibility analysis would be undertaken in partnership, and the principles to be included in the Agreement for Lease and the Lease documents.

Key elements of the Heads of Agreement between the Town and West Coast Eagles include:

- Two Australian Football League standard ovals to be constructed by West Coast Eagles, by modifying the existing oval and constructing a new oval with a synthetic running track around the new oval;
- Multiple parking nodes around the site to cater for weekday activity (employees and players);
- Substantial on-street and verge parking for Perth Football Club game days (~11 home games a year);
- As much community access to the site as possible and practical;
- Perth Football Club to remain on-site, in their present location;
- West Coast Eagles lease of the site for 50 years (plus a 49 year option), in return for:
  - \$1M contribution to the Perth Football Club towards new club buildings;
  - \$1M contribution to the Town towards upgrades to the remainder of Lathlain Park (playground areas, parking, landscaping, parks, picnic areas, barbecues, multi-purpose courts etc); and
  - A host of localised community and business benefits (defined in the Major Land Transaction Plan); and
- Substantial training and administration buildings, funded and built by the West Coast Eagles, on the southern side of Lathlain Park (Bishopsgate Street), generally including (over time):
  - administration offices for the West Coast Eagles football club;
  - administration offices associated with community organisations such as The Wirrpanda Foundation Limited;
  - indoor and outdoor training, education, aquatic, medical, rehabilitation and recovery activities associated with an AFL sports organisation;
  - functions and catering space (open to the public);
  - museum (open to the public);
  - café (open to the public);
  - sports medicine and medical facilities (open to the public); and
  - child care (open to the public).

In accordance with Council's resolution of 18 December 2013, the Town's Administration instructed its solicitors to prepare draft Agreement for Lease and Lease documents, in consultation with the West Coast Eagles' administration. Further negotiation and discussion with West Coast Eagles representatives has ensued to reach agreement on the terms of the draft documents to be put to Council and the West Coast Eagles' Board for consideration.

The draft Agreement for Lease and Lease documents are appended to this report, for consideration for approval to execute.

### **Legal Compliance**

Under Section 3.58 of the *Local Government Act 1995*, a disposition of land includes leasing of Local Government property. If a Local Government does not dispose of property via public auction or the public tender method, the proposal must be advertised for public comment unless the proposal is an exempt disposition.

Given that the proposed lease is not an exempt disposition for the purposes of Section 3.58, a local public notice, and consideration by Council of any submissions received in response to that notice, is required prior to entering into any agreement for disposition. Four (4) submissions were received, and details of these submissions are provided for Council consideration.

Under Section 136 of the *Planning and Development Act 2005*, the lease of portion of a Lot for a term exceeding 20 years requires the approval of the Western Australian Planning Commission (WAPC). Administration has submitted an application to WAPC seeking preliminary approval under Section 136 of the *Planning and Development Act 2005* for the proposed lease. WAPC has advised that approval cannot be issued until it has received a copy of the Lease Agreements (which will be provided if Council and the West Coast Eagles' Board approve the documents for execution).

The development proposed for the site will require planning approval from the Metropolitan Central Joint Development Assessment Panel, which will form its decision on advice and recommendations from the Town (Council) and the WAPC. The WAPC is involved in the planning process because the site is Reserved for Recreation under the Metropolitan Region Scheme.

### **Policy Implications**

The Town has a host of policies, strategies and schemes which relate (directly or indirectly) to Lathlain Park, including, as a sample:

- Town Planning Scheme No. 1;
- Draft Local Planning Strategy;
- Integrated Movement Network Strategy 2013;
- Lathlain Park Precinct MasterPlan 2011; and
- Lathlain Precinct Structure Plan 2000.

Each one of these documents maintains a common theme; cost effective revitalisation (both capital and recurrent costs) of Lathlain Park for active and passive recreation uses and broad community accessibility. The proposed Agreement for Lease and Lease are cognizant of this policy position.

### **Strategic Plan Implications**

The Strategic Community Plan 2013-2028 identifies the revitalisation of Lathlain Park as a core objective for the Town, specifically including "*the design, redevelopment and management of Lathlain Park and revitalisation of Lathlain Place*". The Four Year Corporate Business Plan and Long Term Financial Plan support this objective.



## **Financial Implications**

### Internal Budget:

Sufficient funds are available within the Budget to discharge the Town's responsibilities under the presently executed Heads of Agreement. Sufficient funds are also available within the Budget and Long Term Financial Plan to complete the Town's portion of the project.

