

# MINUTES

## Ordinary Council Meeting

22 March 2016

To: The Mayor and Councillors

Here within are the Minutes of the Meeting of the City of South Perth Council held Tuesday 22 March 2016 in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

23 March 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 19.9km<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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# 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 22 March 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. 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 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 'Recording of Proceedings'.

She 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.

### 3.2 AMENDMENT 46 – SOUTH PERTH STATION PRECINCT

The Presiding Member announced the following in relation to Expressions of Interest (EOI) for a Deputation to Address Council at the Agenda Briefing scheduled for 5.30pm, Tuesday 19 April 2016:

*“On Tuesday 29 March 2016 the City will be writing letters to all persons who submitted comments in respect to Amendment 46. That letter will contain an offer to express their interest for presenting a **Deputation to Address Council (deputation)**. The deputations will be heard at the **Agenda Briefing held at 5.30pm Tuesday 19 April 2016** at the South Perth Community Hall.*

*The City of South Perth will be considering Town Planning Scheme Amendment 46 South Perth Station Precinct at the Ordinary Council Meeting scheduled for Tuesday 7.00pm 26 April 2016. A diverse range of views and opinions are expressed in the almost 900 submissions the City received during the public comment period for the Scheme Amendment. A copy of the report of submissions in relation to Amendment 46 will be made available on the City's website, the Civic Centre Office and the City's library's from 10.00am Monday 11 April 2016.*

*The Council is inviting EOIs from those wishing to make deputation on the Amendment 46 which will be held at the Agenda Briefing. We will be inviting you to lodge your EOI by completing the special form which will be available on the City's website and is to be **submitted by Wednesday 13 April 2016**. I would like to make a special note that only those who have lodged an EOI by the closing date will be considered to make a deputation at the meeting. Please understand that your request to make a deputation may not be fulfilled if an excessive number of requests are received. In order to reduce the number of requests received the City is encouraging the community to submit a group request where appropriate. The final format of the meeting and deputations will*

be determined when the EOI is closed. Those whose request to make a deputation have been successful will be **notified on Friday 15 April 2016**.

*I am making this announcement as I wanted to give people plenty of notice that this is the process we will be following in respect to Amendment 46 and deputations to be heard at the Agenda Briefing on Tuesday 19 April 2016."*

### **3.3 PUBLIC QUESTION TIME FORMS**

The Presiding Member advised the public gallery that Public Question Time forms are available on the Council's website or at the Civic Building Reception for members of the public who wish to submit a written question.

She 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.

### **3.4 ACTIVITIES REPORT MAYOR AND COUNCIL REPRESENTATIVES**

The Presiding Member advised that the Mayor's and Council Representatives' Activities Report for the month of February 2016 will be available in the Minutes.

## **4. ATTENDANCE**

Mayor Sue Doherty (Presiding Member)

### Councillors

Jessica Black	Como Ward
Colin Cala	Manning Ward
Sharron Hawkins-Zeeb	Manning Ward
Travis Burrows	Moresby Ward
Fiona Reid	Moresby Ward
Cheryle Irons	Mill Point 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
Les Croxford	Manager Engineering Infrastructure
Phil McQue	Manager Governance and Administration
Rajiv Kapur	Manager of Development Services (until 8.00pm)
Zoe Cornish	Marketing Coordinator
Sharron Kent	Governance Officer

### Gallery

There were approximately 20 members of the public and one member of the media present.

### **4.1 APOLOGIES**

Nil.

### **4.2 APPROVED LEAVE OF ABSENCE**

Cr Glenn Cridland                  Como Ward

## 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:

- Mayor Sue Doherty and Councillors Ken Manolas and Fiona Reid in relation to *Agenda Item 10.3.3 Canning Highway #ShapeOurPlace Community Feedback and Study Report*; and
- Councillor Jessica Black in relation to *Agenda Item 12.1 Review of Development Assessment Panels*.

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.

## 6. PUBLIC QUESTION TIME

### 6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

The Presiding Member advised that the responses to previous public questions taken on notice are available in the Minutes of the meeting.

### 6.2 PUBLIC QUESTION TIME: 22 MARCH 2016

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

The Presiding Member advised the meeting 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.

Written questions were received prior to the meeting from:

- Harry Anstey of 21 River View Street, South Perth;
- Erin Keilar of 82 Welwyn Avenue, Salter Point;
- Trevor Wilkinson of 2 Ruth Street, Como;
- Harry Goff of 1/62 Thelma Street, Como;
- Lindsay Jamieson of (address withheld on request);
- Lachlan Spicer of 36 Vista Street, Kensington
- Phil and Tina Watson of 25 Norton Street, South Perth

Written questions were received at the meeting from:

- Paul Ruthven of 5/24 Charles Street, South Perth
- Vicki Redden of 14/63 Mill Point Road, South Perth

The Presiding Member opened Public Question Time at 7.07pm.

At 7.25pm the Presiding Member put that Public Question Time be extended for a period of time to allow questions yet to be heard.



### **Motion to Extend Public Question Time AND COUNCIL DECISION**

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Ken Manolas

That Public Question Time be extended for 10 minutes to allow questions yet to be heard.

**CARRIED (8/0)**

The Presiding Member closed Public Question Time at 7.33pm.

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 BRIFFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1**

### **7.1 MINUTES**

#### **7.1.1 Ordinary Council Meeting Held: 23 February 2016**

#### **7.1.2 Special Council Meeting Held: 8 March 2016**

### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That the Minutes of the:

- *Ordinary Council meeting* held 23 February 2016; and
- *Special Council meeting* held 8 March 2016

be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**

#### **7.1.3 Audit and Governance Committee Meeting Held: 1 March 2016**

### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Fiona Reid

That the Minutes of the *Audit and Governance Committee meeting* held 1 March 2016 be taken as read and confirmed as a true and correct record.

**CARRIED (8/0)**

## **7.2 CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1**

*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 Councillor Bus Tour Held: 9 February 2016**

Officers of the City presented background information to Councillors on various sites as part of a bus tour of South Perth on 9 February 2016.

### **7.2.2 Strategic Key Performance Indicators Review Workshop Held: 10 February 2016**

Integral Development facilitated a strategic review of the CEO's Key Performance Indicators.

### **7.2.3 South Perth Station Precinct Review Held: 8 March 2016**

Cardno provided Council with an overview of the review at a Concept Briefing held 8 March 2016.

### **7.2.4 Agenda Briefing Held: 15 March 2016**

Officers of the City presented background information and answered questions on items to be considered at the March Ordinary Council Meeting at the Agenda Briefing held 15 March 2016.

#### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Cheryle Irons

That the Notes of the:

- *Councillor Bus Tour* held on 9 February 2016;
- *Strategic Key Performance Indicators Review Workshop* held on 10 February 2016;
- *South Perth Station Precinct Review* held on 8 March 2016; and
- *Agenda Briefing* held on 15 March 2016

be noted.

**CARRIED (8/0)**

## 8. PRESENTATIONS

### 8.1 PETITIONS

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

### 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 were heard at the Agenda Briefing of 15 March 2016.

### 8.4 COUNCIL DELEGATES REPORTS

#### 8.4.1 WALGA South East Metro Zone (SEMZ) Meeting Held: 24 February 2016

A report summarising the WALGA South East Metro Zone (SEMZ) Meeting - 24 February 2016 is attached.

#### 8.4.2 Rivers Regional Council - Ordinary Council Meeting Held: 18 February 2016

A report summarising the Rivers Regional Council - Ordinary Council Meeting Held 18 February 2016 is attached.

#### **Officer Recommendation AND COUNCIL DECISION**

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Sharron Hawkins-Zeeb

That the Delegates Reports on the:

- WALGA South East Metro Zone (SEMZ) meeting held 24 February 2016; and
- Rivers Regional Council (RRC) meeting held 18 February 2016

be received.

**CARRIED (8/0)**

### 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 were discussed at the Agenda Briefing held on 15 March 2016.

The Chief Executive Officer confirmed that this was correct.

### ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.3.2 Proposed Telecommunications Infrastructure. Lot 123 No. 59 Angelo Street, South Perth (Angelo Street Post Office).
- Item 10.3.3 Canning Highway #ShapeOurPlace - community feedback on study report
- Item 10.5.1 Planning Control Area for Canning Highway and Cassey Street
- Item 10.6.5 Committee Resignations and Call for Nominations
- Item 10.7.1 Audit and Governance Committee Meeting - Held 1 March 2016

### 9.1 EN BLOC MOTION

#### **COUNCIL DECISION**

**Moved:** Councillor Jessica Black

**Seconded:** Councillor Colin Cala

That the officer recommendations in relation to the following agenda items be carried en bloc:

- Item 10.1.1 Community Sport and Recreation Facility Fund (CSRFF) – Small Grants Funding
- Item 10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.
- Item 10.6.1 Monthly Financial Management Accounts - February 2016
- Item 10.6.2 Statements of Funds, Investments and Debtors as at 29 February 2016
- Item 10.6.3 Listing of Payments
- Item 10.6.4 Review of Governance Framework
- Item 10.6.6 Tender 4/2016 - Provision of Catering Services

**CARRIED (8/0)**

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 Community Sport and Recreation Facility Fund (CSRFF) - Small Grants Funding

Location: City of South Perth  
Ward: Como Ward, Manning Ward, Mill Point Ward and Moresby Ward, All, Not Applicable  
Applicant: Council  
File Ref: D-16-21353  
Date: 22 March 2016  
Author: Sandra Watson, Manager Community, Culture & Recreation  
Reporting Officer: Vicki Lummer, Director Development and Community Services  
Strategic Direction: Community -- Create opportunities for an inclusive, connected, active and safe community  
Council Strategy: I.3 Create opportunities for social, cultural and physical activity in the City.

#### Summary

To consider one application for the 2016/2017 Community Sporting Recreation Facilities Fund (CSRFF) Small Planning Grants.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Jessica Black

**Seconded:** Councillor Colin Cala

That:

- (a) The application for funding from the Hensman Tennis Club for the CSRFF Small Grants 2016/17 be submitted to the Department of Sport and Recreation, together with the comments from the officer report and the following ranking and rating:

Applicant	Project	Ranking	Rating
Hensman Park Tennis Club	Resurfacing of 3 hard courts	I	A

- (b) Subject to this application being successful with the Department of Sport and Recreation, a provisional amount of \$5,487 be considered in the 2016/17 budget as the City's contribution as follows:

Hensman Park Tennis Club      \$5,487 (excl.GST)

**CARRIED EN BLOC (8/0)**

#### Background

The Department of Sport and Recreation (DSR) annually invites applications for financial assistance to assist community groups and local governments to develop sustainable infrastructure for sport and recreation. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation. The state government has allocated \$7M for the 2016/2017 funding round.

10.3.1 **Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.**

Table 1. CSRFF Grant Categories

Grant category	Total project cost range	Standard DSR contribution	Frequency
Small grants	\$7,500 - \$150,000	\$2,500 - \$66,666	Bi-annual
Annual Grants	\$200,001 - \$500,000	\$66,667- \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,667 - \$1 million	Annual

The Maximum grant awarded by DSR will be no greater than one-third of the total cost of the project up to a maximum of \$1 million. The CSRFF grant must be at least matched by the applicant's own cash contribution equivalent to one third of the total project cost, with any remaining funds being sourced by the applicant. In some cases, funds provided by the Department do not equate to one-third of the project costs and the applicants are advised that they are expected to fund any such shortfall. The local government is not obliged to contribute funding to the projects.

As stated in the CSRFF guidelines, small grants for this round of applications require an implementation period of one year. Therefore grant applications in this round must be claimed by 15 June, 2017. In addition, while the funding round does not technically open until 1 July 2016, the City takes applications from clubs in April, to consider budget implications for the next financial year.

**Comment**

One project is being proposed by the City for the 2016/2017 CSRFF Small Grants:

**(i) Hensman Park Tennis Club (resurfacing of 3 hard courts)**

CSRFF Grant sought	\$ 5,487	(ex GST)
Hensman Park Tennis Club's contribution	\$ 5,486	(ex GST)
City's contribution	\$ 5,487	(ex GST)
<b>Estimated Total Project Cost</b>	<b>\$16,460</b>	<b>(ex GST)</b>

**Assessment**

A panel comprising the Manager Community Culture and Recreation, Building Coordinator, Acting Recreation Development Coordinator and Club Development Officer assessed and ranked the application against the following criteria set by the Department of Sport and Recreation:

A	Well planned and needed by municipality
B	Well planned and needed by applicant
C	Needed by municipality, more planning required
D	Needed by applicant, more planning required
E	Idea has merit, more preliminary work required
F	Not recommended

10.3.1 **Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.**

The results are summarised below:

**2016/2017 CSRFF annual and forward planning grants**

Applicant	Project	Ranking	Rating	City's Contribution	Total project cost
Hensman Park Tennis Club	Resurfacing of 3 hard courts	I	A	\$5,487 (ex GST)	\$16,460 (ex GST)
<b>TOTAL</b>				\$5,487 (ex GST)	\$16,460 (ex GST)

**Hensman Park Tennis Club**

Hensman Park Tennis Club is located on South Perth Lot 300 on Deposited Plan 44434 held on Crown Land Title volume 3157 folio 177 and is vested in the City of South Perth for the purpose of recreation, with a power to lease and/or sub lease. The lease with the club was renewed in 2013 for a period of five (5) years, with an option for another five (5) years. The club last resurfaced five different courts via CSRFF in 2014/15. In addition, the City recently assisted the club with fencing and retaining works which were completed in 2014.

The club is affiliated with Tennis West and currently has maintained a steady membership of 285 members. This is a slight decrease in membership compared to 2014/15 (295) and 2013/14 (316). The courts are primarily used by club members, casual/social hirers, as well as professional coaches and Wesley College.

The approximate percentage usage of the facility:

Participation type	% use of the facility	Hours per week
Hensman Park members & public hire	40%	35
Coaching	40%	35
Wesley College	20%	20

According to the club, resurfacing of three (3) hard courts is required for the following reasons:

- The existing surface is 10 years old and is showing signs of wear especially near baseline areas and they are becoming slippery which could lead to injury;
- These works will enhance current activities by providing top quality tennis playing surfaces for club members, players in coaching programs and for social court hire.
- There is a requirement to upgrade to current Australian hardcourt surface standards – two tone blue – Australian Open.

The City supports the club's application to enhance its existing facilities to ensure tennis participation can continue and increase. The clubs net income as at 22 February 2016 is \$3,222, with current net assets totalling \$179,953.

It is recommended this project is rated 'A -Well planned and needed by the municipality and in making this assessment the panel noted:

- Hensman Park Tennis Club has consulted with City Officers and DSR;
- Hensman Park Tennis Club submitted a sound application;
- Hensman Park Tennis Club has demonstrated that it is a sustainable club and is a good tenant of the City;

**10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.**

- The resurfacing of the courts are needed by the club to be able to support the existing and ongoing demand of the users;
- Officers support the club resurfacing its courts rather than installing new/additional courts;
- The City recently contributed \$4,000 (excl. GST) to the successful resurfacing of five (5) tennis courts at Hensman Park in 2015 also with the assistance of CSRFF funding.

**Consultation**

Initial consultation was undertaken with the City via the Acting Recreation Development Coordinator and Club Development Officer. The City advertised the funding round by direct email to clubs.

Hensman Park Tennis Club has met with City Officers regarding its application. The club has also discussed its intention to submit an application with DSR and Tennis West.

**Policy and Legislative Implications**

This report relates to Policy P110 - Support of Community & Sporting Groups.

**Financial Implications**

The level of financial assistance offered is based on the overall significance of the proposed project, including the benefits provided to the community. There is no obligation on the local government authority to make any contribution to a community project, but in the past the City has matched the contribution by the Department of Sport and Recreation of up to one-third of the total cost of successful project within its boundaries.

The City supports the application and therefore the provisional amount has been proposed to be included in the upcoming annual budget.

The total project costs are estimated at \$16,460 (excl. GST). The total contribution being requested from the City is \$5,487 (excl. GST). Subject to DSR approval, it is proposed that \$5,487 (excl. GST) is provisionally allocated in the 2016/2017 annual budget.

**Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

**Sustainability Implications**

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

**Attachments**

Nil .



