

MINUTES

Ordinary Council Meeting

24 November 2015

To: The Mayor and Councillors

Here within are the Minutes of the Meeting of the City of South Perth Council held Tuesday 24 November 2015 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

26 November 2015



Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

Further Information

The following information is available on the City's website.

- **Council Meeting Schedule**

Ordinary Council Meetings are held at 7.00pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

- **Minutes and Agendas**

As part of our commitment to transparent decision making, the City makes documents relating to meetings of Council and its Committees available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km² divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

www.southperth.wa.gov.au/Our-Council/

Contents

1.	DECLARATION OF OPENING	6
2.	DISCLAIMER	6
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	6
3.1	AUDIO RECORDING OF THE COUNCIL MEETING	6
3.2	PUBLIC QUESTION TIME FORMS	6
3.3	ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES	6
3.4	DEVELOPMENT ASSESSMENT PANEL (DAP) DETERMINATIONS	7
4.	ATTENDANCE	7
4.1	APOLOGIES	7
4.2	APPROVED LEAVE OF ABSENCE	7
5.	DECLARATIONS OF INTEREST	8
6.	PUBLIC QUESTION TIME	8
6.1	RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	8
6.2	PUBLIC QUESTION TIME: 24 NOVEMBER 2015	8
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	9
7.1	MINUTES	9
7.1.1	Ordinary Council Held: 13 October 2015	9
7.1.2	Special Council Held: 19 October 2015	9
7.1.3	CEO Evaluation Committee Meeting Held: 3 November 2015	9
7.1.4	Special Council Held: 10 November 2015	9
7.1.5	CEO Evaluation Committee Meeting Held: 18 November 2015	9
7.2	BRIEFINGS	9
7.2.1	Town Planning Induction for Newly Elected Councillors	9
7.2.2	Local Government Act Induction for Newly Elected Councillors	10
7.2.3	Agenda Briefing	10
8.	PRESENTATIONS	10
8.1	PETITIONS	10
8.1.1	Hazards Caused by Overflow Parking in Milson Street	10
8.1.2	Road Safety Concerns - Wesley College Area, Norfolk Street	11
8.2	PRESENTATIONS	13
8.3	DEPUTATIONS	13
8.4	COUNCIL DELEGATES REPORTS	13

8.5	CONFERENCE DELEGATES REPORTS	13
9.	METHOD OF DEALING WITH AGENDA BUSINESS	13
9.1	EN BLOC MOTION	14
10.	REPORTS	15
10.1	STRATEGIC DIRECTION 1: COMMUNITY	15
10.1.1	Animal Care Facility Officer	15
10.1.2	Tender 17/2015 "Manning Hub Public Art"	17
10.2	STRATEGIC DIRECTION 2: ENVIRONMENT	22
10.2.1	Update of Local Heritage Inventory	22
10.3	STRATEGIC DIRECTION 3: HOUSING AND LAND USES	32
10.3.1	Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point	32
10.3.2	Proposed Minor Amendments to Previously Approved Mixed Use Development Within a 29 Storey Building - Lots 7-20 (No. 74) Mill Point Road, South Perth	50
10.3.3	Proposed Nine Storeys plus Basement Mixed Development. Lot 106 (No. 79) & Lot 107 (No. 77) South Perth Esplanade, South Perth.	52
10.6	STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT	54
10.6.1	Monthly Financial Management Accounts - October 2015	54
10.6.2	Statement of Funds, Investments and Debtors at 31 October 2015	59
10.6.3	Listing of Payments	64
10.6.4	Carry Forward Projects as at 30 June 2015	67
10.6.5	Budget Review for the Period ended 31 October 2015	69
10.6.6	Election of Deputy Delegates for the Rivers Regional Council	75
10.6.7	Council Meeting Schedule - 2016	77
11.	APPLICATIONS FOR LEAVE OF ABSENCE	80
11.1	REQUESTS FOR LEAVE OF ABSENCE	80
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	80
13.	QUESTIONS FROM MEMBERS	80
13.1	RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	80
13.2	QUESTIONS FROM MEMBERS	80
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	80
14.1	WESTERN AUSTRALIA WHOLE OF GOVERNMENT OPEN DATA POLICY AND CITY OF PERTH ACT 2015	80

15. MEETING CLOSED TO PUBLIC	84
15.1 MATTERS REFERRED FROM THE CEO EVALUATION COMMITTEE (AGENDA ITEM 10.7 REFERS)	84
15.1.1 CEO - Key Performance Indicators 2015-2016	84
15.1.2 Strategic Review of CEO Key Performance Indicators	85
15.2 FINBAR GROUP LIMITED - CONTRACT OF SALE AMENDMENT	86
16. CLOSURE	87
17. RECORD OF VOTING	88
APPENDIX	92
6.2 QUESTIONS RECEIVED PRIOR TO THE MEETING: 24 NOVEMBER 2015	92
DISCLAIMER	96

Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 24 November 2015.

1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.02pm and welcomed everyone in attendance. She then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member requested that all electronic devices be turned off or on to silent. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings' and Clause 6.15 of the Standing Orders Local Law 2007 which states:

"A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member"

The Presiding Member then gave her permission for the Administration to record proceedings of the Council meeting.

3.2 PUBLIC QUESTION TIME FORMS

The Presiding Member advised the public gallery that Public Question Time forms are available in the foyer and on the City's website for anyone wanting to submit a written question. The Presiding Member referred to Clause 6.7 of the Standing Orders Local Law 'Procedures for Question Time' and stated that it is preferable that questions are received in advance of the council meetings in order for the Administration to have time to prepare responses.

3.3 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Presiding Member advised that the Mayor / Council Representatives' Activities Report for the month of October are attached to the back of the Agenda.

3.4 DEVELOPMENT ASSESSMENT PANEL (DAP) DETERMINATIONS

The Presiding Member advised the meeting of two DAP reports that will be considered at the meeting: Items 10.3.2 and 10.3.3.

These application cannot be determined by Council as they will be determined by the DAP on 2 December and 30 November respectively.

Council's view in relation to these items will be sent to the DAP Secretariat following this meeting for inclusion on the DAP Agenda as a late attachment to the report.

It will be noted in the Responsible Authority Report (RAR), under the heading "Consultation" that Council has considered the matter.

4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

Councillors

Glenn Cridland	Como Ward
Jessica Black	Como Ward
Colin Cala	Manning Ward
Sharron Hawkins-Zeeb	Manning Ward
Travis Burrows	Moresby Ward
Fiona Reid	Moresby Ward

Officers

Geoff Glass	Chief Executive Officer
Vicki Lummer	Director Development and Community Services
Michael Kent	Director Financial and Information Services
Phil McQue	Manager Governance and Administration
Rajiv Kapur	Manager Development Services
Rod Bercov	Strategic Urban Planning Advisor
Sharron Kent	Governance Officer

Gallery

There were approximately 15 members of the public and no members of the media present.

4.1 APOLOGIES

Cheryle Irons	Mill Point Ward
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4.2 APPROVED LEAVE OF ABSENCE

Ken Manolas	Mill Point Ward
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5. DECLARATIONS OF INTEREST

Conflicts of Interest are dealt with in the *Local Government Act, Rules of Conduct Regulations* and the *Administration Regulations* as well as the *City's Code of Conduct 2008*. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

The Presiding Member noted that Declarations of Interest had been received from:

- Cr Jessica Black in relation to Agenda Items:
 - 10.3.3 Proposed Nine Storeys plus Basement Mixed Development. Lot 106 (No. 79) & Lot 107 (No. 77) South Perth Esplanade, South Perth; and
 - 15.1.1 Finbar Group Limited – Contract of Sale Amendment; and
- Cr Fiona Reid in relation to Agenda Item:
 - 15.1.1 Finbar Group Limited – Contract of Sale Amendment.

The Presiding Member advised that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* these declarations would be read out immediately before the Items were discussed.

Councillor Glenn Cridland announced that he and Councillor Colin Cala were the City's representatives on the Development Assessment Panel (DAP) due to consider the matters at Items:

- 10.3.2 Proposed Minor Amendments to Previously Approved Mixed Use Development Within a 29 Storey Building – Lots 7-20 (No. 74) Mill Point Road, South Perth; and
- 10.3.3 Proposed Nine Storeys plus Basement Mixed Development. Lot 106 (No. 79) & Lot 107 (No. 77) South Perth Esplanade, South Perth

on 2 December and 30 November 2015 respectively. Neither Councillor Cridland nor Cala considered this fact to be a conflict of interest requiring a declaration but asked that it be noted in the Minutes.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the October 2015 Ordinary Council Meeting no questions were taken on notice.

6.2 PUBLIC QUESTION TIME: 24 NOVEMBER 2015

The Presiding Member stated that public question time is operated in accordance with *Local Government Act Regulations*. She said that questions are to be in writing and questions received prior to this meeting would be answered tonight, if possible, or alternatively may be taken on notice. Questions received in advance of the meeting would be dealt with first. Long questions will be paraphrased and the same or similar questions asked at previous meetings will not be responded to.

The Presiding Member then opened Public Question Time at 7.07pm.

Written Questions were received prior to the meeting from:

- Mr Ken Cowl of 1/58 Gardener Street, Como
- Mr Jamie Cook of 48 Parsons Avenue, Manning
- Paul Ruthven of 5/24 Charles Street, South Perth
- Dr Dean Carter of PO Box 443 West Perth

As Dr Dean Carter was not in attendance, his questions were taken on notice.

Questions were received at the meeting from:

- Craig Dermer of 14/63 Mill Point Road, South Perth

There being no further questions, the Presiding Member closed Public Question Time at 7.22pm.

A table of questions received and answers provided can be found in the Appendix of these Minutes.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

7.1 MINUTES

7.1.1 Ordinary Council Held: 13 October 2015

7.1.2 Special Council Held: 19 October 2015

7.1.3 CEO Evaluation Committee Meeting Held: 3 November 2015

7.1.4 Special Council Held: 10 November 2015

7.1.5 CEO Evaluation Committee Meeting Held: 18 November 2015

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor J Black

Seconded: Councillor C Cala

That the Minutes of the Ordinary Council Meeting of 13 October, the Special Council Meetings of 19 October and 10 November and the CEO Evaluation Committee Meetings of 3 November and 18 November be taken as read and confirmed as a true and correct record.

CARRIED (7/0)

7.2 BRIEFINGS

The following Briefings are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 Town Planning Induction for Newly Elected Councillors

Officers of the City and a representative of McLeods provided Council with an overview of Town Planning for the newly elected Councillors on 27 October 2015.

Attachments

7.2.1 (a): 27 October 2015 - Concept Briefing Notes - Councillor Induction: Town Planning .

7.2.2 Local Government Act Induction for Newly Elected Councillors

Officers of the City and a representative of McLeods provided Council with an overview of the Western Australian Local Government Act for newly elected Councillors on 10 November 2015.

Attachments

7.2.2 (a): 10 November 2015 - Briefing Notes - Councillor Induction: Local Government Act .

7.2.3 Agenda Briefing

Officers of the City presented background information and answered questions on items to be considered at the November 2015 Ordinary Council Meeting at the Agenda Briefing held 17 November 2015.

Attachments

7.2.3 (a): 17 November 2015 - Agenda Briefing - Notes .

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor T Burrows

That the Notes of the Briefings held on 27 October, 10 November and 17 November 2015 be noted.

CARRIED (7/0)

8. PRESENTATIONS

8.1 PETITIONS

A formal process where members of the community present a written request to Council.

8.1.1 Hazards Caused by Overflow Parking in Milson Street

A petition was received on 27 October 2015 from Ms Wendy Wilkson of 42 Milson Street, South Perth, together with 37 signatures, in relation to the hazards created by the overflow parking around the area of the bend in Milson Street.

The text of the petition reads:

“Because of the overflow parking around the area of the bend in Milson Street there are often:

- Cars parked on both sides of the road creating a single vehicle traffic lane; and/or*
- A care or cars parked on the bend outside 38 Milson Street*

This creates a traffic hazard and poor visibility for drivers and cyclists travelling in either direction of Milson Street.

We ask that the Council consider a solution to this situation by either painting a yellow line indicating a no parking area around the bend or erecting appropriate signs to alleviate the situation.”

Attachments

8.1.1 (a): Petition - Parking in Milson Street

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor F Reid

Seconded: Councillor G Cridland

That the petition received 27 October 2015 from Ms Wendy Wilkson of 42 Milson Street, South Perth, together with 37 signatures, in relation to the hazards created by the overflow parking around the area of the bend in Milson Street be forwarded to the Director Infrastructure Services for consideration.

CARRIED (7/0)

8.1.2 Road Safety Concerns - Wesley College Area, Norfolk Street

A petition was received on 22 October 2015 from Louise and Michael Daniels of 1A Norfolk Street, South Perth, together with 26 signatures raising concerns with parking in the Wesley College area and proposing possible solutions.

The text of the petition reads:

“Sirs, we would like to bring to your attention the ongoing parking issues encountered by the residential homeowners surrounding the Wesley College Campus. After many stressful encounters with road users and some students we wish submit a petition signed by residents of Norfolk Street offering suggestions to help improve safety to residents and road users

The main offenders being the Wesley students parking along side and access streets from Wesley College Traditionally Colleges have provided ample parking for a certain percentage of driving students, with management of interior grounds to accommodate such numbers. Wesley College does not offer this and as informed by students has recently removed all student parking from their grounds. 2016 will have an increased number of students driving to Wesley which we have also been warned (by Students) will increase due to the higher number of driving-aged students, and inability of Wesley to provide adequate on-campus parking

Present off-campus student parking has both congested the feeder (residential) roads into Angelo Street, as well as presented safety hazards for both pedestrians and drivers alike. On numerous occasions, the sidewalks have been blocked, both for foot and cars traffic crossings (see photos attached). We have been constrained safe passage entering and exiting our garages by the off-site parking and the entering and exiting of the narrow end of Norfolk Street. On several occasions, there has been parking on both sides which prohibited vehicles a safe throughway access (in some instants completely blocking the road). Additionally, there is usually all day parking by students along Angelo Street across from the shops which needs to be managed. Many residents are elderly or with young children crossing roads, access down our street is not always available.

We met with residents to discuss options, the simplest way to address these items is present in them individually by number. So below we propose the following solutions for better and safer traffic management. The street under proposal is particularly is Norfolk, you can talk to residents in Angelo, Waverley, Carr and Wattle who all have similar issues.

The options we propose are as follows (and selected choices by those signed)..

Item 1 - this was top of the list a "Definite yes" by everyone in the Street and those passing through it is extremely dangerous

Both sides of the streets perpendicular to Angelo Street are blocked (yellow lined) from the Angelo Street intersection 15m south from the Angelo street sidewalk intersection. This will ensure safe passage by pedestrians and view of oncoming traffic at the respective intersections. There have been several occasions when a student has parked their car partially blocking the Norfolk Street crossing this is particularly unsafe when turning into Norfolk and you can't drive through due to access or another car coming the other way and you have to reverse back out on to Angelo Street on to oncoming traffic.

Item 2- this one is indivial to residence but those requesting it have signed the attached on many occasions we have been unable to exit our garage and have a faded yellow line.

Yellow lines will be installed across all access driveways/garages for residents.

Item 3 - The East or West side of the streets be restricted parking.

This enough and will not stop the students parking ALL day but will stop them from parking both sides of the rood and blocking it for everyone.

Item 4 There is a 3 hour time limit (possibly 0800 to 1600hrs) on both sides of the respective streets or to one side and the other Blocked (Yellow lined).

After further discussions with residents there was the uncertainty of resident's family or visiting staying the day/longer. Hence a solution of 2 residential parking permits per house.

Item 5 – NO one choose this, showing concern that something needs to be done.

Do nothing - Unrestricted parking the length of Norfolk Street. Only the homeowners respective driveways are restricted parking (yellow lines), and no other restrictions are in place. In summary there is the need to ensure the safety of locals and residences. We should be allowed visitor parking bay when required. Our street parking should not be taken up by students 5 days a week ALL day. We tolerate the swimming Carnivals, sporting events, festivals etc surely as a local we are entitle to a safe passage through our street and the ability for family or a friend to park near our home on normal weeks.

Attached is a cover letter and petition which we have polled the street through school holidays some residents where away. The residents are in agreement and identified their preference for traffic management. We look forward to hear a response.

Attachments

8.1.2 (a): Petition Road Safety Concerns - Wesley College Area

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor J Black

That the petition received 22 November 2015 from Louise and Michael Daniels of 1A Norfolk Street, South Perth, together with 26 signatures raising concerns with parking in the Wesley College area and proposing possible solutions be forwarded to the Director Infrastructure Services for consideration.

CARRIED (7/0)

8.2 PRESENTATIONS

Occasions where Awards/Gifts may be accepted by Council on behalf of Community.

Nil.

8.3 DEPUTATIONS

A formal process where members of the community may, with prior permission, address Council on Agenda items where they have a direct interest

Deputations for standard report items were heard at the Agenda Briefing of 17 November 2015.

Prior to Deputations for the DAP Item *10.3.3 Proposed Nine Storeys plus Basement Mixed Development. Lot 106 (No. 79) & Lot 107 (No. 77) South Perth Esplanade, South Perth* being heard, the Presiding Member read aloud Councillor J Black's Interest in this Item:

"I wish to declare a financial interest in Agenda Item 10.3.3. I declare that I am an employee of TPG, Planning Consultants involved with this development. It is my intention to vacate the Chamber before the Item is discussed and voted on."

At this point Councillor J Black vacated the Chamber.

Deputations were heard in relation to the DAP Item *10.3.3 Proposed Nine Storeys plus Basement Mixed Development. Lot 106 (No. 79) & Lot 107 (No. 77) South Perth Esplanade, South Perth* from:

- Claude Giorgi and Mark Rietveld of Giorgi Exclusive (the architects of the proposed development) speaking AGAINST the Officer Recommendation; and
- Dan Lees of TPG Town Planning, Urban Design and Heritage (the Applicant) speaking AGAINST the Officer Recommendation.

Following the Deputations, Councillor J Black returned to the Chamber.

8.4 COUNCIL DELEGATES REPORTS

Nil.

8.5 CONFERENCE DELEGATES REPORTS

Nil.

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, will be adopted en bloc, i.e. all together.

She then sought confirmation from the Chief Executive Officer that all the report items (with the exception of the DAP determinations at Items 10.3.2 and 10.3.3 and the CEO Evaluation Committee Items at 10.7.1 and 10.7.2) were discussed at the Agenda Briefing held on 17 November 2015.

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point
- Item 10.3.2 Proposed Minor Amendments to Previously Approved Mixed Use Development Within a 29 Storey Building - Lots 7-20 (No. 74) Mill Point Road, South Perth
- Item 10.3.3 Proposed Nine Storeys plus Basement Mixed Development. Lot 106 (No. 79) & Lot 107 (No. 77) South Perth Esplanade, South Perth.
- Item 10.6.6 Election of Deputy Delegates for the Rivers Regional Council

9.1 EN BLOC MOTION

COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That the Officer Recommendations in relation to the following Agenda items be carried en bloc:

- Item 10.1.1 Animal Care Facility Officer
- Item 10.1.2 Tender 17/2015 "Manning Hub Public Art"
- Item 10.2.1 Update of Local Heritage Inventory
- Item 10.6.1 Monthly Financial Management Accounts - October 2015
- Item 10.6.2 Statement of Funds, Investments and Debtors at 31 October 2015
- Item 10.6.3 Listing of Payments
- Item 10.6.4 Carry Forward Projects as at 30 June 2015
- Item 10.6.5 Budget Review for the Period ended 31 October 2015
- Item 10.6.7 Council Meeting Schedule – 2016

CARRIED (7/0)

10. REPORTS

10.1 STRATEGIC DIRECTION I: COMMUNITY

10.1.1 Animal Care Facility Officer

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	N/A
File Ref:	D-15-82410
Date:	24 November 2015
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Community -- Create opportunities for an inclusive, connected, active and safe community
Council Strategy:	I.1 Develop and facilitate services and programs in order to meet current and future community needs and priorities.