A valuation of the ground rental value over the proposed lease area has been obtained by a Licenced Valuer as part of the public advertising period requirements of the *Local Government Act 1995*.

A key principle for the Town in its negotiation with the West Coast Eagles has centered on the community benefits that the proposed development at Lathlain Park will deliver to Lathlain residents and the wider Town community. To underpin the delivery of these community benefits, a Community Benefits Delivery Program will be jointly developed and delivered by the Town and the West Coast Eagles. To better quantify the value and enable measurement of the delivery of the community benefits as outlined in the Community Benefits Delivery Program, the West Coast Eagles have agreed to provide the equivalent of two full time employees, plus 100 hours (minimum) per annum of player involvement in the delivery of community initiatives. In effect, the 'consideration' received by the Town (i.e. the payment) for granting the 50 + 49 year Lease to the West Coast Eagles is the sum of all the different community benefits provided by the West Coast Eagles to the Town of Victoria Park community on behalf of the Council.

### Total Asset Management:

The proposal significantly reduces the asset management liability of the Town at Lathlain Park, while achieving outcomes generally in alignment with previous planning for the site, albeit at a smaller scale.

## **Sustainability Assessment**

A socio-economic impact assessment of the proposal has been undertaken on behalf of the Town and the West Coast Eagles, by Deloitte Access Economics. The full report was previously presented to Council as Appendix 4 to the report presented to the Ordinary Council Meeting held 18 December 2013. Key findings of the assessment include:

### Economic

- The West Coast Eagles contribute \$48 million in value added to the Western Australian economy each year.
- The 'economic footprint' of the West Coast Eagles, following its relocation to Lathlain Park, has the potential to act as a catalyst for further private economic development, particularly in retail and hospitality. Currently there are just six businesses with greater than 200 employees in the Lathlain Park area.
- The \$72.3 million capital injection arising from the redevelopment of Lathlain Park (investment by West Coast Eagles, Perth Football Club and the Town) is expected to result in a \$9.6 million increase in Western Australia's Gross State Product (total effect) and is expected to employ an additional 53 FTEs during the construction phase.

## Social

- The majority of the West Coast Eagles' community development programs are expected to be run from the Lathlain Park precinct with an increased emphasis on supporting the local community (the Town and City of Belmont in particular).
- The Wirrpanda Foundation will be located at the new facility – the Foundation employs 25 full time equivalent staff and with the support of approximately 4,000 volunteer hours per year, undertakes nine different Indigenous community programs. All nine programs will be available to local residents.
- The Eagles in the Community will be co-located with the Foundation – the Eagles in the Community employs six full time equivalent staff and has 11 community programs. Many of these programs will be delivered from Lathlain Park.
- The community activities primarily target four areas; indigenous outcomes, health outcomes, schooling and education outcomes and employment outcomes. These targets are particularly relevant for Town and the City of Belmont and, as such, there is great potential for the West Coast Eagles community development programs to raise health, employment and education levels in the local community.

The following scenarios, while ambitious, demonstrate that additional community programs have the potential to reduce the gap in outcomes between Indigenous and non-Indigenous residents, and the local community and Western Australia more broadly:

- Indigenous programs could potentially support 'closing the gap' in Indigenous employment outcomes in the community (relative to non-Indigenous outcomes in the community):
  - Lower the Indigenous unemployment rate by 16.5 percentage points in ToVP and 20.1 percentage points in the City of Belmont.
  - Raise the labour force participation of Indigenous residents in ToVP by 14.0 percentage points and by 28.9 percentage points in the City of Belmont.
  - Close the income gap through an increase in average weekly earnings of \$171/week (or \$8,900/year) in ToVP and \$326/week (or \$16,950/year) in the City of Belmont.
- Education and schooling programs targeting young people in the region surrounding Lathlain Park could potentially raise education outcomes to the levels of more affluent suburbs:
  - Year 12 completion rates in ToVP could rise by 27 percentage points while completion rates of City of Belmont residents could rise by 15 percentage points.
- Health programs undertaken by the West Coast Eagles have the potential to increase the average health of local residents to at least the state-wide average:
  - The proportion of residents who smoke in the Town could reduce by 1.7 percentage points (approximately 550 people) to equal the Western Australian average.
  - The proportion of City of Belmont residents with Type 2 diabetes could reduce by 0.4 percentage points (approximately 140 people) to equal the Western Australian average.
  - The proportion of Town residents reporting 'fair' or 'poor' on health measures could reduce by 2.8 percentage points (approximately 900 people) to equal the Western Australian average.