## 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

### 10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.

Location: Salter Point  
Ward: Manning Ward  
Applicant: Mr HK Wildermuth  
File Ref: D-16-20620  
Lodgement Date: 16 March 2016  
Date: 22 March 2016  
Author: Valerie Gillum, Planning Officer Development Services  
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 Additions to Single House (Balcony Extension and Roof) on Lot 221 (No. 40) Sulman Avenue, Salter Point. Council is not being asked to exercise discretion.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Jessica Black

**Seconded:** Councillor Colin Cala

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 additions/alterations to an existing Single House on Lot 221 (No. 40) Sulman Avenue, Salter Point **be approved** subject to:

**(a) Standard Conditions**

210	screening- permanent	425	colours & materials- matching
660	expiry of approval		

**(b) Specific Conditions**

(i) In order to comply with Clause 5.4.1 'Visual Privacy' of the R-Codes 2015, screening shall be installed for the full length of the northern side of the balcony to match the screening proposed to that side of the balcony as shown on the approved plans. Alternatively, If the approved garage (Approval ID No: 11.2015.600.2 dated 22 February 2016) is constructed before, or in conjunction with the balcony extension in the manner that it prevents overlooking; the balcony screening will not be required.

**(c) Standard Advice Notes**

700A	building permit required	720	strata note- comply with that Act
790	minor variations- seek approval	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.

**CARRIED EN BLOC (8/0)**

10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	482 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	One (1) dwellings
<b>Plot ratio limit</b>	Not applicable (minimum 50% open space)

The location of the development site is shown below:



In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

**3. The exercise of a discretionary power**

- (a) 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.

**Comment**

**(a) Background**

In December 2015, the City received an application for proposed additions of existing buildings on Lot 221 (No. 40) Sulman Avenue, Salter Point (the **Site**). Following the officer’s assessment and neighbour consultation period, the applicant was sent a letter requesting further information and the current set of drawings, referred to as **Attachment (a)**, was received on 16 February 2016.

**(b) Existing Development on the Subject Site**

The subject site is located at Lot 221 (No. 40) Sulman Avenue, Salter Point. The existing development on the Site currently features land use of ‘Single House’ as depicted in the site photographs at **Attachment (b)**.

10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.

(c) **Description of the Surrounding Locality**

The Site has its primary street frontage to Sulman Avenue to the north-west and its secondary street frontage to River Way to the south-east, located adjacent to Single Houses to the north-east and south-west and is located opposite to Single Houses to in River Way and Sulman Avenue, as seen in **Figure I** below:



(d) **Description of the Proposal**

The proposal involves the following works which can be viewed at **Attachment (a)**:

- Balcony extension at the rear of the existing dwelling of approximately 1.0 metre, including the addition of a new roof over with associated privacy screens.

Other works shown on the drawings at **Attachment (a)** relating to proposed double garage additions/alterations, front fence and sunken courtyard which have been approved under delegation by City Officers in a separate application which was approved on 22 February 2016.

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

- Lot Boundary Setbacks (R-Codes cl. 5.1.3)
- 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);
- Solar Access for Adjoining Sites (R-Codes cl. 5.4.2 C2.1/2.2); and
- Development of Properties Abutting River Way (Council Policy P306) – Proposed extension to the existing balcony will comply with the prescribed 9.0 metre setback from River Way (as per cl. 1(c) of the policy).

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

**10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.**

The remaining aspects are compliant with *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, however, are discussed below.

- (i) Visual Privacy (R-Codes cl. 5.4.1 C1.1/C1.2); and
- (ii) Significant Views (Policy P350.9).

**(e) Visual Privacy**

The required minimum visual privacy setback for bedrooms and studies is 4.5 metres, 6.0 metres for other habitable rooms, and 7.5 metres for balconies. In regards to these requirements, the proposed balcony facing north-east, towards the rear of No. 38 Sulman Avenue (River Way frontage) will overlook their courtyard (see photo below depicting area of courtyard seen from the existing balcony).



During a site inspection with City Officers a piece of timber was placed above their garage wall (identified in the photo below in red) in order to demonstrate that an additional 300mm added to this wall would adequately screen the courtyard of No. 38 Sulman Avenue. As a result of this, the applicant proposed to add an additional five (5) courses to the wall of the existing garage (roof of existing garage shown below) which has been granted planning approval as noted above in item (d), adding an additional 430mm to that wall to provide adequate screening to prevent overlooking where viewed from the balcony (the additional height of the garage wall has been shown on the drawings at **Attachment (a)**).



10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.



City officers considered that the proposal complies with Visual Privacy requirements of the R-Codes relating to overlooking to the courtyard of No. 38 Sulman Avenue and is therefore supported by City officers subject to a condition that requires the construction of the approved garage additions/alterations to be completed prior to completion of the balcony addition.

The existing balcony was also seen to overlook a lower bedroom of the adjacent property at 38 Sulman Avenue. To overcome this overlooking, a 2 metre section of screening of the balcony along the north-eastern elevation was included on an amended plan (see photo and diagram below showing the area being overlooked which can also be viewed and at **Attachment (a) and (b)**) which is seen to considerably improve an existing situation.



- (f) **Significant Views**  
Council Planning Council Policy P350.9 (Significant Views) at times requires consideration for the loss of significant views from neighbouring properties. The subject site has been assigned a building height limit of 7.0 metres, therefore Clause 6.1A(9) of TPS6 does not apply to this proposal.

**10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.**

Policy P350.9 (Significant Views) sets out design considerations relating to a significant view as follows:

- (a) *In the interest of preserving a significant view from a lot adjoining a development site, the City may require the design of a proposed development to be modified. In arriving at a decision regarding possible modifications, the City will have regard to the following factors, among others:*
  - (i) *the applicant's normal development entitlements with respect to residential density and building height; and*
  - (ii) *the objective of maximising any significant view from existing or proposed dwellings.*
- (b) *Before granting a requested setback variation, the City will have due regard to the effect that the setback variation would have on a significant view. Where the City considers that a setback variation would adversely affect a significant view from a lot adjoining a development site, the requested setback variation will not be approved.*
- (c) *Clause 6.2(3) of TPS6 enables the City to impose a restriction on roof height where considered appropriate in the interests of streetscape character within the focus area. In addition, in order to protect a significant view, the City may require a roof pitch to be reduced, where such reduction:*
  - (i) *would not compromise the architectural integrity of the proposed development; or*
  - (ii) *would not be contrary to the provisions of any applicable Precinct Streetscape Policy.*

In relation to the above criteria, the applicant's normal development entitlements relating to residential density and building height have been met as well as being compliant with setbacks. The owners of the neighbouring property viewed the plans during the consultation period and did not provide any comments in relation to the proposal.

City officers considered that the proposed development complies with the Significant Views Policy taking into consideration reasonable expectations of both existing residents and what has been proposed on the subject site.

**(h) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

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;

**10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.**

- (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 —
  - (i) environmental impacts of the development;
  - (ii) the character of the locality;
  - (iii) social impacts of the development;
- (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) 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, occupiers and/or strata bodies at No 38 and No 40A Sulman Avenue, were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of two (2) information only notices were sent and no submissions were received.

**(b) Internal Referral**

No comments from internal referrals were required for this proposal.

**(c) 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 2013-2023 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 outdoor alfresco and decking areas will receive northern sun and is considered to be designed appropriately considering sustainability principles.

**10.3.1 Proposed Additions to Two-Storey Single House (Balcony Extension and Roof). Lot 221 (No.40) Sulman Avenue, Salter Point.**

**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) - Plans

**10.3.1 (b):** Attachment (b) - Site Photos .



### 10.3.2 Proposed Telecommunications Infrastructure. Lot 123 No. 59 Angelo Street, South Perth (Angelo Street Post Office).

Location:	Lot 123 No. 59 Angelo Street, South Perth.
Ward:	Mill Point Ward
Applicant:	Planning Solutions (Aust) Pty Ltd on behalf of Service Stream Mobile Communications and Telstra Corporation Ltd
File Ref:	D-16-21314
Lodgement Date:	26 October 2015
Date:	22 March 2016
Author:	Cameron Howell, Senior 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

To consider an application for planning approval for a Telecommunications Infrastructure (mobile phone base station) on Lot 123 (No. 59) Angelo Street, South Perth (Angelo Street Post Office). Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use	TPS6 clause 3.3
Building height	No discretionary power available
Alteration to place in Heritage List	No discretionary power available
Siting (Proximity to residential buildings)	TPS6 clause 7.8(1)
Car and bicycle parking provision	TPS6 clause 7.8(1)
Visual impact	Council Policy P310, clause 2(b)

#### Officer Recommendation

**Moved:** Councillor Ken Manolas

**Seconded:** Councillor Colin Cala

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6*, the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Metropolitan Region Scheme*, this application for planning approval for a proposed Telecommunications Infrastructure (mobile phone base station) on Lot 123 (No. 59) Angelo Street, South Perth **be refused** for the following reasons:

#### (a) Specific Reasons

- (i) The proposal is located less than 300 metres from the nearest residential building (Lot 22 No. 4 Anstey Street), hence conflicts with Clause 6.15(a) of Town Planning Scheme No. 6. The exercise of discretion under Clause 7.8(1) is not supported as it would have an adverse impact to the occupants of the precinct.
- (ii) The proposal has a significant adverse visual impact, hence conflicts with Clause 2(b) Council Policy P310 "Telecommunications Infrastructure".
- (iii) If the Building Height Limit was applicable to this proposal, the mobile phone tower would exceed the 10.5 metres building height limit applicable under Clause 6.1A of Town Planning Scheme No. 6 and the

Scheme maps "Building Height Limit : Precinct 3 – South Perth Civic" by 6.9 metres. Notwithstanding the non-applicability of the Building Height Limit, the mobile phone tower is seen to be out of keeping with the height of buildings and other structures in the locality.

- (iv) The proposal does not demonstrate compliance with Scheme Objectives (a), (e) and (f), in Clause 1.5 of Town Planning Scheme No. 6.
- (v) The proposal does not demonstrate compliance with Matters to be Considered by Local Government (a), (b), (g) and (m) in Schedule 2 Clause 67 of Planning and Development (Local Planning Schemes) Regulations 2015.

**(b) Standard Advice Notes**

- (i) Appeal rights (Note 3 of Notice of Determination form)

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

**LOST (2/6)**

**Alternative Motion AND COUNCIL DECISION**

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Fiona Reid

That pursuant to the provisions of the *City of South Perth Town Planning Scheme No. 6*, the *Planning and Development (Local Planning Schemes) Regulations 2015* and the *Metropolitan Region Scheme*, this application for planning approval for a proposed Telecommunications Infrastructure (mobile phone base station) on Lot 123 (No. 59) Angelo Street, South Perth **be approved** subject to the following conditions:

**(a) Specific Conditions**

- (i) The external finish of the proposed Telecommunications Infrastructure shall match the colour of the sky, to the satisfaction of the City, unless otherwise approved by the City.
- (ii) The existing Telecommunications Infrastructure to be decommissioned as part of this approval shall be removed from the building within 3 months of the commissioning of the proposed Telecommunications Infrastructure, unless otherwise approved by the City.

**(b) Standard Conditions**

- (i) The validity of this approval shall cease if construction is not substantially commenced within 24 months of the date of planning approval.

**(c) Specific Advice Notes**

- (i) The Telecommunications Infrastructure is required to be located in a position so as not to create a noise nuisance as determined by the *Environmental Protection Act 1986* and *Environmental Protection (Noise) Regulations 1997*.
- (ii) The Telecommunications Infrastructure must operate in compliance with the Australian Communication and Media Authority (ACMA) Electromagnetic Emissions (EME) regulatory arrangements.

**(d) Standard Advice Notes**

- (i) This planning approval is not an authorisation to commence construction. A Building Permit must be obtained from Council's

Building Services department prior to commencing any work of a structural nature.

- (ii) Where minor variations are sought at the Building Permit stage from an approved set of plans, a formal request for a variation to the planning approval is to be sought by the Applicant, in accordance with Council policy P689.

If supported, the variations may be granted subject to all the previous terms and conditions, or possibly with new terms and conditions. If not supported, either the Building Plans must be amended for a Building Permit to be issued, or a new application for planning approval must be lodged for consideration by Council.

- (iii) Appeal rights (Note 3 of Notice of Determination form)

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

\* If approved as proposed on the development plans, the proposed Telecommunications Infrastructure would have an approved height of 17.40 metres (30.40 metres above Australian Height Datum), relative to the datum on the approved plans.

#### Reasons for Alternative

This application proposes the removal of five antennae's and associated infrastructure on the eastern and western sides of the building and the construction of new antennae shrouded in a new telecommunications pole at the rear of the building.

The applicant has made a reasonable attempt to reduce the visual impact of the tower when viewed from the street with a significant street set back. The applicant is proposing to integrate this infrastructure with the existing building and it will be coloured to match the buildings so as to be unobtrusive. The applicant is proposing to return the external appearance and fabric of the building to its original façade to enhance the cultural heritage significance of this building.

The City should endeavour where possible to facilitate high quality telecommunications network coverage to ensure there are minimal black spots. Telstra has identified deficiencies in the mobile telephone and wireless broadband data coverage for this immediate locality and it is attempting to enhance this service to provide improved coverage to South Perth business and residents. With increased usage of mobile data, there are potential issues of residents not receiving coverage which could also present as a safety concern.

The applicant has had regard to the Planning Scheme Requirements and it is recommended that the Council should exercise its discretion and approve this telecommunication infrastructure application.

**CARRIED (6/2)**

#### **I. Background**

The development site details are as follows:

<b>Zoning</b>	Neighbourhood Centre Commercial
<b>Density coding</b>	R50
<b>Lot area</b>	832 sq. metres
<b>Building height limit</b>	7.0 metres
<b>Development potential</b>	Approx. 6 Multiple Dwellings or permissible Non-residential land uses
<b>Plot ratio limit</b>	0.75 (non-residential); 0.6 (residential)

10.3.2 Proposed Telecommunications Infrastructure. Lot 123 No. 59 Angelo Street, South Perth (Angelo Street Post Office).

The location of the development site is shown below:



In accordance with Council Delegation DC342, the proposal is referred to a Council meeting because it falls within the following categories described in the Delegation:

**1. Specified uses**

- (e) Telecommunications Infrastructure that is not classified as a low-impact facility under the Telecommunications Act 1997;

**3. The exercise of a discretionary power**

- (b) Applications which in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.
- (c) Applications involving the exercise of discretion under Clauses 6.1 or 6.11 of the Scheme.

**6. Amenity impact**

*In considering any application, the delegated officers shall take into consideration the impact of the proposal on the general amenity of the area. If any significant doubt exists, the proposal shall be referred to a Council meeting for determination.*

**Comment**

**(a) Background**

In October 2015, the City received an application for a Telecommunications Infrastructure on Lot 123 (No. 59) Angelo Street, South Perth (Angelo Street Post Office) (the **Site**).

**(b) Existing Development on the Subject Site**

The existing development on the Site currently features land uses of 'Telecommunications Infrastructure' (telephone exchange) and 'Civic Use/Office/Shop' (post office).

**(c) Description of the Surrounding Locality**

The Site has a frontage to Angelo Street to the north, located adjacent to the RSL Hall building to the west, a shop and a bank to the east and a public car park to the south, as seen in **Figure I** below:



**(d) Description of the Proposal**

The proposal involves the removal of the existing Telecommunications Infrastructure antennae on the eastern and western sides of the existing building and the construction of new Telecommunications Infrastructure antennae attached to a new pole at the rear of the existing building, as depicted in the submitted plans at **Attachment (a)**. The Applicant's report, **Attachment (b)**, describes the proposal in more detail.

**(e) Land Use**

The proposed land use of Telecommunications Infrastructure is classified as a 'D' (Discretionary) land use in Table I (Zoning - Land Use) of TPS6. In considering this discretionary use, it is observed that the Site currently contains Telecommunications Infrastructure, being the telephone exchange and mobile phone infrastructure. Accordingly, the use is regarded as complying with the Table I of the Scheme.

**(f) Street and Lot Boundary Setbacks**

TPS6 Table 3 specifies a minimum 1.5 metre (average) street boundary setback and a minimum nil setback for other lot boundaries. The new telecommunication infrastructure is compliant with these minimum setbacks.

**(g) Plot Ratio**

The proposal has no area that is defined as plot ratio.