Summary

This report considers the position of an Animal Care Facility Officer.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That the Council approve an additional 0.4 Full Time Equivalent Animal Care Facility Officer, with this to be fully funded through a direct financial contribution by the Town of Victoria Park.

ABSOLUTE MAJORITY REQUIRED

CARRIED EN BLOC (7/0)

Background

The City's new state of the art Animal Care Facility opened in December 2014. Designed to accommodate the requirements of the new *Cat Act*, the facility, which is also used by the Town of Victoria Park, can accommodate and quarantine 19 dogs and 62 cats.

Comment

The City and Town both recognise that the Animal Care Facility requires a dedicated resource to maintain these premises and to provide a better service to residents.

Currently the City and Town share responsibility for the daily duties at the Animal Care Facility, including the care and cleaning of dogs, cats and other animals and the general cleaning and maintenance of the facility. Due to limited resources, opening hours for residents to visit the Animal Care Facility are restricted to one hour a day, between 12.00pm and 1.00pm.

The City is also establishing a cat boarding service for its residents, where the City will care for resident's cats whilst they are on holidays etc. for a service fee, as prescribed in the City's 2015/16 Fees and Charges Schedule.

10.1.1 Animal Care Facility Officer

This new service is dependent on an Animal Care Facility Officer being present at the Facility for a minimum of 30 hours a week to ensure appropriate care and servicing. This new service represents an opportunity for the City to increase its revenue source whilst offsetting the cost of maintaining the Animal Care Facility.

The City approved a Level 4 Animal Care Facility Officer 0.4 FTE (Full Time Equivalent) in the 2015/16 Budget and the Town also committed to provide an equivalent resource to improve the service, opening hours and maintenance of the Animal Care Facility. This combined resource would provide for an Animal Care Facility Officer for 30 hours per week with the facility's hours of operation to be extended to 10.00am to 4.30pm.

The Town have since advised the City that it wishes to pay the City the equivalent of a 0.4 FTE for this service via a financial contribution rather than fund a 0.4 FTE directly, with a view to not increasing their FTE count.

It is recommended that the City increase its FTE count by 0.4, thereby allowing funding for an Animal Care Officer for 30 hours per week. It is proposed that the City will seek a quarterly reimbursement from the Town for 50% of all staff costs incurred by the position (equivalent to 15 hours per week).

The City will also apportion the Town 50% of ancillary costs such as superannuation, workers compensation and other on-costs including but not limited to uniforms, training and other relevant expenses to this position. It is proposed that this would be reflected in a Service Level Agreement between the City and the Town.

Consultation

This report has been prepared in consultation with the Town of Victoria Park.

Policy and Legislative Implications

The City has obtained legal advice from McLeod's Barristers and Solicitors and its insurers LGIS to ensure that a cat boarding facility complies within the scope of the City's general legislative function *section 3.1(1) Local Government Act 1995* and the ability to charge a prescribed fee for this service *section 6.16 Local Government Act 1995*.

Financial Implications

There are no budgeted implications as the City would recover its additional 0.4 FTE expense via a direct quarterly financial contribution from the Town.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#).

Attachments

Nil .

10.1.2 Tender 17/2015 “Manning Hub Public Art”

Location:	Manning Community Hub
Ward:	Manning Ward
Applicant:	Council
File Ref:	D-15-83111
Date:	24 November 2015
Author:	Sabrina Bruni, Arts and Events Coordinator
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community -- Create opportunities for an inclusive, connected, active and safe community
Council Strategy:	1.3 Create opportunities for social, cultural and physical activity in the City.

Summary

This report considers submissions received from the advertising of EOI 5/2015 and Tender 17/2015 for the “Manning Hub Public Art”. This report also considers the Manning Hub Artwork Selection Committee assessment.

This report will outline the assessment process used during evaluation of artist submissions and the tenders received and recommend the selected artist team be approved by Council.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That Council approves the tender submitted by Milne and Stonehouse for the “Manning Hub Public Art” in accordance with Tender Number 17/2015.

CARRIED EN BLOC (7/0)

Background

The process of assessment for the preferred artist was determined through a detailed two-stage process.

Stage One – Request for Expressions of Interest

A request for Expressions of Interest (EOI 5/2015) from artists for the ‘Manning Hub Public Art’ was advertised in the West Australian on Saturday 25 July 2015 and closed at 2pm 11 August 2015.

The EOI’s sought to identify an appropriate artist or artist team for the commission of small scale, interactive and/or functional artworks to be integrated into the development of the Manning Community Hub facility. The budget for the project was fixed at \$255,000 and the successful candidate is expected to deliver an outcome within this budget.

Following the close of the EOI period, the applicant submissions were assessed in response to selection criteria by an internal evaluation panel and placed on a preferred candidate list.

10.1.2 Tender 17/2015 "Manning Hub Public Art"

The preferred candidates of three (3) artist/artist teams were given one month to explore further concept designs. Artists were then invited to deliver their concept designs in the form of a formal presentation on Monday 14 September 2015 to an Artwork Selection Committee made up of relevant stakeholders including the City's Arts Advisory Group. Concepts were discussed and assessed by the Artwork Selection Committee in detail against the qualitative selection criteria. The Committee concluded unanimously that the artist team concept that best addressed the selection criteria was Milne and Stonehouse (Susan Milne and Greg Stonehouse). This preferred candidate 'Milne and Stonehouse' was then escalated to a prequalified shortlist and invited to submit a closed tender.

Stage Two – Request for Tender

The prequalified shortlisted artist team 'Milne and Stonehouse' was issued with a Request for Tender (RFQ) on Friday 16 October which closed at 4pm Friday 30 October 2015.

The Tender was then reviewed by an internal evaluation panel and assessed against non-price weighted qualitative criteria.

Based on the Panel's evaluation, and the two stage process of elimination, the tender from Milne and Stonehouse represents a high rating against the qualitative selection criteria and demonstrates that they are capable and the most advantageous tender to Local Government and is therefore recommended as the acceptable tenderer.

Comment

Stage One – Request for Expressions of Interest

At the close of the EOI advertising period on 25 July 2015, a total of eleven (11) EOI Submission Information Documents (SID's) were received from suitably skilled and experienced artists/artist teams.

Table A – EOI Submissions

Table A – Submissions
1. Jon Tarry
2. Joanna Robertson + Kidogo
3. Judith Forrest
4. Mark Datodi
5. Milne and Stonehouse
6. N2 Art and Bridget Norton
7. Paul Johnson + Gail Mason
8. Robert McCulloch
9. Scape-ism - Jahne Rees
10. Tim Macfarlane Reid
11. Tony Pankiw

10.1.2 Tender I7/2015 “Manning Hub Public Art”

The EOI submissions were initially reviewed by an internal evaluation panel and assessed according to non-price weighted qualitative criteria as detailed below in Table B:

Table B – EOI SID’s Qualitative Criteria

Table B – Qualitative Criteria		
Description of Criteria		Weighting
a)	Quality of previous artworks as demonstrated by visual support material	30%
b)	Approach to this public art project	50%
c)	Relevant experience and technical capabilities (including other completed art commissions and ability to work in a team environment)	20%
		100%

All responses to the qualitative criteria were scored, weighted and incorporated into an Artist Selection Scoring Matrix.

The Artwork Selection Committee was established to review three (3) preferred candidates and to predetermine if their concept designs should be escalated to a Request for Tender (RFT). The Artwork Selection Committee comprised of;

- City of South Perth Manning Hub Working Group representatives,
- External project stakeholders,
- Members of the City of South Perth Arts Advisory Group and
- Art coordinator (non-voting), Alison Barrett.

Stage Two – Request for Tender

At the close of the submission period Wednesday 4 November 2015, the Tender was reviewed by an internal Evaluation Panel and assessed according to the non-price weighted qualitative criteria detailed in the RFT, as per Table D below.

Table D – RFT Qualitative Criteria

Description of Criteria		Weighting
d)	Suitability of Concept to Brief	40%
e)	Relevant Public Art Experience	30%
f)	Proposed Budget and Program breakdown	30%
TOTAL		100%

The weighted score of the tender submission received is noted in Table C below.

TABLE C - Weighted Score

Tender Submission	Weighted Score
Milne and Stonehouse	7.78

Based on the Panel’s evaluation, and the two stage process of elimination and assessment of the submission received for Tender 17/2015 ‘Manning Hub Public Art’, it is recommended that the tender submission from Milne and Stonehouse be approved by Council.

Consultation

Public tenders were invited in accordance with the *Local Government Act 1995*.

There has been extensive community and stakeholder consultation in regard to this project. Consultation was conducted at various stages of this process including:

1. Contracted artist consultant, Alison Barrett, conducted consultation with all relevant stakeholders and developed this information into a comprehensive Artwork Brief. This Artwork Brief was included in the EOI 5/2015 Manning Hub Public Art . This information was provided to artists to ensure that the artist interpretation was reflected in their designs and artists were assessed against this as part of the selection process. This was incorporated to ensure the expectations of relevant stakeholders and the community is met.
2. The artist selection process incorporated stakeholder involvement through the use of an Artwork Selection Committee made up of project stakeholders and council representatives.

Further, this project itself has involved extensive community consultation at various stages of the development which has been detailed in previous Council Reports.

Policy and Legislative Implications

Section 3.57 of the *Local Government Act* (as amended) requires a local government to call tenders when the expected value is likely to exceed \$100,000. Part 4 of the *Local Government (Functions and General) Regulations 1996* sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - *Purchasing and Invoice Approval*
- Policy P607 - *Tenders and Expressions of Interest*
- Policy P101 – *Public Art*

The general Conditions of Contract forming part of the Tender Documents states among other things that:

- *The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;*
- *Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and*
- *The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.*

10.1.2 Tender 17/2015 “Manning Hub Public Art”

Financial Implications

The full cost of the works is reflected in the 2015/2016 capital works budget/s.

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012–2015](#).

Attachments

10.1.2 (a): Tender 17/2015 - Panel Members Recommendation Report
(Confidential) .

10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 Update of Local Heritage Inventory

Location:	City of South Perth
Ward:	All
Applicant:	Council
File Ref:	D-15-82459
Date:	24 November 2015
Author:	Gina Fraser, Senior Strategic Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment -- Enhance and develop public open spaces and manage impacts on the City's built and natural environment
Council Strategy:	2.6 Continue to protect buildings of heritage significance.

Summary

Under the *Heritage of Western Australia Act 1990*, the City's Local Heritage Inventory is required to be updated every year and be given a major review every four years. Neither of these processes has taken place as regularly as required, due to a range of factors. However, this report now presents an updated Inventory, as required under the Act. The Inventory has been thoroughly and comprehensively examined in relation to the content of the information on each listed place. The historical notes have been expanded considerably, additional contemporary and historical photographs have been inserted, and numerous other minor improvements have been made. A full list of all of the kinds of changes is provided in the 'Comment' section of this report.

It is important to appreciate that the task undertaken is **not** a major four-yearly review. As part of the current update, it is not the intention to add any new places to the Inventory, nor delete any of the currently listed places (other than the house at 26 River View Street, as explained further in this report). Furthermore, at this stage, it is not intended that there will be any changes to the current 'Management Category' assigned to each listed place, other than to reflect any recent registration of places by the Heritage Council of Western Australia.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That:

- (a) the place identified in the Local Heritage Inventory as 'Residence: 26 River View Street', be deleted;
- (b) the updated Local Heritage Inventory, as described in this Report and comprising **Attachments (a) to (cd) inclusive**, be adopted;
- (c) a copy of the updated Local Heritage Inventory be placed in the Civic Centre, in City Libraries and on the City's website for community information;
- (d) a copy of the updated Local Heritage Inventory be forwarded to the Heritage Council of Western Australia, as required by section 45(3) of the *Heritage of Western Australia Act 1990*;

- (e) without referral to a Council meeting, City Officers are authorised to continue to enhance the Local Heritage Inventory from time to time with additional explanatory photographs and other images, and minor additions to the historical notes.

CARRIED EN BLOC (7/0)

Background

This report includes **Attachments (a) to (cd) inclusive**, being the updated Local Heritage Inventory and Appendices.

The City's Municipal Heritage Inventory (MHI) was originally adopted in 1994. As advised under the 'Summary' above, the *Heritage of Western Australia Act 1990* requires that local heritage inventories be updated annually and that a major review be undertaken every four years. Since being adopted in 1994, the Inventory has been updated and reviewed as follows:

COUNCIL ADOPTION OF AMENDMENTS TO INVENTORY	DESCRIPTION OF CHANGE
December 1994	Adoption of first Municipal Heritage Inventory (55 places)
February 1996	Annual update: Addition of 4 places; deletion of 4 places (55 places)
December 1996	Annual update: Addition of Appendix 'Origin of Street and Place Names'; deletion of 1 place (54 places)
December 1997	Annual update: Addition of 1 place (55 places)
June 2000	Four-yearly review by heritage consultants, <i>Heritage Today</i> : Addition of 3 places; deletion of 2 places (56 places)
September 2000	Annual update: No additions or deletions (56 places)
June 2002	Annual update: Addition of 2 places (58 places)
March 2003	Annual update: Addition of 4 places (62 places)
September 2005	Four-yearly review by heritage consultants, <i>Heritage Today</i> : Draft revised MHI endorsed for advertising: Deletion of 1 place (61 places)
February 2006	Four-yearly review by heritage consultants, <i>Heritage Today</i> : Final consideration, including 20 additional places proposed but NOT ADOPTED pending the preparation and adoption of a Heritage Policy. Deletion of 1 place (60 places)
April 2013	Adoption of Council Policy P313 'Local Heritage Listing' and resulting change of name of inventory, from 'Municipal Heritage Inventory' to 'Local Heritage Inventory'.
November 2015	Update by the City of South Perth: Deletion of 1 place (59 places)

During consideration of the second review of the MHI in 2006, the need for a Council heritage policy became apparent. The 2006 review involved consideration of twenty additional places for possible inclusion in the MHI. The draft expanded MHI, including the additional places, was not endorsed at that time. Instead, the Council called for a heritage policy to provide guidance and to foster consistent decision-making with regard to:

- the process for any person to nominate an additional place for consideration of possible listing in the MHI by the Council;
- the process for an owner requesting and Council considering the possible deletion of places from the MHI;
- matters to be considered in the annual updates and four-yearly reviews of the MHI required by the *Heritage of Western Australia Act 1990*;

10.2.1 Update of Local Heritage Inventory

- the relationship between the MHI and the Heritage List required by Part 3 'Heritage Protection' of the 'Deemed Provisions' comprising Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 'Deemed Provisions');
- heritage incentives; and
- the role of heritage consultants in all of these processes.

The preparation of the policy was delayed for some years, owing to other major strategic projects taking priority. However, Policy P313 'Local Heritage Listing' was adopted in April 2013. Among the various matters dealt with, Policy P313 changed the name of the Municipal Heritage Inventory to 'Local Heritage Inventory' (LHI). The Policy states that, as an interim measure, places classified as Categories A and B in the existing LHI are deemed to comprise the 'Heritage List' under clause 6.11 of TPS6 (now Part 3 of the Deemed Provisions). Up to that time, the City had not adopted a statutory Heritage List under TPS6.

In April 2013, when Policy P313 'Local Heritage Inventory' was adopted, the Council resolved that:

“...
“

- (b) *a brief be prepared for the engagement of a heritage consultant for the following purposes:*
- (i) *to undertake a major review of the City's Municipal Heritage Inventory (to be known as the 'Local Heritage Inventory'), including:*
 - (A) *re-examination of each place currently listed in the Inventory to confirm appropriateness of re-listing those places, and to reaffirm or enhance the description of each place to be listed in the revised Inventory;*
 - (B) *review of the existing Management Category of each place to be retained in the Local Heritage Inventory, reaffirming the appropriateness of the existing classification, or recommending a higher or lower classification;*
 - (C) *in the case of Category C places, to identify any which are of sufficient heritage significance to warrant protection and retention, and for those places the Consultant is to recommend an appropriate higher Management Category;*
 - (D) *examination of appropriate new entries being added to the Local Heritage Inventory, including places which were examined for possible listing during the 2005/6 review and allocation of an appropriate Management Category;*
 - (E) *identification and individual assessment of those specific buildings to be conserved on Category A and B sites containing more than one building;*
 - (ii) *to advise the Council on Management Categories, particularly in relation to:*
 - (A) *definitions of each Category in Policy P313 to ensure that each definition is suitable for use in TPS6, the Local Heritage Inventory and Heritage List;*
 - (B) *appropriateness of retaining the current category structure of A+, A, B, C and D; and*
 - (C) *whether or not the Management Category of places in the Heritage List needs to be identified;*

10.2.1 Update of Local Heritage Inventory

- (iii) to advise the Council with respect to amending clause 6.11* of Town Planning Scheme No. 6, in addition to any other matters, for the purposes of:
- (A) inserting a new definition for the term 'significant alteration';
 - (B) deleting from clause 6.11(5)* the existing reference to demolition of Heritage List places being approved if an owner submits a development application;
 - (C) deleting from clause 6.11(6)* the existing reference to Category C places in the Heritage List;
 - (D) deleting from clause 6.11(6)* the existing need for a heritage assessment when development is proposed on a Category C place;
 - (E) deleting any reference to the Management Categories of places in the Heritage List; and
 - (F) more generally reviewing the content of clause 6.11*;
- (iv) to advise the Council on:
- (A) possible methods of raising community awareness and empathy with heritage significance and protection;
 - (B) any other related matter;
- (c) a heritage consultant who is qualified to assess the heritage significance of places and recommend appropriately to the Council, be appointed for the purposes listed in part (b) above;

...”

* **NOTE:** Clause 6.11 of TPS6 has now been superseded by Part 3 'Heritage Protection' of the 'Deemed Provisions' comprising Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The actions listed above was part of a longer strategy for heritage considerations by the City. The longer-term plan involved the following actions:

- preparation of a heritage policy (Policy P313 'Local Heritage Listing') – adopted by Council in April 2013;
- update of the LHI by City officers – completed November 2015;
- engagement of a heritage consultant to undertake a major review of the LHI – now anticipated to be early 2016;
- when adopted, a new Policy P314 'Heritage List' be adopted under Part 3 'Heritage Protection' of the Deemed Provisions; and
- amendments to Policy P313, be undertaken as required, based on recommendations by the consultant.

A heritage consultant has not yet been engaged for the purpose undertaking a major review of the LHI. Before that project is commenced, it is important to update the LHI so as to provide the consultant with an up-to-date document. Further improvements will be made by the consultant, as necessary.

This Report describes the current update of the LHI. It does not relate to the forthcoming 'four-yearly review'.

Comment

Part 5 of Policy P313 'Local Heritage Listing' describes the kinds of matters which are to be dealt with in annual updates of the LHI:

“5. MATTERS TO BE DEALT WITH IN ANNUAL UPDATE OF THE LHI

- (a) *Section 45 of the Heritage Act requires that LHIs are to be updated annually. The annual update will generally deal with:*
- (i) *additional listings where nominations have been supported;*
 - (ii) *reclassification or deletion of listed places where owners' requests are approved by the Council;*
 - (iii) *reclassification to reflect the Heritage Council listing of additional places on the State Register of Heritage Places;*
 - (iv) *minor modifications to the document involving inclusion of additional facts, photographs, or other details relating to places already listed; and*
 - (v) *corrections, formatting improvements, and the like.*
- (b) *Community consultation is required as part of the process of considering any requested additions or deletions, and will be undertaken to the extent required by Policy P301.”*

In view of the impending major review of the LHI, the current update has been limited to providing additional information on each of the places that are already listed. In recent years, the City has not received any formal requests to add or delete places from the LHI. Consequently, no additions or deletions need to be considered. However, one place was issued with a demolition permit by the City when requested by the owner who wished to sell the property unencumbered by any heritage status. That place, at 26 River View Street, South Perth, was a 1950s house, designed by prominent architect Marshall Clifton. The house was demolished in June 2014, soon after the demolition permit was issued. The property has a 'Category C' listing in the LHI. It is not registered by the Heritage Council. The City attempted to obtain photographs of the building prior to demolition, but was unable to access the site and the owners were not cooperative in providing images of the building. In view of the fact that the house was demolished with City authorisation, no further action was taken. As a technicality, the heritage listing now needs to be deleted from the LHI.

