

# MINUTES.

## 2016 Annual Electors' Meeting

5 December 2016

Mayor and Councillors

Here within are the Minutes of the Annual Electors' Meeting of the City of South Perth Council held Monday 6 December 2016.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

9 December 2016

# 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 7.00 pm 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 council and its committees' meetings available to the public.

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km<sup>2</sup> 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/](http://www.southperth.wa.gov.au/Our-Council/)

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# 2016 Annual Electors' Meeting - Minutes

Minutes of the Annual Electors' Meeting of the City of South Perth Council held in the Council Chamber, Sandgate Street, South Perth, Monday 5 December 2016.

## 1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.00pm 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. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

### 2.1 AUDIO RECORDING OF COUNCIL MEETING

The Presiding Member requested that all mobile phones be turned off. She then reported that the meeting is being audio recorded in accordance with Council Policy P673 "Audio Recording of Council Meetings" and Clause 6.16 of the Standing Orders Local Law 2007. As Presiding Member she then gave permission for the Administration to record proceedings of the Council meeting.

### 2.2 FORMAT OF MEETING

The Presiding Member outlined the format of the meeting.

## 3. ATTENDANCE

Sue Doherty Mayor (Presiding Member)

### Elected Members (as observers)

Cr Glenn Cridland	Como Ward (Deputy Mayor)
Cr Sharron Hawkins-Zeeb	Manning Ward
Cr Colin Cala	Manning Ward
Cr Fiona Reid	Moresby Ward
Cr Cheryle Irons	Mill Point Ward

### Officers

Mr Geoff Glass	Chief Executive Officer
Mr Michael Kent	Director Financial and Information Services
Ms Vicki Lummer	Director Development and Community Services
Mr Mark Taylor	Director Infrastructure Services
Mr Phil McQue	Manager Governance and Administration
Ms Sharron Kent	Governance Officer

### Gallery

There were 6 members of the public (as listed below) and no members of the press present.

Mr Chris McMullen	80 Elderfield Road, Waterford
Ms Cecilia Brooke	8/20 Garden Street, South Perth

Mr Peter Esdale	13 First Avenue, Kensington
Mr Craig Dermer	14/63 Mill Point Road, South Perth
Ms Vicki Redden	14/63 Mill Point Road, South Perth
Mr Geoff Defrenne	24 Kennard Street, Kensington

### 3.1 APOLOGIES

Cr Travis Burrows                      Moresby Ward

### 3.2 APPROVED LEAVE OF ABSENCE

Cr Jessica Black                      Como Ward  
 Cr Ken Manolas                      Mill Point Ward

## 4. CITY OF SOUTH PERTH PRESENTATION OF THE 2015/2016 YEAR

The Presiding Member spoke to slides, highlighting the year's achievements and covered the following topics:

### City Snapshot

• Current population	46,113
• Employees (FTE)	225
• Rate revenue	\$32.90M
• Street and reserve trees planted	1,200
• Calls received by the Customer Contact Centre	55,855
• Visitors to the South Perth Library	170,429
• New CEO, Geoff Glass commenced	Oct 2015

### Community Highlights

- Well attended Australia Day and Fiesta Events
- 158 entries received for the Emerging Artists Awards
- 27 programs offered by the South Perth and Manning Libraries attracting 14,473 attendees
- External communications review found that 90% of respondents were satisfied with our overall communications

### Environmental Highlights

- Opening of South Perth Promenade and Mends Street River Wall project by the Minister for Environment and Heritage, the Hon. Albert Jacob MLA
- 18,187 visitors to the Collier Park Waste Transfer Station
- Draft Urban Forest Strategy Developed

### Housing and Land Uses Highlights

- 93% of the 147 planning applications that did not require consultation were approved within the targeted timeframe of 60 days
- 88% of the 418 planning applications that did require consultation were approved within the targeted timeframe of 90 days
- Finalising the South Perth Station Precinct Town Planning Scheme Amendment No. 46

### **Places Highlights**

- Completion of the Manning Community Hub's James Miller Oval redevelopment
- Disposal of Lot 802 Conochie Crescent and acquisition of Lot 23 Welwyn Avenue for the Manning Community Hub project
- Second edition of the South Perth Urban Walkabout Guide launched in November 2015

### **Infrastructure and Transport Highlights**

- 41,300 sqm of roads were resurfaced under the Five Year Road Rehabilitation Program
- Parking Strategy adopted by Council in May 2016
- South Perth Foreshore River Wall and Path Replacement project was completed
- Design work continued on the concept plans for Miller's Pool

### **Infrastructure and Transport Highlights**

- 2015 Council elections were held and three new Councillors were inducted
- 2014/15 Annual Report was awarded a Silver Award at the 2016 Australasian Reporting Awards
- A Memorandum of Understanding was signed with the Town of Victoria Park
- City expended \$170,000 in community funding

## **5. PRESENTATION OF THE ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS AND AUDITORS REPORT FOR THE YEAR ENDED 30 JUNE 2016**

The Director Financial and Information Services provided an overview of the Annual Report, Financial Statements and Auditors Report for the Year Ended 30 June 2016.