**(h) Landscaping**

The proposal has no impact upon the provision of landscaping.

**(i) Building Height**

The building height limit for the Site is 10.5 metres and the maximum height of the proposed antennae is 17.4 metres above ground level and 5.4 metres above the ridge of the roof of the existing building.

In this instance, the mobile phone infrastructure does not meet the common and normal meaning of building. The definition of building in Appendix I of the *Residential Design Codes (2015)* is not considered to be applicable as this definition, referring to a residential dwelling, is out of context to this non-



**10.3.2 Proposed Telecommunications Infrastructure. Lot 123 No. 59 Angelo Street, South Perth (Angelo Street Post Office).**

residential development. Accordingly, the mobile tower is not subject to the building height limit.

If the building height limit applied, the proposed development would have exceeded the building height limit by 6.9 metres and would not comply with Clause 6.1A "Building Height Limit" of TPS6. There is no discretion permitted to vary the building height limit in accordance with Clause 7.8(2)(a) of TPS6.

Notwithstanding the non-applicability of the building height limit, the mobile phone tower is considered by City officers to be out of keeping with the height of surrounding buildings and the existing (low impact facility) mobile phone tower at 53-55 Angelo Street (the Coles Supermarket building), which is approximately 3 metres above that building's roof height.

**(j) Car and Bicycle Parking**

As Telecommunications Infrastructure is not listed in Table 6 of TPS6, the number of car and bicycle parking bays shall be provided having regard to the likely demand. For this proposal, City officers consider that one (1) car parking bay and no bicycle parking bays are required as the only parking demand will be from a technician servicing the facility. The existing parking area at the rear of the site is retained as part of this proposal and is considered adequate to cater for the likely parking demand.

**(k) Proximity to residential buildings**

Mobile telephone towers and associated equipment buildings are required by Clause 6.15(a) of TPS6 to be sited not less than 300 metres from the nearest residential buildings. The nearest residential building, being the residences at Lot 22 (No. 4) Anstey Street, is located approximately 35 metres to the south of the proposed location of the Telecommunications Infrastructure facility.

Based upon the wording used in Clause 6.15(a) of TPS6 and definition of "setback" in Appendix I of the *Residential Design Codes (2015)*, the Scheme's siting requirement is not a setback. However, the siting requirement in TPS6 is similar to the concept of a minimum horizontal distance (a component of "setback"). Therefore, discretion to permit a variation to "related matters" to setbacks by Clause 7.8(1) of TPS6 is considered to be available for this proposal.

The primary purpose of Clause 6.15(a) of TPS6 is to minimise the visual impact to nearby residential properties. In considering the discretionary clauses, as the mobile phone tower exceeds the building height limit and is noticeably taller than the existing Post Office building, the non-compliance with Clause 6.15(a) of TPS6 would have an adverse impact, primarily to the inhabitants of the precinct (the surrounding residents).

**(l) Visual Impact**

In considering an application for planning approval, Clause 2(b) of Council Policy P310 "Telecommunications Infrastructure", the City will have regard to the provisions of TPS6 and the visual impact of the proposed Telecommunications Infrastructure. For this application, planning approval should be recommended for refusal where Council is of the opinion that the proposed facility would have a significant adverse visual impact. Alternatively, Council may recommend the granting of planning approval conditional upon appropriate modifications to minimise the adverse visual impact.

**10.3.2 Proposed Telecommunications Infrastructure. Lot 123 No. 59 Angelo Street, South Perth (Angelo Street Post Office).**

City officers do not consider that the proposal demonstrates compliance with the visual impact requirements of Council Policy P310, as the tower exceeds the building height limit, is noticeably taller than the existing Post Office building and would have a significant adverse visual impact to surrounding residential properties.

**(m) Heritage**

The Angelo Street Post Office is classified as Management Category B in the City's Municipal Heritage Inventory (MHI) and has been heritage-listed by the City since December 1994. By virtue of having a classification of Category B, the Angelo Street Post Office is also contained in the City's Heritage List. The Angelo Street Post Office is not registered by the Heritage Council in the State Register of Heritage Places.

*"Management Category B - Considerable significance*

*Conservation essential. Reflects the highest level of local cultural heritage significance. Very important to the heritage of the locality. High degree of integrity and authenticity. Demolition or significant alteration to a place in Management Category B of the Heritage List is not permitted. Any alterations or additions are to be guided by a conservation plan, if any, and reinforce the heritage values of the place."*

The MHI provides the following statement of significance for the Angelo Street Post Office:

*"The Angelo Street Post Office has aesthetic, historic, social, representative and rarity cultural heritage significance. Since 1939 the Angelo Street Post Office has been the base for the postal service in this area. The building is one of a limited number of post offices constructed in the 1930s in Australia owing to the lasting effects of the Depression. The street fabric is of interest owing to the design patterns and textures particularly of the brickwork and wrought iron. The building has high integrity and is a good example of post offices constructed in the 1930s and provides a demonstration of their accommodation and materials."*

The proposal has been reviewed by the City considering Clause 6.11 "Heritage Places" of TPS6, Council Policy P313 "Local Heritage Listing", the Municipal Heritage Inventory, and the Heritage List. The officer's comments are provided in **Attachment (c)**.

Development involving the significant alteration to a place in Management Category B of the Heritage List shall not be permitted, in accordance with Clause 6.11(6)(d). The proposed Telecommunication Infrastructure is considered to not be a significant alteration as the City considers that the works are not seen to meet the "significant alteration" definition in Policy P313. Hence, the proposal is considered to be compliant with the local heritage requirements.

**(n) 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;*
- (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;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*
- (j) *In all commercial centres, promote an appropriate range of land uses consistent with:*
  - (i) *the designated function of each centre as set out in the Local Commercial Strategy; and*
  - (ii) *the preservation of the amenity of the locality;*
- (k) *Recognise and preserve areas, buildings and Sites of heritage value;*

The proposed development is considered unsatisfactory in relation to the above items, as listed in the Officer Recommendation.

**(o) Matters to be considered by Local Government: Clause 67 of the Deemed Provisions for Local Planning Schemes**

In considering an application for development approval the local government is to have due regard to the following matters listed in Schedule 2 clause 67 of the *Regulations* to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. Of the 27 listed matters, the following are particularly relevant to the current application and require careful consideration:

- (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;*
- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (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 —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (zb) *any other planning consideration the local government considers appropriate.*

The proposed development is considered unsatisfactory in relation to the above items, as listed in the Officer Recommendation.



### Consultation

#### (a) Neighbour Consultation

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner, as described below:

- 1720 notices were mailed to individual property owners, occupiers and / or strata bodies located within a 500 metre radius of the proposal;
- A sign was erected on site;
- 21 days advertising period.

4 submissions were received, 1 supporting and 3 against the proposal. The comments from the submitters are contained in **Attachment (d)**.

In response to these submissions, objections relating to the mobile phone base station's structural design, wind loading capacity and electromagnetic emissions are not relevant planning considerations and hence are not upheld. Comments relating to the height and visual impact of the mobile phone base station are noted.

#### (b) Internal Administration

Comments were invited from Senior Strategic Planning Officer, in relation to local heritage, of the City's administration. The Senior Strategic Planning Officer, Development Services raises no objections and has provided the following comments:

*"I have examined the information you have provided in relation to the proposal. In examining the drawings, I have noted that the proposed structure comprising shrouded panel antennas on an antenna mount attached to the building:*

- *is complementary to the existing uses of the building;*
- *would replace other existing smaller panel antennas;*
- *would be located at the rear of the building; and*
- *would be coloured to match the existing roof colour.*

*Therefore, despite the height of the proposed structure, I am of the opinion that the applicant has made a reasonable effort to reduce the visual impact of the tower when viewed from the street. From the point of view of the local heritage significance of the proposal, it is acceptable.*

*It is recommended that the application be determined according to all of the usual development considerations."*

The local heritage comments are provided in **Attachment (c)**.

Comments were invited from Environmental Health Services department of the City's administration. This department raises no objections and has provided the following comments:

*"Noise Generally*

*Telecommunications infrastructure to be located in a position so as not to create a noise nuisance as determined by the Environmental Protection Act 1986 and Environmental Protection (Noise) Regulations 1997.*

**10.3.2 Proposed Telecommunications Infrastructure. Lot 123 No. 59 Angelo Street, South Perth (Angelo Street Post Office).**

*Electromagnetic Emissions*

*Telecommunications infrastructure must operate in compliance with the Australian Communication and Media (ACMA) Electromagnetic Emissions (EME) regulatory arrangements.”*

Accordingly, planning conditions and/or important notes are recommended to respond to the comments from the above officer(s).

**(c) External Agencies**

The application has not been referred to any external agencies.

**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**

Council's determination may have financial implications if the application is subject to an appeal to the State Administrative Tribunal or the Australian Communications and Media Authority (*Telecommunications Act 1997*).

**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**

The development would enhance sustainability by providing local businesses and residents improved telecommunications services.

**Conclusion**

It is considered that the proposal does not meet all of the relevant Scheme and/or Council Policy objectives and provisions, as it has the potential to have a detrimental impact on adjoining residential neighbours and streetscape. Accordingly, it is considered that the application should be refused.

**Attachments**

- 10.3.2 (a):** Development Plans | 59 Angelo Street, South Perth - 11.2015.498.1
- 10.3.2 (b):** Applicant's Report | 59 Angelo Street, South Perth - 11.2015.498.1
- 10.3.2 (c):** Local Heritage Comments | 59 Angelo Street, South Perth - 11.2015.498.1
- 10.3.2 (d):** Public Submissions | 59 Angelo Street, South Perth - 11.2015.498.1 .

At this point Declarations of Interest were read aloud for Agenda Item 10.3.3 Canning Highway #ShapeOurPlace as follows:

Mayor Sue Doherty:

*"I wish to declare an impartiality interest in Agenda Item 10.3.3 Canning Highway #ShapeOurPlace – Study Report and Next Steps on the Council Agenda for the Ordinary Council meeting of 22 March 2016. I declare that I own a property that could be perceived as being in the vicinity of the study area. Under section 5.63 (a)(a) of the Local Government Act 1995 it is not an interest that is subject to the disclosure requirements of 'proximity' or the participation and voting prohibitions of the Local Government Act 19095. However, I believe it prudent for me to declare an interest of 'impartiality'. It is my intention to remain in the Council Chamber and consider this matter on its merits."*

Councillor Ken Manolas:

*"I wish to declare an impartiality interest in Agenda Item 10.3.3 Canning Highway #ShapeOurPlace on the Council Agenda for the Ordinary Council meeting of 22 March 2016. I declare that I have an association with persons in the study area. It is my intention to remain in the Council Chamber and consider this matter on its merits."*

Councillor Fiona Reid:

*"I wish to declare an impartiality interest in Agenda Item 10.3.3 Canning Highway #ShapeOurPlace on the Council Agenda for the Ordinary Council meeting of 22 March 2016. I declare that I own a property that could be perceived as being in the vicinity of the study area. Under section 5.63(1)(a) of the Local Government Act it is not an interest that is subject to the disclosure requirements of 'proximity' or the participation and voting prohibitions of the Local Government Act. However, I believe it prudent for me to declare an interest of 'impartiality'. It is my intention to remain in the Council Chamber and consider this matter on its merits."*

### **10.3.3 Canning Highway #ShapeOurPlace - Community Feedback on Study Report**

Location:	Canning Highway
Ward:	Como Ward, Mill Point Ward and Moresby Ward
Applicant:	Not Applicable
File Ref:	D-16-20772
Date:	22 March 2016
Author:	Mark Carolane, Senior Strategic Projects 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:	3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery, cognisant of the local amenity.

#### **Summary**

The Canning Highway #ShapeOurPlace study (the study) examined the residential density and built form of the area approximately 100 metres either side of Canning Highway. The study report (**Attachment (a)**) provides information, including feedback from the community and state government stakeholders, which is vital for the planning of the study area.

The study progresses recommendation 4.1A of the draft Local Housing Strategy (2012), to investigate and progress medium density coding increases for all

Residential zoned lots within 100 metres of Canning Highway. Attachment (b) shows the relevant parts of the motion adopted by Council in November 2012 and outlines how the Canning Highway #ShapeOurPlace study responds to each item.

The final study report was presented to Council at the February Ordinary Council Meeting (Item 10.3.3), where Council resolved to allow time for community comments before endorsing the report. Now that the community has had time to review and provide comment on the report it is recommended that Council note these comments alongside the results of community consultation undertaken in 2015.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sharron Hawkins-Zeeb

**Seconded:** Councillor Travis Burrows

That Council notes:

1. The actions resolved at the November 2012 Ordinary Council Meeting, as detailed at **Attachment (b)** are now resolved.
2. The comments received following release of the final study report.

That Council endorses:

1. The Canning Highway Residential Density and Built Form Study report presented at item 10.3.3 at the February 2016 Ordinary Council Meeting (**Attachment (a)**) as the basis for future planning in the study area.
2. An access study, to investigate alternative access arrangements for properties that currently only have access via Canning Highway, be progressed as a priority.

**CARRIED (8/0)**

### Background

The Canning Highway #ShapeOurPlace study (the study) examined the residential density and built form of the area approximately 100 metres either side of Canning Highway.

The City prepared a draft Local Housing Strategy in 2011, in which Canning Highway is identified for medium density development to provide a suitable transition between the high density Highway Commercial zoning and low density residential development in the adjoining suburbs.

This study progresses recommendation 4.1A of the draft Local Housing Strategy, to investigate and progress medium density coding increases for all Residential zoned lots within 100 metres of Canning Highway. Council resolved to progress this action at the November 2012 Ordinary Council Meeting (decision item 10.0.3).

**Attachment (b)** shows the relevant parts of the motion adopted by Council in November 2012 and outlines how the Canning Highway #ShapeOurPlace study responds to each item. It is recommended that these resolutions are now complete.

The final study report was presented to Council at the February 2016 Ordinary Council Meeting. Council resolved as follows:

*That:*

- (a) *The Officer Recommendation not be adopted;*
- (b) *Council:*

- (i) *Notes the Canning Highway Residential Density and Built Form Study report at Attachment (a) and defer endorsement of the report as the basis for future planning in the study area until the March 2016 Ordinary Council Meeting; and*
- (ii) *Defers commencement of an access study to investigate alternative access arrangements for properties that currently only have access via Canning Highway.*
- (c) Council endorses:
  - (i) *Residents be informed of this study via email to participants in the study and advertisements in the Southern Gazette newspaper, Peninsular Snapshot and the City's website and Facebook page; and*
  - (ii) *Place 1 and Place 2 (Kensington and South Perth) be the first priority for further planning work. A character study of Kensington is recommended to provide a comprehensive review of the existing building stock and inform future development. In addition, the study report recommends:*
    - a) *Undertake detailed planning for local centre at Way Road/Gwenyfred Road.*
    - b) *Prioritise areas for rezoning close to the Highway to manage the transition from R80 to R15*

### **Comment**

The study process, built form concepts, study outcomes and recommendations, and next steps were outlined at the February 2016 Ordinary Council Meeting (Item 10.3.3). Now that the community has had time to review and provide comment on the report it is recommended that Council note these comments alongside the results of community consultation undertaken on this project in 2015.

The study report provides information, including feedback from the community and state government stakeholders, which is vital for the planning of the study area. The consultant's recommendations are not binding in any way but identify issues, areas for future work and community views. All of the report recommendations involve further work and community consultation to resolve issues and incorporate changes into Town Planning Scheme No. 6 as required.

It is recommended that Council endorse the Canning Highway Residential Density and Built Form Study report at **Attachment (a)** as the basis for future planning in the study area. In addition to the Council's endorsement of Places 1 and 2 (Kensington and South Perth) as the first priority for further planning work at the February 2016 Ordinary Council Meeting, it is also recommended that an access study, to investigate alternative access arrangements for properties that currently only have access via Canning Highway, be progressed as a priority.

### **Consultation**

Previous participants in the project were notified by email on Wednesday 10 February 2016 that the consultant's report would be presented to the Council Briefing on Tuesday 16 February 2016. The report was made available to the public along with the agenda documents on Friday 12 February 2016.

Council received two deputations at the 16 February Agenda Briefing. Both were from residents of Kensington and both requested additional time for the community to review the report and provide comments to Council.

Following the February Ordinary Council Meeting the report was placed on the City's online engagement portal, Your Say South Perth, and on the City's website.