The current update involves the following modifications to the LHI:

- Change of name from 'Municipal Heritage Inventory' to 'Local Heritage Inventory', as per Policy P313.
- Updating the Historic Framework section and including additional or clearer contemporary and historical photographs from the City's 'Picture South Perth' and other sources.
- Inserting a precinct identification map and 'Contents' page at the beginning of each precinct section.
- Removing the LHI's 'Review List', to eliminate any misconception that places listed for possible future consideration have already been given 'heritage status'.
- Deleting the 'List of Property Owners', for privacy reasons.
- Deleting the separate list titled 'Listings by Other Bodies' and replacing each reference within the respective Place Record Form for each place.
- Adding an index by 'Place Type'.
- Updating those places which have been registered by the Heritage Council of Western Australia since the 1998-2000 LHI review, by inserting the Management

10.2.1 Update of Local Heritage Inventory

Category of A+ in place of the Management Category formerly allocated to those places. The following places have been updated in this way:

Place	Date registered by HCWA
South Perth Road Board Offices (Former) (Heritage House)	2 July 1999
South Perth Police Station and Quarters (Former)	28 November 2003
Mechanics' Institute Hall (Former) (Old Mill Theatre)	13 August 2004
Pagoda Ballroom (Former)	13 May 2005
Dennehy House - Saint Joseph's Convent	21 April 2006
Saint Columba's Church	21 April 2006
Saint Columba's Primary School	21 April 2006
Saint Mary the Virgin Church, Saint Mary's Hall, Monument	31 July 2007
Wesley College	25 August 2009
Aquinas College	17 December 2010
Canning Bridge	2 March 2012

- Creating a new section for heritage places in Precinct 15 'South Perth Station Precinct', and transferring the relevant places from the Precinct 1 'Mill Point Precinct' section of the LHI, and renumbering them under Precinct 15.
- Updating all Place Record Forms with the following new material, as appropriate:
 - additional information relating to events which have taken place since the Inventory was last adopted in 2000;
 - a section titled '*History of Heritage Listing by the City of South Perth*';
 - a location map for each listed place;
 - a section titled '*Listings by Other Bodies*';
 - a 'Scope of listing' to clarify those portions of the site which are included in the heritage listing.
- Deleting the place listed as '*Residence: 26 River View Street*'. This property had been nominated by the (then) owner in 1996, but was issued with a demolition permit by the City and was demolished in June 2014.
- Minor reformatting of the document to distinguish it from older versions.
- Updating the Appendix titled '*A Heritage in Names – The Origin and Meaning of Street and Place Names*'. with additional explanations and images.
- Inserting the following additional Appendices:
 - City of South Perth Coat of Arms;
 - Elected and Administrative Leaders of the City of South Perth; and
 - The Assessment Criteria for Cultural Heritage Significance – as used by the Heritage Council of Western Australia and by the City.

Consultation

Community or owner consultation is not required as part of this update. Part 4 of the 'Matrix' within Council Policy P301 'Consultation for Planning Proposals' reads as follows:

"PART 4. LOCAL HERITAGE INVENTORY

4.4 Modifications not involving addition or deletion of places – Annual, interim, or four-yearly review of the local heritage inventory, not involving the addition or deletion of places: No consultation."

In later stages of the heritage program, City officers will undertake consultation and engagement with affected property owners and with the wider community. The consultant who is appointed to undertake the major review of the LHI will be required to provide an Engagement Strategy as part of their brief.

10.2.1 Update of Local Heritage Inventory

Policy and Legislative Implications

The current update of the LHI fulfils the City's obligations under section 45(2)(a) of the *Heritage of Western Australia Act 1990* and will enable the LHI to be fully reviewed under section 45(2)(b) of the Act.

When eventually adopted, the revised LHI will form the basis for the preparation and adoption of a 'Heritage List' which is required under Part 3 of the Deemed Provisions.

Financial Implications

The current update of the LHI has not involved any financial expenditure other than in officer time and use of City resources.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#).

The update of the LHI will strengthen the heritage significance of listed places and will better explain and illustrate the importance of these places within the local community.

Conclusion

Having regard to the length of time since the last update of the LHI was undertaken, the unacknowledged changes that have occurred during this period, and the need to proceed with the City's heritage program, the updated LHI, comprising **Attachments (a) to (cd) inclusive**, should now be adopted.

Attachments

- 10.2.1 (a): 01 Introduction and Process
- 10.2.1 (b): 02 Historic Thematic Framework
- 10.2.1 (c): 03 Index by Street Name
- 10.2.1 (d): 03 Index by Precinct
- 10.2.1 (e): 03 List of Sites Only
- 10.2.1 (f): 03 List of Place Types
- 10.2.1 (g): 04 Precinct 1 Mill Point: Contents
- 10.2.1 (h): 04 Precinct 1 Mill Point: Mill Point Reserve (Cat B)
- 10.2.1 (i): 04 Precinct 1 Mill Point: Narrows Bridge (Cat A+)
- 10.2.1 (j): 04 Precinct 1 Mill Point: Old Mill and Cottage (Cat A+)
- 10.2.1 (k): 04 Precinct 1 Mill Point: Mechanics' Institute Hall (Former) (Old Mill Theatre) (Cat A+)
- 10.2.1 (l): 04 Precinct 1 Mill Point: Perth Zoo (Cat A)
- 10.2.1 (m): 04 Precinct 1 Mill Point: South Perth Road Board Offices (Former)
- 10.2.1 (n): 04 Precinct 1 Mill Point: World War I War Memorial (Cat B)
- 10.2.1 (o): 04 Precinct 1 Mill Point: Windsor Park and South Perth Bowling Club (Cat B)
- 10.2.1 (p): 04 Precinct 1 Mill Point: Mends Street Jetty (Cat A)
- 10.2.1 (q): 05 Precinct 2 South Perth Central: Contents
- 10.2.1 (r): 05 Precinct 2 South Perth Central: Dennehy House - Saint Joseph's Convent (Cat A+)

10.2.1 Update of Local Heritage Inventory

- 10.2.1 (s): 04 Precinct 2 South Perth Central: Residence - 20 Ridge Street (Cat B)
- 10.2.1 (t): 05 Precinct 2 South Perth Central: Royal Perth Golf Course (Cats B,C)
- 10.2.1 (u): 05 Precinct 2 South Perth Central: Sir James Mitchell Park (Cat B)
- 10.2.1 (v): 05 Precinct 2 South Perth Central: South Perth Primary School
- 10.2.1 (w): 05 Precinct 2 South Perth Central: Saint Columbas Church (Cat A+)
- 10.2.1 (x): 05 Precinct 2 South Perth Central: Saint Columbas Primary School (Cat A+)
- 10.2.1 (y): 05 Precinct 2 South Perth Central: Saint Mary the Virgin Church, Church Hall and Monument (Cat A+)
- 10.2.1 (z): 05 Precinct 2 South Perth Central: Milyu Nature Reserve and Marine Park (Cat A)
- 10.2.1 (aa): 05 Precinct 2 South Perth Central: Coode Street Jetty (Cat B)
- 10.2.1 (ab): 06 Precinct 3 South Perth Civic: Contents (*Published Separately*)
- 10.2.1 (ac): 06 Precinct 3 South Perth Civic: Angelo Street Post Office (Cat B) (*Published Separately*)
- 10.2.1 (ad): 06 Precinct 3 South Perth Civic: Field Gun (Cat B) (*Published Separately*)
- 10.2.1 (ae): 06 Precinct 3 South Perth Civic: South Perth Sub-Branch RSL (Cat D) (*Published Separately*)
- 10.2.1 (af): 06 Precinct 3 South Perth Civic: Residence - Former Fire Station 99B Coode Street (Cat B) (*Published Separately*)
- 10.2.1 (ag): 06 Precinct 3 South Perth Civic: Shops - 84-90 Angelo Street (Cat B) (*Published Separately*)
- 10.2.1 (ah): 06 Precinct 3 South Perth Civic: City of South Perth Civic Centre (Cat C) (*Published Separately*)
- 10.2.1 (ai): 06 Precinct 3 South Perth Civic: South Perth Hospital (Cat C) (*Published Separately*)
- 10.2.1 (aj): 06 Precinct 3 South Perth Civic: South Perth Methodist Church (Former) (Cat B) (*Published Separately*)
- 10.2.1 (ak): 06 Precinct 3 South Perth Civic: Wesley College (Cats A+, B) (*Published Separately*)
- 10.2.1 (al): 06 Precinct 3 South Perth Civic: Como Hotel (Cat C) (*Published Separately*)
- 10.2.1 (am): 07 Precinct 4 Hurlingham: Contents
- 10.2.1 (an): 07 Precinct 4 Hurlingham: Perth Surgicentre (Cat C)
- 10.2.1 (ao): 07 Precinct 4 Hurlingham: Corner Shop - Office - 252 Mill Point Road (Cat B)
- 10.2.1 (ap): 07 Precinct 4 Hurlingham: Corner Shop - Cafe 254 Mill Point Road (Cat B)
- 10.2.1 (aq): 08 Precinct 5 Arlington: Contents
- 10.2.1 (ar): 08 Precinct 5 Arlington: Residence - 43 Gladstone Avenue (Cat C)

10.2.1 Update of Local Heritage Inventory

- 10.2.1 (as):** 08 Precinct 5 Arlington: Solar Energy Advisory Centre (Former) (Cat B)
- 10.2.1 (at):** 09 Precinct 6 Kensington: Contents
- 10.2.1 (au):** 09 Precinct 6 Kensington: Residence - 182 Canning Highway Roma (Cat C)
- 10.2.1 (av):** 10 Precinct 7 Collier: Contents
- 10.2.1 (aw):** 10 Precinct 7 Collier: Department of Parks and Wildlife Complex (Cat B)
- 10.2.1 (ax):** 10 Precinct 7 Collier: Western Australian Herbarium (Former) (Cat B)
- 10.2.1 (ay):** 11 Precinct 8 Como Beach: Contents
- 10.2.1 (az):** 11 Precinct 8 Como Beach: Church of Jesus Christ of the Latter-Day Saints (Cat B)
- 10.2.1 (ba):** 11 Precinct 8 Como Beach: Como Beach and Como Jetty (Cat B)
- 10.2.1 (bb):** 11 Precinct 8 Como Beach: Cygnet Theatre (Cat A+)
- 10.2.1 (bc):** 11 Precinct 8 Como Beach: Pagoda Ballroom (Former) (Cat A+)
- 10.2.1 (bd):** 11 Precinct 8 Como Beach: Residence - 181 Coode Street (Cat B)
- 10.2.1 (be):** 11 Precinct 8 Como Beach: Residence - 5 Eric Street (Cat C)
- 10.2.1 (bf):** 11 Precinct 8 Como Beach: Canning Bridge (Cat A+)
- 10.2.1 (bg):** 12 Precinct 9 Como: Contents
- 10.2.1 (bh):** 12 Precinct 9 Como: Penrhos College and Pine Trees (Cat C)
- 10.2.1 (bi):** 12 Precinct 9 Como: Pine Trees and Collier Park Golf Course (Cat B)
- 10.2.1 (bj):** 12 Precinct 9 Como: Residence - 426 Canning Highway - Blue Waters (Cat B)
- 10.2.1 (bk):** 13 Precinct 10 McDougall Park: Contents
- 10.2.1 (bl):** 13 Precinct 10 McDougall Park: McDougall Dairy Farm (Former) (Cat B)
- 10.2.1 (bm):** 14 Precinct 12 Salter Point: Contents
- 10.2.1 (bn):** 14 Precinct 12 Salter Point: Aquinas College (Cat A+, A)
- 10.2.1 (bo):** 14 Precinct 12 Salter Point: Mount Henry Bridge (Cat B)
- 10.2.1 (bp):** 14 Precinct 12 Salter Point: Depression Era Campsite (Cat B)
- 10.2.1 (bq):** 15 Precinct 14 Waterford: Contents
- 10.2.1 (br):** 15 Precinct 14 Waterford: Clontarf (Cat A+)
- 10.2.1 (bs):** 16 Precinct 15 South Perth Station Precinct: Contents
- 10.2.1 (bt):** 16 Precinct 15 South Perth Station Precinct: Stidworthy Residence and Tearooms (Cat A+)
- 10.2.1 (bu):** 16 Precinct 15 South Perth Station Precinct: Residence (Former) - 35 Labouchere Road (Cat B)
- 10.2.1 (bv):** 16 Precinct 15 South Perth Station Precinct: Shops - 11-15 Mends Street (Cat B)

10.2.1 Update of Local Heritage Inventory

- 10.2.1 (bw):** 16 Precinct 15 South Perth Station Precinct: Shops - 16-20 Mends Street (Cat B)
- 10.2.1 (bx):** 16 Precinct 15 South Perth Station Precinct: South Perth Police Station (Cat A+)
- 10.2.1 (by):** 16 Precinct 15 South Perth Station Precinct: South Perth Post Office (Cat B)
- 10.2.1 (bz):** 16 Precinct 15 South Perth Station Precinct: Windsor Hotel (Cat A+)
- 10.2.1 (ca):** Appendix 1: Index by Street Name
- 10.2.1 (cb):** Appendix 2: Index by Precinct
- 10.2.1 (cc):** Appendix 3: List of Sites Only
- 10.2.1 (cd):** Appendix 4: List of Place Types .

At 8.11pm, during discussion of the following Item but prior to voting, Councillor G Cridland left the Chamber and returned at 8.13pm.

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

Location: Salter Point
 Ward: Manning Ward
 Applicant: Premiere Homes
 File Ref: D-15-82421
 Lodgement Date: 18/11/2015
 Date: 24 November 2015
 Author: Peter Ng, Planning Officer
 Reporting Officer: Vicki Lummer, Director Development and Community Services
 Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population
 Council Strategy: 3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

To consider an application for planning approval for Proposed Single House (Two Storey & Undercroft) on Lot 800 (No. 34a) Sulman Avenue, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Street setback	Council Policy P306
Lot boundary setback	R-Codes 5.1.3
Boundary walls	Council Policy P350.02
Visual privacy	R-Codes 5.4.1
Significant View	Council Policy P350.09

Officer Recommendation

Moved: Councillor F Reid
Seconded: Councillor T Burrows

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for Proposed Single House (Two Storey & Undercroft) on Lot 800 (No. 34a) Sulman Avenue, Salter Point **be approved** subject to:

(a) Specific Conditions

As required under Clause 1(c) of Policy P306, any further extension of roof cover to the unroofed terrace on the First Floor adjoining River Way is not permitted.

(b) Standard Conditions

415	street tree- fee yet to be paid (\$154.00)	470	retaining walls- if required
416	street tree- not to be removed	471	retaining walls- timing
417	crossover – setback street tree	456	dividing fences- timing
210	screening- permanent	340A	parapet walls- finish from street
377	screening- clothes drying	550	plumbing hidden

390	crossover- standards	445	stormwater infrastructure
393	verge & kerbing works	427	colours & materials- details
625	sightlines for drivers	660	expiry of approval

(c) Standard Advice Notes

700A	building permit required	766	landscaping- general standards
706	applicant to resolve issues	790	minor variations- seek approval
725	fences note- comply with that Act	795B	appeal rights- council decision

FOOTNOTE: A full list of Standard Conditions and Advice Notes is available for inspection at the Council Offices during normal business hours.

AMENDED MOTION

Moved: Councillor C Cala

Seconded: Councillor S Hawkins-Zeeb

That the Officer's Recommendation be amended by the inclusion of an additional Specific Condition. The existing condition required being numbered (a)(i) and an additional condition (a)(ii) be added and shall read:

- (a)(ii) The privacy screening required along the Terrace extending out from the Upper Balcony along the southern boundary shall be constructed of a translucent glass material. Further, the solid screen wall presently shown flanking the Upper Balcony that follows on from the privacy screening be also constructed with the same translucent material.

CARRIED (7/0)

Reasons for Change

A number of concessions have been granted in the Officer's Recommendation with respect to setback requirements under the R-Codes. Whilst these maybe considered acceptable when assessed under Design Principles, the visual impact of the unbroken upper level southern wall on the adjoining neighbour will be significant.

There is presently no articulation at this upper level, other than two high level windows at the centre and two low level windows at the Sulman Avenue end. Removing the solid screen wall flanking the Upper Balcony and requiring the privacy screening along the Terrace and this wall to be constructed of translucent material will provide some level of visual relief to the southern wall and thereby mitigate the effect of the bulk and scale of an otherwise unbroken masonry wall along the southern side of the property.

The amendment then became the substantive.

COUNCIL DECISION

Moved: Councillor F Reid

Seconded: Councillor T Burrows

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for Proposed Single House (Two Storey & Undercroft) on Lot 800 (No. 34a) Sulman Avenue, Salter Point **be approved** subject to:

(a) Specific Conditions

- (a) (i) As required under Clause 1(c) of Policy P306, any further extension of roof cover to the unroofed terrace on the First Floor adjoining River Way is not permitted.
- (ii) The privacy screening required along the Terrace extending out from the Upper Balcony along the southern boundary shall be constructed of a translucent glass material. Further, the solid screen wall presently shown flanking the Upper Balcony that follows on from the privacy screening be also constructed with the same translucent material.

(b) Standard Conditions

415	street tree- fee yet to be paid (\$154.00)	470	retaining walls- if required
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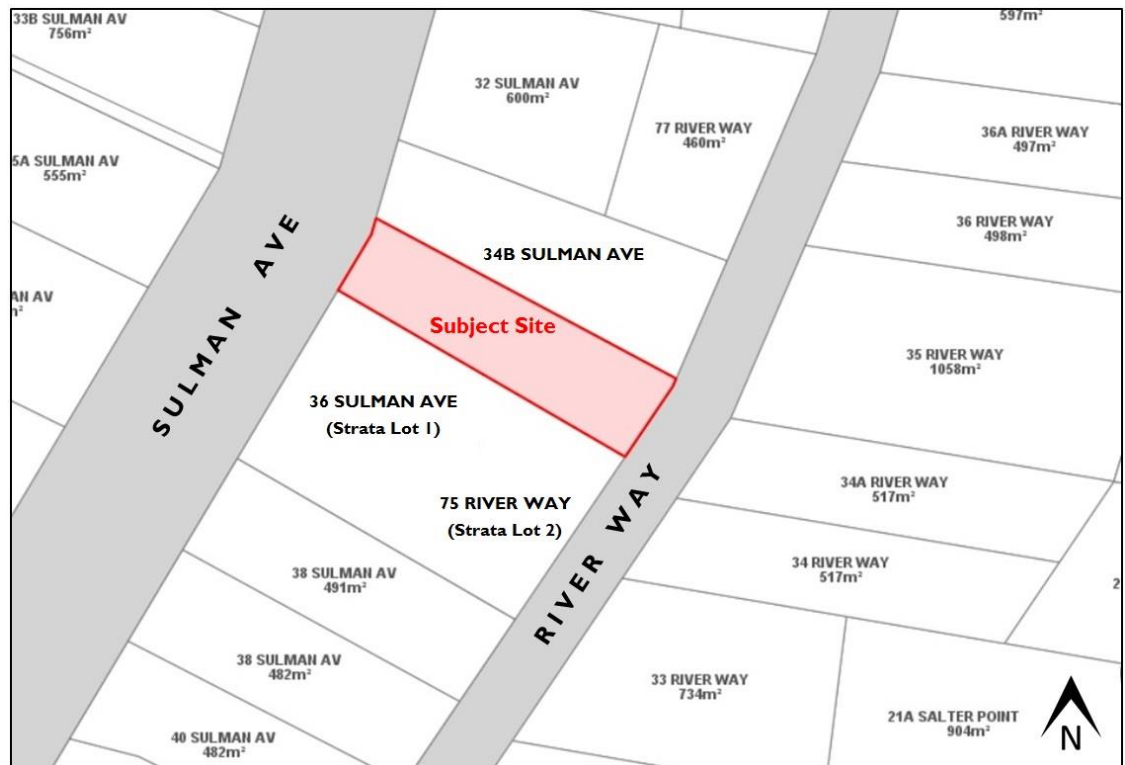
CARRIED (7/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	440 sq. metres
Building height limit	7.0metres
Development potential	1 dwellings
Plot ratio limit	Not applicable (minimum 50% open space)

The location of the development site is shown below:



In accordance with Council Delegation DC690, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

3. Developments involving the exercise of a discretionary power

- (a) Applications in areas situated within Precinct 13 - Salter Point which:
- (i) have been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres; and
 - (ii) will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.2 (2) of the Scheme.
- (b) Applications on lots with a building height limit of 7.0 metres; having a boundary to River Way; and where the proposed building height exceeds 3.0 metres;

6. Amenity impact

In considering any application for planning approval, the delegated officer shall take into consideration the impact of the proposal on the general amenity of the area. If, in the opinion of the delegated officer, any significant doubt exists, the application shall be referred to Council for determination.

