

MINUTES.

Ordinary Council Meeting

22 November 2016

Mayor and Councillors

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



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

24 November 2016

Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

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

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

Further Information

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

- **Council Meeting Schedule**

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

- **Minutes and Agendas**

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

- **Meet Your Council**

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

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

Contents

1.	DECLARATION OF OPENING	5
2.	DISCLAIMER	5
3.	ANNOUNCEMENTS FROM THE PRESIDING MEMBER	5
	3.1 STANDING ORDERS LOCAL LAW 2007	5
	3.2 AUDIO RECORDING OF THE COUNCIL MEETING	5
4.	ATTENDANCE	5
	4.1 APOLOGIES	6
	4.2 APPROVED LEAVE OF ABSENCE	6
5.	DECLARATIONS OF INTEREST	6
6.	PUBLIC QUESTION TIME	6
	6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE	6
	6.2 PUBLIC QUESTION TIME: 22 NOVEMBER 2016	6
7.	CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIFFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1	7
	7.1 MINUTES	7
	7.1.1 Ordinary Council Meeting Held: 25 October 2016	7
	7.1.2 Audit, Risk and Governance Committee Meeting Held: 8 November 2016	7
	7.1.3 Special Council Meeting Held: 8 November 2016	7
	7.2 BRIEFINGS	7
	7.2.1 Council Agenda Briefing - 15 November 2016	7
	7.2.2 South Perth Station Precinct Community Engagement and Design Study - 15 November 2016	7
8.	PRESENTATIONS	8
	8.1 PETITIONS	8
	8.2 PRESENTATIONS	8
	8.3 DEPUTATIONS	8
	8.4 COUNCIL DELEGATES REPORTS	8
	8.4.1 Rivers Regional Council (RRC) Ordinary Council Meeting - 20 October 2016	8
	8.5 CONFERENCE DELEGATES REPORTS	8

9.	METHOD OF DEALING WITH AGENDA BUSINESS	8
9.1	EN BLOC MOTION	9
10.	REPORTS	10
10.3	STRATEGIC DIRECTION 3: HOUSING AND LAND USES	10
10.3.1	Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.	10
10.6	STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT	26
10.6.1	Monthly Financial Management Accounts - October 2016	26
10.6.2	Statement of Funds, Investments and Debtors at 31 October 2016	31
10.6.3	Listing of Payments	36
10.6.4	Tender 16/2016 'Provision for Air Conditioning Maintenance Services'	39
10.6.5	Tender 20/2016 'Provision for Electrical Maintenance Services'	42
10.7	MATTERS REFERRED FROM COMMITTEE MEETINGS	45
10.7.1	Recommendations of the Audit, Risk and Governance Committee Meeting - 8 November 2016	45
11.	APPLICATIONS FOR LEAVE OF ABSENCE	49
11.1	REQUESTS FOR LEAVE OF ABSENCE	49
12.	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	49
13.	QUESTIONS FROM MEMBERS	49
13.1	RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE	49
13.2	QUESTIONS FROM MEMBERS – 22 NOVEMBER 2016	49
14.	NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING	50
15.	MEETING CLOSED TO PUBLIC	50
16.	CLOSURE	50
17.	RECORD OF VOTING	51
	APPENDIX	53
6.2	RESPONSES TO QUESTIONS TAKEN ON NOTICE: 25 OCTOBER 2016	53
6.2	PUBLIC QUESTION TIME: 22 NOVEMBER 2016	57
	DISCLAIMER	69

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 November 2016.

1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.01pm 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 STANDING ORDERS LOCAL LAW 2007

This meeting is held in accordance with the City's Standing Orders Local Law 2007 which provides rules and guidelines which apply to the conduct of meetings.

3.2 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.

4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

Councillors

Glenn Cridland	Como Ward
Jessica Black	Como Ward
Colin Cala	Manning Ward
Sharron Hawkins-Zeeb	Manning Ward
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
Mark Taylor	Director Infrastructure Services
Phil McQue	Manager Governance and Administration
Sharron Kent	Governance Officer

Gallery

There were approximately 6 members of the public and 1 member of the media present.

4.1 APOLOGIES

Nil

4.2 APPROVED LEAVE OF ABSENCE

Travis Burrows (Moresby Ward) is on a retrospective Leave of Absence which is addressed at Item 11.1.

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 no Declarations of Interest were received.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Questions received late (less than 24 hours prior to the meeting) at the 25 October 2016 Ordinary Council meeting were taken on notice. The Presiding Member advised that the questions raised and responses provided are available in the **Appendix** of these Minutes.

6.2 PUBLIC QUESTION TIME: 22 NOVEMBER 2016

Public Question Time is operated in accordance with Local Government Act Regulations and the City's Standing Orders Local Law.

The Presiding Member advised the meeting that questions are to be in writing and submitted 24 hours prior to the meeting. Forms are available on the City's website and at the City's Reception. Questions can also be submitted electronically via the City's website. Questions received 24 hour prior to the meeting would be dealt with first. Questions received less than 24 hours prior to the meeting would be taken on notice and the response provided in the Minutes of the next month's Council meeting.

The Presiding Member then opened Public Question Time at 7.04pm.

Written Questions were received from:

- David Cooper of 20 Forrest Street, South Perth
- Trevor Wilkinson of 2 Ruth Street, Como

Written Questions were received at 12.05pm on the day of the meeting from:

- Geoff Defrenne of 24 Kennard Street, Kensington

At 7.23pm the Presiding Member called for Public Question Time to be extended for 5 minutes to allow those not yet heard, the opportunity.

MOTION TO EXTEND PUBLIC QUESTION TIME AND COUNCIL DECISION

Moved: Councillor Fiona Reid

Seconded: Councillor Sharron Hawkins-Zeeb

That Public Question Time to be extended for 5 minutes to allow those not yet heard, the opportunity.

CARRIED (8/0)

The Presiding Member closed Public Question Time at 7.28pm. A table of questions received and responses 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: 25 October 2016

7.1.2 Audit, Risk and Governance Committee Meeting Held: 8 November 2016

7.1.3 Special Council Meeting Held: 8 November 2016

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Fiona Reid

Seconded: Councillor Sharron Hawkins-Zeeb

That the Minutes of the:

- Ordinary Council Meeting held 25 October 2016
- Audit, Risk and Governance Committee Meeting held 8 November 2016
- Special Council Meeting held 8 November 2016

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

CARRIED (8/0)

7.2 BRIEFINGS

The following Briefings are in line with the 'Best Practice' approach to Council Policy P672 'Agenda Briefings, Concept Forums and Workshops', and document to the public the subject of each Briefing.

