

MINUTES

Special Council Meeting

16 February 2016

To: The Mayor and Councillors

Here within are the Minutes of the Special Council Meeting of the City of South Perth Council held Tuesday 16 February 2016 in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

19 February 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 7.00pm 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/

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Special Council Meeting - Minutes

Minutes of the Special Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.30pm on Tuesday 16 February 2016.

1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.48pm 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 THE COUNCIL MEETING

The Presiding Member 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 and requested that all electronic devices be turned off or on to silent.

3. 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	Mill Point Ward
Fiona Reid	Moresby Ward
Cheryle Irons	Moresby Ward
Ken Manolas	Mill Point Ward

Officers

Geoff Glass	Chief Executive Officer
Vicki Lummer	Director Development and Community Services
Michael Kent	Director Financial and Information Services
Mark Taylor	Director Infrastructure Services
Phil McQue	Manager Governance and Administration
Sharron Kent	Governance Officer
Rod Bercov	Strategic Urban Planning Adviser
Mark Carolane	Senior Strategic Projects Officer

Gallery

There were approximately 13 members of the public and no members of the media present.

3.1 APOLOGIES

Nil

3.2 APPROVED LEAVE OF ABSENCE

Nil

4. DECLARATIONS OF INTEREST

Conflicts of Interest are dealt with in the Local Government Act and 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 no Declarations of Interest had been received.

5. PUBLIC QUESTION TIME

Public Question Time is operated in accordance with Local Government Act and Regulations.

The Presiding Member advised that questions are to be in writing and questions received prior to the meeting would be answered tonight, if possible, or alternatively may be taken on notice.

The Presiding Member then opened Public Question Time at 7.50pm.

No written questions were received prior to the meeting.

Written question were received at the meeting from:

- Julius Solomons of 3/31 South Perth Esplanade, South Perth
- Craig Dermer of 14/63 Mill Point Road, South Perth

The Presiding Member closed Public Question Time at 8.00pm.

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

6. 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 were heard from:

- Paul Ruthven of 5/24 Charles Street, South Perth speaking against the Officer Recommendation.
- Harry Anstey of 21 River View Street, South Perth speaking against the Officer Recommendation.
- Vicki Redden of 14/63 Mill Point Road, South Perth speaking against the Officer Recommendation.
- Frank Oliver of 3/24 Charles Street, South Perth speaking against the Officer Recommendation.

7. REPORTS

7.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

7.3.1 Proposed Nine Storey Mixed Development. Lots 156, 157 & 158 (Nos. 26 & 28A) Charles Street, South Perth.

Location:	Lots 156, 157 and 158 (Nos. 26 & 28A) Charles Street, South Perth
Ward:	Mill Point Ward
Applicant:	McDonald Jones Architects
File Ref:	D-16-11236
Lodgement Date:	30/10/2015
Date:	16 February 2016
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 1 Responsible Authority Report (RAR) for a planning application for a proposed Nine Storey Mixed Development, located at Lots 156, 157 and 158 (Nos. 26 & 28A) Charles Street, South Perth, is attached for Council to consider, prior to determination by the Metro Central Joint Development Assessment Panel (Metro Central JDAP).

Council is also requested to reconsider the August 2015 resolution in light of the past and future experience when dealing with DAP applications.

Officer Recommendation

Moved: -

Seconded: -

1. That Council notes the Responsible Authority Report prepared for the Metro Central Joint Development Assessment Panel regarding the proposed Nine Storey Mixed Development, located at Lots 156, 157 and 158 (Nos. 26 & 28A) Charles Street, South Perth.
2. All Form 1, Form 2 and SAT RARs to be considered by Council on a "call in" basis only.