7. Neighbour comments

In considering an application for planning approval, the delegated officer shall fully consider any comments made by any affected land owner or occupier before determining the application.

Comment

(a) Background

On 12 August 2015, the City received an application for Proposed Single House (Two Storey & Undercroft) on Lot 800 (No. 34a) Sulman Avenue, Salter Point (the **Site**). Following the officer's assessment and neighbour consultation period, the applicant was sent further information request

10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

letter and the current set of drawings, referred to as **Attachment (a)**, was received on 12 October 2015.

(b) Existing Development on the Subject Site

The subject site is located at Lot 800 (No. 34a) Sulman Avenue, Salter Point. The Site is currently vacant as depicted in **Figure I** below and **Attachment (c)**.

(c) Description of the Surrounding Locality

The Site has dual frontages with primary street frontage to Sulman Avenue to the west and secondary street frontage to River Way to the east. It is located adjacent to Single Houses to the north and Grouped Dwellings to the south, as seen in **Figure I** below:



Figure I – Aerial photo of surrounding locality

(d) Description of the Proposal

The proposal involves the construction of a two storey single house with an undercroft garage accessed via River Way, as depicted in the submitted plans referred to as **Attachment (a)**. Furthermore, the site photographs show the relationship of the Site with the surrounding built environment at **Attachment (c)**.

The following elements of the proposal are observed to be compliant with the City's planning requirements:

- Land Use – 'P' Permitted (TPS6 cl. 3.3 and Table 1);
- Open Space (R-Codes cl. 5.1.4 C4);
- Building Height (TPS6 cl. 6.1A);
- Street Surveillance (R-Codes cl. 5.2.3 C3.1/3.2);
- Outdoor Living Area (R-Codes cl. 5.3.1 C1.1);
- Car Parking Bays (TPS6 cl. 6.3(8), R-Codes 5.3.3 C3.1 and Council Policy P306 cl. 3);
- Minimum Levels (TPS6 cl. 6.9);

10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

- Maximum Levels (TPS6 cl. 6.10(3)/(a)/(b));
- Stormwater Management (TPS6 cl. 6.8(2) and R-Codes cl. 5.3.9 C9);
- Solar Access for Adjoining Sites (R-Codes cl. 5.4.2 C2.1/2.2);
- Essential Facilities (R-Codes cl. 5.4.5 C5.3); and
- Trees on the Development Site (Council Policy P350.05).

These elements are not discussed further in this report. Standard conditions and/or advice notes are recommended.

The remaining non-complying aspects, with other significant matters, are all discussed below. The following components of the proposed development are variations to the *City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6)* the *Residential Design Codes of WA 2013 (R-Codes)* and/or Council Policy requirements:

- (i) Street setback (Policy P306);
- (ii) Lot boundary setback (R-Codes Clause 5.1.3);
- (iii) Boundary Wall (Policy P350.02);
- (iv) Visual privacy (R-Codes Clause 5.4.1); and
- (v) Significant View (Policy P350.09)

Council is being asked to exercise discretion in relation to these non-compliant aspects of the proposed development.

(e) Street Setback

Council Policy P306 “Development Abutting River Way” generally requires buildings other than carports and garages shall be setback a minimum of 6.0 metres from the River Way boundary. As required under Clause 1(c) of the Policy, in the case of dwellings having three storeys above the adjacent River Way street level, the uppermost storey shall be set back a minimum of 9.0 metres from the River Way boundary.

The proposed garage at Undercroft level is setback in excess of 5.6m, while the proposed dwelling at Ground and First Levels are street setback between 6.0metres to 6.6metres given the non-rectangular shaped lot. The only portion of the uppermost floor within the 9m setback area is the open roof terrace. The building bulk particularly the roof and the supporting brick piers are set back 9.0 metres from River Way.

Notwithstanding the above, Clause 1(b) of Policy P306 states the following: “Where a development site is adjoined on both sides by lots containing dwellings set back less than 6 metres from the River Way boundary, the minimum setback of each storey of a dwelling on the development site shall be not less than the average of the setbacks of the corresponding storeys of the dwellings on the adjoining lots.”

As demonstrated in **Figure 2** below, the proposed building setback is well behind the average setback to each corresponding storey of the dwellings located on adjoining lots, which is consistent with the Policy’s objective in protecting the streetscape character of River Way.

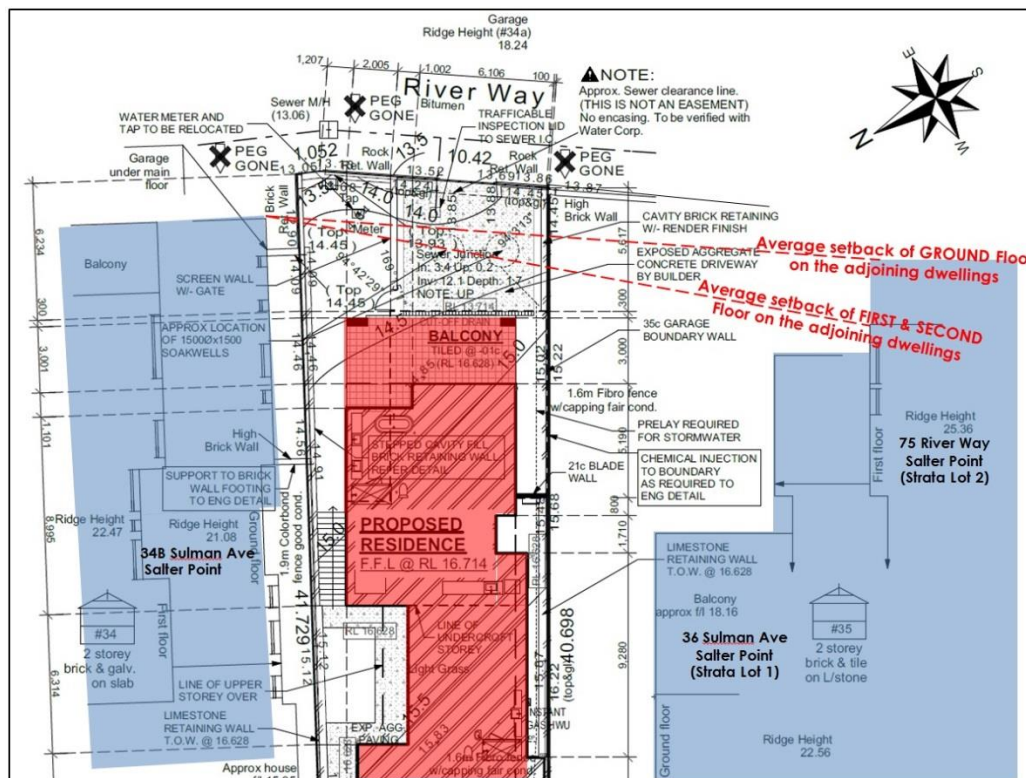


Figure 2 – Average setback of each corresponding storey of the dwellings located on adjoining lots.

The applicant has provided further justification stating that:

“The dwelling has been specifically designed with the above policy provision in mind. (i.e. to achieve an average setback to each corresponding storey of the dwellings located on adjoining lots). The adjoining dwelling at No. 75 River Way is setback considerably from River Way, while the dwelling at No. 34B Sulman is extremely close to River Way and the proposal therefore seeks achieve a balance between these two”.

The proposed open roof terrace which provides roof cover over balcony below will create a useable space for the occupants. By also allowing the use of the concrete roof slab as open roof terrace (which is capable of use in conjunction with Living/Meals) will also improve the amenity of the occupants without detrimentally impacting on the existing streetscape.

Based on the above, the City’s officers observed that proposed street setback meets with the provisions and objectives of the Policy in protecting the streetscape character of River Way as viewed from the street.

Accordingly, it is considered that the proposal complies with the Council Policy, and is therefore is supported by the City. A specific condition is imposed restricting any future extension of roof cover over the open roof terrace, as required under Policy P306.

(f) Lot boundary setback

The proposed wall setbacks generally comply with the Deemed-to-comply standards contained within Clause 5.1.3 of the R-Codes, with the exception of the walls outlined below:

10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

- a) Bath – Laundry (Ground floor) set back 1.0 metres from the southern boundary in lieu of 1.5 metres.**

The Design principles of Clause 5.1.3 (P3.1) of the Codes states:
Buildings setback from lot boundaries so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

The minor reduced setback is considered acceptable by the City's officers given there is 6.0metres building separation between dwellings which will maintain ample distance for direct sun access and ventilation to adjoining southern properties. The ground floor building bulk is not abutting directly to any major opening or outdoor living area. Privacy of adjoining properties is maintained through appropriate building design measures in accordance with the Visual Privacy provisions of the R-Codes.

- b) Overall bulk (Ground floor) set back 1.5 metres from the southern boundary in lieu of 2.0 metres.**

The reduced ground floor wall setback will not detrimentally impact on the access to sunlight and natural ventilation for the neighbouring lot given that there is 6.0m building separation with existing adjoining driveway running along the length of the southern boundary.

Visual privacy of adjoining properties is maintained with the proposed 1.8 metres high standard fencing installed along the southern boundary and incorporation of 1.6m high privacy wall to the balcony.

- c) Overall bulk (First floor) set back 1.5 metres from the southern boundary in lieu of 3.0 metres.**

The proposed southern wall (Walk-in Robe to the edge of Upper Balcony) has an overall length of 27.40m with the wall height varies between 5.4m to 7.3m due to sloping nature of the site. There is an existing adjoining 4.8m wide driveway running along the length of the southern boundary.

In accordance to Table 2a/2B of the R-Codes, the required setback for the upper floor southern wall is 3.0m in lieu of proposed 1.5m setback from the southern boundary. The applicant is seeking variation based on Design principles of the R-Codes.

The Design principles under Clause 5.1.3 P3.1 of the R-Codes provides that:

Buildings setback from lot boundaries so as to:

- *Reduce impacts of building bulk on adjoining properties;*
- *Provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and*
- *Minimise the extent of overlooking and resultant loss of privacy on adjoining properties.*

The development is considered to satisfy the Design principles based on the following grounds:

- I. The proposed development complies with Deemed-to-comply provision of Solar access for adjoining sites of the R-Codes. Overshadowing diagram and 3D overshadowing simulation in

- Attachment A**, further demonstrated that the overshadowing does not affect the elevated rear terrace and major opening at No. 36 but affect mainly onto the existing driveway and undercroft garage. The floor level at rear portion of the adjoining dwelling is between 2.0m to 2.4m above natural ground level due to sloping nature of the site;
2. The reduced upper floor wall setback will not detrimentally impact on the building bulk, access to sunlight and natural ventilation for the neighbouring lot given that there is 6.0m building separation by virtue of 4.8m driveway running along the length of the southern boundary; and
 3. Privacy of adjoining properties is maintained through appropriate building design measures in accordance with the Visual Privacy provisions of the R-Codes which are covered in Section h of the report.

It should be noted that the subject site is on a long skinny shaped lot with a frontage width of 10.0m to 11.47m. The proposed building width of 7.69m is considered appropriate and consistent with the scale within the locality. The City's officers also observed that the proposal has adequately responded to the natural features of the area and maintain direct sun and ventilation to adjoining properties.

The applicant also provided supporting justification adding that:

- *"The designer of the home has appropriately placed the external wall positions to ensure that amenity impacts are minimised as much as possible. They have achieved this through applying several layers of articulation, providing a variety of wall finishes and avoiding the use of major openings to habitable rooms. Through these measures, the designers have very effectively reduced the impacts of building bulk as perceived by the neighbouring property.*
- *The reduced-setback walls are considered to be consistent with the neighbouring property to the north, particularly for establishing appropriate solar setbacks.*
- *In additional, it is reasonable to assume that the narrow channel of land between the neighbour's boundaries (driveway) is not a particularly high use area for the property and therefore enjoys little amenity.*
- *The bulk of the proposal has been setback considerably further from the rear of the property (lane) than would typically be allowable. This has allowed the dwelling proposal to achieve an effective outdoor living area (OLA) on three separate levels."*

Given the above, the proposed lot boundary setback of the development is considered to meet with the Design principle provisions of the R-Codes and therefore is supported by the City's officers.

- d) Overall bulk (First floor) set back 3.0 metres from the northern boundary in lieu of 3.8 metres.**

The reduced upper floor wall setback will not detrimentally impact on the access to sunlight for the neighbouring lot (34B Sulman Avenue) given that the wall is located on the southern side of the neighbouring lot. Archive search on the approved drawings revealed that majority of southern wall at First Floor have non-major openings to non-habitable rooms and/or blank wall. Accordingly, it is considered the proposed variation will have negative amenity impact on the adjoining property.

10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

In this instance, it is considered that the proposal complies with the Design principle, therefore is supported by the City.

(g) **Boundary Wall - Ground floor (Garage)**

Two boundary walls are proposed along the southern boundary of the development site as depicted in the plans of the proposal, referred to as **Attachment (a)**.

Southern boundary wall (Entry)

The boundary wall (Entry) is set back 7.4metres from primary street - Sulman Avenue and therefore is compliant with the provision of Policy P350.02 in terms of street setback and no amenity impact onto the streetscape.

The side setback of the adjoining dwelling (No. 36 Sulman Avenue) to the proposed boundary wall is relatively large at 4.8m. Accordingly, the amount of overshadowing or visual bulk impact attributed directly by the boundary wall is negligible as it abuts to an existing driveway without any window opening as depicted in **Attachment (c) – Site Photographs**.

Southern boundary wall (Garage)

The other boundary wall for the proposed garage is located at the southern corner of the subject site. The proposed boundary wall has a street setback of 5.6m to 6.1m from River Way due to its non-rectangular shaped lot boundary.

Clause 7(b) of City’s Policy P350.02 permits a setback of less than 6.0 metres where the proposed boundary wall will abut an existing boundary wall on the adjoining lot and will not project beyond the adjoining boundary wall either vertically or horizontally.

As demonstrated in **Figure 3** below, part of the proposed garage boundary wall is positioned below natural ground level and therefore, will largely obscured by virtue of a standard 1.8m high dividing fence above the natural ground level of adjoining southern property.

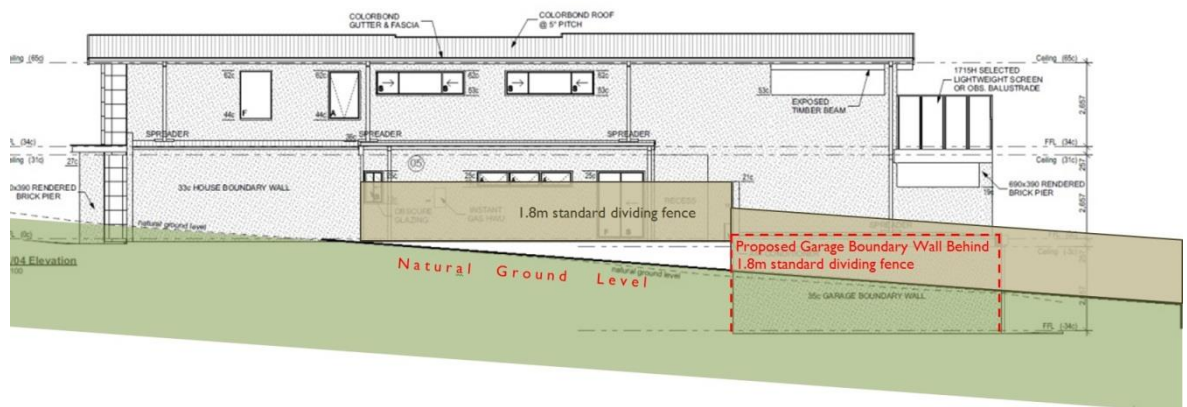


Figure 3 – Position of boundary wall in relation to the natural ground level measured from adjoining property along the southern boundary.

Accordingly, the proposed boundary walls have been found to not have an adverse effect on neighbouring amenity when assessed against the following “amenity test” referred to in this element of the Council Policy P350.02.

- No effect on the existing streetscape character;
- No outlook from the front of the adjoining dwelling or garden;

10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

- No overshadowing of adjoining habitable room windows or Outdoor Living Areas;
- No impact of visual bulk on adjoining Outdoor Living Areas; and
- Not upheld comments from the neighbour (see section neighbour consultation).

In this instance, it is considered that the proposal complies with the Council Policy, and is therefore supported by the City; however a condition is recommended requiring the surface of the boundary wall visible from the street (Entry), shall be finished to match the external walls of the building on the development site.

(h) **Visual Privacy Setback - Ground and 1st floor balcony**

The required minimum visual privacy setback for upper floor Balcony to the south is 7.5 metres, and the proposed cone of vision setback is 3.0 metres. Therefore, the proposed development does not comply with the visual privacy element of the R-Codes.

Council discretion- cl. 7.4.1 P1

The Applicant has satisfied the Visual privacy Design principle 5.4.1 P1.1 of the R-Codes. Site visit and assessment of the proposal against those criteria reveals the following:

- Direct overlooking of outdoor living areas (swimming pool) of adjoining dwelling from active habitable spaces of the subject Site is minimised;
- Additional effective screening is proposed on the southern side of the First Floor balcony; and
- Noted comments from the neighbour (see neighbour consultation).

The updated drawings as demonstrated in **Attachment (a)** reflect additional screening to the south facing side of the balcony at First level to remove any 'direct' overlooking. Any viewing from the subject site down to adjoining House No. 75 River Way is provided only at an oblique angle (i.e. not direct) and overlooks only affects a small portion at the rear corner of adjoining property as depicted in **Figure 4** diagram provided by the applicant:

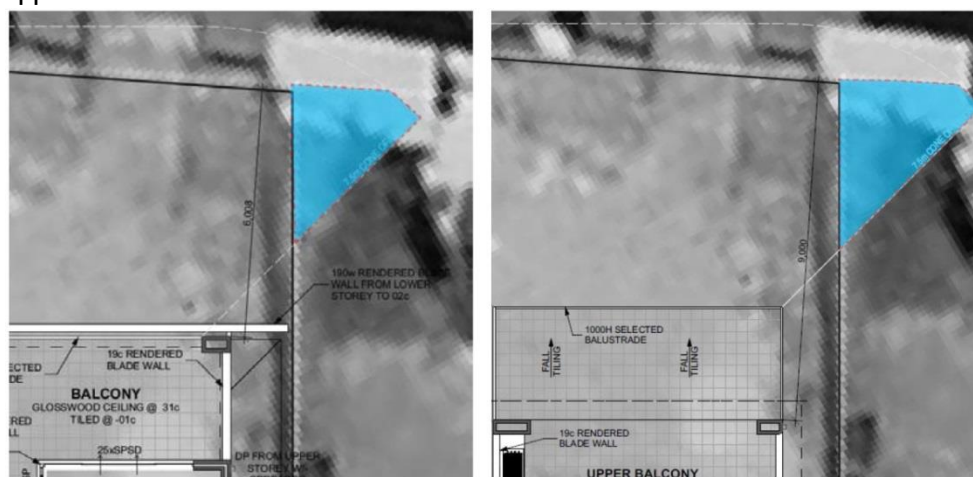


Figure 4 – Extent of overlooking from ground floor (left) and extent of overlooking from first floor (right)

Close inspection during site visit revealed that the roof structure within the cone of vision is adjoining roof cover for the pool pump. In this instance, it is considered that the proposal complies with the Design principle where the

10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

balconies pose minimal direct overlooking onto active habitable space and outdoor living area of adjacent dwelling (75 River Way), and is therefore supported by the City.