7.2.1 Council Agenda Briefing - 15 November 2016

7.2.2 South Perth Station Precinct Community Engagement and Design Study - 15 November 2016

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Glenn Cridland

Seconded: Cr Colin Cala

That the Notes of the:

- Council Agenda Briefing held 15 November 2016
- South Perth Station Precinct Community Engagement and Design Study Concept Briefing held 15 November 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 November 2016.

8.4 COUNCIL DELEGATES REPORTS

8.4.1 Rivers Regional Council (RRC) Ordinary Council Meeting - 20 October 2016

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Fiona Reid

Seconded: Cr Ken Manolas

That the report on Rivers Regional Council (RRC) Ordinary Council Meeting held 20 October 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 Council Agenda Briefing held on 15 November 2016.

The Chief Executive Officer confirmed that this was correct and added that following the Council Agenda Briefing, *Item 10.3.2 Retrospective Additional Uses of Home Office, Religious Activities and Tourist Accommodation to a Single House – Lot 206 (No. 426) Canning Highway, Como* was withdrawn from the Agenda.

ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.

9.1 EN BLOC MOTION

MOTION AND COUNCIL DECISION

Moved: Cr Cheryle Irons

Seconded: Cr Ken Manolas

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

- Item 10.6.1 Monthly Financial Management Accounts - October 2016
- Item 10.6.2 Statement of Funds, Investments and Debtors at 31 October 2016
- Item 10.6.3 Listing of Payments
- Item 10.6.4 Tender 16/2016 'Provision for Air Conditioning Maintenance Services'
- Item 10.6.5 Tender 20/2016 'Provision for Electrical Maintenance Services'
- Item 10.7.1 Recommendations of the Audit, Risk and Governance Committee Meeting held 8 November 2016

10. REPORTS

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.

Location:	Lot 806 (No. 83) River Way, Salter Point
Ward:	Manning Ward
Applicant:	Mr Robert Bradburn and Mrs Maureen Bradburn
File Ref:	D-16-88350
Lodgement Date:	27 June 2016
Date:	22 November 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 three-storey Single House on Lot 806 (No. 83) River Way, Salter Point. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Street setbacks	R-Codes Design Principles 5.1.2
Outdoor living area	R-Codes Design Principles 5.3.1
Vehicular access	R-Codes Design Principles 5.3.5
Visual privacy	R-Codes Design Principles 5.4.1
Maximum ground and floor levels	TPS6 Clause 6.10
Significant Views	Council Policy P350.09

It is recommended the application be refused.

Officer Recommendation

Moved: -

Seconded: -

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 a three-storey single house on Lot 806 (No. 83) River Way, Salter Point be **refused** for the following reasons:

(a) Specific Reasons

- (i) The upper two storeys of the proposed single house conflict with the minimum River Way setback requirements specified in Clause 1 of *Council Policy P306 'Development of Properties Abutting River Way'*.
- (ii) The variations to the street setback requirements listed in Clause 1 of *Council Policy P306* would pose an unacceptable bulk and scale impact upon River Way that is inconsistent with Council's expectations for new developments abutting River Way. Hence the proposed development does not fully satisfy the *Council Policy P306* objectives or the street

setback design principles of the R-Codes.

- (iii) The finished ground level of the northern terrace is not consistent with the requirements of *Town Planning Scheme No. 6 Clause 6.10(3)*, as the extent of fill, the height difference between the front garden ground level and terrace ground level and being highly visible from River Way, poses an unacceptable visual impact upon River Way and neighbouring properties.
- (iv) The development does not provide effective screening to the first floor study window or the elevated northern terrace to sufficiently minimise overlooking of the adjoining properties, as required by *R-Codes Clause 5.4.1*.
- (v) The proposal conflicts with Scheme objectives (c) and (f), listed in *Town Planning Scheme No. 6 Clause 1.6(2)*.
- (vi) The proposal conflicts with Council's expectations in relation to matters (a), (g) and (m) listed in *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Clause C7*.

(b) Standard Advice Notes

Notice of Determination form Note 3 (right of review by SAT)

LAPSED FOR WANT OF A MOVER

ALTERNATIVE MOTION AND COUNCIL DECISION

Moved: Cr Colin Cala

Seconded: Cr Sharron Hawkins-Zeeb

That the Officer's Recommendation not be adopted, and 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 a three-storey single house on Lot 806 (No. 83) River Way, Salter Point be **approved** subject to the following conditions:

(A) Specific Conditions

- i.** The upper two storeys (Ground Floor & First Floor levels) of the dwelling be setback a minimum of 6 metres from the Street boundary.
- ii.** Screening shall be provided to the First Floor level Study window, to prevent overlooking of the rear of the 56 Sulman Avenue residence and adjacent outdoor living area in order to comply with the visual privacy requirements.
- iii.** Adequate screening shall be provided around the northern Terrace to prevent overlooking of the southern side of the 89 River Way residence in order to comply with the visual privacy requirements.
- iv.** Suitable measures be undertaken to reduce the visual bulk of the outdoor terrace structure on the northern side of the dwelling, such as the use of terraced gardens, to the satisfaction of the City of South Perth.

(B) Standard Conditions

210	screening- permanent	456	dividing fences- timing
377	screening- clothes drying	470	retaining walls- if required
390	crossover- standards	471	retaining walls- timing
445	stormwater infrastructure	510	private tree
455	dividing fences- standards	625	sightlines for drivers

(C) Standard Advice Notes

Note 1-2	validity (2 years)	709	masonry fences require BA
Note 3	appeal rights	725	comply Dividing Fences Act
700A	building permit required	766	landscaping of site
706	applicant to resolve issues	790	minor variations- seek approval

(D) Specific Advice Notes

1. The applicant / owner are advised of the need to comply with the City's Engineering Infrastructure department requirements.
2. It is the owner's and the beneficiary's responsibility to ensure that the development is compliant with the restrictive covenant affecting the property.

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

Reasons for the Alternative

1. The creation of Policy 306 came about to address the negative impact on the streetscape of River Way by developments of an excessive bulk and scale built on narrow deep lots, stretching from Sulman Avenue to River Way. The development site is wide and shallow in depth. Any approval granted for the development would not provide a precedent for any future Development Application along River Way, unless similar circumstances existed. Given the very unusual orientation of the site with its long axis parallel to the street, this is highly unlikely.
2. With the lot of this Development Application being only 25 metres deep, the requirement for a 9 metre setback at the first floor, together with provision for the rear setback, drastically limits the available area possible for a reasonable and practical use of the level. The situation is exacerbated by the Restrictive Covenant in relation to height over the lot; essentially restricting development to only half of the lot. However the Balcony at the first floor facing north represents 25% of the street elevation and adds to the reduction in building bulk as does the ground floor balcony which faces the street.
3. The development site is extremely wide (29.43 metres) with the main dwelling occupying only half of that frontage. It has 6 metres deep of garden for the full width of the block and a large area of garden behind the open northern Terrace.