**COMMENT**

This matter has been the subject of Elected Members Workshops and presentations by the Administration, West Coast Eagles and the Town's solicitors on 18 February 2014, 18 March 2014, 20 May 2014, 27 May 2014, 17 June 2014 and 19 August 2014.

The Agreement for Lease is a legally binding document which sets out rights and obligations of the parties in achieving pre-determined milestones leading towards signing the formal Lease agreement. The formal lease document must be executed within seven days after the Commencement Date, which is defined in the Agreement for Lease as:

**Commencement Date** means the day immediately after the last to occur of:

- (a) the date when the WAPC grants the WAPC Approval;
- (b) the date when the Tenant gives notice to the Owner that it has obtained, or is satisfied it can obtain, the Funding;
- (c) the date when the Tenant obtains the Development Approval;
- (d) the date when the Tenant obtains the Building Permit; and
- (e) the date when the Tenant provides the Owner with a copy of the fully executed Building Contract.

There are conditions in the Agreement for Lease requiring the Parties to meet those conditions within specified times, and the Agreement for Lease may be subject to termination by either of the Parties if those conditions are not satisfied. Conditions included in the Agreement for Lease include:

- The Lease requires approval from the WAPC.
- The Parties must be satisfied with the outcome of investigation into potential contamination of the site.
- Funding being obtained by West Coast Eagles to meet the cost of works proposed at the site.

Under Section 3.58 of the *Local Government Act 1995*, a disposition of land includes leasing of Local Government property. Any proposal to dispose of Council owned property by sale or lease must be advertised for public comment unless the proposal is an exempt disposition. The advertisement of the proposed disposal must contain:

- a description of the property concerned;
- details of the proposed disposition;
- an invitation for submissions to be made before a date to be specified, which must be not less than two weeks after the proposal is first advertised; and
- details of the market value of the disposition.

A valuation of the ground rental valuation has been obtained and the licensed valuer engaged has determined the rent as \$415,000 per annum. The rental amount was declared in the public notice of the proposal, and it was stated in the public notice that the rental would be delivered as benefits to the community of the Town of Victoria Park.

In accordance with Council's resolution of 24 June 2014, notice of the proposed disposition was advertised in the West Australian, the Southern Gazette, the Examiner and on the Town's public notice boards at the Administration Centre and at the Library. The closing time for submissions was 4p.m. Monday 14 July 2014. The following submissions were received:

Submitter	Submission Comments	Administration Comments
A & M De Groot 57 Manchester Street, Victoria Park	We agree with the future development of Lathlain Oval for the West Coast Eagles and the continued use of separate facilities for the Perth Football Club.	Submission is supportive of the land transaction with the West Coast Eagles.
Jeanette McPhee Gresham Street, Victoria Park	<p>Welcome to the Eagles. I understand that it is proposed that the Lathlain Park oval site will have two football ovals. One with the dimensions of the MCG and the other Etihad.</p> <p>There is a new AFL Stadium under construction in Burswood. Surely this Stadium will have the oval the size of the MCG or Etihad. The new stadium management would hopefully have the Eagles and the Dockers each train on the new AFL ground on a regular basis during the AFL season. This is where the home matches for the West Australian AFL teams will be played so both clubs need to be acquainted and at home with this new facility.</p> <p>I therefore feel that it is an expensive and unnecessary duplication and it is not utilizing the Lathlain Park Oval to its fullest potential I would like to suggest that only develop one oval to the full size of the MCG and Etihad (mark in white paint the MCG boundary and say red paint for Etihad) and the other area into a smaller "training" oval. I also feel that this means that more of the mature trees will be retained on the site. This will enhance the whole site making it a more inspiring and welcoming place.</p>	<p>In respect to the comments made in the submission, the West Coast Eagles will be using Lathlain Oval(s) for training purposes only. The new stadium oval at Burswood will not be available for regular training sessions for the West Coast Eagles. It may be available for ad-hoc or intermittent training opportunities for AFL clubs.</p> <p>Of the two ovals proposed for Lathlain Park, one will be identical in size to the MCG and one will be identical in size to the Burswood Stadium oval. One will be used primarily for West Coast Eagles training and one will be used primarily by Perth Football Club for training and WAFL fixture matches, plus occasional training use by West Coast Eagles. It will also be available to the public for a specified number of hours.</p> <p>Some trees will be removed during the redevelopment; as many as practicable will be retained.</p>