LAPSED FOR WANT OF A MOVER

ALTERNATIVE MOTION AND COUNCIL DECISION

Moved: Mayor Sue Doherty

Seconded Councillor Travis Burrows

1. That Council does not support the Officers Recommendation as in the RAR to the Metro Central Joint Development Assessment Panel regarding the proposed Nine Storey Mixed Development, located at Lots 156, 157 and 158 (Nos. 26 & 28A) Charles Street, South Perth, that it approve this Development Application with its current podium setback, and believes 4.0 metres be required as outlined in the proposed Amendment 46, seriously being entertained, and that the application is not consistent with the Council's position as set out in Amendment 48; and
2. All Form 1, Form 2 and SAT RARs to be considered by Council on a "call in" basis only.

CARRIED (9/0)

Reasons for Alternative

The Council proposed in the most recent Amendment 46, which is seriously being entertained, to the City of South Perth Town Planning Scheme No. 6 that under Element 7: Relationship to Street which in Amendment 25 is listed as Element 6, that 'for properties abutting the following streets the street setback for any part of the building including the podium, if any, shall be not less than 4 metres. Under point (9b) Charles Street is listed, except those lots in the Special Design Area. In Charles Street, the building currently under construction on the corner of Labouchere Road and Charles Street has a zero set back and is in the Special Design Area. The proposed development at No's. 26 & 28A Charles Street is located in a street outside the Special Design Area and the character of the street is different to other streets in the Precinct for various reasons, including being on the perimeter and facing developments with required significant street setbacks, being of narrow width, or containing significant street trees. The continuity of the street edge is visually important and whilst Council may approve a lesser portion of the street frontage having a zero setback if design techniques are employed, they need to ensure they visually maintain the continuity of the street edge.

Comment

In accordance with the Council resolution in August 2015, the RAR is attached for Council to consider. The Metro Central JDAP meeting is scheduled for Monday 22 February 2016 at 9:30am at the City of South Perth (Council Chambers).

In August 2015 the following was resolved by Council:

That Council implements the following practice in relation to the Joint Development Assessment Panel (JDAP) meetings:

- 1. All Form 1 Responsible Authority Reports (RAR's) are to be considered by Council either by a scheduled meeting of Council, or via a Special Council Meeting prior to the relevant JDAP meeting;*
- 2. Form 2 and SAT RARs to be considered by Council on a "call in" basis.*
- 3. A Special Council Meeting is to be convened to consider any Responsible Authority Reports currently being assessed that will be considered by the JDAP in September; and*
- 4. Should the Regulations in relation to Development Assessment Panels be amended, that Council revisit this practice.*

Currently the City has 12 DAP applications "in the system". This number of applications is creating a very large workload for officers, administration and governance staff, due to their complexity, detailed and widespread consultation requirements and the administrative burden of having a special council meeting or sending each one to an Ordinary Council Meeting. This burden is unlikely to reduce, given the current development numbers in the South Perth Station Precinct and the future applications that will be received in the Canning Bridge Precinct, probably from mid year.

The last 3 DAP applications (Responsible Authority Reports) considered by Council received deputations only from the applicants and one community member and the Council resolved only to "note" the applications, thus providing very little benefit or value to the Community, the DAP or the outcome of the application.

All DAP applications received are detailed in a bulletin item and the following applications are only reported to Council on a "call in" basis – that is if an elected member would like the report to go to Council, they advised the Director Development and Community Services:

7.3.1 Proposed Nine Storey Mixed Development. Lots 156, 157 & 158 (Nos. 26 & 28A) Charles Street, South Perth.

- Form 2 – Responsible Authority report for amending or cancelling a DAP development approval
- Appeals to the State Administrative Tribunal

It is recommended, that to reduce the administrative burden on officers and to only send applications to Council when benefit expected, that Form 1 – Responsible Authority Reports for DAP applications are also managed on a “call in” basis.

Policy and Legislative Implications

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

Financial Implications

Nil.