CARRIED (8/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R20
Lot area	659 sq. metres
Building height limit	7.0 metres
Development potential	Single House
Plot ratio limit	Not Applicable

The location of the development site is shown in **Figure 1** below:

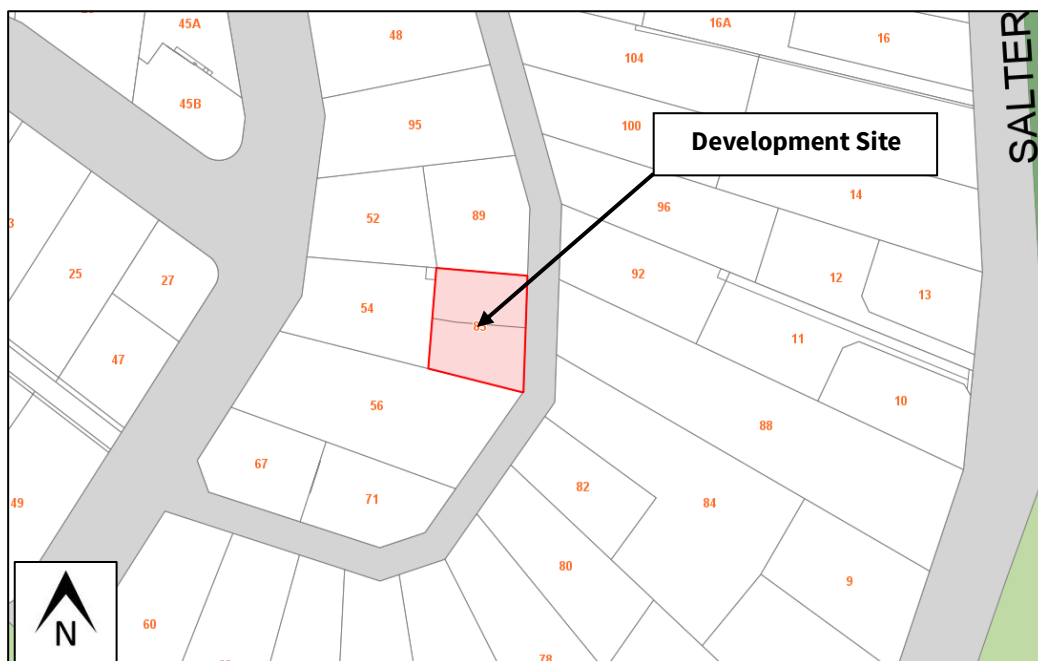


Figure 1- Location Plan

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

3. The exercise of a discretionary power

- (b) *Applications on lots with a building height limit of 7.0 metres; having a boundary to River Way; and where the proposed building exceeds 3.0 metres.*
- (c) *Applications which, in the opinion of the delegated officer, represent a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.*

7. Neighbour comments

In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.

Comment

(a) Background

Between February and June 2016, the applicant sought planning advice from the City in relation to a proposed three-storey single house on Lot 806 (No. 83) River Way, Salter Point (the development site). The application for development approval was submitted in June 2016. This application is now presented to Council for determination.

The development site consists of vacant land, being a new green title lot created from the recent subdivision of the original 54 Sulman Avenue property. The development site is subject to a private restrictive covenant, restricting the building height over the northern half of the lot.

(b) Description of the Surrounding Locality

The site has a frontage to River Way to the east. This section of the street is characterised by single houses. **Figure 2** below depicts the subject site and surrounds:



Figure 2- Aerial Image of Surrounding Locality

(c) Description of the Proposal

The proposal involves the construction of a three-storey single house on the development site, along with associated landscaping of open space, as depicted in the submitted plans referred to as **Attachment (a)**.

The following planning aspects have been assessed and found to be compliant with the provisions of TPS6, the R-Codes and relevant Council policies, and therefore have not been discussed further in the body of this report:

- Land use – “P” (Permitted) (TPS6 clause 3.3 and Table 1).
- Lot boundary setbacks (side/rear building setbacks) R-Codes clause 5.1.3 and Tables 2a/2b)
- Building height limit (TPS6 clause 6.1A).
- Open space (R-Codes clause 5.1.4).
- Garage width (R-Codes clause 5.2.2)
- Street surveillance (R-Codes clause 5.2.3).
- Street walls and fences (R-Codes clause 5.2.4 and Council Policy P306 clause 5)
- Sight lines (R-Codes clause 5.2.5)
- Parking (R-Codes clause 5.3.3; Council Policy P306 clause 3 and TPS6 clause 6.3(8)).
- Solar access for adjoining sites (R-Codes Clause 5.4.2).
- Driveway gradient (TPS6 cl. 6.10(2))

The following planning aspects require the exercise of discretion to be approved and are discussed further in the body of this report:

10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.

- Street setbacks (Council Policy P306 clause 1).
- Outdoor living area (R-Codes clause 5.3.1)
- Vehicular access (R-Codes clause 5.3.5)
- Visual privacy (R-Codes clause 5.4.1)
- Finished floor and ground levels (TPS6 clause 6.10)
- Significant views (Council Policy P350.09)

In the opinion of the City, the proposal does not comply with the following planning provisions:

- Street setbacks (Council Policy P306 clause 1; R-Codes clause 5.1.2)
- Visual privacy (R-Codes 5.4.1)
- Finished ground levels (TPS6 clause 6.10(3))

(d) Street Setback

As the site abuts River Way, Salter Point, the minimum street setback provisions for this site are specified in Council *Policy P306 Clauses 1 and 2*. This policy replaces the deemed-to-comply standards in the R-Codes that would otherwise apply. As such, the Policy requires the garage/basement and ground floor levels of the building to be setback at least 6 metres from the River Way boundary and the first floor level (the third storey) to be setback at least 9 metres from the River Way boundary. The site does not qualify for a reduced setback or averaging of the setback, as per *Clause 1(b)*.

The River Way street setback requirements were introduced into Council *Policy P306* in 2014, in response to community concerns about the bulk and scale impacts of some developments recently constructed on properties abutting River Way. Currently, most of the existing developments abutting River Way predate the current planning requirements.