	<p>Trees not just provide habitat for many animals and birds, but also help in keeping summer temperature down and act as a wind break to winter winds. They also help provide an amenity for the locals to enjoy. The Town of Victoria Park has some good green areas and parklands. I'd like to see us retain a leafy green image.</p>	
<p>Madeleine Kirkham 53 Gresham Street, Victoria Park</p>	<p>Re: Eagles flying to Lathlain!</p> <p>I do think it is a great idea for Eagles Training HQ to come to Lathlain. It will inject funds and life into this area, and I am very pleased to see Vic Park Council supportive and active in this regard.</p> <p>However I cannot understand why we need two full sized ovals. One full size and one half size would surely suffice for ball skills, drills, etc. This would have the following benefits:</p> <ul style="list-style-type: none"> <li>a) Old established trees could be retained [Vic Park could lead the way in recognizing the importance of old trees] and</li> <li>b) More public space in an increasingly populated suburb. Parks and green space need to be protected NOW! With the increased density of residential developments, we will need more space, not less.</li> </ul> <p>Would the new oval at Burswood be used for any of the Eagles training?</p> <p>I do look forward to the outcome [hopefully positive].</p>	<p>In respect to the comments made in the submission, the West Coast will be using Lathlain Oval(s) for training purposes only. The new stadium oval at Burswood will not be available for regular training sessions for the West Coast Eagles.</p> <p>Of the two ovals proposed for Lathlain Park, one will be identical in size to the MCG and one will be identical in size to the Burswood Stadium oval. One will be used primarily for West Coast Eagles training and One will be used primarily by Perth Football Club for training and WAFL fixture matches, plus occasional use by West Coast Eagles. It will also be available to the public for a specified number of hours.</p> <p>Some trees will be removed during the redevelopment, but as many as practicable will be retained.</p>

<p>Mrs Dawn Whitehurst 27 Waller Street, Lathlain</p>	<p><b>TO WHOM THIS CONCERNS:- EAGLES PROPOSALS</b></p> <p>I firstly, am not in favour of The Lathlain/Eagles Project, proposals. Your article in the Southern Gazette of 1<sup>st</sup> July 2014, asking for submissions from the public. I have already put some in, back in Dec '13. However now I wish to re-instate some I left out of them. Please take consideration, for our Sport, for us, the public, as well.</p> <p>1<sup>st</sup> - Please leave our Courts (Tennis) Shed &amp; Toilets, where they are. (Been there since 1978 due to Petitions I did then) to Perth City Council.</p> <p>2<sup>nd</sup> - Take the 2<sup>nd</sup> Oval out into Car Park across to the Roberts Road fence line, that side of the area. (To be other side of our Courts)(in the middle.)</p> <p>3<sup>rd</sup> - If this 2<sup>nd</sup> option needs be wider, Take 1 court away, from us, (leave us with 3 (which are necessary.) On the Drive In-To Carpark, Entrance, end, of the Courts. (from McCartney Crescent Gates, - Roberts Road end fence (.perimeter)</p> <p>4<sup>th</sup> - Prefer these Last 2 options, (To be Thought of.)</p> <p>5<sup>th</sup> - The only other place, for 3 Courts To go, - be in area between "Dog Park" &amp; the Sump, - with New Shed, Toilets (2) &amp; we need Electricity, for meal Breaks etc. High fences &amp; Security, amenities locked. We have Keys to use now for this. This area end OPPOSITE of Lathlain Place, (our original gate is still there.)</p>	<p>Submission contains objection to the proposed Agreement For Lease and Lease.</p> <p>Submission requests that consideration be given to retention of at least three of the four existing tennis courts at the northern side of Lathlain Park.</p> <p>The design layout of the two proposed ovals does not provide sufficient space for retention of the existing tennis courts.</p> <p>The specific design and number / type of facilities to be provided by the Town in the remainder of the unleased area at Lathlain Park (approximately two hectares) is yet to planned. Tennis courts can be provided in this remaining area, however, this would be at the expense of other design elements such as barbeque and picnic areas, play areas for children (passive, active and nature-based), walk trails etc.</p> <p>It is recommended that detailed consideration as to the demand for, and potential inclusion of, tennis courts be undertaken when planning the design for the Town's remaining land outside of the leased areas. This is likely to be in mid-late 2015.</p>
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	<p>6<sup>th</sup> - Should There be a shift for Courts, they need to be done 1<sup>st</sup> up. We play all year round, weekly, some Twice weekly, are there 4 Hours or more, at a time, with our groups. Our nets are left up permanently. There are also School children &amp; families there using the facility. Please consider our SPORT Too. Thank you.</p>	
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The four submissions all contain pertinent comments and are presented to Council for consideration. None of the submissions contain objection of sufficient merit to warrant not proceeding with the disposition. Retention of trees and planning for tennis courts can be undertaken at more detailed design stages over the next one-two years. The requirement for two Australian Rules ovals (for AFL and WAFL training and for WAFL matches) is a core component of the land transaction between the Town and the West Coast Eagles and cannot be altered if the transaction is to go ahead. Substantial community access to Oval Two (closest to Roberts Road) and the surrounding running track provides a significant passive and active recreation opportunity to the Town’s community, which does not presently exist.