### 10.3.3 Canning Highway #ShapeOurPlace - community feedback on study report

The report was uploaded on Thursday 25 February 2016 and feedback was requested to be submitted before 12 noon, Tuesday 15 March 2016.

An email was sent to previous participants in the study on Thursday 25 February 2016, notifying them of the outcome of the Council meeting on 23 February and advising how and when comments could be submitted.

A notice was posted on the City's facebook on 25 February 2016 and also in the Southern Gazette newspaper and Peninsular Snapshot e-newsletter on Tuesday 1 March 2016.

Due to the short time between Council meetings, submissions were open all the way up to the day of the Agenda Briefing. The submissions have therefore not been analysed; but are presented at **Attachment (c)**. A total of 14 submissions were received and the Your Say South Perth page received 205 visits during the 20 day comment period. The submissions will be placed on file and will be used to inform future projects in the study area.

#### **Policy and Legislative Implications**

The study report makes a number of recommendations for changes to Town Planning Scheme No. 6 and the City's planning policies (see page 101 of the report at **Attachment (a)**). Amendments to the Scheme are recommended relating to:

- a) Residential density;
- b) Building height limits;
- c) Setbacks (front, side and rear); and
- d) Changes to access arrangements.

The study report also recommends that a set of comprehensive design guidelines should be prepared on a Place by Place basis and endorsed as a local planning policy. The design guidelines should encompass:

- a) A vision for the Place;
- b) Objectives;
- c) Design controls; and
- d) Identify areas for Local Development Plans.

Design guidelines, or similar local planning policies, will assist to guide the application of the discretionary provisions of the R-Codes (Design Principles) by providing clear objectives about the desired streetscapes and character for the area.

#### **Financial Implications**

Consultants will be required to progress the next steps for this project, as discussed above and in Item 10.3.3 at the February 2016 Ordinary Council Meeting. It is estimated that consultant fees for a residential character study of Kensington and an access study for properties that currently only have access via Canning Highway would be approximately \$150,000.

#### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

#### **Sustainability Implications**

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

#### **Attachments**

- 10.3.3 (a):** FINAL - ShapeOurPlace Report
- 10.3.3 (b):** Council decision item 10.0.3 November 2012 Canning Highway
- 10.3.3 (c):** Submissions received following report publication .



## 10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

### 10.5.1 Planning Control Area for Canning Highway and Cassey Street

Location:	Not Applicable
Ward:	Como Ward
Applicant:	Main Roads WA
File Ref:	D-16-20636
Date:	22 March 2016
Author:	Vicki Lummer, Director Development and Community Services
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Infrastructure and Transport -- Plan and facilitate safe and efficient infrastructure and transport networks to meet the current and future needs of the community
Council Strategy:	5.1 Advocate for, implement and maintain integrated transport and infrastructure plans in line with best practice asset management and safe system principles.

#### Summary

Canning Bridge Activity Centre Plan highlighted Canning Highway as a 'Special Consideration Area' and recommended a Planning Control Area (PCA) be placed over the Canning Highway Corridor so that new development does not restrict the implementation of the planned widening and broader use of Canning Highway.

Main Roads WA has investigated various options and the PCA reflects this. The PCA will remain in place for 5 years or until a Metropolitan Region Scheme (MRS) amendment is approved.

The design provided by Main Roads WA is still high level and strategic.

Main Roads has requested endorsement of the Planning Control Area to be transferred to an amendment to the MRS. This does not include endorsement of the design for the road or overpass.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That:

1. Council endorse the road reservation as proposed in the Planning Control Area 117;
2. It be noted that the endorsement is for the road reservation only and is not an endorsement of any future design;
3. Main Roads be advised that the City wishes to be involved in any future design exercise for Canning Highway and Cassey Street; and
4. Main Roads be advised that further community engagement is required prior to endorsement of any detailed design.

**CARRIED (5/3)**

### Background

The Canning Bridge Activity Centre Structure Plan was endorsed by Council in May 2015. The future road reserve was a consideration during the development of the Activity Centre plan however a final concept from Main Roads WA was not completed prior to the Activity Centre Plan being completed. The process of creating a Planning Control Area to protect land required for the future capacity of the Highway was written into the structure plan with the anticipation that the process would be undertaken to coincide with the release of the Activity Centre plan.

Clause 4.1.3 of the Canning Bridge Activity Centre Plan refers to 'Special Consideration Areas'. Canning Highway is one of these Special Control Areas. The Activity Centre Plan states that *'It is very important to note that a detailed planning design is currently being undertaken for the section of Canning Highway between Glenelg Road and Henley Street which runs through the CBSP area. In the interim, and so that new development does not restrict the implementation of the planned widening and broader use of Canning Highway, it is recommended that a Planning Control Area be placed over the Canning Highway corridor, effectively requiring a greater setback than that which is currently required by the MRS for Canning Highway. The Planning Control Area would be made redundant at such time as the full MRS amendment is gazetted.'*

The Planning Control Area was introduced in September 2015.

The relevant Planning Control Area is shown at **Attachment (a)**.

### Comment

The Canning Bridge Activity Centre Plan states that:

*The future bus station is located in a raised structure in Q6. Long term connectivity (for public transport only) of the bus station is being designed currently, with a view to providing a Freeway overpass for bus movements which will join Cassey Street. The levels and grades have not yet been determined, but it is expected that there will be a difference in level between the overpass as it ties into Cassey Street and the existing road. A design for this section of the network is also currently being undertaken by MRWA.*

*It is recommended that a Development Control Area be established for those lots which are immediately adjacent to Cassey Street and all lots between Cassey Street and Canning Highway to the south. Once the detailed design of this future overpass is complete, a detailed design for this area will be required.*

The Canning Bridge Activity Centre Plan has provided the opportunity to increase development potential in the precinct to allow for an additional 2500 new dwellings by 2031. The increases anticipated at the Canning Bridge Activity Centre, has prompted Main Roads WA to consider the future reservation requirements for Canning Highway to ensure capacity of the road is maintained.

Main Roads WA presented a concept for the future of Canning Highway at a Concept Briefing on 18 November, 2015. The presentation largely impacted the road reservation in the City of Melville, although Cassey Street and Canning Highway north of Canning Bridge were also featured. . It should be stressed that the figures used for the modelling were for maximum build out of Canning Bridge, Canning Highway Transport Corridor and the surrounding suburban areas. Therefore the figures were for an anticipated growth at the year 2051 and beyond.



### 10.5.1 Planning Control Area for Canning Highway and Cassey Street

The Planning Control Area is an instrument that protects land from development until the Metropolitan Region Scheme can be amended through the normal amendment process. Although the concept provided from Main Roads at the briefing showed that an option for the overpass could be constructed within this reservation, there are some concerns about some of the impacts of this design. The Design is not detailed at this stage, although it is sufficient to show that the reservation as suggested does allow for a solution for the future highway and the long term connectivity of the bus station.

Concerns about impact on future communities can be addressed further with more detailed analysis and with other design workshops that will allow further options to be addressed within this protected reservation. What is shown is that a realistic design can be addressed within the proposed reservation.

The Planning Control Area was introduced in September 2015. A Planning Control Area provides protection for up to 5 years before an amendment is undertaken.

#### **Consultation**

No Consultation is required at this stage.

#### **Policy and Legislative Implications**

A Planning Control Area is a state planning instrument that directs that the WAPC will be the approving authority for development within the PCA.

#### **Financial Implications**

There are no financial implications as a result of this decision.

#### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

#### **Sustainability Implications**

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

#### **Attachments**

10.5.1 (a): Planning Control Area .

## 10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

### 10.6.1 Monthly Financial Management Accounts - February 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-20629
Date:	22 March 2016
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 Jessica Black

**Seconded:** Councillor Colin 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 (8/0)**

#### 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 - February 2016

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) & (b)**
- Summary of Non Infrastructure Operating Revenue and Expenditure **Attachment (c)**
- Summary of Operating Revenue & Expenditure - Infrastructure Service **Attachment (d)**
- Summary of Capital Items - **Attachment (e)**

## 10.6.1 Monthly Financial Management Accounts - February 2016

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

Operating Revenue to 29 February 2016 is \$48.54M which represents some 100% of the \$48.44M year to date budget. Revenue performance is close to budget in most areas other than those items identified below.

Rates and investment revenue reflects as being very slightly ahead of budget after the budget targets were increased in the Q2 Budget Review. Parking revenue remains 3% below budget expectation after Australia Day but the appointment of a dedicated parking officer is helping to remedy the previously unfavourable situation.

Building revenues are shown as 21% ahead of budget due to a higher than expected number of applications and an application for 40 Coode St. Planning revenues are 13% ahead of budget with the larger applications being for 80 Henley St, Mill Point Rd and Lyall St & Melville Parade. All of these are JDAP Applications. Collier Park Golf Course revenues are very close to budget at 29 February. Other apparent monthly variances reflect Q2 Budget Review adjustments being brought to account.

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

Operating Expenditure to 29 February 2016 is \$33.60M which represents 99% of the year to date budget of \$33.92M. Operating Expenditure shows as 4% under budget in the Administration area. Operating costs are 5% under budget for the golf course and show as 2% over budget 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 which are mostly expected to reverse in later months. Other apparent monthly variances reflect Q2 Budget Review adjustments being brought to account.

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

The February accounts also reflect some (non-cash) variances on depreciation of infrastructure assets following the revaluation to fair value of parks assets. These were adjusted following the completion of the audited annual financial statements but may require some further refinement in Q3 - although there is no cash-flow impact. Overheads are also now in line with anticipated recoveries following the retrospective adjustment in December.

Fleet operations show a favourable variance in terms of actual cash costs - but a small under recovery against jobs. This situation will continue to 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.

In the waste management area there have been a number of changes to the accounting structure (to comply with new reporting requirements) and these are still being 'settled' in the management accounts. As a consequence, there are some offsetting variances apparent. There are currently some ongoing investigations into rubbish site charges and staff costs associated with the transfer station which the City is pursuing with the relevant contractors.

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 1.5% 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 \$3.31M at 29 February which is in line with the year to date budget of \$3.31M.

Capital Expenditure at 29 February is \$14.66M representing 83% of the year to date budget of \$17.66M (before the inclusion of carry forward projects). The total budget for capital projects for the year is \$37.32M.

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	25,000	1,144	11%	245,000
Major Community Project	7,557,000	7,377,155	98%	18,177,000
Financial & Information	584,000	294,596	50%	1,322,000
Develop & Community	390,000	312,216	80%	585,000
Infrastructure Services	8,601,500	6,167,835	72%	17,321,915
Waste Management	118,400	116,438	98%	193,400
Golf Course	384,840	393,190	102%	474,289
UGP	0	0	-%	0
<b>Total</b>	<b>17,660,740</b>	<b>14,662,574</b>	<b>83%</b>	<b>38,318,604</b>

The figures in the table above now contain the Carry Forward Works of \$3.70M.

As can be seen from the table above, the City has made steady progress to date in delivering its very challenging 2015/2016 capital program with 83% of the year to date works completed. This amount represents some 38% of the total proposed program. Notwithstanding that there is a further \$11.0M anticipated expenditure on the Manning Community Hub and James Miller Oval works, there is still a further \$12.0M of works to be undertaken to deliver the full capital program.

The leadership team is currently reviewing the program and assessing the City's capacity to deliver the remaining capital program and will be bring an updated briefing on this topic to Council in early April.

### 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.

### Strategic Implications

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

### 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 pro-active 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 Statements of Funds, Investments and Debtors as at 29 February 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-20631
Date:	22 March 2016
Author:	Michael Kent, Director Financial and Information Services Deborah Gray, Manager Financial 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

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 Jessica Black

**Seconded:** Councillor Colin Cala

That Council receives the 29 February 2016 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 (8/0)**

### 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 Statements of Funds, Investments and Debtors as at 29 February 2016

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 \$80.89M which compares unfavourably to \$83.20M at the equivalent stage of last year. This is largely due to drawdowns from Reserves towards the Manning Hub project. Last month, total funds were \$84.03M.

Municipal funds represent \$20.38M of this total, with a further \$59.63M being Reserve Funds and the balance of \$0.88M relates to monies held in Trust. The Municipal Fund balance is some \$0.80M higher than last year which relates to some delayed cash outflows on the capital works program.

Reserve funds are \$3.4M 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 such as Manning Hub.

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 \$3.9M 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 \$1.2M higher than at the same time 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 \$0.1M higher. The River Wall Reserve is \$0.3M lower as funds have been deployed to fund major capital works. Various other reserves are modestly changed (generally slightly lower balances).

In relation to the Quarantined Reserves, there is a \$0.8M higher 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 \$0.1M less for the CPV Reserve after allowing for last year's operating and capital results.

The Waste Management Reserve is \$0.7M 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 \$75.85M compared to \$81.87M at the same time last year. There was \$0.8M more in cash in Municipal investments. Cash backed reserves are \$3.4M 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 revenue (received and accrued) for the year totals some \$1.55M. This compares to \$1.57M 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 Statements of Funds, Investments and Debtors as at 29 February 2016

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 2.89% with the anticipated weighted average yield on investments yet to mature now sitting at 2.92%. 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 February 2016 represent 90.0% of rates collectible (excluding pension deferrals) compared to 91.4% at the same time last year. Pension rebates receivable, however, are slightly higher due to timing differences.

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 dates for the first three instalments - 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 \$1.18M at month end (\$2.06M last year). Last month debtors were \$1.01M. GST Receivable is \$0.55M lower and Sundry Debtors were \$0.40M lower whilst most other Debtor categories were only modestly changed compared 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.

**Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). 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**

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

**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-16-21317  
Date: 22 March 2016  
Author: Michael Kent, Director Financial and Information Services  
Deborah Gray, Manager Financial 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 February 2016 and 29 February 2016 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(405)	\$5,933,362.92
Cheque Payment to Creditors	(68)	\$347,333.56
<b>Total Monthly Payments to Creditors</b>	<b>(473)</b>	<b>\$6,280,696.48</b>
Cheque Payments to Non Creditors	(92)	\$349,043.35
<b>Total Payments</b>	<b>(565)</b>	<b>\$6,629,739.83</b>

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Jessica Black

**Seconded:** Councillor Colin Cala

That the Listing of Payments for the months of February 2016 inclusive as detailed in **Attachment (a)**, be received.

**CARRIED EN BLOC (8/0)**

#### 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



### 10.6.3 Listing of Payments

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. The payment listing is now submitted 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

### 10.6.3 Listing of Payments

larger cash outflows. This initiative facilitates more effective governance from lesser Council Member effort.

#### **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.

#### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

#### **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 Review of Governance Framework

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-21318
Date:	22 March 2016
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 provides an update on the review of the Governance Framework. The City is presently reviewing the Standing Orders Local Law 2011 and Policy P672 Agenda Briefings, Concept Forums and Workshops, as well as undertaking a major redesign and redevelopment of its website, and it is therefore recommended that a further report on this outcome of the review of the Governance Framework be submitted to the Council for consideration in June 2016.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Jessica Black

**Seconded:** Councillor Colin Cala

That the Council note the update on the review of the City's Governance Framework.

**CARRIED EN BLOC (8/0)**

### Background

Councillor Reid moved the following motion at the September 2015 Council Meeting:

*That Council requests the City Administration to:*

1. a) *Conduct a review of the City's Governance Framework documentation to ensure that all documents and related registers reflect contemporary best practice in good governance;*
- b) *Investigate opportunities to create an integrated online corporate governance presence that makes all relevant documents and registers readily accessible to our community to encourage greater transparency in our governance processes;*
- c) *create an integrated Guide to City Governance that communicates our governance model in a customer-centric and easily understandable manner; and*
- d) *Identify opportunities to disclose additional governance-related information in the governance framework model beyond the City's statutory obligations in the interests of increasing transparency.*
2. *Submit a report to Council by March 2016 responding to each of these governance improvement opportunities to ensure open, transparent and accessible good governance.*

### Comment

The City has a comprehensive Governance Framework with its suite of components reviewed to ensure it reflects contemporary best practice governance principles at various stages each year, including:

- Audit and Governance Committee conducted an annual review of the City's Policies and Delegations in March 2016;
- Audit and Governance Committee adopted the Annual Statutory Compliance Return in March 2016, with a 100% level of compliance;
- Audit and Governance Committee undertook a comprehensive review of the City's Code of Conduct in 2015;
- Audit and Governance Committee adopted a significant CEO Review of Internal Controls in 2015;
- All new Elected Members provided with a comprehensive Councillor Induction Manual and sessions on the Local Government Act and Town Planning in October 2015;
- Risk Management Framework reviewed by the City's Risk Management Committee in May each year;
- Annual Report, Audit Statement and Annual Financial Statements (recognised with Silver Award at the Australasian Reporting Awards) being adopted by Council in November 2015.