The proposal is compliant with the minimum 6.0 metre setback requirement for the garage floor level. The ground and first floor levels both have a minimum setback of 5.2 metres from River Way boundary and as a result do not comply with the minimum 6.0 and 9.0 metre setback requirements. The components of the building setback less than the *Policy P306* requirements are highlighted in **Figures 3** and **4** below:

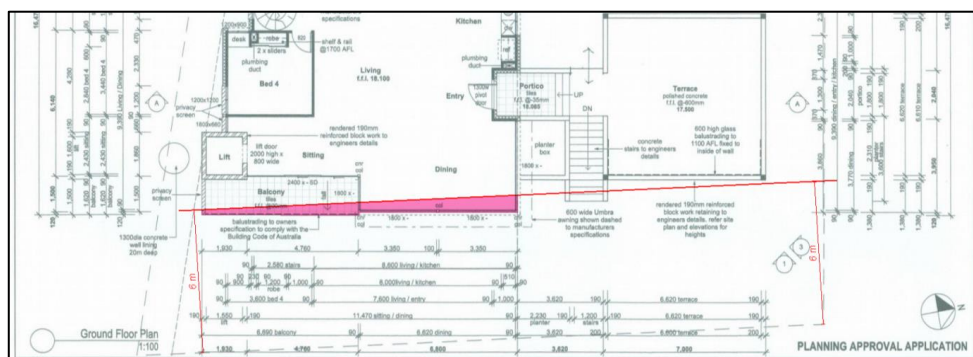


Figure 3- Proposed Ground Floor level street setback

10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.

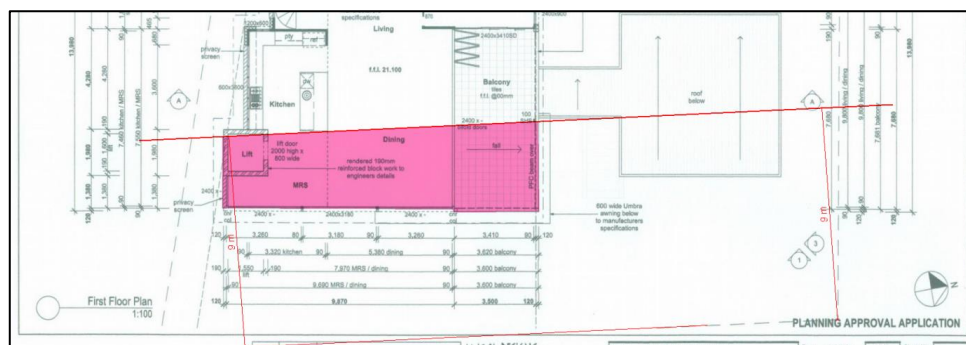


Figure 4- Proposed First Floor level street setback

The Council can approve the proposed setback (or an alternative setback that is less than specified in clause 1) if Council is satisfied that the development demonstrates compliance with the street setback design principles listed in *Clause 5.1.2* of the *R-Codes*. The applicant has submitted written justification to address the street setback requirements.

The relevant design principles for Council's consideration are copied below:

P2.1 Buildings set back from street boundaries an appropriate distance to ensure they:

- *contribute to, and are consistent with, an established streetscape;*
- *provide adequate privacy and open space for dwellings;*
- *accommodate site planning requirements such as parking, landscape and utilities; and*
- *allow safety clearances for easements for essential service corridors.*

P2.2 Buildings mass and form that:

- *uses design features to affect the size and scale of the building;*
- *uses appropriate minor projections that do not detract from the character of the streetscape;*
- *minimises the proportion of the façade at ground level taken up by building services, vehicle entries and parking supply, blank walls, servicing infrastructure access and meters and the like; and*
- *positively contributes to the prevailing development context and streetscape.*

The primary matters for Council to consider in whether to approve the reduced street setbacks relate to the streetscape and the proposed building's mass and form. The proposed setbacks are seen by City officers to not affect privacy for neighbouring properties; these setbacks provide adequate open space, parking, landscaped areas or utilities on the development site; and these setbacks provide adequate clearances from infrastructure in River Way.

The applicant has provided comments responding to the Council Policy requirements and the R-Codes design principles, expressing the reasons why the development as proposed should be approved by Council. The applicant's justification to support the development is provided in **Attachment (b)** and summarised below:

10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.

- The existing River Way streetscape is not consistent or considered to have a desirable character, noting the mixture of building setback on other properties and examples of imposing developments onto the street.
- The Council policy requirements are restrictive to development in this circumstance, noting the lot dimensions and layout combined with the private covenant affecting the northern portion of the development site.
- The northern portion of the site, being open space, reduces the building bulk impact of the proposed building.
- The building design is articulated, through the use of varied wall planes, colours and the inclusion of openings in walls.
- The building is designed to reduce amenity and significant view impacts to neighbouring properties.

On the other hand, the following matters should be noted in considering this application:

- This development proposes a substantial variation to the Council policy requirements, which were prepared and implemented to address bulk and scale concerns raised by the community.
- The eastern side of River Way is restricted to single-storey buildings (as viewed from River Way) by the TPS6 building height restrictions. This difference between permissible building heights and the narrow street width results in two and three storey buildings on the western side properties having greater relative building bulk impacts, as viewed from the street, than other streets in the district.
- The current River Way street setback provisions are relatively new. If the Council policy requirements are not applied consistently, this may affect Council in the future when considering whether to refuse other River Way developments that are not consistent with the minimum street setbacks requirements in the policy or when defending a refusal (in the event of an appeal to the Tribunal).
- If the Council policy requirements are applied consistently, the River Way streetscape will over time reflect the objectives within the current Council policy, as properties are redeveloped.

Taking all of the above matters into the account, it is noted that the proposed development has a similar building bulk impact to River Way as many other existing buildings on River Way. However this established character is largely inconsistent with Council's current objectives for new developments on River Way.

In this case, City officers consider that the proposed variations to the minimum street setback requirements are too great to support, as the development is seen to not be consistent with the objectives of the Council policy and is seen to not be fully consistent with the relevant design principles, due to building's unacceptable bulk and scale impacts upon River Way. Accordingly, the City recommends that the proposed street setbacks should not be approved.

(e) Outdoor Living Area

The R-Codes *Clause 5.3.1 C1.1* specifies requirements for the provision of an outdoor living area. The provided outdoor living area, which is seen to consist of the northern Terrace and rear garden area is mostly compliant with the deemed-to-comply provisions, however these areas are not seen to be directly accessible from a habitable room, as access to these spaces are either indirectly through a Laundry or from the main living area by traversing through the front door and down a small staircase. The balconies could function as an outdoor living area, though these spaces do not achieve the minimum area requirements.

The Council can approve the proposed outdoor living area arrangement if Council is satisfied that the development demonstrates compliance with the outdoor living area design principles listed in *Clause 5.3.1* of the R-Codes.

While not a conventional arrangement, the provided outdoor living area is seen by City officers to be capable of use with habitable rooms in the dwelling, noting its close proximity to the door to the main living area in the residence. This provided outdoor living area, being located on the northern portion of the site, is also seen to be open to winter sun and ventilation and optimises the northern aspect of the site. Accordingly, City officers recommend that the proposed development satisfies the design principles and is considered to be compliant with the outdoor living area requirements of the R-Codes.

(f) Vehicular Access

The R-Codes *Clause 5.3.5 C5.2* specifies a maximum driveway width of 6.0 metres. The proposed driveway is 9.0 metres in width. The Council can approve the proposed driveway width if Council is satisfied that the development demonstrates compliance with the vehicular access design principles listed in *Clause 5.3.5* of the R-Codes.