A condition is also recommended to have the screening structure installed prior to occupation of the building and remain in place permanently. In addition, further details are required to ensure that the visual privacy screens comply with Element 8 of the R-Codes, and protect the neighbour's visual privacy (standard condition).



Photo 1 – Extent of overlooking onto rear of corner of adjoining property, 75 River Way roof enclosure for the pool pump.

(i) Significant Views

Council Planning Council Policy P350.9 (Significant Views) at times requires the consideration for the loss of significant view from neighbouring properties.

The neighbouring properties to the west and south of the subject Site currently enjoy views of the Canning River (significant views). Written objection to the loss of those views has been lodged with the City due to the proposal seeking street setback from River Way boundary.

The applicant submitted written justification stating that:

“The proposed dwellings bulk and scale is considered to be commensurate to that of the surrounding neighbours. It also not considered to negatively impact the views afforded to No. 36 as there remains a 10m separation distance between the two dwellings / balconies on each respective level.”

“It is acknowledged however that all the dwellings along River Way will ultimately seek to retain their river views. The proposal merely seeks to establish a similar view point.”

10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

The City’s approach is to give balanced consideration to the reasonable expectations of both existing residents and applicants proposing new development.

As demonstrated in **Figure 5** below, the existing corridor view (significant views) from No. 30 Sulman Avenue’s first floor balcony presented between existing dwelling at 75 River Way and subject development site. It demonstrated that the significant view will not be significantly impacted by the proposed development.

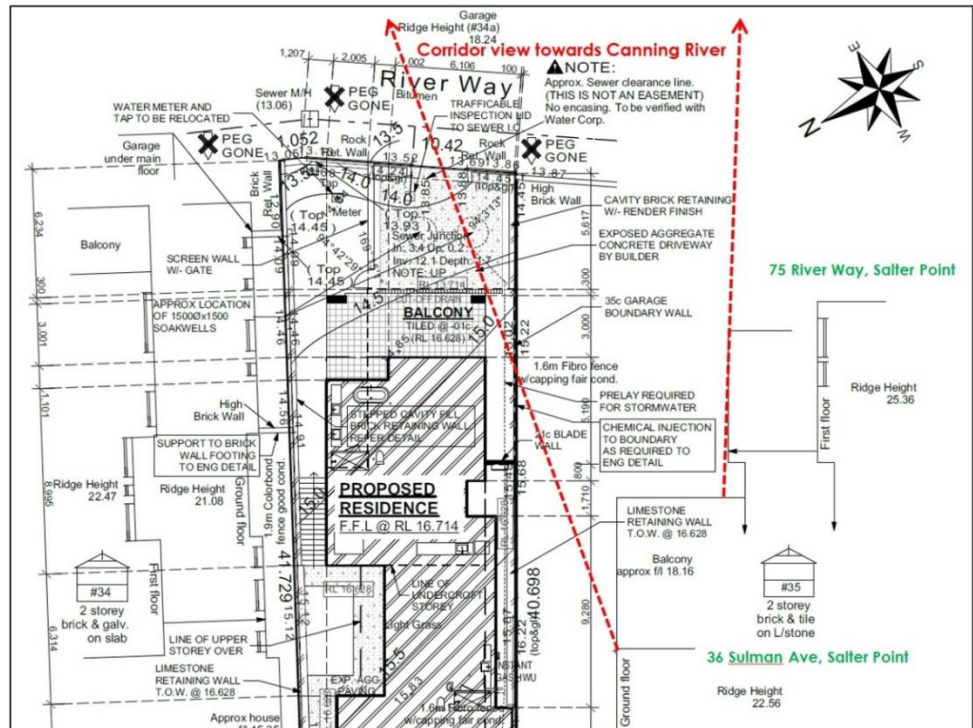


Figure 5 – Extent of corridor view towards Canning River (significant view)

The adjoining property still be able to enjoy uninterrupted views of the river, as further demonstrated in the photo below (**Photo 2**):



Photo 2 – Existing corridor view from balcony of 36 Sulman Ave

Hence it can be considered that following the officer's assessment, the proposed development complies with Council policy and Scheme provisions.

Given this, it can be concluded that significant views of the Canning River from neighbouring property will not be significantly obstructed by the proposed development and is supported by City officers.

(j) Scheme Objectives: Clause 1.6 of Town Planning Scheme No. 6

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in clause 1.6 of TPS6, which are, in the opinion of the Council, relevant to the proposed development. Of the 12 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (a) *Maintain the City's predominantly residential character and amenity;*
- (c) *Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;*
- (d) *Establish a community identity and 'sense of community' both at a City and precinct level and to encourage more community consultation in the decision-making process;*
- (e) *Ensure community aspirations and concerns are addressed through Scheme controls;*
- (f) *Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

(k) Other Matters to be Considered by Council: Clause 67 of the Deemed Provisions

In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application:

- (a) *the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) *the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) *any approved State planning policy;*
- (g) *any local planning policy for the Scheme area;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
 - (ii) *the character of the locality;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (s) *the adequacy of —*
 - (i) *the proposed means of access to and egress from the site; and*
 - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (y) *any submissions received on the application;*
- (zb) *any other planning consideration the local government considers appropriate.*

The proposed development is considered satisfactory in relation to all of these matters, subject to the recommended conditions.

Consultation

(a) Design Advisory Consultant's comments

No comments from DAC were required as the proposed development specifically its building form and design is compatible with the existing streetscape character.

(b) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'.

Under the standard consultation method, individual property owners and occupiers at Nos. 34B and 36 Sulman Avenue and No. 75 River Way were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 3 consultation notices were sent and 1 submission was received as detailed in **Attachment (d)**. The comments of the submitter, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p>Building Bulk and Scale – River Way The current setback to River Way is shown as 5.197-6.534m, resulting in a variation of 2.466-3.803m. The variation will have a negative impact on the amenity of the adjoining owner and the property at No. 36 Sulman Avenue in terms of bulk and scale.</p> <p>The reduced setback will constrain views to the east from the major openings in adjoining home at No. 36. Policy P350.9 Significant Views requires that Council consider significant views prior to granting a setback variation (refer to Clause 5 (b)).</p> <p>There is an easterly view corridor available to the dwelling at No. 36, which is setback from the River Way frontage.</p>	<p>The proposed dwellings bulk and scale is considered to be commensurate to that of the surrounding neighbours. It also not considered to negatively impact the views afforded to No. 36 as there are at least 10m separation distance between the two dwellings / balconies on each respective level.</p> <p>The proposed building setback is well behind the average setback to each corresponding storey of the dwellings located on adjoining lots, which is consistent with the Policy's objective in protecting the streetscape character of River Way.</p> <p>Refer to body of the report under Section (e) and (i) for more detail.</p> <p>The comment is NOT UPHELD.</p>
<p>Visual Privacy At the rear, there is an additional paved area, which is the only private outdoor space on the site. The variation will result in substantial overlooking of the private rear area at No. 36, which the R Codes seeks to protect from visual intrusion.</p>	<p>The amended drawings as demonstrated in Attachment A reflect added additional screening to the south facing side of the balcony at First level to restrict any direct overlooking.</p> <p>The comment is NOTED.</p>
<p>Boundary Walls Two boundary walls (entrance and garage) of the new dwelling at No. 34A are proposed, on the common boundary with No. 36. The walls are considered to reduce the amenity of the property at No. 36 and streetscapes of both Sulman Avenue and River Way.</p>	<p>Both the proposed boundary walls observed not to have an adverse effect on neighbouring amenity when assessed against the "amenity test" referred to the Council Policy P350.02. Refer to body of report under Section (g) above.</p> <p>The comment is NOT UPHELD.</p>
<p>Site Works – Fill and Retaining The plans submitted for the proposed dwelling at No. 34A (E/04 Elevation) shows that the ground floor of development seeks to incorporate approximately 0.6m of cut and</p>	<p>Clause 6.10 of TPS6 states that site levels and building floor levels are to be calculated to generally achieve equal cutting below and filling above the natural ground level, while also maintaining streetscape compatibility and protecting the amenity of the affected adjoining property.</p>

<p>approximately 1.0m of fill, outside the proposed laundry. The cut and fill is therefore not averaged in accordance with the requirements of TPS6.</p> <p>The result of excessive fill is building bulk, as fencing must be provided on top of the retaining for safety and to limit overlooking. As such, the owners of No. 36 can expect a 2.8m high fence on the common boundary, which is considered to adversely impact on the amenity of that property in the context of building bulk.</p>	<p>The proposed retaining structures are considered to meet the Design Principles based on the following reasons:</p> <ul style="list-style-type: none"> • The adopted finished floor levels (FFL) of the proposed dwelling appropriately respond to the sloping nature of the site; • The proposed FFL respects the natural ground level of the land as viewed from the street and maintain the prevailing streetscape character; and • A small portion of retaining structure visible from southern boundary will not negatively impact on overall amenity of the adjoining property as it abuts to an existing driveway. <p>Hence, the proposed site works and retaining will not detrimentally impact the amenity of the adjoining neighbours in terms of visual bulk, visual privacy and overshadowing.</p> <p>The comment is NOT UPHELD.</p>
<p>Southern Side Setbacks</p> <p>The submitted plans indicate substantial setback variations to the common boundary with No. 36, which will adversely impact on the amenity of that property.</p> <p>The proposed setback variations will result in substantial building bulk constructed in close proximity to the common boundary, causing overshadowing and obstruction of natural light/air flow between buildings.</p> <p>The negative impact of a high, long wall with little articulation will also have implications relating to visual relief, for the residents of No. 36.</p>	<p>The Applicant has satisfied all of the Design principles 5.1.3 P3.1 of the R-Codes.</p> <p>The reduced wall setback will not detrimentally impact on the access to sunlight and natural ventilation for the neighbouring lot given that there is 6.0m building separation between the proposed building and existing dwelling with existing driveway running the length of the southern boundary.</p> <p>Refer to body of the report under Section (f) for more detail.</p> <p>The comment is NOTED.</p>

The applicant's written responses to the neighbours' comments are also included in **Attachment (d)**.

(c) **Manager, Engineering Infrastructure**

No comments from external agencies were required for this proposal.

10.3.1 Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

(d) Other City Departments

The City Landscapes Officer, City Environment section provided comments with respect to the setback of the proposed crossover from the existing street tree. This section raises no objections and has provided the following comments:

- (i) The crossover is modified to be located no closer than 2.5 metres from the street tree; and
- (ii) The Applicant is required to pay a sum of \$154.00 for the cost of pruning the tree as detailed in a tax invoice that will be issued by the City, prior to the submission of a building permit application.

Accordingly, planning conditions and important notes are recommended to respond to the comments.

(e) External Agencies

No comments from external agencies were required for this proposal.

Policy and Legislative Implications

Comments have been provided elsewhere in this report, in relation to the various provisions of the Scheme, the R-Codes and Council policies, where relevant.

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2015-2025 which is expressed in the following terms:

Accommodate the needs of a diverse and growing population.

Sustainability Implications

This dwelling is designed so that the balconies/ outdoor habitable space will receive northern sun and is considered to be designed appropriately considering sustainability principles.

Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Provided that the conditions are applied as recommended, it is considered that the application should be conditionally approved.

Attachments

- 10.3.1 (a):** Attachment A - Amended Floor Plans & Elevations
- 10.3.1 (b):** Attachment B - Applicant's Justification Letter
- 10.3.1 (c):** Attachment C - Site Photographs & Street photomontage
- 10.3.1 (d):** Attachment D - Submitter's Comments & Applicant's Response .

10.3.2 Proposed Minor Amendments to Previously Approved Mixed Use Development Within a 29 Storey Building - Lots 7-20 (No. 74) Mill Point Road, South Perth

Location: Edge Holdings No. 6
Ward: Mill Point Ward
Applicant: Hillam Architects
File Ref: D-15-82472
Lodgement Date: 25 September 2015
Date: 24 November 2015
Author: Erik Dybdahl, Statutory Planning Officer
Reporting Officer: Vicki Lummer, Director Development and Community Services
Strategic Direction: Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy: 3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

At its August 2015 Council meeting, Council adopted a motion in relation to the Joint Development Assessment Panel (JDAP) meetings that Responsible Authority Reports (RARs) be presented to Council to consider the proposals on a “call-in” basis. As such, Council has decided to call-in and review the RAR for the proposed minor amendment application which has been attached to this report.

Officer Recommendation AND COUNCIL RECOMMENDATION

Moved: Councillor F Reid

Seconded: Councillor S Hawkins-Zeeb

That Council considers the attached Responsible Authority Report, dated 17 November 2015, prepared for the Joint Development Assessment Panel regarding the proposed minor amendments to the previously approved mixed use development at Lots 7-20 (No. 74) Mill Point Road, South Perth.

With the consent of the Seconder, Councillor F Reid proposed that Council adopt the following “view” to be included on the Joint Development Assessment Panel’s Agenda when the matter is to be determined:

“That the City of South Perth Council note the Responsible Authority Report recommendation regarding the proposed minor amendments to the previously approved mixed use development at lots 7-20 (no. 74) Mill Point Rd, South Perth.

However the Council wish it to be noted that they do not support the development in its entirety due to the significant discretion given to the approved development. In particular, the significant discretion given to reduced lot size and minimum street frontage under the Town Planning Scheme and the surrounding communities concern to loss of amenity.”

CARRIED (7/0)

10.3.2 Proposed Minor Amendments to Previously Approved Mixed Use Development Within a 29 Storey Building - Lots 7-20 (No. 74) Mill Point Road, South Perth

Comment

In accordance with the Council resolution in August 2015, the final revision of Officer's RAR is attached for Council to consider. The JDAP meeting for the determination of this application is tentatively scheduled to occur on the 2nd of December 2015 (awaiting confirmation from JDAP). The time and location of the meeting are also yet to be determined; Council will be advised once confirmed.

All attachments referred to in the RAR also form attachments to this report.

Policy and Legislative Implications

All policy and legislative impacts of this minor amendment application have been discussed in detail within the attached RAR, Please refer to **Attachment (a)** of this report.

Strategic Implications

This matter relates to Strategic Direction 3 "Housing and Land Uses" identified within Council's Strategic Plan 2015-2025 which is expressed in the following terms: ***Accommodate the needs of a diverse and growing population.***

Attachments

- 10.3.2 (a):** Responsible Authority Report (Form 2) - Proposed Minor Amendments to Approved Mixed Use Development - Lots 7-20 (No. 74) Mill Point Road, South Perth
- 10.3.2 (b):** Covering Letter - Proposed Minor Amendments to Mixed Use Development - Lots 7-20 (No. 74) Mill Point Road, South Perth
- 10.3.2 (c):** Final Revised Plans - Proposed Amendments to Previously Approved Mixed Use Development - Lots 7-20 (No. 74) Mill Point Road, South Perth
- 10.3.2 (d):** Arboriculture Report - Proposed Minor Amendments to Proposed 29 Storey Mixed Use Building - 74 Mill Point Road, South Perth
- 10.3.2 (e):** Revised Traffic and Parking Report - Lots 7-20 (No. 74) Mill Point Road, South Perth
- 10.3.2 (f):** Revised Car Parking Summary and Comparison of Amended Vs. Approved - Lots 7-20 (No. 74) Mill Point Road, South Perth
- 10.3.2 (g):** Written Commentary and Recommended Conditions and Advice Notes - Department of Parks and Wildlife - Lots 7-20 (No. 74) Mill Point Road, South Perth
- 10.3.2 (h):** Infrastructure Services Commentary and Advice to Applicant - Proposed Amendments to Mixed Use Development - Lots 7-20 (No. 74) Mill Point Road, South Perth .

Prior to the next Item being discussed and voted on, the Presiding Member read aloud Councillor J Black's financial Interest in this Item:

"I wish to declare a financial interest in Agenda Item 10.3.3. I declare that I am an employee of TPG, Planning Consultants involved with this development. It is my intention to vacate the Chamber before the Item is discussed and voted on."

At this point Councillor J Black vacated the Chamber.

10.3.3 Proposed Nine Storeys plus Basement Mixed Development. Lot 106 (No. 79) & Lot 107 (No. 77) South Perth Esplanade, South Perth.

Location:	Lot 106 (No. 79) & Lot 107 (No. 77) South Perth Esplanade, South Perth
Ward:	Mill Point Ward
Applicant:	TPG Town Planning, Urban Design and Heritage
File Ref:	D-15-82755
Lodgement Date:	27 August 2015
Date:	24 November 2015
Author:	Cameron Howell, Planning Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

Summary

The Form I Responsible Authority Report (RAR) for a planning application for a proposed Nine Storeys plus Basement Mixed Development, located at Lot 106 (No. 79) and Lot 107 (No. 77) South Perth Esplanade, South Perth, is attached for Council to consider, prior to determination by the Metro Central Joint Development Assessment Panel (Metro Central JDAP).

Officer Recommendation AND COUNCIL RECOMMENDATION

Moved: Mayor S Doherty
Seconded: Councillor T Burrows

That Council notes the Responsible Authority Report prepared for the Metro Central Joint Development Assessment Panel regarding the proposed Nine Storeys plus Basement Mixed Development, located at Lot 106 (No. 79) and Lot 107 (No. 77) South Perth Esplanade, South Perth.

CARRIED (6/0)

Comment

In accordance with the Council resolution in August 2015, the RAR is attached for Council to consider. The time and location of the Metro Central JDAP meeting has not yet been confirmed, though is tentatively scheduled for Monday 30 November 2015.

Policy and Legislative Implications

Comments are provided in the RAR in relation to Scheme and Policy requirements.

Financial Implications

Nil.

10.3.3 Proposed Nine Storeys plus Basement Mixed Development. Lot 106 (No. 79) & Lot 107 (No. 77) South Perth Esplanade, South Perth.

Strategic Implications

This matter relates to Strategic Direction 3 “Housing and Land Uses” identified within Council’s Strategic Plan 2015-2025 which is expressed in the following terms:
Accommodate the needs of a diverse and growing population.

Attachments

- 10.3.3 (a):** Responsible Authority Report (RAR) - DAP/15/00882 | 11.2015.418.1
- 10.3.3 (b):** RAR Attachment 1 - Development Plans
- 10.3.3 (c):** RAR Attachment 2 Part 1 - Applicant's Supporting Reports & Letters
- 10.3.3 (d):** RAR Attachment 2 Part 2 - Applicant's Supporting Reports & Letters
- 10.3.3 (e):** RAR Attachment 2 Part 3 - Applicant's Supporting Reports & Letters
- 10.3.3 (f):** RAR Attachment 2 Part 4 - Applicant's Supporting Reports & Letters
- 10.3.3 (g):** RAR Attachment 3 - Photographs of the Subject Site
- 10.3.3 (h):** RAR Attachment 4 - Comments from the City's Engineering Infrastructure Services
- 10.3.3 (i):** RAR Attachment 5 - Comments from the City's Environmental Health Services
- 10.3.3 (j):** RAR Attachment 6 - Comments from the Department of Parks and Wildlife, Rivers and Estuaries Division
- 10.3.3 (k):** RAR Attachment 7 - Alternative Recommendation .

At this point Councillor J Black returned to the Chamber.

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Monthly Financial Management Accounts - October 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-82411
Date:	24 November 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management - - Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

Summary

Monthly management account summaries comparing the City's actual performance against budget expectations are compiled according to the major functional classifications. These summaries are then presented to Council with comment provided on the significant financial variances disclosed in those reports.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That

- (a) Council adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater);
- (b) the monthly Statement of Financial Position and Financial Summaries provided as **Attachment (a) - (e)** be received;
- (c) the Schedule of Significant Variances provided as **Attachment (f)** be accepted as having discharged Council's statutory obligations under Local Government (Financial Management) Regulation 34.
- (d) the Schedule of Movements between the Adopted & Amended Budget **Attachment (g) & (h)** be received;
- (e) the Rate Setting Statement provided as **Attachment (i)** be received.