The City is presently undertaking a comprehensive review of its Standing Orders Local Law and Policy P672 Agenda Briefings, Concept Forums and Workshops. At present, the City is researching best practice Standing Orders and Concept Briefing arrangements. This outcome of this review will be presented to the Audit and Governance Committee in due course.

In addition, the City has prepared for the *City of Perth Act 2016* which received the Royal Assent on 3 March 2016, amending the gifts and contributions to travel provisions within the *Local Government Act 1995*.

As of 4 March 2016, the Act requires relevant persons who accept a gift worth more than \$200 to disclose this gift, in writing, to the Chief Executive Officer within 10 days of receipt. This replaces the previous process of disclosing these gifts in the annual return. Where multiple gifts are received from the same donor within a calendar year in excess of \$200 in value, these gifts must also be disclosed.

The threshold for disclosures remains the same as do the other disclosures required under the Act for the annual return.

The disclosure for a gift must include:

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

All contributions to travel over \$200 must also be disclosed, inclusive of:

- Name of relevant person making the disclosure;
- A description of the contribution to travel;
- The name and address of the person who made the contribution to travel;
- The date on which the contribution to travel was received;
- The estimated value of the contribution to travel 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 undertaken; and
- Date of travel undertaken.

#### 10.6.4 Review of Governance Framework

The City published its online gift and contribution to travel register on southperth.wa.gov.au on Friday 11 March 2016. The City will be making available for online viewing all gifts declared above the value of \$200 and all travel contributions declared above the value of \$200.

Gifts received and declared between the value of \$50 and \$200 will be recorded but will not be made available for online viewing until the point it cumulatively exceeds the value of \$200 from the same donor within a year.

A considerable element of the September 2015 Council resolution relates to opportunities for increased transparency via the City's' on-line presence, primarily relating to the City's website.

A comprehensive redesign and redevelopment of the City's website is presently being progressed, and the on-line governance component / portal will form a major focus of this website redesign and redevelopment with the objective of increased transparency and accountability. This project is scheduled to be completed in July 2016.

It is therefore recommended that a final report on the review of the City's Governance Framework, inclusive of the Standing Orders Review and Policy P672 Review and the website redesign and redevelopment, be submitted to Council for consideration in June 2016.

#### **Consultation**

The City is presently consulting with other metropolitan local governments in relation Standing Orders and Councillor Briefing Sessions.

#### **Policy and Legislative Implications**

The City's Governance Framework and its associated suite of documents are all subject to the *Local Government Act 1995*.

#### **Financial Implications**

Nil.

#### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

#### **Sustainability Implications**

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

#### **Attachments**

Nil .

## 10.6.5 Committee Resignations and Call for Nominations

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-21415
Date:	22 March 2016
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:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

### Summary

This report considers the resignation of Councillor Colin Cala from the Audit and Governance Committee and the CEO Evaluation Committee and the resignation of Councillor Sharron Hawkins-Zeeb from the CEO Evaluation Committee. The report recommends to Council that the subsequent vacancies on each Committee be filled.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Fiona Reid

That Council:

- a) notes the resignation of Councillor Colin Cala from the Audit and Governance Committee;
- b) calls for nominations to fill the vacancy on the Audit and Governance Committee at the next scheduled Audit and Governance Committee meeting;
- c) notes the next Audit and Governance Committee meeting is scheduled for Tuesday 7 June 2016;
- d) notes the resignation of Councillor Colin Cala from the CEO Evaluation Committee;
- e) notes the resignation of Councillor Sharron Hawkins-Zeeb from the CEO Evaluation Committee; and
- f) calls for nominations to fill the vacancy on the CEO Evaluation Committee at the next scheduled CEO Evaluation Committee.

**CARRIED (8/0)**

A nomination to fill the vacancy on the Audit and Governance Committee was received from Councillor Sharron Hawkins-Zeeb. Mayor Sue Doherty seconded the nomination. As no other nominations were received Councillor Sharron Hawkins-Zeeb was duly elected to the Audit and Governance Committee.

A nomination to fill the vacancy on the CEO Evaluation Committee was received from Councillor Jessica Black. Mayor Sue Doherty seconded the nomination. As no other nominations were received Councillor Jessica Black was duly elected to the CEO Evaluation Committee.



**Motion to Elected Nominees to Committees and COUNCIL DECISION****Moved:** Councillor Travis Burrows**Seconded:** Councillor Cheryle Irons

That Council appoint:

- a) Councillor Sharron Hawkins-Zeeb to the Audit and Governance Committee; and
- b) Councillor Jessica Black to the CEO Evaluation Committee.

**CARRIED (8/0)****Background**

Council appointed members to the Audit and Governance Committee and the CEO Evaluation Committee at its Special Council meeting held 19 October 2015.

Section 5.11(1)(b) of the *Local Government Act 1995* (the Act) prescribes that the tenure of a Committee member ends when “the person resigns from membership of the Committee”.

At the Audit and Governance Committee of 1 March 2016, Councillor Colin Cala gave notice of his resignation from the Committee, with immediate effect. Administration has also received both Councillor Colin Cala’s and Councillor Sharron Hawkins-Zeeb’s resignations from CEO Evaluation Committee, both with immediate effect.

**Comment**Audit and Governance Committee

This Committee oversees the City’s audit process and deals with a range of governance issues. The terms of reference for the Audit and Governance Committee are:

*That the Committee is responsible for providing guidance, assistance and oversight to the Council of the Audit and review of the City’s processes and performances in relation to:*

- (a) Annual Financial Audit
- (b) City’s Risk Management Framework
- (c) Annual Statutory Compliance Audit
- (d) Code of Conduct
- (e) Access to Information
- (f) Policy and Delegation Reviews
- (g) Australian Business Excellence Framework
- (h) City’s Local Laws

The Committee meets on an ‘as needed’ basis during the year with the timing of each meeting coinciding with the conduct of a particular aspect of the City’s audit and governance cycle. The CEO and relevant staff and advisors also attend the meeting to provide relevant information and advice.

## 10.6.5 Committee Resignations and Call for Nominations

Following the resignation of Cr Colin Cala the membership of the Audit and Governance Committee is as follows:

- Cr Fiona Reid (Chair)
- Cr Ken Manolas (Deputy Chair)
- Mayor Sue Doherty
- Cr Cheryle Irons
- Vacant

The Audit and Governance Committee has no delegated power and all recommendations made are referred to Council for decision.

Membership of the Audit and Governance Committee expires October 2017.

### CEO Evaluation Committee

The terms of reference of the CEO Evaluation Committee are:

- To oversee Council's only staff function, that being the performance review and management of the Chief Executive Officer.*
- At all times to act in the best interests of the City whilst ensuring the principles of natural justice and procedural fairness are met.*
- To ensure the appropriate leadership is in place to allow the City's strategic planning processes to be realised through the setting of appropriate performance criteria.*
- To ensure equity and transparency in all dealings with the Chief Executive Officer's performance outcomes and remuneration obligations are met.*
- To provide a safe forum for Council and the Chief Executive Officer to air any concerns or to discuss variances in any timelines that have been set as part of the performance criteria.*
- To oversee the development of robust performance criteria that has a measurable return to the City.*
- To set and oversee any changes in performance expectations for the review period*
- To make recommendations to Council on all matters pertaining to the Chief Executive Officer Annual Review.*

Following the resignation of Cr Sharron Hawkins-Zeeb the membership of the CEO Evaluation Committee is as follows:

- Mayor Doherty (Chair)
- Cr Travis Burrows (Deputy Chair)
- Cr Cheryle Irons
- Vacant
- Vacant

The Committee meets on an 'as needed' basis during year. The CEO Evaluation Committee has no delegated power and all recommendations made by the Committee are referred to Council for decision.

Membership of the CEO Evaluation Committee expires October 2017.

### **Consultation**

It is the responsibility of the Council to appoint members to its Committees.

### **Policy and Legislative Implications**

The *Local Government Act 1995* guides appointment and tenure of Committee members.

## 10.6.5 Committee Resignations and Call for Nominations

### **Financial Implications**

There are no financial implications associated with the appointment of the Council Committees. Councillors do not receive additional payments for attendance at these meetings.

### **Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

### **Sustainability Implications**

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

### **Attachments**

Nil .

## 10.6.6 Tender 4/2016 - Provision of Catering Services

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	N/A
File Ref:	D-16-21306
Lodgement Date:	18 March 2016
Date:	22 March 2016
Author:	Katie Breese, Governance Project 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

This report considers submissions received for Tender 4/2016 for the provision of catering services for a range of meetings, functions and events held at the City of South Perth.

This report will outline the assessment process used during evaluation of the tenders received and recommend approval of the tender that provides the best value for money and level of service to the City.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Jessica Black

**Seconded:** Councillor Colin Cala

That Council approves the tender submitted by Temptations Catering for the 'Catering Services for a range of meetings and functions held at the City of South Perth' in accordance with Tender Number 4/2016 for the period of supply up to 2 years inclusive for the resolved tender price of \$280,000 excl. GST with the option of a further 12 months extension entirely at the City's discretion.

**CARRIED EN BLOC (8/0)**

### Background

A Request for Tender (RFT) 04/2016 for the 'Catering Services for a range of meetings and functions held at the City of South Perth' was advertised in *The West Australian* on Saturday 16 January 2016 and closed at 2.00pm on Thursday 4 February 2016.

Tenders were invited as a *Schedule of Rates / Lump Sum Contract* for a contact period of two years.

### Comment

At the close of the tender advertising period, two submissions had been received from Ultimo Catering and Temptations Catering.

The Tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria detailed in the RFT, as per Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Scope of Service	40%
2. Experience	40%
3. Price	20%
<b>Total</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 04/2016 'Catering Services for a range of meetings and functions held at the City of South Perth', it is recommended that the tender submission from Temptations Catering be approved by Council.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment (a)**.

### Consultation

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

### 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*

Delegation DM607 *Acceptance of Tenders* provides the Chief Executive Officer with delegated authority to accept:

1. annual tenders to a maximum value of \$200,000.00 (exclusive of GST); and
2. all other tenders to a maximum value of \$150,000.00 (exclusive of GST).

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.*

### Financial Implications

The City's Governance Budget provides for Council catering services.

### Strategic Implications

The report is consistent with the City's Strategic Community Plan 2015-2025.

### Sustainability Implications

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

### Attachments

**10.6.6 (a):** Panel Members Report (*Confidential*)

## 10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.7.1 Audit and Governance Committee Meeting - Held 1 March 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-20617
Date:	22 March 2016
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:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

#### Summary

This report provides Council with the recommendations from the Audit and Governance Committee meeting held 1 March 2016.

#### Audit and Governance Committee Recommendations AND COUNCIL DECISION

**Moved:** Councillor Ken Manolas

**Seconded:** Councillor Fiona Reid

*Note: Councillor Ken Manolas moved the Officer Recommendation with the following amendment:*

That policy P106 Use of City Reserves and Facilities and Council delegation DC609 Leases and Licences be deferred to the next Audit and Governance Committee meeting and therefore incorporated into 1)(e) as follows in red:

- (e) the recommendation for policy P103 Communication and Consultation, policy P106 Use of City Reserves and Facilities and Council delegation DC609 Leases and Licences be deferred until the next Audit and Governance Committee meeting.

#### Reasons

So that they may be considered in detail at the next Audit and Governance Committee meeting.

So the Motion now reads as follows:

The Audit and Governance Committee recommends that Council adopt the following recommendations from its meeting held 1 March 2016:

#### **1) Policy Review 2016**

That the Audit and Governance Committee, having reviewed the Council Policies, recommends to Council that:

- (a) the following policies having been reviewed with 'no change' to content be adopted:
- |      |                              |
|------|------------------------------|
| P107 | Disability Access            |
| P108 | Honorary Freeman of the City |



P111	Commemoration
P112	Community Advisory Groups
P113	Community Gardens
P202	Energy Conservation
P203	Ground Water Management
P204	Chemical Use
P205	Tree Preservation
P206	Urban Forest
P207	Natural Areas
P208	Ecologically Sustainable Building Design
P209	Shade Structures
P210	Street Verges
P211	Water Sensitive Urban Design
P301	Consultation for Planning Proposals
P302	General Design Guidelines for Residential Development
P303	Design Advisory Consultants
P305	Land Reserves for Road Widening
P306	Development of Properties Abutting River Way
P307	Family Day Care and Child Day Care Centres
P308	Signs
P310	Telecommunications Infrastructure
P311	Subdivision Approval – Early Release from Conditions
P312	Serviced Apartments
P315	Car Parking Reductions for Non-Residential Development
P316	Developer contribution for Public Art
P317	Licensed Premises
P350.01	Environmentally Sustainable Building Design
P350.05	Trees on Development Sites and Street Verges
P350.13	Strata Titling of Dwellings Constructed prior to Town Planning Scheme No. 6
P350.14	Use or Closure of Rights-of-Way
P350.15	Bed and Breakfast Accommodation
P351.5	Streetscape Compatibility – Precinct 5 ‘Arlington’ and Precinct 6 ‘Kensington’
P351.12	9 Bradshaw and 8 Conochie Design Guidelines
P351.14	Cygnia Cove Residential Design Guidelines
P352	Final Clearance Requirements for Completed Buildings
P353	Crossings/Crossovers
P354	Stormwater Drainage Requirements for Proposed Buildings
P356	Electricity Substations
P357	Right-of-Way (ROW) Maintenance and Development
P358	House Numbers on Kerbs
P360	Informing the Neighbours of Certain Development Applications
P401	Graffiti Management
P501	Paths – Provision & Construction
P502	Cycling Infrastructure
P510	Traffic Management Warrants
P601	Preparation of Long Term Financial Plan & Annual Budget
P602	Authority to make payments from the Municipal & Trust funds
P603	Investment of Surplus Funds
P604	Use of Debt as a Funding Option
P606	Continuous Financial Disclosure
P608	Dividend Policy – Collier Park Golf Course
P610	Collier Park Village – Financial Arrangements
P612	Disposal of Surplus Property
P625	Equal Employment Opportunity

P626	The Elimination of Harassment in the Workplace
P629	Occupational Safety and Health
P637	Employee Separation Payments
P648	Motor Vehicles
P649	Mayoral Vehicle
P662	Advertising on Banner Poles
P665	Use of Council Facilities
P667	Member Entitlements
P668	Mayoral Portraits
P670	Delegates from Council
P671	Governance
P673	Audio Recording of Council Meetings
P675	Legal Representation
P677	State Administrative Tribunal
P680	Electronic Agendas
P687	Development of Council Owned Land
P688	Asset Management
P691	Australian Business Excellence Framework
P692	Sustainability Policy
P693	Retiring Elected Member Gift

(b) the following policies having been reviewed and the content revised, as per Attachment (a), be recommended to Council for adoption:

P101	Public Art
P102	Community Funding Program
P105	Cultural Services and Activities
P110	Support of Community and Sporting Groups
P309	Satellite Dishes
P350.02	Boundary Walls
P350.03	Car Parking Access, Siting and Design
P350.04	Additions to Existing Dwellings
P350.07	Fencing and Retaining Walls
P350.09	Significant Views
P402	Alfresco Dining
P403	Charity Clothing Bins on City Managed Land
P605	Purchasing & Invoice Approval
P607	Tenders & Expressions of Interest
P609	Management of City Property
P613	Capitalisation & Valuation of Fixed Assets
P661	Complaints
P669	Training and Development
P689	Applications for Planning Approval: Applicants Responsibilities

(c) the following policy having been reviewed at Attachment (b), be deleted:  
P201 Sustainable Procurement

(d) the following policy having been added at Attachment (c), be adopted:  
P212 Waste Management

(e) the recommendation for policy P103 Communication and Consultation, policy P106 Use of City Reserves and Facilities and Council delegation DC609 Leases and Licenses be deferred until the next Audit and Governance Committee meeting.