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

- 7.3.1 (a):** Responsible Authority Report (RAR) - DAP/15/00933 | 11.2015.540.1
- 7.3.1 (b):** RAR Attachment 1 - Development Plans
- 7.3.1 (c):** RAR Attachment 2 Part 1 - Applicant's Supporting Reports & Letters
- 7.3.1 (d):** RAR Attachment 2 Part 2 - Applicant's Supporting Reports & Letters
- 7.3.1 (e):** RAR Attachment 2 Part 3 - Applicant's Supporting Reports & Letters
- 7.3.1 (f):** RAR Attachment 3 - Photographs of the Subject Site
- 7.3.1 (g):** RAR Attachment 4 - Public Submissions
- 7.3.1 (h):** RAR Attachment 5 - Comments from the City's Engineering Infrastructure Department
- 7.3.1 (i):** RAR Attachment 6 - Comments from the City's Environmental Health Services
- 7.3.1 (j):** RAR Attachment 7 - Comments from the Department of Parks and Wildlife, Rivers and Estuaries Division .

8. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.57pm.

9. RECORD OF VOTING

16/02/2016 8:56:23 PM

7.3.1 Proposed Nine Storey Mixed Development. Lots 156, 157 & 158 (Nos. 26 & 28A) Charles Street, South Perth.

Motion Passed 9/0

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

APPENDIX

5. PUBLIC QUESTION TIME

1. Mr Julius Solomons of 3/31 South Perth Esplanade Received at the meeting: 16 February 2016	Response provided by: Geoff Glass, Chief Executive Officer and Les Croxford, Manager Engineering Infrastructure
<p><i>[Preamble] On Thursday 14th January 2016 I submitted a letter to the City of South Perth with reference to parking and traffic issues affecting proposed amendment No 46 South Perth Station Precinct. This letter was circulated by email and subsequently also delivered by hand to the mayor two weeks later. To date, apart from a meaningless letter of receipt acknowledgement, no response has been forthcoming.</i></p>	
<p>1. I await the courtesy of a formal response from either the mayor or CEO – or both. It took substantial time and cost – not just to be ignored.</p>	<p><i>Mayor:</i> Before the CEO responds I do apologise for not responding to those documents that you hand delivered to me. I understand they are going to be considered in the broader submission of which we have I understand 900 for Amendment 46 and in regard to the amount of money you had to pay to get those documents, that’s something that I undertake to look into.</p> <p><i>CEO:</i> Your correspondence was interpreted as a submission as part of the Amendment 46 proposal and there is a process for their consideration that will take a number of months. You have made particular points in relation to parking, it is obviously a critical issue, and your particular letter, given you have come to the council and asked for a response, can be responded to and will also be considered with all other submissions by the Council in due course.</p>
<p>2. The schedule of development approvals supplied by the Council (at considerable cost to myself) give facts – have these been taken into account – it does not appear so.</p>	<p>The information supplied on the signalised intersections along with the road upgrades have been identified in the earlier GHD Traffic Study for the South Perth Station Precinct and if not in the study been identified by the City for possible inclusion in future budgets. The information supplied on the additional parking opportunities (particularly for construction workers) has been addressed in the Draft Parking Strategy that is currently with Council and will go to a future Council meeting.</p>

<p>3. Where is the parking/traffic management plan that apparently has been in progress for some years? We notice traffic counting taking place in the precinct in completely unrealistic conditions or was the G.H.D. report or Main Roads statistics used, or nothing at all?</p>	<p>Luxmore Parking and Safety (a division of ARRB) has submitted the Draft Parking Strategy and is currently with Council. Collecting traffic data is a routine function of the City as it is with Main Roads. The City has permanent counting stations in Mill Point Road and in Labouchere Road and the mobile counters now in place are just another source of information to update the earlier counts and to compliment the permanent count stations.</p>
<p>4. What financial provisions have been made for financial contributions towards roads/parking in budget?</p>	<p>The Council has allocated \$550K for design and consultancies for future works in the Precinct. The allocations extend to an upgrade to the existing traffic modelling and to the preparation of a micro model that will be used for the upgrade to the existing signals and to support the proposed signalised intersections along Labouchere Road. The funding provided is being used to design and document the required works along Labouchere Road and the various intersections as well as on-street cycle lanes and parking bays along the South Perth Esplanade including the required road preservation works.</p>
<p>5. Early 2016 we read in the press a new application for 74 Mill Point Road – this shows an increase in the height/density to 142m creating an additional 68 apartments (?1/2/3 bedrooms) and 34 serviced apartments – Total 102 - parking in total increased from 239 to 313 = 74 parking bays – reducing commercial bays by 18. Therefore, only 56 parking bays for 102 units. A further 100 vehicles per day at the stroke of a pen.</p>	<p>The combined increase in peak hour traffic from the new developments will impact on queue lengths at the various signalised intersections increasing overall journey times particularly for all drivers south east of the City. As traffic movement around Elizabeth Quay is now relatively unimpeded, Riverside Drive may now revert to being the “route of choice” for many vehicles from the south east. The added signals and the upgrade to the existing will enable the peak hour traffic to be managed so that overall increases in journey times are kept to a minimum.</p>
<p><i>[Conclusion] Your answers to the above would be appreciated before more bad decisions are made that will just worsen an already ridiculous situation.</i></p>	