CARRIED EN BLOC (7/0)

Background

Local Government (Financial Management) Regulation 34 requires the City to present monthly financial reports to Council in a format reflecting relevant accounting principles. A management account format, reflecting the organisational structure, reporting lines and accountability mechanisms inherent within that structure is considered the most suitable format to monitor progress against the budget.

10.6.1 Monthly Financial Management Accounts - October 2015

The information provided to Council is a summary of the more than 100 pages of detailed line-by-line information supplied to the City's departmental managers to enable them to monitor the financial performance of the areas of the City's operations under their control. This report reflects the structure of the budget information provided to Council and published in the Annual Management Budget.

Combining the Summary of Operating Revenues and Expenditures with the Summary of Capital Items gives a consolidated view of all operations under Council's control - reflecting the City's actual financial performance against budget targets.

Local Government (Financial Management) Regulation 35 requires significant variances between budgeted and actual results to be identified and comment provided on those variances. The City adopts a definition of 'significant variances' as being \$5,000 or 5% of the project or line item value (whichever is the greater). Notwithstanding the statutory requirement, the City may elect to provide comment on other lesser variances where it believes this assists in discharging accountability.

To be an effective management tool, the 'budget' against which actual performance is compared is phased throughout the year to reflect the cyclical pattern of cash collections and expenditures during the year rather than simply being a proportional (number of expired months) share of the annual budget. The annual budget has been phased throughout the year based on anticipated project commencement dates and expected cash usage patterns.

This provides more meaningful comparison between actual and budgeted figures at various stages of the year. It also permits more effective management and control over the resources that Council has at its disposal.

The local government budget is a dynamic document and will necessarily be progressively amended throughout the year to take advantage of changed circumstances and new opportunities. This is consistent with principles of responsible financial cash management. Whilst the original adopted budget is relevant at July when rates are struck, it should, and indeed is required to, be regularly monitored and reviewed throughout the year. Thus the Adopted Budget evolves into the Amended Budget via the regular (quarterly) Budget Reviews.

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) will be provided each month from September onwards. From that date on, the schedule will reflect a reconciliation of movements between the 2015/2016 Adopted Budget and the 2015/2016 Amended Budget including the introduction of the unexpended capital items carried forward from 2014/2015.

A monthly Statement of Financial Position detailing the City's assets and liabilities and giving a comparison of the value of those assets and liabilities with the relevant values for the equivalent time in the previous year is also provided. Presenting this statement on a monthly, rather than annual, basis provides greater financial accountability to the community and provides the opportunity for more timely intervention and corrective action by management where required.

Comment

The components of the monthly management account summaries presented are:

- Statement of Financial Position - **Attachments (a) & 10.6.1(b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment (c)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment (d)**

10.6.1 Monthly Financial Management Accounts - October 2015

- Summary of Capital Items - **Attachment (e)**
- Schedule of Significant Variances - **Attachment (f)**
- Reconciliation of Budget Movements - **Attachment (g) & (h)**
- Rate Setting Statement - **Attachment (i)**

Operating Revenue to 31 October 2015 is \$43.50M which represents some 101% of the \$43.28M year to date budget. Revenue performance is close to budget in most areas other than those items identified below. Interest revenues are 6% above budget expectations for the year to date - 6% over for Reserves and 9% over budget for Municipal funds.

Rate revenue reflects as being slightly ahead of budget as a result of the receipt of a late interim rate schedule after the final rates modelling was done and then several significant interim billing schedules since that date. Parking revenue is currently 6% below budget expectation although the appointment of a dedicated parking officer in the near future is helping to remedy that situation.

Building revenues are shown as 22% ahead of budget due to a higher than expected material on verge fee received for the Harper Terrace development and an unbudgeted license fee for 30 - 34 Charles St. Miscellaneous revenue is also favourable after WALGA refunded a prior year \$25,000 contribution to a heritage fund that was never accessed.

Receipt of some unbudgeted operational grant revenue is adjusted for in the Q1 Budget review. Recreation facility revenues are currently slightly below budget expectations at present. Collier Park Golf Course revenues are in line with budget at 31 October. There are also some small favourable variances for vehicle trade-ins deferred from the previous year and some unbudgeted contributions towards 3rd party works that are adjusted for in the Q1 Budget Review.

Comment on the specific items contributing to the revenue variances may be found in the Schedule of Significant Variances **Attachment (f)**. Relevant items are also adjusted through the Q1 Budget Review - Item 10.6.4 of this agenda.

Operating Expenditure to 31 October 2015 is \$16.58M which represents 94% of the year to date budget of \$17.62M. Operating Expenditure shows as 5% under budget in the Administration area. Operating costs are 9% under budget for the golf course and show as 6% under in the Infrastructure Services area.

Other than the differences specifically identified in the Schedule of Significant Variances, the variances in operating expenditures in the administration area largely relate to timing differences on billing by suppliers or minor cost savings on various line items. These are expected to reverse in later months.

In the Infrastructure Services operations area, there are some small variances at the end of October that relate to phased roll-out of maintenance activities and these are expected to reverse out in future months.

The October accounts also reflect some significant (non-cash) variances on depreciation of infrastructure assets following the recent revaluation to fair value of parks assets. This is adjusted in the Q1 Budget Review although there is no cash-flow impact. Overheads are also currently being over-recovered at present but will be adjusted retrospectively at the end of the second quarter.

10.6.1 Monthly Financial Management Accounts - October 2015

Fleet operations show a favourable variance in terms of actual cash costs - but an under recovery against jobs. This situation will be monitored and retrospectively adjusted as required in future until a longer term solution to the challenges of setting plant charge rates can be developed.

As would be expected in any entity operating in today's economic climate, there are some budgeted staff positions across the organisation that are necessarily being covered by agency staff (potentially at a higher hourly rate). Overall, the salaries budget (including temporary staff where they are being used to cover vacancies) is currently around 3.5% under the budget allocation for the 219.9 FTE positions approved by Council in the budget process. There are number of factors impacting this including vacant positions and timing differences in relation to invoicing by the agencies that supply casual staff.

Comment on the specific items contributing to the operating expenditure variances may be found in the Schedule of Significant Variances - **Attachment (f)**.

Capital Revenue is disclosed as \$2.36M at 31 October which is very slightly ahead of the year to date budget of \$2.35M.

Capital Expenditure at 31 October is \$4.84M representing 92% of the year to date budget of \$5.24M (before the inclusion of carry forward projects). The total budget for capital projects for the year is \$33.60M.

The table reflecting capital expenditure progress versus the year to date budget by directorate is presented from October onwards each year once the final Carry Forward Works were confirmed - that is, after completion of the annual financial statements.

TABLE I - CAPITAL EXPENDITURE BY DIRECTORATE

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	10,000	0	0%	245,000
Major Community Projects	2,655,000	1,942,496	73%	17,045,000
Financial & Information	170,000	202,508	119%	835,000
Develop & Community	160,000	153,836	96%	585,000
Infrastructure Services	1,960,000	2,271,900	116%	14,242,115
Waste Management	45,400	39,045	86%	173,400
Golf Course	236,545	229,537	97%	474,289
UGP	0	0	-%	0
Total	5,236,945	4,839,322	92%	33,599,804

The figures in the table above do not yet contain the suggested Carry Forward Works of \$3.70M.

Consultation

This financial report is prepared to provide financial information to Council and to evidence the soundness of the administration's financial management. It also provides information about corrective strategies being employed to address any significant variances and it discharges accountability to the City's ratepayers.

Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act* and Local Government Financial Management Regulation 34.

Financial Implications

The attachments to the financial reports compare actual financial performance to budgeted financial performance for the period. This provides for timely identification of variances which in turn promotes dynamic and prudent financial management.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Financial reports address the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance - emphasising proactive identification and response to apparent financial variances. Furthermore, through the City exercising disciplined financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

Attachments

- 10.6.1 (a): Statement of Financial Position
- 10.6.1 (b): Statement of Financial Position
- 10.6.1 (c): Summary of Non Infrastructure Operating Revenue and Expenditure
- 10.6.1 (d): Summary of Operating Revenue & Expenditure - Infrastructure Services
- 10.6.1 (e): Summary of Capital Items
- 10.6.1 (f): Schedule of Significant Variances
- 10.6.1 (g): Reconciliation of Budget Movements
- 10.6.1 (h): Reconciliation of Budget Movements
- 10.6.1 (i): Rate Setting Statement .

10.6.2 Statement of Funds, Investments and Debtors at 31 October 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-82720
Date:	24 November 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

Summary

This report presents to Council a statement summarising the effectiveness of treasury management for the month including:

- The level of controlled Municipal, Trust and Reserve funds at month end.
- An analysis of the City's investments in suitable money market instruments to demonstrate the diversification strategy across financial institutions.
- Statistical information regarding the level of outstanding Rates & Debtors.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That Council receives the 31 October 2015 Statement of Funds, Investment & Debtors comprising:

- Summary of All Council Funds as per **Attachment (a)**
- Summary of Cash Investments as per **Attachment (b)**
- Statement of Major Debtor Categories as per **Attachment (c)**

CARRIED EN BLOC (7/0)

Background

Effective cash management is an integral part of proper business management. Current money market and economic volatility make this an even more significant management responsibility. The responsibility for management and investment of the City's cash resources has been delegated to the City's Director Financial & Information Services and Manager Financial Services - who also have responsibility for the management of the City's Debtor function and oversight of collection of outstanding debts.

In order to discharge accountability for the exercise of these delegations, a monthly report is presented detailing the levels of cash holdings on behalf of the Municipal and Trust Funds as well as funds held in 'cash backed' Reserves.

10.6.2 Statement of Funds, Investments and Debtors at 31 October 2015

As significant holdings of money market instruments are involved, an analysis of cash holdings showing the relative levels of investment with each financial institution is also provided.

Statistics on the spread of investments to diversify risk provide an effective tool by which Council can monitor the prudence and effectiveness with which these delegations are being exercised.

Data comparing actual investment performance with benchmarks in Council's approved investment policy (which reflects best practice principles for managing public monies) provides evidence of compliance with approved investment principles.

Finally, a comparative analysis of the levels of outstanding rates and general debtors relative to the same stage of the previous year is provided to monitor the effectiveness of cash collections and to highlight any emerging trends that may impact on future cash flows.

Comment

(a) Cash Holdings

Total funds at month end are \$90.08M which compares favourably to \$89.68M at the equivalent stage of last year. Last month, total funds were \$92.78M.

Municipal funds represent \$28.80M of this total, with a further \$60.53M being Reserve Funds and the balance of \$0.75M relates to monies held in Trust. The Municipal Fund balance is some \$4.9M higher than last year - of which approximately \$3.7M relates to works carried forward from the previous year.

Reserve funds are \$4.6M lower overall than the level they were at the same time last year - largely as a result of timing differences on the use of Reserve funds for major discretionary capital projects.

The 2015/2016 Budget foreshadowed the consolidation of the City's cash reserves down into 15 Reserves rather than the previous 24. In July 2015, this consolidation was effected with the transfer of funds from the Future Municipal Works Reserve and Future Building Works Reserve into the Major Community Facilities Reserve; from the Parks and Streetscapes Reserve into the Reticulation & Pump Reserve; and from the Paths and Transport Reserve into the Sustainable Infrastructure Reserve.

The current Reserve fund balances show that the Major Community Facilities Reserve is \$1.9M lower than at the same time last year as funds are applied to major capital initiatives that are now underway - but is partly offset by the consolidation of other smaller reserves into this reserve (as foreshadowed in the 2015/2016 Budget). The land sale proceeds currently quarantined in the Major Community Facilities Reserve do not represent 'surplus cash' and are being progressively utilised as part of carefully constructed funding models for future major discretionary capital projects. These funding models are detailed in the City's Long Term Financial Plan.

The Sustainable Infrastructure Reserve is \$1.1M higher than at October last year due to the consolidation of reserves as noted above, whilst the Technology Reserve is also \$0.5M higher when compared to last year as funds are quarantined for major technology infrastructure projects in the next year. The Plant Replacement Reserve is \$0.6M lower. The River Wall Reserve is \$1.3M lower as funds have been deployed to fund major capital works. Various other reserves are modestly changed (generally slightly lower balances).

10.6.2 Statement of Funds, Investments and Debtors at 31 October 2015

In relation to the Quarantined Reserves, there is a similar holding of cash backed reserves to support CPV refundable monies compared to last year due to the timing of outgoing versus ingoing resident transactions but \$0.3M less for the CPV Reserve after allowing for last year's operating result and capital reimbursements.

The Waste Management Reserve is \$0.5M higher than last year and the Golf Course Reserve is \$0.3M higher after allowing for last year's operating results.

Details are presented as **Attachment (a)**.

(b) Investments

Total investment in money market instruments at month end was \$86.21M compared to \$88.50M at the same time last year. There was \$2.5M more in cash in Municipal investments. Cash backed reserves are \$4.7M lower as discussed above.

Funds brought into the year (and subsequent cash collections) are invested in secure financial instruments to generate interest until those monies are required to fund operations and projects during the year.

Astute selection of appropriate investments means that the City does not have any exposure to known high risk investment instruments. Nonetheless, the investment portfolio is dynamically monitored and re-balanced as trends emerge.

The portfolio currently comprises at-call cash and term deposits only. Although bank accepted bills are permitted, they are not currently used given the volatility of the corporate environment. Analysis of the composition of the investment portfolio shows that all of the funds are invested in securities having a S&P rating of A1 (short term) or better. There are currently no investments in BBB+ rated securities.

The City's investment policy requires that at least 80% of investments are held in securities having an S&P rating of A1. This ensures that credit quality is maintained. Investments are made in accordance with Policy P603 and the Department of Local Government Operational Guidelines for investments.

All investments currently have a term to maturity of less than one year - which is considered prudent both to facilitate effective cash management and to respond in the event of future positive changes in rates.

Invested funds are responsibly spread across various approved financial institutions to diversify counterparty risk. Holdings with each financial institution are required to be within the 25% maximum limit prescribed in Policy P603. At month end the portfolio was within the prescribed limits. Counterparty mix is regularly monitored and the portfolio re-balanced as required depending on market conditions. The counter-party mix across the portfolio is shown in **Attachment (b)**.

Interest revenues (received and accrued) for the year total \$0.78M. This compares to \$0.67M at the same time last year despite the historically low interest rates. The prevailing interest rates appear likely to continue at current low levels in the short to medium term.

Investment performance will be closely monitored given recent interest rate cuts to ensure that we pro-actively identify secure, but higher yielding investment opportunities, as well as recognising any potential adverse impact on the budget closing position.

10.6.2 Statement of Funds, Investments and Debtors at 31 October 2015

Throughout the year, we re-balance the portfolio between short and longer term investments to ensure that the City can responsibly meet its operational cash flow needs.

Treasury funds are actively managed to pursue responsible, low risk investment opportunities that generate additional interest revenue to supplement our rates income whilst ensuring that capital is preserved.

The weighted average rate of return on financial instruments for the year to date is a very modest 2.96% with the anticipated weighted average yield on investments yet to mature now sitting at 2.87%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of only 1.75% since the May 2015 RBA decision.

Currently Department of Local Government Guidelines (presently withdrawn for revision) provide very limited opportunities for investment diversity as they emphasise preservation of capital. Unfortunately at this time of the year, there is a very large pool of local government investment funds and a rather limited demand for deposits - so investment opportunities are both modest and scarce.

(c) Major Debtor Classifications

Effective debtor management to convert debts to cash is an important aspect of good cash-flow management. Details are provided below of each major debtor category classification (rates and general debtors).

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment (c)**. Rates collections to the end of October 2015 represent 59.7% of rates collectible (excluding pension deferrals) compared to 61.3% at the same time last year.

The City expects to maintain a strong rates collection profile following the issue of the 2015/2016 rates notices as indicated by the good level of collections at the due date for the first instalment (26 August) - but will be proactive in striving to repeat last year's best ever collection profile. The current response suggests that there has been a good acceptance of our rating strategy, communications strategy and our convenient, user friendly payment methods. The instalment payment options and, where appropriate, ongoing collection actions provide encouragement for ratepayers to meet their rates obligations in a timely manner.

(ii) General Debtors

General debtors stand at \$1.55M at month end (\$1.50M last year). Last month debtors were \$1.76M. GST Receivable and most other Debtor categories are at fairly similar levels to the previous year.

Continuing positive collection results are important to effectively maintaining our cash liquidity and these efforts will be closely monitored during the year. Currently, the majority of the outstanding amounts are government & semi government grants or rebates (other than infringements) - and as such, they are considered collectible and represent a timing issue rather than any risk of default.

Consultation

This financial report is prepared to provide evidence of the soundness of the financial management being employed by the City whilst discharging our accountability to our ratepayers.

Policy and Legislative Implications

The cash management initiatives which are the subject of this report are consistent with the requirements of Policy P603 - Investment of Surplus Funds and Delegation DC603. Local Government (Financial Management) Regulation 19, 28 & 49 are also relevant to this report - as is the DOLG Operational Guideline 19.

Financial Implications

The financial implications of this report are as noted in part (a) to (c) of the Comment section of the report. Overall, the conclusion can be drawn that appropriate and responsible measures are in place to protect the City's financial assets and to ensure the collectability of debts.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This report addresses the 'financial' dimension of sustainability by ensuring that the City exercises prudent but dynamic treasury management to effectively manage and grow our cash resources and convert debt into cash in a timely manner.

Sustainability Implications

Attachments

- 10.6.2 (a): Summary of All Council Funds
- 10.6.2 (b): Summary of Cash Investments
- 10.6.2 (c): Statement of Major Debtor Categories .

10.6.3 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-82724
Date:	24 November 2015
Author:	Michael Kent, Director Financial and Information Services
Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

Summary

A list of accounts paid under delegated authority (Delegation DC602) between 1 September 2015 and 31 October 2015 is presented to Council for information. During the reporting period, the City made total payments to Creditors by EFT of \$9,847,903.64 and by cheque payment of \$1,312,651.27 giving total monthly payments to Creditors of \$11,160,554.91. Payments totalling \$737,769.61 were also made by cheque to Non Creditors. Total payments were therefore \$11,898,324.62.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That the Listing of Payments for the months of September and October 2015 as detailed in **Attachment (a)**, be received.

CARRIED EN BLOC (7/0)

Background

Local Government Financial Management Regulation 11 requires a local government to develop procedures to ensure the proper approval and authorisation of accounts for payment. These controls relate to the organisational purchasing and invoice approval procedures documented in the City's Policy P605 - Purchasing and Invoice Approval. They are supported by Delegation DM605 which sets the authorised purchasing approval limits for individual officers. These processes and their application are subjected to detailed scrutiny by the City's auditors each year during the conduct of the annual audit.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. All payments, however made (EFT or Cheque) are recorded in the City's financial system irrespective of whether the transaction is a Creditor (regular supplier) or Non Creditor (once only supply) payment.

Payments in the attached listing are supported by vouchers and invoices. All invoices have been duly certified by the authorised officers as to the receipt of goods or provision of services. Prices, computations, GST treatments and costing have been checked and validated. Council Members have access to the Listing and are given opportunity to ask questions in relation to payments prior to the Council meeting.

Comment

A list of payments made during the reporting period is prepared and presented to the next ordinary meeting of Council and recorded in the minutes of that meeting. Due to the early Council meeting in October, it was not possible to submit the September payments listing to the October meeting - so it is now submitted in combination with the October as **Attachment (a)** of this agenda.

It is important to acknowledge that the presentation of this list of payments is for information purposes only as part of the responsible discharge of accountability. Payments made under this delegation cannot be individually debated or withdrawn.

Reflecting contemporary practice, the report records payments classified as:

- **Creditor Payments**

(regular suppliers with whom the City transacts business)

These include payments by both Cheque and EFT. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number that applies to all payments made to that party throughout the duration of our trading relationship with them. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number that applies to all payments made to that party.

For instance, an EFT payment reference of 738.76357 reflects that EFT Batch 738 included a payment to Creditor number 76357 (Australian Taxation Office).

- **Non Creditor Payments**

(one-off payments to individuals / suppliers who are not listed as regular suppliers in the City's Creditor Masterfile in the database).