## 2) Council Delegation Review 2016

That the Audit and Governance Committee, having reviewed the City's

Delegations, recommends to Council that the Delegations, listed hereunder and contained at Attachment (a), be adopted:

DC370	Approve or Refuse Granting of a Building Permit
DC371	Approve or Refuse Granting of a Demolition Permit
DC372	Grant, or refuse to grant Occupancy Permits or Building approval Certificates
DC373	Approve or refuse an Extension of the Duration for Occupancy permits or Building Approval Certificates
DC374	Appoint Authorised Officers for the purposes of the Building Act 2011
DC375	Issue or Revoke Building Orders
DC511	Partial Closure of a Thoroughfare for Repair or Maintenance
DC601	Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report
DC602	Authority to Make Payments from Municipal and Trust Funds
DC603	Investment of Surplus Funds
DC607	Acceptance of Tenders
DC607B	Non Acceptance of Tenders
DC612	Disposal of Surplus Property
DC616	Write off Debts
DC642	Appointment of Acting CEO
DC664A	Dogs – Limitation as to numbers
DC664B	Dogs – Dangerous Dog Declaration
DC664C	Dogs – Registration
DC665A	Cats – Registration
DC665B	Cats – Approval to Breed Cats
DC665C	Cats – Recover Costs
DC678	Appointment of Authorised Officers
DC679	Administer the City's Local Laws
DC685	Inviting Tenders or Expressions of Interest
DC686	Granting Fee Concessions
DC690	Town Planning Scheme 6

### 3) 2015 Compliance Audit Return

That the Audit and Governance Committee recommends to the Council that it:

1. Adopt the 2015 Compliance Audit Return for the period 1 January 2015 to 31 December 2015 as detailed in Attachment (a);
2. Authorise the Mayor and Chief Executive Officer to jointly certify the 2015 Compliance Audit Return; and
3. Submit the 2015 Compliance Audit Return to the Department of Local Government in accordance with Regulation 15 of the *Local Government (Audit) Regulations 1996*.

**(Absolute Majority Required)**

### 4) Progressing Audit and Governance Committee Meetings

That:

- a) the Audit and Governance Committee meet a minimum of four (4) times per year; and
- b) future annual policy reviews be progressively staged throughout the year.

**CARRIED (8/0)**

### **Background**

The Audit and Governance Committee meeting was held on 1 March 2016 with the following items listed for consideration on the Agenda:

- Policy Review 2016
- Council Delegation Review 2016
- 2015 Compliance Audit Return

The Minutes and Attachments of the Audit and Governance Committee are at **Attachments (a) and (b)** respectively.

The following item was raised under Item '7. Other Related Business':

- Progressing Audit and Governance Committee Meetings

### **Comment**

The Audit and Governance Committee considered the following items on 1 March 2016:

#### **1) Policy Review 2016**

The City has a statutory obligation under the *Local Government Act 1995* to review its policies each financial year. The Terms of Reference of the Audit and Governance Committee include responsibility for reviewing the City's policies. A review of the City's policies has been completed, considered and recommended by the Committee and is now presented for the consideration of Council for adoption.

#### **2) Council Delegation Review 2016**

The City has a statutory obligation under the *Local Government Act 1995* to review its delegations each financial year. The Terms of Reference of the Audit and Governance Committee include responsibility for reviewing the City's delegations. A review of Council delegations has been completed, considered and recommended by the Committee and is now presented for the consideration of Council for adoption.

#### **3) 2015 Compliance Audit Return**

The Department of Local Government's 2015 Compliance Audit Return for the period 1 January 2015 to 31 December 2015 has been completed and is submitted to Council for final adoption by *Absolute Majority*. The Committee recommended the Officer Recommendation by *Absolute Majority*.

#### **4) Progressing Audit and Governance Committee Meetings**

At the Audit and Governance meeting of 1 March 2016 Standing Orders were suspended to allow for open discussion as to how to progress the Audit and Governance Committee meetings. The Committee recommended the Motion raised at Item '7. Other Related Business' and is now presented for the consideration of Council for adoption.

### **Consultation**

The four items were the subject of consideration at the 1 March 2016 Audit and Governance Committee meeting.

### **Policy and Legislative Implications**

The Audit and Governance Committee meeting are held under the prescribed requirements of *Part 7 Audit of the Local Government Act 1995* and the *Local Government (Administration) Regulations 1996*.

**10.7.1 Audit and Governance Committee Meeting - Held 1 March 2016**

**Financial Implications**

Nil.

**Strategic Implications**

This report is aligned to the City's [Strategic Community Plan 2015-2025](#).

**Sustainability Implications**

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

**Attachments**

**10.7.1 (a):** Minutes - Audit and Governance Committee Meeting - 1 March 2016

**10.7.1 (b):** Attachments - Audit and Governance Committee Meeting - 1 March 2016 .

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

Councillor Jessica Black applied for a Leave of Absence for the period:

- 8 – 11 April 2016 inclusive; and
- 21 – 26 September 2016 inclusive.

### Officer Recommendation AND COUNCIL DECISION

**Moved:**

**Seconded:**

That Council approves the Leave of Absence application for Councillor Jessica Black for the period:

- 8 – 11 April 2016 inclusive; and
- 21 – 26 September 2016 inclusive.

**CARRIED (8/0)**

## 12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

At this point Councillors Jessica Black read aloud her Declaration of Interest for Item 12.1:

Cr Jessica Black

*“I wish to declare an impartiality interest in Agenda Item 12.1 Review of Development Assessment Panels on the Council Agenda for the Ordinary Council meeting of 22 March 2016. I declare that I am an employee of TPG, who have been engaged by the Property Council to provide advice on Development Assessment Panels. It is not reasonable to expect that the matter will, if dealt with by the Council in a particular way, result in a financial gain, loss, benefit or detriment for either myself or TPG as defined in section 5.60A of the Local Government Act 1995. However, I believe it prudent for me to declare an interest of ‘impartiality’.*

*Additionally, I declare that during the election I was asked by the City of South Perth Resident’s Association whether I believed that DAPs should continue to overturn City of South Perth Council Planning recommendations and I responding that: “No – the City of South Perth Council could be more involved in the decision making process”.*

*It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly.”*

### 12.1 REVIEW OF DEVELOPMENT ASSESSMENT PANELS (DAP) - COUNCILLOR KEN MANOLAS

At the 15 March 2016 Agenda Briefing Councillor Ken Manolas gave notice that at the 22 March 2016 Ordinary Council meeting he would move the following motion:

#### **Motion**

*Note: Councillor Ken Manolas deferred to Mayor Sue Doherty’s amended motion.*

## Amended Motion AND COUNCIL DECISION

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Travis Burrows

That the Motion be amended as follows:

- 2.1 Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker **in favour of a Ministerial call-in power for projects of state or regional significance, with a minimal value of \$20 million, as has been adopted in the eastern states, and reinstating the minimum threshold for consideration of development applications by the DAP at \$7 million and indexed annually;**
- 2.10 Advise the Western Australian Local Government Association (WALGA) of its concern with the action and decision of the Development Assessment Panel.

So the Motion reads as follows:

That Council:

1. ADVOCATES for the abolition of Development Assessment Panels (DAPs) on the basis that:
  - 1.1. DAPs by means of their majority unelected membership are not democratic bodies representing the ratepayers and accordingly do not reflect the aspirations or values of the community;
  - 1.2. DAPs represent a significant erosion of planning powers by elected representatives who have been given a mandate by ratepayers to make these decisions; and
  - 1.3. Previous decisions made by the Metro Central Joint Development Assessment Panel have gone well beyond the purpose, intent and application of relevant Local Planning Policies adopted by the City of South Perth; and
2. ADVOCATES for consideration of the following reforms, in the event that DAPs remain in place, to ensure greater accountability, transparency and procedural fairness for ratepayers through the Panel's assessment and decision making processes:
  - 2.1. Abolishing the current opt-in mechanism which allows applicants to choose either elected Councils or the DAP as the decision maker in favour of a Ministerial call-in power for projects of state or regional significance, with a minimal value of \$20 million, as has been adopted in the eastern states.
  - 2.2. Requiring equal membership on the DAP between Local Government and Appointed Specialist members;
  - 2.3. Requiring the DAP to set the meeting date for consideration of the development applications no later than five working days after the application being received to enable inclusion within the community



consultation process;

- 2.4. Requiring the DAP agenda and local government report and recommendation to be published no less than ten business days prior to the scheduled meeting date;
- 2.5. Requiring a minimum of five business days between publishing the DAP agenda and the date by which ratepayers can make public presentations to the DAP, to provide more time to prepare a formal response;
- 2.6. Mandating that respondents to the develop application can nominate email or Australia Post as their preferred contact method for information and requiring the local government to contact registered respondents throughout the process as deadlines are reached;
- 2.7. Providing a public template for ratepayers to assist with the preparation of feedback as part of the Community consultation process;
- 2.8. Requiring any changes to a development application between the community consultation period and final proposal for decision by the DAP to be published on the local government's website and to notify all respondents to the original community consultation of those changes; and
- 2.9. Removing the need for the local government to obtain the applicant's consent for further consultation or an extension of time to report the applicant's development proposal to a DAP meeting for determination.
- 2.10. Advise the Western Australian Local Government Association (WALGA) of its concern with the action and decision of the Development Assessment Panel.

Reasons for Amendment:

Following the lead of the City of Vincent, several Councils including the Cities Stirling, Bayswater and Towns of Mosman Park and Cambridge have either approved or are actively considering similar resolutions.

DAPs have largely (and deliberately) removed opportunities for local 'political' and community-based issues to be considered in the decision-making process. These issues represent the fine-grain fabric of what is important to a local community in terms of its future character, landscape and amenity. Elected Council Members are best placed to interpret and represent those views. Further, these local issues cannot always be easily captured through Local Planning Schemes and policies; as a result, subjectivity and discretion will always have a role to play in such decisions.

Whilst the specialist DAP members are well qualified and experienced in their fields, they do not have the same appreciation and ownership of local issues as elected members. Specialist DAP members will also typically not have the same enduring accountability to justify or 'live with' the consequences of DAP decisions as elected members have, which comes from being a resident of the local community.

It is undemocratic for local government to be excluded from decision making in such cases and if the current process is to be retained, there should at least be legislative change to allow Councils to seek a review at the State Administrative Tribunal of all decisions.

However it is recommended that WA follow development assessment practice in the eastern states, where DAPs as we know them have now been abandoned in favour of Ministerial call-in powers. Such powers are confined to projects of state

or regional significance, typically with a minimal value of \$20 million or more. Projects called-in by the Minister for Planning could be assessed by a DAP with equal representation from state and local governments and a neutral chair. The DAP would advise the Minister.

DAP's have largely removed opportunities for local and community based issues to be considered in the decision making process. These issues represent what is important to a local community in terms of its future character, landscape, streetscape and amenity and elected council members are best placed to represent those views. Further local issues cannot always easily be captured through Local Planning Policies.

While the specialist DAP members are well qualified and experienced in their fields they do not have the same appreciation and ownership of local issues and consequences of decisions as elected members have, which comes from being a local resident.

**CARRIED (8/0)**

#### CEO Comment

The City has opposed the introduction of Development Assessment Panels (DAPs) since the initial opportunity to provide comment in 2009 and their introduction in July 2011. The operation of the DAP system has imposed greater administrative costs on all local governments, with additional meeting and secretariat costs. The officers dealing with DAP applications at the City find the current timeframes and inability to extend them without applicants consent, creates a situation where the required detailed assessment of amended plans cannot be achieved in all cases. This is unacceptable in the City's view. The propose Notice of Motion deals with these and other matters that affect the ability of local government to deliver planning outcomes at the local level.

## **12.2 INTERNAL AUDIT - COUNCILLOR KEN MANOLAS**

At the 15 March 2016 Agenda Briefing Councillor Ken Manolas gave notice that at the 22 March 2016 Ordinary Council meeting he would move the following motion:

### **Motion AND COUNCIL DECISION**

**Moved:** Councillor Ken Manolas

**Seconded:** Councillor Cheryle Irons

That the City of South Perth appoint an external auditing firm to conduct an annual internal audit of risk, fraud and internal controls particularly all cash disbursements of the City of South Perth starting in the 2016/2017 financial year.

**CARRIED (8/0)**

#### CEO Comment

Rather than a generic 'internal audit function, what is being requested is an Audit of Risk, Fraud & Internal Controls.

This particular requirement has been recognised by the Department of Local Government who introduced the Local Government Audit Regulation 17A Requirement for all Local Governments in December 2014 requiring assessment of internal controls, risk and legislative compliance. Local governments were required

to conduct such an assessment progressively over a 4 year period or more frequently at the local government's discretion.

The City took the opportunity to complete the full audit cycle in one comprehensive assessment which was presented to Council at the Audit & Governance Committee meeting of 13 February 2015. Macri Partners (the City's auditors) also hold a copy of this assessment on their files in relation to the City of South Perth.

A copy of that Audit & Governance Committee Report and the Audit Regulation 17A Assessment attachment has been previously provided for Council Members information.

Whilst the City is only required to undertake such assessment once in every 4 years, the City adopts a different and more rigorous approach with these items being reviewed on an ongoing basis. This is well demonstrated by the recent comprehensive review of Purchasing Protocols resulting in a revised policy being presented to the March 2016 Audit & Governance Committee meeting.

In addition, the City has an agreed position of formally presenting an Audit Regulation 17A style report to Council every second year - rather than the legislated 4 year cycle. This more comprehensive review is currently scheduled to occur at the end of the 2016 year with the report to go to the Audit & Governance Committee's first meeting after the Christmas / New Year break. This timing was chosen in consultation with our auditors because it is the period when audit firms have a lull in activity after the corporate reporting season and local government annual audit season.

It should be noted also that the City's current audit contract concludes after the audit of the 2015/2016 annual financial statements with their presentation of the Audit Completion Report to Council in November. The requirement for ongoing independent assessment of Internal Controls would form part of the Audit Contract Specification when the incoming auditors are appointed later this year.

Conducting the full audit of Internal Controls, Risks & Compliance at that time would seem particularly beneficial for the incoming auditors in that there would be a comprehensive, up to date set of documentation available for their audit files to allow them to make their audit risk assessments as well as giving a good understanding of the City's in-place internal controls.

Each year, the City completes the City of South Perth Audit Fraud Risk Assessment which is then provided to our auditors to enable them to make an assessment of measures in place to minimise opportunities for fraud. This report could potentially also be presented to the Audit & Governance Committee to satisfy them that the matter is being properly addressed in addition to submitting it to the auditors.

From the preceding narrative and the referenced documents, it should be evident that the City engages Macri Partners to conduct both an 'Internal Audit' (assessment of internal controls & risk )which occurs annually during the Interim Audit Phase (April – May) and then also conducts the Annual Audit which is the 'External Audit phase' focussing on the financial statements in Oct – Nov.

Whilst having no objection to the proposed Notice of Motion, the Notice of Motion seems to request the Administration to do what it is already doing (and is in excess of our legislative requirements), and it is not clear what additional benefit is gained.

Ensuring that these procedures continue and that Council is kept fully informed is important and can and will occur

The City thanks Cr Manolas for the opportunity to share these reports and give Council Members a more comprehensive understanding of the internal control environment used to mitigate fraud risk.

### **13. QUESTIONS FROM MEMBERS**

#### **13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE**

Nil.

#### **13.2 QUESTIONS FROM MEMBERS**

Cr Cheryle Irons

Q. Referred to Vicki Redden's question asked during Public Question Time in regards to building applications and permits and the answer given, which was that the Council does not determine building applications but the JDAP do. Is this correct?

A. Vicki Lummer, Director Development and Community Services

The answer I provided was that the City of South Perth does not determine development applications in the South Perth Station Precinct. So if the question was relating to building permits, which is unclear, I provide the following answer: all building permits are issued in accordance with the relevant building legislation. The City's procedures ensure that relevant planning approvals and conditions are also checked at the time of the building permit application.

Cr Ken Manolas

Q. I have been in contact with George Medwid of 65 Coode Street who informs me that when the Hopscotch wine bar is busy that people park across his driveway. He has requested a solid yellow line on the road reserve in front of his driveway so that cars do not park there. I have sent an email once or twice but have not received a reply – it has been going on since November 2015 and I would like a reply to send him.