No questions were raised in relation to the presentation.

### **MOTION TO RECEIVE ANNUAL REPORT INCORPORATING THE 2015/2016 FINANCIAL STATEMENTS AND THE AUDITORS REPORT FOR THE YEAR ENDED 30 JUNE 2016**

The Presiding Member called for a 'Procedural Motion' from the Public Gallery to receive the Annual Report for the year ended 30 June 2016.

#### **Motion AND ELECTORS' DECISION**

**Moved:** Ms Cecilia Brooke of 8/20 Garden Street, South Perth

**Seconded:** Mr Craig Dermer of 14/63 Mill Point Road, South Perth

That the Annual Report for the City of South Perth for the year 2015/2016 incorporating the 2015/2016 Annual Financial Statements and the 2015/2016 Auditor's Report, be ACCEPTED.

**CARRIED (5/0)**

## 6. OTHER BUSINESS

### 6.1 QUESTIONS / STATEMENTS FROM THE PUBLIC GALLERY

The Presiding Member opened the meeting to questions / statements from the Gallery. The following is a summary of the questions, statements and responses received at the meeting:

#### **Ms Cecilia Brooke of 8/20 Garden Street, South Perth (on behalf of the City of South Perth Residents' Association)**

1. *In the City's Annual Report for 2015-2016 under challenges on page 79 I quote: "undertaking the time-consuming task of manually capturing canopy coverage for the draft urban forest strategy."*

We ask has the City enquired as to what the cost would be of having this exercise done by removing sensing to precisely measure the urban canopy.

Whilst we appreciate that this would be an expensive exercise, it may not be much more expensive to do this as against manually carrying out this exercise. We acknowledge some of the work needs to be done on the ground (identifying species and structural health) but canopy density and the height of plants and trees and hot and cool areas (i.e. hot spots need more trees and greenery) can be done via aerial remote sensing.

Remote sensing every year at the same time (+same conditions) also shows where trees have been removed and where they are thriving or in decline.

Whilst we acknowledge the City of South Perth generally has well maintained green policy, I would like to also make the following points:

We are concerned with the fact that 5 beautiful gum trees in Charles St are to be removed. In addition, approximately a third of what I consider a wonderful example of a gum tree on the verge in front of 24 Charles Street will be removed because it overlaps the driveway of 26 Charles St where there is a proposed development.

Also the canopy outside "Pinnacles" is of glass. Apart from the fact that this does not provide the shade that is lost to the street because of the removal of the trees, glass in itself has no cooling effect.

I find that with the new developments that have been approved by the JDAP with zero set back, this can only hinder the green canopy and residents' amenity. More people die from urban heat than from car accidents.

Whilst many residents support more trees being planted in appropriate areas, e.g. parklands and areas such as that around the Como secondary college, Murray St road reserve and areas where the trees will not obscure views residents may already have of parklands i.e. the river etc. However, we find there is a growing problem of trees being planted in inappropriate areas – where they grow and screen resident's views of the river (e.g. At Salter Point, Waterford and the South Perth foreshore or park areas/golf course (e.g. Karawara).

The council officers need to be reminded that their actions should be to enhance or maintain resident's living amenity not destroy it (this includes when people build a new home because of a view then find a council officer authorises tree planting that completely obscures their views.

We should all remember that our waterways are a treasure for all to enjoy!

2. *Communicating with the City of South Perth.*

It has come to my attention that residents (including myself as chair of COSPRA) have at times experienced difficulties when sending emails to the CEO or Mayor and Councillors. A letter was sent from COSPRA on the 23rd November to the CEO. On Monday 28th November I rang and left a message enquiring as to whether the CEO had received the letter. I did the same on Tuesday and Wednesday. I received an email this morning confirming that it had arrived. Some time ago I had delivered a letter to the CEO, Mayor and Councillors and discovered that the CEO had not received his. I believe this negative response is very unprofessional for the City of South Perth and request that the procedures are looked into and rectified.