The application has been referred to the City's Engineering Infrastructure department. No particular concerns with the proposed driveway width were identified. In this case, the development is seen to adequately address the relevant design principles, hence this element of the proposal is considered to be compliant.

(g) Visual Privacy

The R-Codes *Clause 5.4.1* specifies minimum visual privacy setbacks for elevated active habitable spaces. Where visual privacy requirement apply, the proposed development mostly achieves the minimum setbacks or adequate screening is provided. The following components are observed to not be compliant with the deemed-to-comply standards:

- first floor study window – less than 4.5 metres cone of vision setback to 56 Sulman Avenue property boundary.
- terrace – less than 7.5 metres cone of vision setback to the 89 River Way property boundary.

10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.

The Council can approve the proposal if Council is satisfied that the development demonstrates compliance with the visual privacy design principles listed in *Clause 5.4.1* of the R-Codes.

For the study window, the development is seen to not adequately address the relevant design principles, as the lack of screening would enable overlooking of the rear of the 56 Sulman Avenue residence and adjacent outdoor living area. As a result, adequate screening will be required to comply with the visual privacy requirements.

For the terrace, the development is seen to not adequately address the relevant design principles, as the lack of screening would enable overlooking of the southern side of the 89 River Way residence and adjacent outdoor living area. As a result, adequate screening will be required to comply with the visual privacy requirements.

In the event of an approval being granted, these matters could be resolved with a revised drawing condition requiring the installation of effective screening.

(h) Finished Floor and Ground Levels

TPS6 Clause 6.10 specifies maximum floor and ground level requirements. Generally, a development should achieve equal cutting below and filling above the site's natural ground level, subject to permissible variations.

The proposed floor and ground levels and existing contours are highlighted in **Figure 5** below:

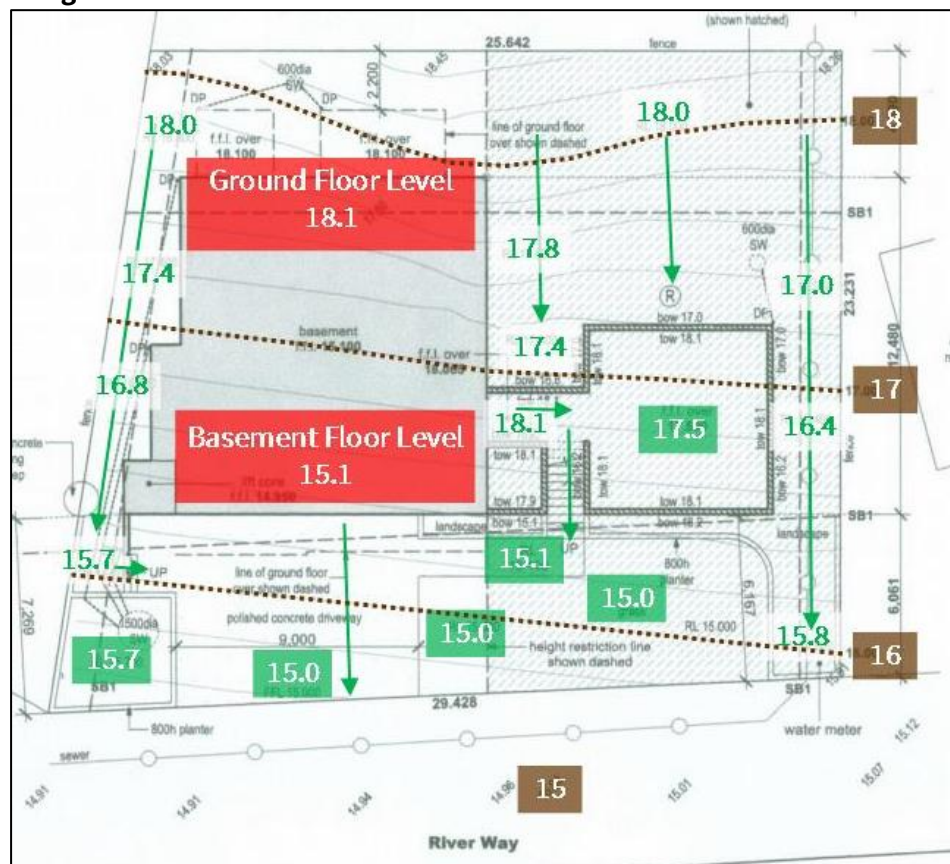


Figure 5- Proposed floor and ground levels and existing contours

10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.

The 'equal cut and fill' plus 100mm level for the perimeter of the building, as per TPS6 clause 6.10(1)(a) is approximately RL17.2 metres and the proposed finished floor levels are RL15.1 metres (garage/basement floor level) and RL18.1 metres (ground floor level).

The Council can approve the proposed levels if Council is satisfied that the development demonstrates compliance with the TPS6 clause 6.10(1)(b) requirements, in relation to compliance with clause 6.9 (the development is compliant with minimum levels), visual impact, overshadowing and a visually balanced streetscape.

It is noted by City officers that the basement floor level generally aligns with the street level and natural ground levels at the front of the site, while the ground floor level generally aligns with the natural ground levels at the rear of the site. Considering the extent of the slope on the site and the undercroft arrangement proposed, the development is seen by City officers to satisfactorily comply with the relevant matters for Council to consider. Hence, it is recommended that the proposed finished floor levels be approved.

The 'equal cut and fill' level for the perimeter of the site, as per TPS6 clause 6.10(3) is approximately RL16.9 metres and the proposed finished ground levels are RL15.0 metres (front of site), RL17.5m (northern terrace) and RL18.0 metres (rear of house). The level of the northern garden slopes down from RL18.0 metres at the rear of the site down to RL16.4 metres adjacent to the northern terrace and RL15.8 metres at the north eastern corner of the site. The ground level within the southern setback area slopes down from RL18.0 metres at the rear of the site to RL15.7 metres at the front of the site.

The Council can approve the proposed levels if Council is satisfied that the development demonstrates compliance with the other *TPS6 clause 6.10(3)* requirements, in relation to visual impact, overshadowing and visual privacy.

It is noted by City officers that most of the proposed ground levels surrounding the residence are generally within 500mm of the natural ground levels across the site. The exception is the northern terrace, which proposes fill of up to 1.0 metre high towards the front of the site, combined with a 2.5 metre height difference between the Terrace level and the front garden level, being visible from the street. The development incorporates an 800mm high planter bed to reduce the visual impact of this 2.5 metre height difference.