Because of the one-off nature of these payments, the listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held in the creditor's masterfile. A permanent record does, of course, exist in the City's financial records of both the payment and the payee - even if the recipient of the payment is a non-creditor.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services. These transactions are of course subject to proper scrutiny by the City's auditors during the conduct of the annual audit.

In accordance with feedback from Council Members, the attachment to this report has been modified to recognise a re-categorisation such that for both creditors and non-creditor payments, EFT and cheque payments are separately identified. This provides the opportunity to recognise the extent of payments being made electronically versus by cheque. The payments made are also now listed according to the quantum of the payment from largest to smallest - allowing Council Members to focus their attention on the larger cash outflows. This initiative facilitates more effective governance from lesser Council Member effort.

10.6.3 Listing of Payments

Consultation

This financial report is prepared to provide financial information to Council and the administration and to provide evidence of the soundness of financial management being employed. It also provides information and discharges financial accountability to the City's ratepayers.

Policy and Legislative Implications

Consistent with Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

Financial Implications

This report presents details of payment of authorised amounts within existing budget provisions.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

Attachments

10.6.3 (a): Listing of Payments .

10.6.4 Carry Forward Projects as at 30 June 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-82725
Date:	24 November 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

Summary

Projects for which unexpended funds are recommended for carrying forward into the 2015/2016 year are identified and listed on the attached schedule. Similarly, incomplete capital revenue transactions (if relevant) are included in the schedule of carry forward items.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That the Schedule of (final) Carry Forward Capital items from 2014/2015 into the 2015/2016 Budget as disclosed on **Attachment (a)** is adopted.

CARRIED EN BLOC (7/0)

Background

For a variety of reasons including contractors or materials not being available when required, inclement weather, protracted negotiations, extended public consultation, delays in getting approvals or sign off for designs etc; capital projects are not always able to be completed within the same financial year as they are initially listed in the budget. A process of identifying and validating the projects to be carried forward into the subsequent financial year is required.

Where a project requires only minimal 'residual' expenditure to finalise it - and the invoice is likely to be received early in the new financial year, the additional project expenditure will simply be treated (and disclosed) as a 'Prior Year Residual Cost'. Where a significant portion of the initial project cost is to be carried into the new year and those funds expended after June 30, the project may be individually identified as a Carry Forward item.

During the budget process, a set of indicative Carry Forward Works are identified by City officers and included in the Annual Budget adopted by Council.

Following the close off of the year end accounts, these indicative Carry Forward projects are validated to ensure that the funds proposed for carry forward are legitimately unspent at year end.

10.6.4 Carry Forward Projects as at 30 June 2015

The underlying principle is that the final carry forward amount for individual projects should not be greater than the difference between the original budget and the actual amount spent (as recorded in the year end accounts).

Because the Carry Forward figures included in the Annual Budget are based only on projected figures and therefore are indicative in nature, the final validated amount of individual Carry Forwards for those previously identified projects can differ slightly from the amounts published in the adopted budget. In cases where the works are fully completed when the year-end accounts are finalised, a previously indicated carry forward amount may not be realised. This process affects only the timing of payment for materials and services and does not present a cash-flow implication.

Comment

The 2014/2015 Budget included Capital Expenditure projects totalling \$18.06M of which \$14.46M (90%) was expended by 30 June 2015. Of this expenditure, some \$11.24M was expended on upgrading infrastructure assets. The remainder was applied to renewal expenditures including CPV refurbishments, land sale costs and expenditure on other sundry capital projects.

When Council adopted the 2014/2015 Annual Budget, potential carried forward expenditure of \$4.00M was flagged. Following adjustment to reflect actual (rather than projected) expenditure after the year end close-off of accounts, a net amount of \$3.70M is now identified for carry forward into the 2015/2016 budget.

Combined with the completed works, the capital expenditure represents 100% of the full year budget of \$18.06M. As a general principal, the combined total of completed works and carry forward works should not exceed the total budget as this amount would not have been fully funded.

As noted above, for the completed 2014/2015 year, the final identified net Carry Forward items (as detailed on the attached schedule) total \$3,700,000.

Consultation

For identified significant variances, comment was sought from the responsible managers prior to the item being included in the Carry Forward Capital Projects.

Policy and Legislative Implications

This practice is consistent with relevant professional pronouncements and good business practice but is not directly impacted by any in-force policy of the City.

Financial Implications

The tabling of this report involves the reporting of historical financial events only. Preparation of the report and schedule require the involvement of managerial staff across the organisation, hence there is necessarily some commitment of resources towards the investigation of identified variances and preparation of the Schedule of Carry Forward Works. This is consistent with responsible financial management practice.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). This report contributes to the City's financial sustainability by promoting accountability for the use of the City's financial resources.

Attachments

10.6.4 (a): Schedule of (final) Carry Forward Capital Items from 2014/2015 into the 2015/2016 Budget .

10.6.5 Budget Review for the Period ended 31 October 2015

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-82420
Date:	24 November 2015
Author / Reporting Officer:	Michael Kent, Director Financial and Information Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

Summary

A comprehensive review of the 2015/2016 Adopted Budget for the period to 31 October 2015 has been undertaken within the context of the approved budget programs. Comment on the identified variances and suggested funding options for those identified variances are provided. Where new opportunities have presented themselves, or where these may have been identified since the budget was adopted, they have also been included - providing that funding has been able to be sourced or re-deployed.

The Budget Review recognises two primary groups of adjustments:

- those that increase the estimated Budget Closing Position (new funding opportunities or savings on operational costs)
- those that decrease the estimated Budget Closing Position (reduction in anticipated funding or new / additional costs)

The underlying theme of the review is to ensure that a 'balanced budget' funding philosophy is retained. Wherever possible, those service areas seeking additional funds to what was originally approved for them in the budget development process are encouraged to seek / generate funding or to find offsetting savings in their own areas.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That, following the detailed review of financial performance for the period ending 31 October 2015, the budget estimates for Revenue and Expenditure for the 2015/2016 Financial Year, (adopted by Council on 13 July 2015 and as subsequently amended by resolutions of Council to date), be amended as per the following attachments to this Council Agenda:

- Amendments identified from normal operations in the Quarterly Budget Review; **Attachment (a)**;
- Items funded by transfers to or from Reserves; **Attachment (b)**;
- Cost neutral re-allocations of the existing Budget **Attachment (c)**:

Absolute Majority Required

CARRIED EN BLOC (7/0)

Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year - after the December quarter. This requirement recognises the dynamic nature of local government activities and the need to continually reassess projects competing for limited funds - to ensure that community benefit from available funding is maximised. It should also recognise emerging beneficial opportunities and react to changing circumstances throughout the financial year so that the City makes responsible and sustainable use of the financial resources at its disposal.

Although not required to perform budget reviews at greater frequency, the City typically conducts a Budget Review after the end of the September, December and March quarters each year - believing that this approach provides more dynamic and effective treasury management than simply conducting the one statutory half yearly review.

The results of the Half Yearly (Q2) Budget Review after the December Management accounts have been finalised were forwarded to the Department of Local Government for their review after they were endorsed by Council.

This requirement allows the Department to provide a value-adding service in reviewing the ongoing financial sustainability of each of the local governments in the state - based on the information contained in the Budget Review. However, local governments are encouraged to undertake more frequent budget reviews if they desire - as this is good financial management practice. As noted above, the City takes this opportunity each quarter. This particular review incorporates all known variances up to 31 March 2015.

Comments in the Budget Review are made on variances that have either crystallised or are quantifiable as future items - but not on items that reflect timing difference (scheduled for one side of the budget review period - but not spent until the period following the budget review).

Comment

The Budget Review is typically presented in three parts, although on occasions the budget review has included an additional fourth part:

- Amendments resulting from normal operations in the quarter under review

Attachment (a)

These are items which will directly affect the Municipal Surplus. The City's Financial Services team critically examine recorded revenue and expenditure accounts to identify potential review items. The potential impact of these items on the budget closing position is carefully balanced against available cash resources to ensure that the City's financial stability and sustainability is maintained.

The effect on the Closing Position (increase / decrease) and an explanation for the change is provided for each item.

- Items funded by transfers to / from existing Cash Reserves shown as

Attachment (b)

10.6.5 Budget Review for the Period ended 31 October 2015

These items reflect transfers back to the Municipal Fund of monies previously quarantined in Cash-Backed Reserves or planned transfers to Reserves. Where monies have previously been provided for projects scheduled in the current year, but further investigations suggest that it would be prudent to defer such projects until they can be responsibly incorporated within larger integrated precinct projects identified within the Long Term Financial Plan (LTFP) or until contractors / resources become available, they may be returned to a Reserve for use in a future year.

There is no impact on the Municipal Surplus for these items as funds have been previously provided.

- Cost Neutral Budget Re-allocation - **Attachment (c)**

These items represent the re-distribution of funds already provided in the Budget adopted by Council on 14 July 2014. Primarily these items relate to changes to more accurately attribute costs to those cost centres causing the costs to be incurred. There is no impost on the Municipal Surplus for these items as funds have already been provided within the existing budget.

Where quantifiable savings have arisen from completed projects, funds may be redirected towards other proposals which did not receive funding during the budget development process due to the limited cash resources available. This section also includes amendments to “Non-Cash” items such as Depreciation or the Carrying Costs (book value) of Assets Disposed of. These items have no direct impact on either the projected Closing Position or the City’s cash resources.

There is no current year impost on the Municipal Surplus for these items as the discretionary funding models have already allowed for them within the existing budget.

The projected Budget Opening Position for 2015/2016 (and therefore, by logical extension, the Closing Position) was necessarily adjusted to reflect the actual figure achieved at year end rather than the ‘estimated’ figure that was used in formulating the budget. This matter is discussed further in the Financial Implications section of this report.

Also, in this review the City has flagged an intention to bring forward a portion of the funding to be provided from cash-backed Reserves in 2016/2017 for the EJ Oval Precinct back to the current year to allow detailed design work and documentation for the project to be progressed in the current year. This will ensure that all will be in readiness for when construction is due to commence in 2016/2017.

Consultation

External consultation is not a relevant consideration in a financial management report although budget amendments have been discussed with responsible managers within the organisation where appropriate prior to the item being included in the Budget Review.

Policy and Legislative Implications

Whilst compliance with statutory requirements requires only a half yearly budget review (with the review results being forwarded to the Department of Local Government), more frequent and dynamic reviews of budget versus actual financial performance is good management practice.

Financial Implications

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities. It also allows proactive intervention to identify and respond to cash flow challenges that may arise as a consequence of timing differences in major transactions such as land sales or GST transactions involving the ATO.

The amendments contained in the attachment to this report that directly relate to directorate activities will result in a net change of \$27,000 (increase) to the projected 2015/2016 Budget Closing Position as a consequence of the review of operations.

At the Q1 Budget Review, a (\$1,276,193) adjustment was made to the estimated 2015/2016 Budget Opening Position. This adjustment resulted from calculating the Budget Opening Position in accordance with the Department of Local Government's guideline using the final audited figures from the annual financial statements rather than the estimated numbers used in determining the Budget Position at budget adoption date.

The revised Budget Opening Position (including monies associated with Carry Forward items) was adjusted from the previously estimated position of \$6,776,610 (inclusive of the \$4,000,000 worth of carry forward works) to \$5,622,417 (or \$2,800,417 after allowing for the revised net amount of \$3,700,000 relating to carry forward items and the change in cash movements relating to deferred GST recoveries from the ATO).

Budget Review amendments made by Council in August and September in relation to legal fees and traffic management measures in Como (\$205,000) and the adjustments from operations of \$27,000 result in a revised estimated Closing Position of \$2,622,417.

The impact of the proposed amendments in the Q1 Budget Review on the financial arrangements of each of the City's directorates is disclosed in Table I below. Figures shown apply only to those amendments contained in the attachments to this report (not to any previous amendments).

Table I includes only items directly impacting on the Closing Position and excludes transfers to and from cash backed reserves - which are neutral in effect. Wherever possible, directorates are encouraged to contribute to their requested budget adjustments by sourcing new revenues or adjusting proposed expenditures.

The adjustment to the Opening Balance shown in the tables below refers to the difference between the Estimated Opening Position used at the budget adoption date (July) and the (lesser) final Actual Opening Position as determined after the close off and audit of the 2014/2015 year end accounts.

TABLE 1: (Q1 BUDGET REVIEW ITEMS ONLY)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	540,000	(540,000)	0
Financial & Information Services	270,000	(247,000)	23,000
Development & Community Services	133,000	(118,500)	14,500
Infrastructure Services	1,116,000	(1,126,500)	(10,500)
Special Review Items	0	(0)	0
Adjustment to Est Carry Forwards	300,000	(0)	300,000
Opening Position Adjustment	0	(1,276,193)	(1,276,193)
Adjustment to Cash Position - GST	1,000,000	(0)	1,000,000
			0
Total	\$3,359,000	\$3,308,193	\$50,807

A positive number in the Net Impact column on the preceding table reflects a contribution towards improving the Budget Closing Position by a particular directorate.

The cumulative impact of all budget amendments for the year to date (including those between the budget adoption and the date of this review) is reflected in Table 2 below.

TABLE 2: (CUMULATIVE IMPACT OF ALL 2015/2016 BUDGET ADJUSTMENTS)

Directorate	Increase Surplus	Decrease Surplus	Net Impact
Office of CEO	540,000	(540,000)	0
Financial & Information Services	270,000	(247,000)	23,000
Development & Community Services	133,000	(248,500)	(115,500)
Infrastructure Services	1,116,000	(1,201,500)	(85,500)
Special Review Items	0	(0)	0
Adjustment to Est Carry Forwards	0	(0)	300,000
Opening Position Adjustment	0	(1,276,193)	(1,276,193)
Adjustment to Cash Position - GST	1,000,000	(0)	1,000,000
	0		0
Total Change in Adopted Budget	\$3,059,000	\$3,513,193	(\$154,193)

The cumulative impact table (Table 2 above) provides a very effective practical illustration of how a local government can (and should) dynamically manage its budget to achieve the best outcomes from its available resources.

10.6.5 Budget Review for the Period ended 31 October 2015

Whilst there have been a number of budget movements within individual areas of the City's budget, the overall estimated Budget Closing Position has only moved in net terms by (\$154,193) from the estimated Closing Position at budget adoption date after including all budget movements to date. This projected closing position contributes to a sound set of financial ratios but will nonetheless still need to be closely monitored during the remainder of the year.

Financial Implications

This report addresses the City's ongoing financial sustainability through critical analysis of historical performance, emphasising pro-active identification of financial variances and encouraging responsible management responses to those variances. Combined with dynamic treasury management practices, this maximises community benefit from the use of the City's financial resources - allowing the City to re-deploy savings or access unplanned revenues to capitalise on emerging opportunities. It also allows proactive intervention to identify and respond to cash flow challenges that may arise as a consequence of timing differences in major transactions such as land sales.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). Conducting regular budget reviews addresses the 'financial' dimension of sustainability by promoting accountability for resource use through a historical reporting of performance, emphasising pro-active identification and response to apparent financial variances. Furthermore, through the City exercising disciplined and dynamic financial management practices and responsible forward financial planning, we can ensure that the consequences of our financial decisions are sustainable into the future.

Attachments

- 10.6.5 (a): Amendments identified from normal operations in the Quarterly Budget Review
- 10.6.5 (b): Items funded by transfers to or from Reserves
- 10.6.5 (c): Cost neutral re-allocations of the existing Budget .

10.6.6 Election of Deputy Delegates for the Rivers Regional Council

Location: City of South Perth
Ward: Not Applicable
Applicant: Council
File Ref: D-15-82422
Date: 24 November 2015
Author: Sharron Kent, Governance Officer
Reporting Officer: Geoff Glass, Chief Executive Officer
Strategic Direction: Governance, Advocacy and Corporate Management --
Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy: 6.5 Advocate and represent effectively on behalf of the South Perth community.

Summary

At the Special Council meeting of 19 October 2015 Council elected delegates and deputy delegates to represent the City at the Rivers Regional Council (RRC) as follows:

Delegates: Councillor Travis Burrows
Councillor Fiona Reid

Deputy Delegates: Councillor Colin Cala
Councillor Ken Manolas

We have since received advice from the RRC that each deputy delegate must be assigned to a specific delegate. This was not undertaken at the Special Council meeting.

The purpose of this report is to assign the deputy delegates Councillor Colin Cala and Councillor Ken Manolas to the delegates Councillor Travis Burrows and Councillor Fiona Reid.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor F Reid

Seconded: Councillor C Cala

That Council assign Councillor K Manolas as Deputy to Councillor T Burrows and Councillor C Cala as Deputy to Councillor F Reid for the period ending October 2017.

CARRIED (7/0)

Background

A number of community, regional and state-wide organisations regularly request that Council provide a member to be a delegate on a management or consultation committee of the external organisation. Where Council provides a delegate they may wish to nominate a deputy delegate to act in the absence of the delegate.

At the Special Council meeting of 19 October 2015 this was undertaken. However, since this meeting advice has been received from the RRC that each deputy delegate must be assigned to a specific delegate. This was not undertaken at the Special Council meeting.

10.6.6 Election of Deputy Delegates for the Rivers Regional Council

Consultation

It is the responsibility of the Council to appoint delegates to external committees. No consultation is necessary.

Policy and Legislative Implications

This report is consistent with the City of South Perth Policy P670 'Delegates from Council'.

Financial Implications

There are minor representation costs.

Sustainability Implications

This report is aligned to the City's [Sustainability Strategy 2012-2015](#).

This report is consistent with the [Strategic Community Plan 2013–2023](#), Direction 6 – Governance, Advocacy and Corporate Management “*Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan*”.

Attachments

Nil .

10.6.7 Council Meeting Schedule - 2016

Location:	N/A
Ward:	N/A
Applicant:	Council
File Ref:	D-15-82423
Date:	24 November 2015
Author:	Sharron Kent, Governance Officer
Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

Summary

The purpose of this report is to adopt the City of South Perth Council meeting schedule for the period January - December 2016.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That the proposed City of South Perth meeting schedule for the period January – December 2016, as detailed within this report, be adopted and advertised.

CARRIED EN BLOC (7/0)

Background

A resolution is required to adopt the City of South Perth Council Meeting Schedule for 2016. It is customary to set the Council meeting calendar as early as possible so that meeting dates are known and dates can be advertised to the public early in the New Year.

Comment

Typically, the City of South Perth Council meets on the fourth Tuesday of each month, with the Agenda Briefing on the preceding Tuesday. The following is the exception for 2016:

- In January, when the Council is in recess, any urgent matters that may arise that the Chief Executive Officer does not have authority to deal with will be the subject of a Special Meeting of Council. Part 3 of the Standing Orders Local Law 2007 'Calling and Convening Meetings' refers. During this period, the Chief Executive Officer will continue to manage the day-to-day operations of the local government, as he is empowered to do, in accordance with the *Local Government Act*.

The proposed meeting schedule for the period January – December 2016 is as follows:

DRAFT COUNCIL MEETING SCHEDULE

January to December 2016

Agenda Briefing Meeting	Ordinary Council Meeting
January Recess	January Recess
16 February	23 February
15 March	22 March
19 April	26 April
17 May	24 May
21 June	28 June
19 July	26 July
16 August	23 August
20 September	27 September
18 October	25 October
15 November	22 November
6 December	13 December

There is minimal public impact expected and state and national public holidays do not interfere with the proposed meeting schedule for 2016.

Council is being asked to consider the above meeting schedule.

Special Council Meetings

Special Council meetings are generally called on an as needed basis and as a result, it is not possible to predict in advance when such meetings will be held.

Consultation

It is proposed to advertise the City of South Perth Council Meeting Schedule for 2016 in the Southern Gazette newspaper and to update the City's website. In accordance with normal practice the contents of Agendas for all meetings will be included on the City's website under 'Minutes / Agendas' and displayed on the noticeboard outside the Civic Administration building.