3. *JDAP Applications*

Thank you to Mayor Doherty and Councillors for working so hard on the JDAP applications by developers. We are appreciative of the presentations made by Deputy Mayor Glenn Cridland and Cr Colin Cala to the JDAP for the excellent and efficient manner they have presented the council's case. We would also like to acknowledge Paul Edwards from the traffic department for his excellent presentation of the case study on traffic which has been carried out on the Labouchere road mill point road and Mends St areas.

**Mr Chris McMullen of 80 Elderfield Road, Waterford**

1. *Manning Community Hub*

Congratulations on the recent completion of the \$17million project delivered on time on budget. It is unusual in the current environment that this sort of thing is happening so compliments on behalf of the residents for the staff and Council (and team) for managing the job. The City should look around at how poorly other jobs have run and remind itself of this job every now and again.

Response provided by Mayor Sue Doherty

We got some excellent feedback from the team how they worked cohesively as a team and that's one of the reasons we believe it came in on budget and on time – it was a group effort. It certainly has been a benchmark.



## **Mr Geoff Defrenne of 24 Kennard Street, Kensington**

### *1. Tenant Leases*

To find out how much rent some of the tenants are paying has still taken two months but still no one knows.

#### Response provided by Mayor Sue Doherty

With respect I understand they are being negotiated – I'm not sure what stage of negotiation they are at – it's an operational matter and perhaps one of the officers might be able to enlighten us all as to how the negotiations are proceeding.

#### Response provided by Phil McQue

It is my understanding you received an email from us last Friday. The email that we sent to you said the leases are between \$1,200 and \$1,500 per annum per club. A letter to this effect was also posted to you on Thursday 1 December 2017.

### *2. Substantial Roadworks*

There are substantial roadworks but when I look in the Peninsula it doesn't mention it. What's happening at Hayman Road?

#### Response provided by Mark Taylor

It is a roundabout.

### *3. Public Question Time*

I am concerned at the drop of standards in respect to Question Time. The form says that if a response is required at the meeting it needs 24 hours' notice. Can I expect my questions "can I expect my questions to be answered tonight", I should expect a simple yes or no.

#### Response provided Mayor Sue Doherty

I'll bear that in mind.

### *4. Answers to Questions Appearing in the Minutes*

I have addressed this issue before –Council policy or admin policy - answers to questions taken on notice will appear in the minutes of the following month. I'm not a lawyer but I dabble in that area at various times. I know that Minutes aren't 100% of what goes on at a meeting but they are a reflection and what I'm concerned is staff may be under a certain amount of pressure to include things in the Minutes (ie. answers to questions which were taken on in the previous meeting which were definitely not at the meeting). To me that puts the staff in a certain amount of legal jeopardy - they know they are putting stuff in the Minutes which are not correct. Council based on the last Council meeting passed things the Council knew were not

mentioned at the Council meeting so I think this is a grave drop in standards. Is the Council going to improve on it?

Response provided by Geoff Glass, CEO

This matter I understand was previously raised and answered in fact and I interpret it as a matter of opinion. It is not clear to me that as you're asserting that that is the case - there is a procedure in place that is correct and that is followed so I'm not aware that there has actually been any drop in standards.

Geoff Defrenne: I don't see why it couldn't have been answered in my letter which is in the mail. Based on my past experience with the Council and reading the information in Court the council minutes if they are certified by the appropriate person in court it is sworn evidence and I asked at the last council meeting would any council or staff at the meeting who signed those minutes would they be prepared to say under oath that the answers to the previous months questions taken on notice were in the agenda or answered at the council meeting. I haven't got an answer to that one.

Response provided by Phil McQue, Manager Governance and Administration

Council practice is for the responses to be in the Minutes of the following month's meeting so they couldn't answer.

Geoff Defrenne: are you prepared under oath to swear in court that the answers to these questions were provided at the Council meeting, were in the Agenda?

Response provided by Phil McQue, Manager Governance and Administration

So the questions that you provided which weren't responded to at that meeting are still recorded in the Minutes of that month.

Geoff Defrenne: The questions are, not the answers. They are the Minutes at the next month's meeting but at the Council meeting the answers were not in the Agenda, they weren't answered at the Council meeting so by dropping them in there it is really a false document. As I highlighted to Sharron last month that under s85 of the Criminal Code a public officer who makes a false entry is in breach of the criminal code and effectively as Councillors you are all liable as well as you are agreeing to it, you know it's false.

Response provided by Mayor Sue Doherty

Well I am the one who signs off on the Minutes.