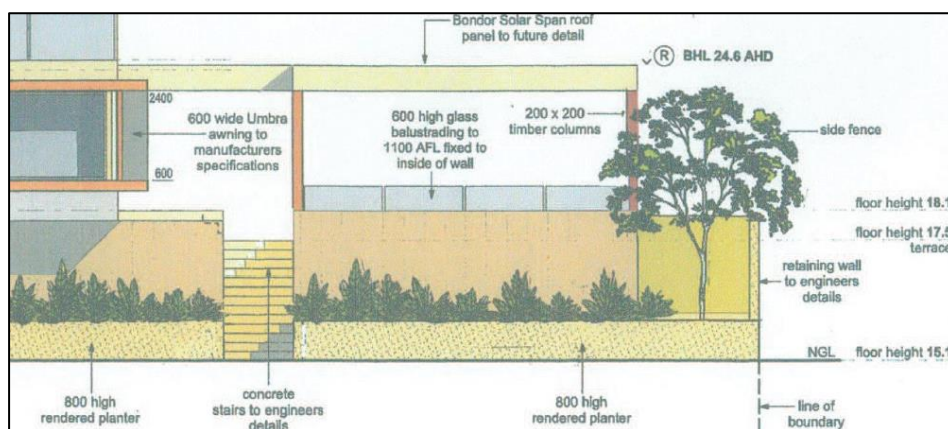


Figure 6- Proposed ground levels: Terrace and retaining walls (as viewed from River Way)

The raised Terrace ground level is seen by the City to conflict with the visual impact provisions of the Scheme. The stark height difference between the Terrace and front garden is considered to have an unacceptable visual impact upon the streetscape. The proposed planter bed is not seen to be sufficient to adequately minimise the visual impact of the wall that retains the 2.5 metre ground level height difference. Additionally, this wall is positioned about 6 metres from the street boundary and will be highly visible from the street. An alternative design with a lower ground level and more terracing and/or a greater street setback would be a better streetscape outcome.

As a result of the above, it is advised that the finished ground levels as proposed do not comply with the Scheme requirements and should not be approved. In the event of an approval being granted, this matter could be resolved with a revised drawing condition lowering the finished ground level of the northern Terrace.

(i) Significant Views

The adjoining properties have access to views of the Canning River, which qualify as significant views, as per Council *Policy P350.09 Clause 1*. As such, the policy requires Council to consider the impacts to the adjoining properties' significant views from the proposed development.

Clause 2.2 of the Policy requires Council to give a balanced consideration to the reasonable expectations of both existing residents and applicants. The Council could require certain elements of the development to be modified, such as building setbacks, floor size and roof form, subject to not conflicting with normal development entitlements listed in *Clause 2.3* (permitted residential density and number of storeys).

Written submissions from the affected parties have been supplied to the City for Council's consideration. The City has obtained photographs of the existing view towards the Canning River from both the 52 and 54 Sulman Avenue residences. The applicant has provided photograph montages of the proposed development and the extent of retained view, as viewed from the upper deck of the residence at 54 Sulman Avenue. This information is included in **Attachments (b), (c) and (e)**.

10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.

In relation to the clause 2.2 matters listed, the proposed development is compliant with the side and rear setback requirements, is not seen to have an unreasonable building size and proposes a low pitch roof.

As a result of the private restrictive covenant on this property, which restricts the height of development on the northern side of the development site, the building is positioned onto the southern half of the development site. This is seen to allow a substantial level of the Canning River views to be retained from the rear properties.

While acknowledging that the neighbouring properties will lose some of their existing views, the City officers consider that the applicant's proposal is a reasonable balance between permitting the landowner to develop the property to their normal development entitlements and maintaining the neighbours' significant views.

(j) **Scheme Objectives: TPS6 Clause 1.6**

In considering an application for development approval the local government is to have due regard to the Scheme Objectives of TPS6. Those objectives that are relevant to the development:

- (a) Maintain the City's predominantly residential character and amenity;
- (c) Facilitate a diversity of dwelling styles and densities in appropriate locations on the basis of achieving performance-based objectives which retain the desired streetscape character and, in the older areas of the district, the existing built form character;
- (e) Ensure community aspirations and concerns are addressed through Scheme controls;
- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;

The proposed development is considered to not be satisfactory in relation to all of these objectives.

(k) **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 Three-Storey Single House. Lot 806 (No. 83) River Way, 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;
- (p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (s) the adequacy of —
 - (i) the proposed means of access to and egress from the site; and
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;
- (y) any submissions received on the application;
- (zb) any other planning consideration the local government considers appropriate.

The proposed development is considered to not be satisfactory in relation to all of these matters.

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'*. Individual property owners and occupiers at Nos 52, 54 & 56 Sulman Avenue and 89 River Way, Salter Point were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of five consultation notices were sent and two submissions were received, all two submissions were against the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<p>Impact on Significant Views (both submissions)</p> <p>Objections based upon the loss of views from the rear neighbouring properties. Refers to the impact to views from the proposed building's height and the size of the proposed building.</p>	<p>The City has considered the impact upon the neighbour's significant views having regard to the matters listed in Council Policy P350.09. In the opinion of the City, the development is considered to provide a reasonable balance between permitting the landowner to develop the property to their normal development entitlements and maintaining the neighbours' significant views.</p> <p>The comment is NOTED.</p>

Submitters' Comments	Officer's Responses
<p>Visual Privacy The proposed building's windows overlook the neighbours' gardens.</p>	<p>The proposal is mostly compliant with the visual privacy deemed-to-comply requirements of the R-Codes.</p> <p>Most of the perceived overlooking is from habitable room windows compliant with the minimum visual privacy setbacks and windows that are not classified as major openings (e.g. bathroom windows) and are not required to be screened.</p> <p>Full compliance for windows to habitable rooms and elevated active habitable spaces would be achieved with additional screening, as described in the officer report.</p> <p>The comment is NOTED.</p>
<p>Overshadowing Concerned about overshadowing and ventilation impacts.</p>	<p>The development is compliant with the solar access deemed-to-comply requirements of the R-Codes.</p> <p>The development is considered to provide sufficient setbacks and open space to enable breezes to reach neighbouring properties.</p> <p>The comment is NOT UPHELD.</p>
<p>Construction Works Concerns about damage to the neighbour's property as a result of construction works.</p>	<p>This is a matter for the owner and builder to address.</p> <p>The comment is NOTED.</p>

The submissions are included in **Attachment (c)**.

(b) Internal Referral

Comments were invited from the Engineering Infrastructure department of the City's Administration.

Engineering Infrastructure was invited to comment on a range of issues relating to stormwater, crossing design and vehicle movements. A copy of the memo dated 22 July 2016 from Engineering Infrastructure is included in **Attachment (d)**.

Engineering Infrastructure is generally supportive of the proposal subject to the applicant satisfactorily address issues relating to stormwater falling on the site to be retained on the site and away from the building. This matter can be dealt with by a planning condition in the event of an approval.

10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point.