B. Geoff Glass, Chief Executive Officer

We will follow this up and provide an answer to yourself and George Medwid.

Cr Cheryle Irons

Q. Referred to Trevor Wilkinson's mention, during Public Question Time of a letter he sent to the City which was allegedly never answered. Is there a reasons why his mail was not answered after all these months?

C. Geoff Glass, Chief Executive Officer

We will have to find out further information. There has been follow up in terms of action – whether that action has been communicated back to Mr Wilkinson is the issue and this is the matter we will looked into.

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

### Motion to accept the New Business of an Urgent Nature Introduced by Decision of Meeting AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Sharron Hawkins-Zeeb

That Council allow the 'New Business of an Urgent Nature' raised at Item 14 to be considered.

**CARRIED (8/0)**

### 14.1 AMENDMENTS TO POLICY P312 SERVICED APARTMENTS

#### Motion AND COUNCIL DECISION

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Fiona Reid

That Council amends Council Policy P312 Serviced Apartments, with a view of providing an additional clause, (e) under the sub-headings: Policy Statement, Temporary occupancy.

- (e) In the Special Design Area of Special Control Area 1 (SCA 1) any change of use in the premises referred to in (d) above where discretion was used to approve additional height and plot ratio on the basis that the building was predominantly non-residential, the serviced apartment use can be replaced only by another non-residential land use.

#### Reasons for Motion

Serviced Apartments are defined as 'Tourist Accommodation' and as such are deemed to be a commercial use, notwithstanding their usage is for residential purposes. The only differences between a serviced apartment and a residential apartment are:

- (a) people using the serviced apartment have to pay to stay there;
- (b) people using the serviced apartment cannot stay for longer than 6 months in any 12 month period; and
- (c) laundry and cleaning services must be provided by the manager .

Policy 312 contains a Policy Statement which includes a description of what is 'temporary occupancy'. That description includes the following:

- (d) When the owner of a serviced apartment no longer intends to provide any laundry or cleaning services for temporary tenants; and wishes to extend the period of occupancy beyond the limit referred to in paragraph (b), it is the owner's responsibility to obtain planning approval from the City for a change of use of the premises.

A Policy amendment is necessary because this clause provides no guidance in the assessment of a change of use and provides the opportunity for owners of Serviced Apartments to seek to change their use to that of a residential apartment. While in many circumstances that may be appropriate and acceptable, in the SDA of SCA 1 it would not be acceptable if the initial creation of the Serviced Apartment was part of a comprehensive new development that received the benefit of plot ratio and height discretions because it was part of a predominantly non-residential development. In such circumstances any change of use from a Serviced Apartment

must be to another non-residential use.

To ensure Policy 312 is be consistent with the decision of His Honour, Justice Chaney in a recent Supreme Court case and with the unique purpose of the SCA I, it is necessary to make amendments to give guidance to assessing any proposed application for a new development and any future applications for a change of use.

**CARRIED (8/0)**

## 15. MEETING CLOSED TO PUBLIC

The Chief Executive Officer advises that there are matters for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the Local Government Act 1995.

Reports regarding these matters have been circulated separately to Councillors.

The Presiding Member put that if no Member sought to discuss the *confidential* Item the meeting would not be closed to the public.

As no Member requested discussion on the Item, the Chamber remained open to the public and the Presiding Member put the Officer Recommendation.

### 15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

#### 15.1.1 Lot 801 Bradshaw Crescent, Manning

*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:	Manning
Ward:	Manning
Applicant:	Council
File Ref:	D-16-21390
Date:	22 March 2016
Author:	Phil McQue, Manager Governance and Administration
Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy:	4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Sharron Hawkins-Zeeb

That Council endorse the Officer Recommendation as per the *confidential* Item.

**CARRIED (8/0)**

### 15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

The Governance Officer read aloud the resolution as per *confidential* Item 15.1.

*Note: the resolution remains confidential.*

## 16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.39pm.



## 17. RECORD OF VOTING

22/03/2016 7:15:02 PM

### **Motion to Extend Public Question Time**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 7:24:34 PM

### **7.1 Confirmation of Minutes – Ordinary Council and Special Council Meetings**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 7:26:42 PM

### **7.1 Confirmation of Minutes – Audit and Governance Committee Meeting**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 7:27:30 PM

### **7.2 Noting of Briefings**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 7:28:17 PM

### **8.4 Noting of Delegates' Reports**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 7:33:14 PM

**9.1 En Bloc Motion**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 7:39:19 PM

**10.3.2 Proposed Telecommunications Infrastructure. Lot 123 No. 59 Angelo Street, South Perth (Angelo Street Post Office).**

Motion Not Passed 2/6

Yes: Cr Ken Manolas, Cr Colin Cala

No: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Jessica Black, Cr Sharron Hawkins-Zeeb

Absent: Cr Glenn Cridland

22/03/2016 7:46:52 PM

**10.3.2 Proposed Telecommunications Infrastructure. Lot 123 No. 59 Angelo Street, South Perth (Angelo Street Post Office) – Alternative Motion**

Motion Passed 6/2

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Jessica Black, Cr Sharron Hawkins-Zeeb

No: Cr Ken Manolas, Cr Colin Cala

Absent: Cr Glenn Cridland

22/03/2016 7:50:06 PM

**10.3.3 Canning Highway #ShapeOurPlace - Community Feedback on Study Report**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 7:52:18 PM

**10.5.1 Planning Control Area for Canning Highway and Cassey Street**

Motion Passed 5/3

Yes: Mayor Sue Doherty, Cr Travis Burrows, Cr Fiona Reid, Cr Ken Manolas, Cr Jessica Black

No: Cr Cheryle Irons, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Glenn Cridland

22/03/2016 7:53:14 PM

#### **10.6.5 Committee Resignations and Call for Nominations**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 7:55:38 PM

#### **10.6.5 Motion to Elected Nominees to Committees**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 8:00:02 PM

#### **10.7.1 Audit and Governance Committee Meeting - Held 1 March 2016**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 8:01:26 PM

#### **11. Applications for a Leave of Absence**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 8:06:24 PM

#### **12.1 Motion: Review of Development Assessment Panels (DAP) - Councillor Ken Manolas**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 8:12:28 PM

**12.1 Motion: Internal Audit – Councillor Ken Manolas**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 8:18:00 PM

**14. Motion to accept the New Business of an Urgent Nature Introduced by Decision of Meeting**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 8:27:21 PM

**14.1 Amendments to Policy P312 Serviced Apartments**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

22/03/2016 8:28:29 PM

**15.1 Lot 801 Bradshaw Crescent, Manning**

Motion Passed 8/0

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

Absent: Cr Glenn Cridland

## APPENDIX ONE



### MAYOR'S ACTIVITY REPORT – FEBRUARY 2016

Date	Activity	Attendee(s)
Tuesday 2	Mayor / CEO meeting	Mayor Sue Doherty Geoff Glass
Wednesday 3	Meeting with Pierre Sequeira, owner IGA Como to meet new CEO	Mayor Sue Doherty Geoff Glass
	Meeting with Keith Ellis re Federal government funding potential	Mayor Sue Doherty Geoff Glass
Friday 5	Chinese delegation from Korla, Guangrong re sister city discussions	Mayor Sue Doherty Geoff Glass, Phil McQue
Monday 8	Aboriginal Reference Group meeting	Mayor Sue Doherty
Tuesday 9	Mayor / CEO meeting	Mayor Sue Doherty Geoff Glass
	Councillor Bus Tour	Mayor Sue Doherty Councillors
Wednesday 10	Councillor KPI Strategy Review Workshop (Integral Development)	Mayor Sue Doherty Councillors
Thursday 11	City of South Perth Community Safety meeting	Mayor Sue Doherty Geoff Glass
Friday 12	Mayor Meet the Community	Mayor Sue Doherty
Monday 15	Supreme Court - Dan Murphy application	Mayor Sue Doherty
Tuesday 16	Committee for Perth – Food for Thought	Mayor Sue Doherty
	Mayor / CEO meeting	Mayor Sue Doherty Geoff Glass
	Agenda Briefing	Mayor Sue Doherty Geoff Glass Councillors
Wednesday 17	Meeting with John McGrath MLA	Mayor Sue Doherty
	Design Advisory Consultant Group presentation	Mayor Sue Doherty Councillors
Thursday 18	Local Emergency Management Committee meeting	Mayor Sue Doherty

<b>Date</b>	<b>Activity</b>	<b>Attendee(s)</b>
Monday 22	Curtin FM interview re South Perth Fiesta	Mayor Sue Doherty
	Meeting with Manning Bowling Club	Mayor Sue Doherty Geoff Glass
Tuesday 23	Metro Inn opening	Mayor Sue Doherty
	Mayor / CEO meeting	Mayor Sue Doherty Geoff Glass
	Council meeting	Mayor Sue Doherty Councillors Geoff Glass
Wednesday 24	Inclusive Community Advisory Group meeting	Mayor Sue Doherty
Thursday 25	Young Australian of the Year – Collier Primary School	Mayor Sue Doherty
Monday 29	Special Arts Advisory Group meeting	Mayor Sue Doherty Cr Fiona Reid Cr Colin Cala

### **Council Representatives' Activity Report**

<b>Date</b>	<b>Activity</b>	<b>Attendee(s)</b>
Thursday 18	River Regional Council meeting	Cr Burrows, Reid, Cala, Manolas
Wednesday 24	WALGA SEMZ meeting	Cr Reid, Hawkins-Zeeb

## APPENDIX TWO

### 6. PUBLIC QUESTION TIME: ORDINARY COUNCIL MEETING – 22 MARCH 2016

<p><b>Harry Anstey of 21 River View Street, South Perth</b>  <b>Received: 15 March 2016</b></p>	<p><b>Response provided by: Geoff Glass, Chief Executive Officer</b></p>						
<p><i>[Preamble] Agenda Item 10.7.1 Audit and Governance</i></p> <p><i>I note that many Policies are listed as having been reviewed. Some are noted 1a) as “reviewed with no change” and others 1b) as revised for adoption. This is not in accordance with prior communications several parties have had with Council &amp; Officers who advised that several were due to be advertised for Public Consultation, I refer to: -</i></p> <table data-bbox="161 646 1422 730"> <tr> <td><i>P205 Tree Preservation</i></td> <td><i>P301 Consultation</i></td> <td><i>P315 Parking Reductions</i></td> </tr> <tr> <td><i>P208 Sustainable Design</i></td> <td><i>P312 Serviced Apartments</i></td> <td><i>P360 Informing Neighbours</i></td> </tr> </table> <p><i>Car Parking e.g. Does not address 3 adjacent bays, width of central bay. Clause 8 Stacker prescribes vehicle “space” as 2.5w * 5.5d * 2.1h, disabled requirements, on street &amp; commercial bays.</i></p>		<i>P205 Tree Preservation</i>	<i>P301 Consultation</i>	<i>P315 Parking Reductions</i>	<i>P208 Sustainable Design</i>	<i>P312 Serviced Apartments</i>	<i>P360 Informing Neighbours</i>
<i>P205 Tree Preservation</i>	<i>P301 Consultation</i>	<i>P315 Parking Reductions</i>					
<i>P208 Sustainable Design</i>	<i>P312 Serviced Apartments</i>	<i>P360 Informing Neighbours</i>					
<p>1. I understood these were to be advertised before being “revised”. Why not?</p>	<p><i>[Question Taken on Notice as not in attendance]</i></p> <p>The City’s policies are reviewed annually in accordance with the Local Government Act 1995. As detailed in the minutes of the Audit and Governance Committee meeting held on 1 March 2016, policies P205, P208, P301, P312, P315 and P360 have been reviewed and no change to content is recommended at this time.</p> <p>However, policy P301 has been reviewed independently of the Audit and Governance Committee process and the draft was presented to the February 2016 Ordinary Council Meeting. The draft revised policy will be advertised in the coming months.</p> <p>Council policies are either ‘planning policies’ or other policies. Planning policies are created under the procedure set out in Schedule 2 Deemed Provisions Part</p>						



	<p>2 Division 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>Draft planning policies are prepared by the City and endorsed for advertising by Council. They are then advertised for a minimum of 21 days in accordance with the City's policy P301 Consultation for Planning Proposals and the Regulations.</p> <p>Following the advertising period, the City will prepare a report on any submissions received, including a recommendation regarding each issue raised in the submissions. The Council will then consider the results of the advertising period and resolve whether or not to adopt the policy, with or without modifications.</p> <p>Local planning policies that have been revised and will be advertised in accordance with TPS No.6, subject to Council approval, are:</p> <ul style="list-style-type: none"> <li>- P309 Satellite Dishes</li> <li>- P350.02 Boundary Walls</li> <li>- P350.03 Car Parking Access, Siting and Design</li> <li>- P350.04 Additions to Existing Dwellings</li> <li>- F350.07 Fencing and Retaining Walls</li> <li>- P350.09 Significant Views</li> </ul>
<p><i>[Preamble] In view of these Development Approvals that will be completed within the next year of two, it is obvious that the local road system will be overloaded from 2017. The City's Plan saw the station available before 2031, thereby reducing the traffic impact within the Precinct when the additional development was anticipated.</i></p>	
<p>2. Does the Council now consider that it should urgently review this total situation with the Government, with the objective of bringing forward to 2016/2017 the approval and construction of the South Perth Station? – This would appear to be essential if the additional traffic created by the “early” Development in the Station Precinct is to be minimised.</p>	<p><i>[Question Taken on Notice as not in attendance]</i></p> <p>The claim that the local road system will be overloaded from 2017 is a blanket statement that is not entirely accurate. It is acknowledged that during the am and pm peak periods queue lengths at both Mill Point Road and Labouchere Road are extended as “through traffic” utilises the distributor roads to access the CBD or elsewhere. At any other time the local road network operates</p>

	<p>efficiently.</p> <p>Works proposed for the road network within the Station Precinct including additional sets of signals on Labouchere Road are intended to manage traffic on those streets to the advantage of all drivers either terminating their journey or commencing their journey within the South Perth Station Precinct rather than for those simply passing through the City to go somewhere else.</p> <p>It is acknowledged that the growth will be predominantly due to upcoming development and to best deal with this issue the City continues to plan appropriately for the upgrade of the identified critical local intersections.</p> <p>Additionally, to help alleviate the impact that “through” traffic has on the local area, the City will continue to engage with State Agencies such as Main Roads Western Australia and the Department of Transport to ensure that broader transport initiatives are progressed as a matter of priority.</p> <p>In regard to the train station the City has previously written to the Premier seeking State Government support for early construction of the rail station at South Perth. The Premier is well aware that when the Mandurah rail line was completed that provision for an island platform station was made at a site adjacent to Richardson Street, South Perth. To date no firm commitment to the funding and timing of the project has been made and in the current economic climate it will be challenging to make it a short term priority for the government.</p> <p>The Council, however, will continue to seek a political commitment and forward estimates provision for the train station to be made.</p>
<p>3. Will the City seek the support of the local member, Mr J McGrath, the Ministers for Planning and Transport and the Premier to obtain bring forward the data to construct the South Perth railway station?</p>	<p><i>[Question Taken on Notice as not in attendance]</i></p> <p>The City is in regular contact with the local State member and this matter has been raised more generally and can be specifically canvassed at the next opportunity.</p>

<i>[Preamble] Council has received a Development Application for 76 Mill Point Road, which is listed on the website</i>	
4. The neighbour consultation is shown as “Completed” at date 22 March 2016. Is this still open for comment?	<i>[Question Taken on Notice as not in attendance]</i> The neighbour consultant is still open for comment and closes on Tuesday 22 March 2016 as stated on the consultation letters and City’s website.
5. The plot ratio for the commercial and residential uses of the proposal seem incomplete. There is a reference to the site land area, the sum of commercial listed users (including their parking, etc?) but nothing specifically concerning the sum of the 146 apartments. Why is this information not available in the submission? Why is the detail not provided in response to Council’s email “enquiries”?	<i>[Question Taken on Notice as not in attendance]</i> The drawings and planning report are submitted by the applicant. They are available on the City’s public website which you can access and download via the weblink: <a href="http://yoursay.southperth.wa.gov.au/">http://yoursay.southperth.wa.gov.au/</a> The City is currently assessing this application, hence unable to provide the breakdown of square meters as you have requested.
<b>Erin Keilar of 82 Welwyn Avenue, Salter Point Received: 16 March 2016</b>	<b>Response provided by: Michael Kent, Director Financial and Information Services</b>
1. Why do you think 17 other councils around Australia, including City of Canberra , City of Melbourne, City of Newcastle, City of Armadale, City of Cockburn, City of Fremantle, Town of Bassendean and the Shire of Goomalling have made a preference to invest in fossil-fuel-free banking institutions when the interest rate is comparable?	The City is not in a position to provide a response to this question as it requires us to speculate on the policy decisions of other local governments and it would be inappropriate for me to do so.
2. What is the City of South Perth's response to the Big 4 Banks having invested over 30 billion in fossil fuels since 2008, when the Paris accord of not exceeding 2 degrees Celsius of warming to preserve a habitable planet for our children, grandchildren and your ratepayers, that Julie Bishop signed, on behalf of the Australian Government means that 80% of fossil fuels and 90% of our coal must stay in the ground and when the Local Government Act 1995, Section 1.3 requires the City is required to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity.	The City is not in a position to comment on the ideology and investment decisions of major banks. The answer to the third question may provide an appropriate response.