Geoff Defrenne: you are responsible for the Minutes, then the councillors pass the minutes so they are agreeing to something they know is false.

Response provided by Mayor Sue Doherty

We do have a different opinion on that. There is a letter in the mail on its way to you at this point in time outlining why we do what we do and how and we do expect the questions to come to us earlier rather than later so we have time to do the research on them and I understand the most recent set of questions were sent through quite late

in the day and didn't enable the officer's time to do the required research to provide the appropriate answers.

Geoff Defrenne: well I think the last one could've been answer of tonight. Based on that I have been around longer than most of you, unfortunately, probably for all of us. Once upon a time questions didn't have to be in writing - people would front up, ask the questions and get quite reasonable answers to complicated answers. Obviously this can't happen anymore. A simple answer cannot be given anymore unless you give 24 hrs notice.

Response provided by Mayor Sue Doherty

We have procedures in place for reasons - to ensure that the council meetings run as smoothly as we can run them. Some people ask a couple of questions, others are inclined to ask quite a few questions.

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

*1. Finbar - extension of time*

Since Finbar have not been able to sell enough units to date you can see the claim they are putting in to JDAP to get an extension with the excuses of what a normal company has been able to achieve in much less time. I'm just interested to know the Council's position on the extension of time for a clearly non-compliant and clearly non-lawful building.

Response provided by Mayor Sue Doherty

The building has been approved by the JDAP to the best of my knowledge and Finbar as I understand it are requesting an extension of the current application of 12 months. I am but one and I would need to speak to my colleagues before I could form a view and speak confidently on their behalf. At this point in time I haven't discussed the matter with them and we haven't talked about it so I am not in a position to say yes or no.

**Mr Geoff Defrenne of 24 Kennard Street, Kensington**

*5. Finbar - extension of time*

Given that there is a big downturn in the construction industry and given there are no mad scrambles why does Finbar need an extension of time - we are supposed to be enhancing the beauty of the City - the City should have a position. My thoughts are the City should be saying no.

Response provided by Mayor Sue Doherty

The new Town Planning regulations are in place and they enable an applicant to present an application to JDAP for an extension of time and under those regulations there is no end date, whereas under our current Town Planning Scheme applications are required to start in 2 years' time and with these new town planning regulations

applicants are able to keep applying and reapplying until the JDAP maybe says no. We have had experience in the past where JDAP have approved all extensions.

Geoff Defrenne: If it's in the regulations I support everyone's right to ask. The Council surely have a position about saying yes or no.

Response provided by Mayor Sue Doherty

As I said I would need to discuss it with my fellow Councillors.....

Geoff Defrenne: I could apply to have an abattoir built on my place. I have a right under the TPS to apply and I suggest that the Council should say no and assume would say no.

Response provided by Mayor Sue Doherty

Until such time as the Council has formed a view on it I am not in a position to say yes or no.

6. *Federal Grant \$2.5Mill – Mill Point Road*

When is the amount of money which is being spent down in Mill Point going to stop? Somewhere along the line there should be a tram there which has still failed to materialise. Instead of spending everything down at Mill Point to make it a premier place how about sharing the goodies around to the other suburbs? I don't know exactly what they should spend it on or perhaps even reduce our rates.

Response provided by Sue Doherty

We do have a South Perth Management Plan in place and we are focussing on the area of Mends Street because of the increased development in that vicinity and also we because we need to look at Elizabeth Quay that's opposite and how the ferry usage has increased remarkably and they are looking at putting on a third ferry and our local member is chairing a committee which is looking at where ferries can stop besides Mends Street. They are looking at Coode Street, Burswood and even possibly somewhere over near the Raffles – they would look at Queen Street jetty if that was to be done up. We need to look at activating that foreshore and one of the reasons we embarked on the South Perth Foreshore Management Plan and the consultation process from the grass roots up was because we did not want the MRA to be looking at our foreshore and saying "if you can't do something to attract tourism and upgrade this area we will come over and do it for you".

7. *Embargo Bar*

What rent is being charged and was it put out to tender for the use?

Response provided by Phil McQue, Manager Governance and Administration

They have a stallholders licence so they pay the annual fee of approximately \$1,900 plus the usual \$5,000 bond.

Geoff Defrenne: If I put my tent up there for a stall would I be charged \$1,900 as well?

Response provided by Geoff Glass, CEO

The answer is no, you would be charged less.

## 7. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.46pm.

These Minutes were confirmed at the Ordinary Council Meeting of 13 December 2016

Signed \_\_\_\_\_

Presiding Member at the meeting at which the Minutes were confirmed.