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. However, if the development is refused or required to be substantially modified, the determination will have some financial implications to the City, in the event an application to the State Administrative Tribunal is lodged.

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*. It is observed that the proposal is designed so that the outdoor terrace will receive northern sun and is considered to be designed appropriately considering sustainability principles.

Conclusion

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

Attachments

- 10.3.1 (a):** Development Plans - 83 River Way, Salter Point - 11.2016.231.1
- 10.3.1 (b):** Applicant's Report - 83 River Way, Salter Point - 11.2016.231.1
- 10.3.1 (c):** Neighbour Submissions - 83 River Way, Salter Point - 11.2016.231.1
- 10.3.1 (d):** Engineering Infrastructure Comments - 83 River Way, Salter Point - 11.2016.231.1
- 10.3.1 (e):** Photographs - 83 River Way, Salter Point - 11.2016.231.1 .

10.6 STRATEGIC DIRECTION 6: GOVERNANCE, ADVOCACY AND CORPORATE MANAGEMENT

10.6.1 Monthly Financial Management Accounts - October 2016

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-88690
Date:	22 November 2016
Author / Reporting Officer:	Michael J. 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: Cr Cheryle Irons

Seconded: Cr Ken Manolas

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.

The information provided to Council is a summary of the more than 120 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.

10.6.1 Monthly Financial Management Accounts - October 2016

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) will be provided each month from October onwards. From that date on, the schedule will reflect a reconciliation of movements between the 2016/2017 Adopted Budget and the 2016/2017 Amended Budget including the introduction of the unexpended capital items carried forward from 2015/2016.

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

Operating Revenue to 31 October 2016 is \$44.93M which represents 100% of the \$45.04M year to date budget. Revenue performance is close to budget in most areas other than items identified below.

Rates revenue reflects as being on budget after the Q1 Budget Review adjustment was brought to account. Investment revenues are on budget for the Municipal Fund whilst Reserve Funds are 1% under budget. Parking revenue is in line with budget expectations. Utilities recoups, GBLC Revenue, facility booking revenues and minor lease revenue are all slightly ahead of budget expectations to this stage of the year.

Planning revenues are 39% under budget due to the slowing of activity particularly in the station precinct despite one downwards budget revision to date. Building Services revenue is 11% under budget for similar reasons. These revenues will need to be carefully monitored in future months to assess further impact on the attainment of the full year budget targets.

Waste management revenues are 1% under budget expectations and Collier Park Golf Course revenues are 5% under budget.

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

Operating Expenditure to 31 October 2016 is \$17.81M which represents 96% of the year to date budget of \$18.54M. Operating Expenditure shows as 2% under budget in the Administration area. Operating costs are 5% under budget for the golf course and show as being 5% under budget in the Infrastructure Services area.

In addition to 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 vacant staff positions.

In the Infrastructure Services operations area, there are some favourable variances at the end of the month that relate to the timing of the roll-out of maintenance activities and these are expected to continue to reverse out. Major infrastructure expenditure areas such as parks maintenance and streetscape maintenance are representative of this issue - although there are some areas such as nursery and natural areas management that reflect offsetting unfavourable variances.

Fleet operations currently show that whilst cash costs are being effectively managed well within budget, recovery of plant charge-out against jobs remains problematic. A different strategy is being progressively implemented from November to try to better understand and manage plant charge recoveries.

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 showing as 2.8% under the budget allocation for the positions approved by Council in the budget process. This is not unusual given several staff vacancies at present including 3 managerial positions currently being recruited for and others provided for in anticipation of the organisational structural review.

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 \$1.24M at 31 October which is 2% over the year to date budget of \$1.22M. This difference relates to several small but individually insignificant variances.

Capital Expenditure to 31 October is \$7.32M representing 90% of the year to date budget of \$8.10M. The total budget for capital projects for the year is now \$34.18M after the inclusion of carry forward projects into the budget in September.

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 are confirmed after completion of the annual financial statements.

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

10.6.2 Statement of Funds, Investments and Debtors at 31 October 2016

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-88691
Date:	22 November 2016
Author / Reporting Officer:	Michael J. 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: Cr Cheryle Irons

Seconded: Cr Ken Manolas

That Council receives the 31 October 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.

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 \$80.93M which compares unfavourably to \$90.08M at the equivalent time last year. This is largely the result of planned drawdowns from Reserves as contributions towards the Manning Hub project. Last month, total funds were \$83.05M.

Municipal funds represent \$26.53M of this total, with a further \$53.42M being Reserve Funds. The balance of \$0.98M relates to monies held in Trust. The Municipal Fund balance is some \$2.27M lower than last year which relates to the timing of cash outflows on the capital works program.

Reserve funds are \$7.12M lower overall than the level they were at the same time last year as a result of funds drawn down for major discretionary capital projects such as Manning Hub, SJMP Foreshore Promenade and River Walls.

In July 2015, the previous 24 reserves were consolidated into just 15 with this consolidation being 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 only significant reserve movements since 30 June 2016 have related to movements of leaseholder funds associated with the Collier Park Village.

The largest Reserve balance is the Major Community Facilities Reserve, but the land sale proceeds currently quarantined in that reserve do not represent 'surplus cash'. These funds 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.

Details of cash holdings (disclosed by fund) are presented as **Attachment (a)**.

(b) Investments

Total investment in money market instruments at month end was \$79.86M compared to \$86.212M at the same time last year. There was \$0.3M more in cash in Municipal investments. Cash backed Reserve Fund investments are \$6.9M 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 global financial and corporate environment.

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.

Analysis of the composition of the investment portfolio shows that at reporting date, 87.5% of the funds were invested in securities having a S&P rating of A1 (short term) or better.

The City also holds a portion of its funds in financial institutions that do not invest in fossil fuels. Investment in this market segment is contingent upon all of the other investment criteria of Policy P603 being met. Currently the City holds 32.0% of its investments in such institutions.

In meeting this objective, the City has invested 12.5% of its funds in investments rated at BBB+.

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

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

Interest revenues (received and accrued) for the year total \$0.68M. This compares to \$0.78M at the same time last year as a consequence of 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 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.

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. Current Department of Local Government guidelines prevent investment of funds for periods longer than one year.

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 modest 2.82% with the anticipated weighted average yield on investments yet to mature now sitting at 2.68%. At call cash deposits used to balance daily operational cash needs have been providing a very modest return of 1.25% since the 3 August 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, there is a large pool of local government investment funds and a rather limited demand for deposits - so investment opportunities are both modest and scarce.

(c) Major Debtor Classifications

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

(i) Rates

The level of outstanding local government rates relative to the same time last year is shown in **Attachment (c)**. Rates collections to the end of October 2016 represent 66.8% of rates collectible (excluding pension deferrals) compared to 69.7% at the same time last year.