<p>3. Why do residents and ratepayers think it would be appropriate for the City of South Perth to comply with the principles of the Paris Agreement 2015 by reviewing the Policy P603 Investment of Surplus Funds and the Delegation from Council DC 603 Investment of Surplus Funds?</p>	<p>In making investment decisions about its funds, the City balances a number of different considerations including, but not limited to:</p> <p>Meeting the obligations of the Council investment policy particularly in relation to allowable types of investments preservation of capital, credit risk, diversification and credit quality</p> <p>Department of Local Government’s Guideline on Investments</p> <p>The Prudent Person Rule</p> <p>Organisational cash flow needs</p> <p>However, it is also possible to balance other considerations with these more ‘statutory’ considerations and the City does so and thanks you for heightening our awareness of this matter.</p> <p>The City can advise that it currently does have more than 20% of its funds invested with institutions that do not invest in fossil fuels and this typically sits in a range between 20% and 25% (29% as of today).</p> <p>We will continue to make our investment decisions on a balance of criteria – but will keep this important issue in our considerations in future.</p>
<p><b>Trevor J. Wilkinson of 2 Ruth Street, Como</b> <b>Received: 18 March 2016</b></p>	<p><b>Response provided by: Geoff Glass, Chief Executive Officer</b></p>
<p><i>[Preamble] Unanswered Letter 12<sup>th</sup> October 2015</i></p> <p>I wrote to you on the 12<sup>th</sup> October 2015 and requested a formal reply to my question and the outcome of your enquiry relating to my question. This letter remains unanswered even to this day.</p>	
<p>1. My question to you again is: How did the Peter Stannard Group gain knowledge of what was contained in my submission of 11<sup>th</sup> September 2015 mailed to the [acting] CEO of the City of South Perth”?</p>	<p>In your submissions of 11 September, you complained about a lack of action by the City regarding a number of alleged non-compliant works at 23 Britain street. In accordance with standard practice the officer advised the owner of the subject of the complaint so that the owner is in a position to either respond or rectify the matters.</p>

The Stannard Group got to know what was in my submission to have a person on site to vitiate and cover up my submission the very next morning of it landing on your desk less than 24 hours later.

I have never had such a rotten thing done to me in my life of 76 years. Council had not verified my submission. Council had not inspected the site at 23 Brittain Street, Como to inspect the illegal non-compliant sub-standard work by the Peter Stannard Group.

I had it confirmed my material was in the office. Prior to my writing I spoke to you on the phone and then you said that would need an enquiry.

2. Note: Mr Wilkinson's second question contained material which was potentially defamatory and offensive and determined unsuitable for this forum. It was suggested to Mr Wilkinson that he put the complaint in writing for the matter to be investigated.

The Department of Local Government Public Question Time Guidelines provides that where a member of the public submits a written question or attempts to verbally ask a question which is considered to be offensive, defamatory in nature, personal in nature or questioning the competency of staff, the presiding member can determine that the question will not be considered and be ruled inappropriate.

[Preamble] Letter of Complaint 12<sup>th</sup> February 2016.

3. The above letter remains unanswered. When can I look to be given justice on all of these matters and my letter replied to?

The City has written to the owner of 23A Brittain Street regarding the retaining walls and stormwater. You will be kept informed of the progress of this matter including getting a response to your letter as soon as practicable.

Council has been negligent and derelict in its duty in not enforcing the contractors Peter Stannard Group to rectify the following on this illegal and non-compliant driveway at 23 Brittain Street, Como:

- Crossover to be lowered at present raised illegally on Council ground;
- 20m of retaining wall to be installed
- Driveway to be sloped to the east
- Sumps and drain to be relocated
- Drain to slope to the east and be replaced

Has anyone here tonight seen water run up hill? Council and the Stannard Group believes it does. A 12 year old boy could have done a better job of the levels.

I have provided the Council with a photo clearly showing where the water has cut a track through the ground and run into my place. Council continues its bias to the Stannard Group and will not act. Why? The grate has a 60mm fall to the blind end and water has to run up hill to exit. As this is all illegal it needs to be acted on now with a work order.

<p><b>Harry Goff of Unit 1/62 Thelma Street, Como</b>  <b>Received: 21 March 2016</b></p>	<p><b>Response provided by: Les Croxford, Manager Engineering Infrastructure</b></p>
<p><i>[Preamble] In September 2015 the residents of Thelma St between Canning Highway and Axford Ave petitioned Council to turn that part of Thelma St into a cul de sac at the Canning Highway end. Council agreed and passed a motion to that effect at the September 2015 meeting allocating a budget of \$75,000 to the establishment of the cul de sac. As the coordinator of the petition I am constantly being asked by my neighbours of the status of the cul de sac.</i></p>	
<p>1. Can Council give me an indication of the progress made to date and if possible a timeline for the commencement of the works to create the cul de sac.</p>	<p><i>[Question Taken on Notice as not in attendance]</i>  Before Council can resolve to close Thelma Street to “through traffic” it must first advertise its intention to consider such an action and to invite submissions. The Council must then consider every submission received and to decide a course of action based on the strength and merit of each submission. The Council has yet to receive the report outlining the submissions received. The Officer report will not be finalised in time for the April Council meeting but will be presented at the May meeting.</p>
<p><b>Lindsay Jamieson of (address withheld on request for privacy)</b>  <b>Received: 22 March 2016</b></p>	<p><b>Response provided by: Geoff Glass, CEO</b></p>
<p><i>[Preamble] I would like to extend my welcome to the new CEO Mr Glass. You have had several months in the role now and I trust it is meeting your expectations. I certainly hope that your work is positive for the residents and ratepayers, both collectively and individually.</i></p> <p><i>As we know the City and the administration are continuous rather than starting and stopping and starting again as people come and go. However it is appropriate to acknowledge you bring a new instantiation to the City and administration with your own leadership and ideals.</i></p> <p><i>I would like to gain a deeper insight and understanding of what you bring or intend to bring to the City and the administration.</i></p>	
<p>1. I would like to know more about “Brand” Glass – the characteristics brought by the CEO Mr Glass to the City. Could the CEO please give an interpretation of Brand Glass at the City with respect to:</p> <ul style="list-style-type: none"> <li>• Being a leader that deals with and resolves issues effectively with due consideration to the facts and the parties involved</li> <li>• Not being seen as a person that will ignore or hide from issues he would prefer not to deal with</li> </ul>	<p><i>[Question Taken on Notice as not in attendance]</i>  My role as Chief Executive Officer is to fulfil statutory functions as outlined in s5.41 of the Local Government Act 1995. These statutory CEO functions are available for viewing at <a href="http://slp.wa.gov.au">slp.wa.gov.au</a>.</p>

<ul style="list-style-type: none"> <li>• Being seen as a leader that will do what he can to right any wrongs if and when wrongs are found</li> </ul>	
<p>2. Under your leadership, what criteria will the City apply to making a determination that a person has an idiosyncratic view and who will make that determination?</p>	<p><i>[Question Taken on Notice as not in attendance]</i> As previously advised, the Council resolved in 2012 “that this matter has been fully determined by the Council and will not be reconsidered”.</p>
<p>3. How does a person appeal against a City decision of having an idiosyncratic view?</p>	<p><i>[Question Taken on Notice as not in attendance]</i> As previously advised, the Council resolved in 2012 “that this matter has been fully determined by the Council and will not be reconsidered”.</p>
<p><b>Lachlan Spicer of 36 Vista Street, Kensington</b> <b>Received: 22 March 2016</b></p>	<p><b>Response provided by: Vicki Lummer, Director Development and Community Services</b></p>
<p><i>[Preamble] Questions relate to: Place 2 - Canning Highway from Dyson Rd to Collins Street + Pennington Lane</i> <i>The original height plan presented at the second community workshop indicated that half of the land along Canning Hwy/Pennington Lane would be made into 'Green Area'. The released Report now has it changed to be 4 storey's along Pennington Lane plus stating that parkland from David Vincent Reserve will be ceded to make room to accommodate the 4 storey properties that require minimum 900sq/m blocks. The community consultation process (as per the report p55) states that the 'generally the proposed building height for the area was too high'... The report also states feedback that 3 storey's for properties on Dyson Street which back onto David Vincent Park is also too high. The report clearly states community feedback that the proposed height changes are too high and there is not any feedback agreeing or requesting 4 storey's along Canning Highway from Dyson to Collins. The report also states concerns regarding increase traffic and congestion in the immediate area once future development takes place.</i></p>	
<p>1. Therefore, to be consistent with other residential areas along Canning Highway (e.g. Campbell Street) and to listen to the community feedback immediately impacted by these changes, I request that this section from Dyson to Collins be reduced from 4 storey's to 3 storeys; the green space area as originally planned be re-instated and that the council promise not to take park land away from David Vincent Reserve. Encouragingly, there have been many changes along Canning Highway from the original plans based on the community consultation, yet this section of Place 2 has actually been ignored and greater development has been added.</p>	<p>The City will be acting on the recommendations in the Council resolution that was passed in February 2016 and will be passed this evening. Further changes and further consultation will be part of the future work that is undertaken as a result of these resolutions.</p> <p>Council is not making any further changes to this report at this time – it will be used as the basis for the further recommendation that is within the resolution tonight. This is not the end of the work being undertaken. The change recommended will be considered in the future. It will be used in future consultation and that goes to answer your second question as to how that consultation may take place – we haven't determined that yet.</p>



<p>2. Due to the nature of many councillors being directly impacted by these proposed changes along Canning highway and a perceived/actual conflict of interest - could a nominated group of residents from each Place act as a sub-committee to work with Council to ensure the integrity of the process?</p>	<p>I would consider that a part of the community consultation that will take place in the future.</p>
<p><b>Phil and Tina Watson of 25 Norton Street, South Perth Received: 22 March 2016</b></p>	<p><b>Response provided by: Phil McQue, Manager Governance and Administration</b></p>
<p><i>[Preamble] Re: the Proposed Dan Murphy's development and Liquor license application at the Como Hotel site</i></p>	
<p>1. Have Liquor Licensing been informed of the Minister's Final Approval of Amendment No. 50 – Licensed Premises by the WAPC?</p>	<p>The City is unaware if the West Australian Planning Commission (WAPC) has informed the Director of Liquor Licensing on Amendment 50.</p>
<p>2. Can we have the City of South Perth do this anyway as a matter of importance regardless?</p>	<p>Yes, the City can undertake to contact the WAPC in this regard.</p>
<p>3. In addition, can the City's nominated legal representative additionally write to Racing, Gaming &amp; Liquor advising them of this news to strengthen the City's objection to the application as the policy strengthens the grounds of rejecting the Dan Murphy's application as it is in direct conflict with the Amendment 50 Licensed Premises policy?</p>	<p>We do not think it is necessary for the City's legal representatives to do so. The City itself will undertake this task.</p>
<p><b>Paul Ruthven of 5/24 Charles Street, South Perth Received at the meeting: 22 March 2016</b></p>	<p><b>Response provided by: Geoff Glass, Chief Executive Officer</b></p>
<p><i>[Preamble] My first question relates to a Channel Nine news article from March 1st which looked at a development at 98 Mill Point Rd, and the adverse effects it has had on Hellen and David Barnaby, who live at 100 Mill Point Rd.</i></p> <p><i>The video associated with this article, titled "Apartment Farce" has been re-published in the online editions of the Sydney Morning Herald, the Melbourne Age and the Canberra Times, and has been viewed more than 150,000 times online.</i></p> <p><i>The news-article shows how the Barnabys have been "entombed" in concrete as a result of the podium wall being built on their boundary with a nil setback. If you look closely at the footage, you can see where the builders have actually cemented the fronds from one of the Barnaby's pot-plants into the podium wall.</i></p> <p><i>This development was regrettably recommended by the City Officer in the Responsible Authority Report provided to the DAP.</i></p> <p><i>On March 3rd, 2016, in response to the Channel Nine article, the CEO, Geoff Glass was quoted in WA Today as saying: "The balcony and windows allow light and ventilation to enter the apartment from the north and above".</i></p> <p><i>Unfortunately, this statement is not strictly accurate, because of a development application that was submitted to the City of South Perth on 18th January, 2016. This DA is for the property on the Barnaby's northern boundary, at 2 Harper Tce. According to the shadowing diagrams in the plans for this development, there will be virtually no sunlight</i></p>	

<p>entering the Barnaby's balcony and windows from the north during the winter. Note that these diagrams do not include shadowing from 98 Mill Point Rd, which will only make the problem worse.</p>	
<p>1. My first question is for the CEO. At the time he made his remarks to WA Today on March 3rd, was he aware of the proposed development at 2 Harper Tce, or was he relying on advice from his planning department when making those statements?</p>	<p>[Question Taken on Notice in order for the Administration to prepare response – the response will be provided in the Minutes of the April 2016 Ordinary Council Meeting].</p>
<p>[Preamble] The main problem with the development at 98 Mill Point Rd is podium walls with a nil SIDE setback. This is a similar problem that the residents of my apartment block are currently facing, with the proposed nil SIDE setbacks at 26 Charles Street. Unfortunately, I have seen nothing in Amendment 46 that deals with the issue of nil SIDE setbacks.</p>	
<p>2. If the Cardno report mentioned in item 7.2.3 of tonight's agenda, identifies nil SIDE setbacks as an issue, will Council give strong consideration to mandating non-nil SIDE setbacks for podiums in Amendment 46, for new developments that have significant adverse impacts on their neighbours?</p>	<p>[Question Taken on Notice in order for the Administration to prepare response – the response will be provided in the Minutes of the April 2016 Ordinary Council Meeting].</p>
<p>[Preamble] At the November 2015 Council meeting, I asked whether the City had a documented procedure for dealing with noise complaints, and whether they thought one would be worthwhile, particularly in light of the increase in construction activity and the corresponding increase in air conditioners. I was told that there was currently no documented procedure, but that the City was writing one. When I asked how long it would take before that would be available, I believe the relevant director indicated that a draft would be ready in about 4 weeks. It has now been 4 months since I asked those questions.</p>	
<p>3. What is the status of the noise procedure document please, and when will it be made available for me to review?</p>	<p>[Question Taken on Notice in order for the Administration to prepare response – the response will be provided in the Minutes of the April 2016 Ordinary Council Meeting].</p>
<p><b>Vicki Redden of 14/63 Mill Point Road, South Perth Received at the meeting: 22 March 2016</b></p>	<p><b>Response provided by: Vicki Lummer, Director Development and Community Services</b></p>
<p>1. Given local governments are responsible for the orderly and proper planning of their municipality – we would like to be confident that council will ensure that all buildings whether already approved or yet to be approved, or coming up for amendment or renewal will be compliant with the spirit and letter of the Supreme Court ruling. What safeguards does the Council have in place to ensure that it does not issue an unlawful approval?</p>	<p>The majority of the applications in the South Perth Station Precinct are determined by the JDAP, not the Council. The City has sought and received advice to ensure that the recommendations it makes to the JDAP are compliant with the Supreme Court decision.</p>

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These Minutes were confirmed at a meeting on Tuesday 26 April 2016.

Signed \_\_\_\_\_  
Presiding Member at the meeting at which the Minutes were confirmed