Policy and Legislative Implications

Adopting the Council Meeting schedule for the forthcoming year is in common with past practice and in line with the *Local Government Act Regulations r.12(1)* (Act s5.25(1)(g)) which state that:

- (1) *“At least once each year a local government is to give local public notice of the dates on which and the time and place at which*
- (a) the ordinary council meetings; and*
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,*
- are to be held in the next 12 months.”*

Financial Implications

There are no financial implications associated with the setting of meeting times, over and above the normal costs associated with the advertising and holding of Council meetings.

Sustainability Implications

This report is aligned to the City’s [Sustainability Strategy 2012-2015](#). Reporting on the Council Meeting Schedule for 2016 contributes to the City’s sustainability by promoting effective communication.

Attachments

Nil .

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUESTS FOR LEAVE OF ABSENCE

The following Members hereby apply for Leave of Absence from all Council Meetings as follows:

- Councillor Jessica Black: 5 December 2015 – 13 December 2015 inclusive and 23 December – 3 January 2016 inclusive.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor T Burrows

That Leave of Absence be granted to:

- Councillor Jessica Black: 5 December 2015 – 13 December 2015 inclusive and 23 December – 3 January 2016 inclusive.

CARRIED (7/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil.

13.2 QUESTIONS FROM MEMBERS

Nil.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

14.1 WESTERN AUSTRALIA WHOLE OF GOVERNMENT OPEN DATA POLICY AND CITY OF PERTH ACT 2015

Councillor Reid provided notice to the City's Administration on 24 November 2015 that she would move the following motion in 'New Business of an Urgent Nature Introduced by a Decision of the Meeting' at the 24 November 2015 Ordinary Council meeting.

MOTION TO CONSIDER ITEM 14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING.

Motion AND COUNCIL DECISION

Moved: Councillor T Burrows

Seconded: Councillor C Cala

That Council approve the consideration of *Item 14. New Business of An Urgent Nature Introduced by Decision of Meeting.*

CARRIED (7/0)

COUNCIL DECISION

Moved: Councillor F Reid

Seconded: Mayor S Doherty

That the City of South Perth advise the South East Metropolitan Zone of its position in relation to the Western Australian Whole of Government Open Data Policy and City of Perth Act 2015:

That the Western Australian Local Government Association in consultation with the local government sector, Department of Local Government and other relevant stakeholders (e.g. Landgate) collaborate in the development of local government guidelines in relation to transparency, accessibility and accountability with respect to the Western Australia Whole of Government Open Data Policy and the relevant person disclosure requirements associated with the City of Perth Act.

CARRIED (7/0)

REASONS FOR MOTION

The Western Australian State Government has recently passed two substantial items of legislation, both of which have significant implications for local government in Western Australia:

- Western Australian Whole of Government Open Data Policy (2 July 2015)
- City of Perth Act 2015 (18 of November 2015)

Western Australian Whole of Government Open Data Policy

Purpose

The purpose of the Western Australian Whole of Government Open Data Policy (the Policy) is to improve management and use of the public sector's data assets in order to deliver value and benefits for all Western Australians. This includes greater release of appropriate and high- value data to the public in ways that are easily discoverable and usable.

It is intended that opening access to public sector data will increase productivity and improve service delivery by supporting innovation, research and education, and by facilitating collaboration and evidence-based decision making.

Scope

The Policy applies to all agencies and organisations (agencies) covered by the Public Sector Management Act 1994 (the Act). The Policy also applies to agencies listed in Schedules 1 and 2 to the Act (e.g. government enterprises, universities, local government, courts and tribunals), consultants and contractors to government, and recipients of government grants.

Principles

- Open by default
- Easily discoverable and subject to public input
- Usable - Creative Commons Attribution (CC BY)
- Protected where required (Privacy, security, confidentiality, privilege, commercial, public interest)
- Timely

Before releasing data, agencies should carefully consider and address any privacy concerns. That is, data that is released must not be, or able to be, associated with any individual. Agencies may need to de-identify data, which means removing anything that can identify a person. Caution needs to be exercised where disparate datasets, individually de-identified, could potentially be linked or combined to re-identify individuals.

Implementation

Implementation of this Policy will be a progressive and evolving process. It is not expected that agencies will immediately assume a level of *open data maturity*. Rather, agencies are encouraged to consider their current level and move progressively towards a position of data openness as outlined in this Policy.

Additional information and guidance has been developed to support agencies in implementing the Policy. Landgate as the lead agency for implementation will provide further support as the Policy is rolled-out, capturing lessons from the experience of open data in Western Australia, other Australian jurisdictions and overseas.

Related Guidance

Agencies will need to ensure implementation of this Policy is consistent with, and operating within any applicable legislative, policy and strategic frameworks. This may include, but is not limited to:

Legislation

- *Copyright Act 1968 (Commonwealth)*
- *Privacy Act 1988 (Commonwealth)*
- *Public Sector Management Act 1994*
- *Freedom of Information Act 1992*
- *State Records Act 2000*
- *Financial Management Act 2006*

The City of Perth Act 2015

The City of Perth Act was originally intended to redefine the City of Perth's boundaries, and recognise Perth as the capital of Western Australia and the special significance of the role and responsibilities of the City of Perth that flow from that.

In negotiating the Bill through the Legislative Assembly, the Western Australia Labour Party required a key amendment with all gifts and travel disclosures to be declared and disclosed in writing to the Chief Executive Officer within 10 days, for all relevant people in Western Australian local government.

The gift disclosure is to include the following:

- a description of the gift;
- the name and address of the person who made the gift;
- the date on which the gift was received;
- the estimated value of the gift at the time it was made;

- the nature of the relationship between the relevant person and the person who made the gift.

The travel disclosure is to include the following

- a description of the contribution;
- the name and address of the person who made the contribution;
- the date on which the contribution was received;
- the estimated value of the contribution at the time it was made;
- the nature of the relationship between the relevant person and the person who made the contribution;
- a description of the travel;
- the date of travel.

The CEO is to maintain a register of gifts and contributions to travel. The register is to contain a record of the disclosures made under sections 5.82 and 5.83. The CEO is to make the register available for public inspection and publish the register on the local government's official website.

As soon as practicable after a person ceases to be a person who is required under section 5.82 or 5.83 to make a disclosure, the CEO is to remove from the register all records relating to that person.

Disclosures made under section 5.82 or 5.83 and removed from the register under subsection (6) are, for a period of at least 5 years after the person who made the disclosure ceases to be a person required under section 5.82 or 5.83 to make a disclosure to be kept by the CEO and be made available for public inspection.

A relevant person must comply with the requirements of sections 5.82 and 5.83 in relation to the disclosure of information, with a fine of \$10,000 or 2 years imprisonment enforceable as a penalty.

IMPLICATIONS FOR LOCAL GOVERNMENT

Both items legislation promote greater transparency, accessibility and accountability which the local government sector should welcome and regardless will need to act appropriately in response, representing significant changes for each and every local government authority. The full scope of changes under the City of Perth Act are clearly set out however the WA Whole of Government Open Data Policy is less clear with guidelines by Landgate still being developed and rolled out.

It is important that local governments are provided clear guidelines in regards to the implications and support to implement these pieces of legislation; ensuring there are minimum standards across the sector which reflect best practice, flexibility and consistency. In order to achieve this local government needs to be actively participating in the development of guidelines that appropriately respond to these significant changes to the business and culture of local government.

CEO COMMENT

The City is supportive of the recommendation proposed by Cr Reid. In particular, the City has already established an online gift disclosure portal for Councillors and staff which will be made available publically on the City's website in due course.

15. MEETING CLOSED TO PUBLIC

Under section 5.23 (2) of the Local Government Act 1995 Council may resolve to close the meeting to the public.

Prior to closing the meeting to the public, the Presiding Member asked if any Member would like to discuss any of the following *confidential* items. As no Member sought to do so, the Presiding Member kept the Chambers open to the public and put the Items to the vote.

15.1 MATTERS REFERRED FROM THE CEO EVALUATION COMMITTEE (AGENDA ITEM 10.7 REFERS)

15.1.1 CEO - Key Performance Indicators 2015-2016

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (a) as it contains information relating to "a matter affecting an employee or employees"*

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-83038
Date:	24 November 2015
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

Summary

This report considers the Chief Executive Officer's draft Key Performance Indicators.

CEO Evaluation Committee Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That Council adopt the recommendations from the CEO Evaluation Committee as shown at **Confidential Attachment (a)** of the Agenda.

CARRIED (7/0)

15.1.2 Strategic Review of CEO Key Performance Indicators

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (c) as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting"*

Location: City of South Perth
Ward: Not Applicable
Applicant: Council
File Ref: D-15-83039
Date: 24 November 2015
Author: Phil McQue, Manager Governance and Administration
Reporting Officer: Geoff Glass, Chief Executive Officer
Strategic Direction: Governance, Advocacy and Corporate Management --
Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy: 6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

Summary

This report considers the outcome of the *Request for Quotation – Strategic Review of the CEO Key Performance Indicators* and recommends the engagement of Integral Development, with the Chief Executive Officer to review and refine the proposed scope of works with Integral Development.

CEO Evaluation Committee Recommendation AND COUNCIL DECISION

Moved: Councillor T Burrows

Seconded: Councillor S Hawkins-Zeeb

That Council adopt the recommendations from the CEO Evaluation Committee as shown in **Confidential Attachment (a)** of the Agenda.

CARRIED (7/0)

Prior to consideration and voting on the following *confidential* Item, the Presiding Member read aloud Councillor J Black's and Councillor F Reid's Interests in this Item:

Councillor J Black:

"I wish to declare an impartiality interest in Agenda Item 15.1.1 Finbar Group Limited – Contract of Sale Amendment. I declare that I am an employee of TPG, Planning Consultants involved with the Civic Heart Development approval. It is my intention to vacate the Chamber before the Item is discussed and voted on."

Councillor F Reid:

"I wish to declare a financial interest in Agenda Item 15.1.1 Finbar Group Limited – Contract of Sale Amendment. I declare that my parents have purchased a unit within the subject site. It is my intention to vacate the Chamber before the Item is discussed and voted on."

At this point both Councillors vacated the Chamber.

15.2 FINBAR GROUP LIMITED - CONTRACT OF SALE AMENDMENT

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (c) as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting"*

Location:	South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-15-82424
Date:	24 November 2015
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.5 Advocate and represent effectively on behalf of the South Perth community.

Summary

This report considers a *confidential* matter relating to the contract of sale entered into between the City of South Perth and Finbar Group Limited.

Officer Recommendation AND COUNCIL DECISION

Moved: Mayor S Doherty

Seconded: Councillor S Hawkins-Zeeb

That the Council note and endorse the *confidential* recommendation relating to the Contract of Sale between the City of South Perth and Finbar Group Limited.

CARRIED (5/0)

At this point Councillors Black and Reid returned to the Chamber.

The Governance Officer read aloud the resolutions to the *Confidential* Items.

16. CLOSURE

The Presiding Member thanked everyone for their attendance and welcomed the newly appointed CEO, Mr Geoff Glass to his inaugural Ordinary Council Meeting. She then closed the meeting at 8.41pm.

17. RECORD OF VOTING

24/11/2015 7:21:24 PM

7.1 Confirmation of Minutes

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 7:21:58 PM

7.2 Noting of Briefing Notes

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 7:23:03 PM

8.1.1 Accepting Petition – Parking in Milson Street

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 7:23:58 PM

8.1.2 Accepting Petition – Wesley College Area

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:06:35 PM

9.1 En Bloc Motion

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:14:26 PM

10.3.1 Amendment - Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:15:03 PM

10.3.1 Council Decision - Proposed Single House (Two-Storeys & Undercroft) on Lot 800 (34a) Sulman Avenue, Salter Point

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:19:51 PM

10.3.2 Proposed Minor Amendments to Previously Approved Mixed Use Development Within a 29 Storey Building – Lots 7-20 (No. 74) Mill Point Road, South Perth

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:23:39 PM

10.3.3 Proposed Nine Storeys plus Basement Mixed Development. Lot 106 (No. 79) & Lot 107 (no. 77) South Perth Esplanade, South Perth

Motion Passed 6/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:27:47 PM

10.6.6 Election of Deputy Delegates for the Rivers Regional Council

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:28:55 PM

11.1 Requests For leave Of Absence

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:30:25 PM

Motion Passed 7/0

14. New Business of An Urgent Nature Introduced by Decision of Meeting.

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:33:27 PM

17.1 Western Australia Whole of Government Open Data Policy and City of Perth Act 2015

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:34:44 PM

Motion Passed 7/0

15.1.1 CEO - Key Performance Indicators 2015-2016

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:35:11 PM

15.1.2 Strategic Review of CEO Key Performance Indicators

Motion Passed 7/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Glenn Cridland, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Cheryle Irons, Cr Ken Manolas

24/11/2015 8:38:00 PM

15.2 Finbar Group Limited - Contract of Sale Amendment

Motion Passed 5/0

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Glenn Cridland, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas, Cr Jessica Black

APPENDIX

6.2 QUESTIONS RECEIVED PRIOR TO THE MEETING: 24 NOVEMBER 2015

1. Mr Ken Cowl of 1/58 Gardener Street, Como Received 26 October 2015	Response provided by: Geoff Glass, Chief Executive Officer
<p><i>About two years ago, the Council and its regional partners through the Rivers Regional Council went to tender for waste disposal services. About 14 months ago, a tender was accepted by the Rivers Regional Council and nothing much seems to have happened since. Given that the tender acceptance was just for waste services, is it right that the ratepayers will have to wait about three more years for the plant to be built, i.e. about five years or more from tendering for services, before it is likely that any service will actually commence. There has been very little told to ratepayers about this tender and the future for waste disposal for waste generated from households within South Perth. Please can you enlighten me on the future of waste services provided to the City by responding to the questions below?</i></p>	
1. Has the tender that was accepted by the Rivers Regional Council now expired because of the lapse of time – almost two years from tender?	No it hasn't. Tenders closed in December 2013 and have since been through a comprehensive evaluation process which included input from member Councils. This has resulted in a successful tender being accepted by the RRC in October 2015.
2. And if not, how much time is there left before the Council must again go to tender?	See above.
3. Are the Council and Rivers Regional Council concerned by what appears to be lack of activity on the tender that was accepted?	No because the tender has only recently been awarded. The City of South Perth Council is aware the evaluation process needed to be extensive and would take considerable time.
4. Are the conditions and the price of the tender still the same as when awarded?	Yes.
5. How will the Council ensure they hold the contractor to deliver the services the Council has contracted for?	There have been two agreements put in place which ensure the contractor must deliver the services. The contract is governed by the Services Agreement which details the obligations of the RRC and the contractor in the provision of the Services. In addition, a Participants Agreement has been established which formalises the arrangement between the RRC and Participant Councils and outlines the obligations of the Participant Councils to enable the RRC to meet its obligations under the contract.

6. If any of the conditions and prices do change, how can that happen; what does it mean for the ratepayers if there are changes, and how can any changes be brought into a contract that has not commenced and may not commence during the life of this Council or the next Council?	The contractor is bound by the terms of the contract.
7. What is the agreed timeline for the contractor to start services to the Councils and the milestones for progress to enable services to commence?	The contractor has three years to construct the plant and commence operations under the terms of the contract.
8. What happens under the contracts if milestones are not met?	The contractor will be in default of the contract and penalties will apply.
9. Can the Council withdraw from the Rivers Regional Council contracted services?	No.

2. Mr Jamie Cook of 48 Parsons Avenue, Manning Received 17 November 2015	Response provided by: Phil McQue, Manager Governance and Administration
1. Where are the responses to my questions raised during City of South Perth Council meeting held on July 28 (refer minutes of that meeting)?	The questions and responses are provided in the minutes of the 28 July 2015 Council meeting, available on the City's website.
2. Why hasn't the City of South Perth followed the Customer Charter in relation to my questions, both from the July 28 meeting as well as in my email thread below?	The City considered that all the questions, inclusive of those within your previous correspondence has been appropriately responded to. The City appreciates there are differences of opinion and interpretation in some of these questions and subsequent responses, however considers it has satisfactorily addressed the issues raised.

3. Mr Paul Ruthven of 5/24 Charles Street, South Perth Received 20 November 2015	Response provided by: Vicki Lummer, Director Development and Community Services
1. In light of the increasing level of housing density in South Perth, and the associated noise from construction and air conditioning, does the Council believe that the City should have a well-defined procedure for dealing with noise issues? A well-defined noise procedure is one that sets out all the steps and time frames involved with the process, from the time a complaint is first raised, to when the issue has been fixed and verified through appropriate mechanisms such as noise level monitoring. This would also include the various decision branches along the way.	Yes, we believe such a procedure would assist in managing noise in the City.
2. Does the City have such a procedure?	The City is currently developing a procedure for noise management
3. If such a procedure exists, will the City please provide me with a copy? Otherwise, will Council direct the relevant City officers to develop one in the near future?	N/A

4. Mr Craig Dermer of 14/63 Mill Point Road, South Perth Received at the meeting 24 November 2015	Response provided by: Vicki Lummer, Director Development and Community Services
1. Given the high potential for conflict of interest with DAC members and the previously raised issues, do you intend to now ensure that the Minutes of these meetings will clearly record any conflict of interest communications and outline reasons why you may judge a conflict does or does not exist?	The notes of the DAC meetings record when members have a conflict of interest and why.
2. When you were vigorously defending against the omission of the area north east of Mill Point Road and Ferry Street from the Special Design Area boundary in the new Amendment 46, were you aware of the proposed TPG development application at 86 Mill Point Road?	I am not sure what dates you are referring to so am unable to answer the question.

3. You are obviously aware of the overwhelming objection of the community to these inappropriate high rise developments on the peninsula, are you still going to support and recommend the construction of more high rise buildings in this area?	The City's planning staff and I will continue to recommend that applications are dealt with in accordance with the requirements of the City's Town Planning Scheme and Policies.
4. Would you please update us on the status of the compound traffic study you said earlier in the year 'would probably happen soon'.	The City has engaged GHD to update the traffic and transport study that they completed in 2012.
5. Do you consider that not obtaining the traffic study prior to approval of up to a thousand new apartments was good planning strategy?	Traffic studies were undertaken for each large development in the South Perth Station Precinct and the City's Engineering Infrastructure Services Manager was satisfied with those studies.
6. Have the owners of 86 Mill Point Road received Council approval to do site works on the property? (They have a structure on the front lawn and have commenced demolition works).	A demolition permit application has been received for 86 Mill Point Road. The small temporary structure on the front lawn is a 3m by 3m transportable structure which will be used as storage shed for the demolition of existing apartment (vacant and being rat baited).

5. Dr Dean Carter of (physical address not given), Kensington Received 6 November 2015	Response provided by: Geoff Glass, Chief Executive Officer
1. Will the SPCC consent to the grant of mineral tenure under the mining Act 1978 for the purpose of temporary mining accommodation on Ernest Johnson Oval, or will they lodge and defend an objection in the Wardens Court.	<i>As Dean Carter was not in attendance the question was taken on notice.</i> As required by law, the City's response to any application or other matter under the <i>Mining Act 1978</i> would depend on its assessment of the merits of the application or other matter.
2. Can the SPCC provide comment on Section 120 of the Mining Act that stipulates that the provisions of any Town Planning Scheme (TPS) shall not operate to prohibit the granting of a Mining Act tenement or the carrying out of authorised mining activities, with regard to a proposed application for mineral tenure.	<i>As Dean Carter was not in attendance the question was taken on notice.</i> The City has no reason to doubt that section 120 of the <i>Mining Act</i> is a valid law of the State Parliament that binds the City and all other local governments in the State. It also notes that section 120 requires the Minister, warden or mining registrar to take into account the provisions of any relevant planning scheme.
3. Is the SPCC aware of the MOU between the DMP, WAPC and Minister for Planning that provides for activities to be undertaken that are not permitted under the TPS and will the SPCC seek intervention by the Minister for Lands to prevent the grant of mineral tenure.	<i>As Dean Carter was not in attendance the question was taken on notice.</i> The City is not aware of the MOU and is not aware of any basis to seek the Minister's intervention.

DISCLAIMER

The City advises that any comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The Minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.

These Minutes were confirmed at a meeting on Tuesday 15 December 2015.

Signed _____
Presiding Member at the meeting at which the Minutes were confirmed