The Agreement for Lease and the Lease documents are attached as Appendix 1 and Appendix 2 to this report.

**CONCLUSION**

It is recommended that Council approves the proposed Agreement for Lease and Lease to West Coast Eagles of portion of Lathlain Park for a term of 50 years with an option for a further term of 49 years. Under Section 3.59 of the *Local Government Act 1995*, an Absolute Majority decision of Council is required on this decision.

Whilst the Lease contains a licensed surveyor plan of the Lease area (Schedule 1 – Premises Plan), the precise boundaries providing a formal distinction between the West Coast Eagles’ area, the Town’s area and the Perth Football Club’s future area may need minor adjustment once detailed site planning commences (likely mid-late 2015). If, for instance, the lease boundary around the ovals needs to be shifted in or out by only a few centimetres, this would require an approved change to the Lease document by the Council. It is recommended that the Chief Executive Officer be authorised by Council to approve any modifications within 1% variance from the original lease area. With the lease area at approximately 7 hectares, this would provide the Chief Executive Officer with discretion to modify the lease area within a maximum total of 700m<sup>2</sup> from the original total lease area

**RECOMMENDATION/S:**

- 1. That Council, having considered the submissions received by the specified time for the making of submissions, approves the Agreement for Lease and the Lease of portion of Lathlain Park to Indian Pacific Ltd trading as West Coast Eagles for a term of fifty (50) years, with an option to renew for a further term of forty nine (49) years.**

2. That the Mayor and the Acting Chief Executive Officer be authorised to sign on behalf of the Town and apply the Town of Victoria Park Common Seal to all documentation necessary to execute the Agreement For Lease and the Lease documents for the lease of portion of Lathlain Park to Indian Pacific Ltd trading as West Coast Eagles for a term of fifty (50) years, with an option to renew for a further term of forty nine (49) years.
3. That the Chief Executive Officer be authorised by delegated authority of the Council to approve modification to the total leased area to the Indian Pacific Ltd trading as West Coast Eagles by a proportion not exceeding 1% of the total leased area (as per Schedule 1 to the Lease).

**(Absolute Majority Required)**

4. That all persons who lodged a submission received by the specified time for the making of submissions in respect to the proposed Agreement For Lease and the Lease of portion of Lathlain Park to Indian Pacific Ltd trading as West Coast Eagles for a term of fifty (50) years, with an option to renew for a further term of forty nine (49) years, be notified of Council's resolution on the matter.



**8 PUBLIC QUESTION TIME (ITEMS RELATING TO THE AGENDA ONLY)**

**9 PUBLIC STATEMENT TIME (ITEMS RELATING TO THE AGENDA ONLY)**

**10 MEETING CLOSED TO PUBLIC**

**10.1 Matters for Which the Meeting May be Closed**

Nil

**10.2 Public Reading of Resolutions That May be Made Public**

N/A

**11 CLOSURE**



**DECLARATION OF  
FINANCIAL INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY**

**TO: CHIEF EXECUTIVE OFFICER  
TOWN OF VICTORIA PARK**

<b>Name &amp; Position</b>	
<b>Meeting Date</b>	
<b>Item No/Subject</b>	
<b>Nature of Interest</b>	Financial Interest* <span style="float: right;"><i>(*Delete where not applicable)</i></span> Interest that may affect impartiality*
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed”.

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

Please be advised that I wish to move an ALTERNATE MOTION / AMENDMENT

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

Alternate Motion / Amendment: *(strike out which is not applicable)*

**Note: Motions to Stand Alone**

All decisions of the council must be in the form of motions that are clear in their intent and enable a person to understand what has been decided without reference to another motion or information contained in the body of a report.

**Reason:**

**Note: Explanation for changes to Recommendations**

Administration Regulation 11 requires the minutes to include written reasons for each decision that is significantly different from the written recommendation. Members must therefore provide a written reason in the space provided above.