2. Mr Craig Dermer of 14/63 Mill Point Road, South Perth Received at the meeting: 16 February 2016	Response provided by: Geoff Glass, Chief Executive Officer
<p>1. You aren't requesting Developers Contributions, but you are requiring investment in Public Art. This is laudable, but certainly should be in addition not instead of Contributions towards infrastructure o community needs. Given that art is provided, does Council really consider that art which is integrated into a façade, above an awning, on a zero setback building really appropriate? Since it cannot be seen by visitors to the building, doesn't it simply provide a filip to their advertising material for the marketing of the building?</p>	<p>Should the Developer choose to use the Public Art policy (Policy P316 'Developer Contribution for Public Art') or proposed artwork in any promotional material, or as a way of advertising their asset, then they are simply promoting the intended purpose of the policy/artwork which is to "celebrate the identity of the community... enhancing the environment and contributing to a sense of place".</p> <p>The City has developed the Public Art Developer Toolkit and an internal Management Practice M616 to guide the Developer through the procurement of their public art. There are strict criteria embodied in the management practice and the toolkit and the City works with the developer to ensure the criteria is met. Should they mismanage the procurement of the artwork (i.e. promote the artwork before it has been approved), or the moral rights of the artist (i.e. fail to acknowledge the artist), the City will manage and address each issue on a case by case basis. Failure to comply to the City's requirements provides the City with opportunity to withdraw or suspend the building licence and/or may see the Developer face other legal implications by the artist or other.</p> <p>The Public Art Toolkit lists the criteria which is assessed by the City's Arts Officer and which indicates that the artwork must be seen and/or located in the public realm. Page 10 of the toolkit also provides 'exclusions to public art' which lists logos, signage etc.</p> <p>http://www.southperth.wa.gov.au/Documents/Services/Art-Collection-and-Public-Art/Public-Art-Toolkit---August-2014.pdf</p>

<p>2. We have a comment from CEO that 46 seriously considered – then one from Ms. Lummer (RAR) saying it is too early – we are ignoring it. Are we to have 2 different approaches from South Perth Council? What is the official Council stand on Amendment 46?</p>	<p>Given the current status of Amendment 46 the City’s planning staff have been consistent with their interpretation and application of Amendment 46.</p>
<p>3. When council receives submissions, do you have a process for checking their validity and the identity of the authors? Are you confident that submissions are valid by the rules (email, address, phone number) and are you therefore confident you are receiving valid responses? Have you considered a more reliable process for submission which could largely remove any identity doubt?</p>	<p>In relation to submissions for Amendment 46 virtually all submissions have contained a property address, even when that submission was transmitted by email. In the very small number of instances where a submission provided only an email address, the City sends the submitter an email asking for his / her ‘mailing’ address. In response to this request, the submitters nearly always provide this. In the very rare instances where they don’t, the City still accepts their submission, provided they have supplied their name.</p> <p>In cases of anonymous submissions, whether received by email or on paper, they are not recognised as submissions, not mapped and not counted in the numerical statistics relating to all submissions received.</p>

DISCLAIMER

The City advises that 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 23 February 2016.

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