This reflects a lesser collection profile to the previous year - broadly reflecting the weakening economy but also impacted by the debt collection process commencing a few weeks later than in the previous year. This action has now been undertaken and with a mid-November due date, it is anticipated that the comparative collections will be closer to historical benchmarks by the end of November.

The City still expects to maintain a strong rates collection profile in respect to the 2016/2017 rates notices - assisted by 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 will also provide encouragement for ratepayers to meet their rates obligations in a timely manner.

(ii) General Debtors

General debtors stand at \$1.89M at the end of the month (\$1.55M last year). Last month debtors were \$1.33M. Most debtor balances are not materially different to last year's comparatives other than GST Receivable which is higher and sundry debtors for road grants which reflect timing differences.

Continuing positive collection results are important to effectively maintaining our cash liquidity. 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](#). 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.

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:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-88692
Date:	22 November 2016
Author:	Michael J. Kent, Director Financial and Information Services Deborah Gray, Manager Financial Services
Reporting Officer:	Michael J. 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 October 2016 and 31 October 2016 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(426)	\$5,149,696.65
EFT Payment to Creditors in USD	(1)	\$9,762.90
Cheque Payment to Creditors	(32)	\$133,816.24
Total Monthly Payments to Creditors	(459)	\$5,293,275.79
Cheque Payments to Non Creditors	(134)	\$109,923.85
Total Payments	(593)	\$5,403,199.64

Officer Recommendation AND COUNCIL DECISION

Moved: Cr Cheryle Irons

Seconded: Cr Ken Manolas

That the Listing of Payments for the month of November 2016 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 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)** to 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.

10.6.3 Listing of Payments

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 listed according to the quantum of the payment from largest to smallest - allowing Council Members to focus their attention on the larger cash outflows. This initiative facilitates more effective governance from lesser Council Member effort.

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 Tender 16/2016 ‘Provision for Air Conditioning Maintenance Services’

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-16-88698
Lodgement Date:	18 November 2016
Date:	22 November 2016
Author:	Bruce Moorman, Manager City Environment
Reporting Officer:	Mark Taylor, Director Infrastructure 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:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

Summary

This report considers submissions received from the advertising of Tender 16/2016 for “Air Conditioning Maintenance”.

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: Cr Cheryle Irons

Seconded: Cr Ken Manolas

That Council approves the tender submitted by Coolmate Pty Ltd for the “ Air Conditioning Maintenance” for the schedule of rates price of \$180,024 (ex GST) over three (3) years with the option of two (2) years at the City’s discretion in accordance with Tender Number 16/2016.

CARRIED EN BLOC (8/0)

Background

A Request for Tender (RFT) 16/2016 for the ‘Air Conditioning Maintenance ‘ was advertised in The West Australian on 25 June 2016 and closed at 2pm on 12 July 2016.

Tenders were invited as a *Schedule of Rates*.

The RFT is for ‘Air Conditioning Maintenance ‘.

The contract is for the period three years with the option of an addition 2 years at the City’s discretion.

Comment

At the close of the tender advertising period (16) submissions had been received and these are tabled below:

TABLE A - Tender Submissions

Tender Submissions
Bourke Air
Coolmate P/L
Hirotec Maintenance P/L
MPS – Mechanical Project services
Associated Air conditioning
Precise Air Group
CMS Engineering
Action Air (Patman Family Trust)
Australian HVAC Services P/L
Air Master
WAMS – WA Mechanical Services
Haden
Engie/Triology services
Fredon Air P/L
Holden – David Holden P/L
Downer EDI Power P/L

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. Occupational Safety and Health	5%
2. Sustainability	5%
3. Experience working with Local Government Authorities	30%
4. Respondents resources, skills and experience of key personnel	30%
5. Demonstrated availability of resources and equipment to complete works as detailed in the schedules in a timely manner	30%
Total	100%

Based on the assessment of all submissions received for Tender 16/2016 'Air Conditioning Maintenance', it is recommended that the tender submission from Coolmate Pty Ltd be approved by Council.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report at **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 \$150,000. 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 tenders to a maximum value of \$250,000 (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 full cost of the works is reflected in the 2016/2019 budget/s.

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

10.6.4 (a): Tender 16/2016 Air Conditioning Maintenance (*Confidential*).

10.6.5 Tender 20/2016 'Provision for Electrical Maintenance Services'

Location:	City of South Perth
Ward:	All
Applicant:	Not Applicable
File Ref:	D-16-88699
Lodgement Date:	18 November 2016
Date:	22 November 2016
Author:	Shirley King Ching, Building and Assets Coordinator
Reporting Officer:	Mark Taylor, Director Infrastructure 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:	6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

Summary

This report considers submissions received from the advertising of Tender 20/2016 for the “Provision of Electrical Maintenance Services”.

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: Cr Cheryle Irons

Seconded: Cr Ken Manolas

That Council approves the tender submitted by Harrison Electrics for the “Provision of Electrical Maintenance Services” at an approximate annual price of \$149,632 ex GST for a three year period with the option of a further one (1) year at the City’s discretion.

CARRIED EN BLOC (8/0)

Background

A Request for Tender (RFT) 20/2016 for the ‘Provision of Electrical Maintenance Services’ was advertised in The West Australian on 3 September 2016 and closed at 2:00 pm AWST on 20 September 2016.

Tenders were invited as a *Schedule of Rates*.

The RFT is for the ‘Provision of Electrical Maintenance Services’.

The contract is for the period of 36 months with the option to extend 12 months at the City’s discretion.

Comment

At the close of the tender advertising period (28) submissions had been received and these are tabled below:

TABLE A - Tender Submissions

Tender Submission
BARA Electrical Services
BOYAN Electrical Services
Burgess Enterprises T/A Kalamunda Electrics
Cable Logic Pty Ltd
Datatel Electrical Communications
David Holden Pty Ltd T/A Holden Electrical Contracting
Downer EDI Engineering Power Pty Ltd
Electrical Testing Services Pty Ltd
Fredon WA Electrical Pty Ltd
Future Power WA Pty Ltd
Gilmore Global Pty Ltd
Gilmour Jooste Electrical
Harrison Electrics Pty Ltd
Insight Electrical Technology
Kool Line Electrical Refrigeration
KP Electrical Australia Pty Ltd
Lightspeed Communications Australia Pty Ltd
M M Albrecht Pty Ltd T/A Perth Electrical & Fire
MACS Maintenance Contracting Services
Metro West Power Systems
Paramount Electrical Services
Pearmans Electrical Mechanical Services
Powerlux WA
SJ Electric WA
Surun Services Pty Ltd
Techworks Electrical Solutions
The Trustees for Westwide Electrical Unit Trust
Tri Tech Group Pty Ltd T/A Janissen Electrics

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. Relative Experience	30%
2. Key Personnel, Skills & Resources	30%
3. Demonstrated Understanding & Ability to perform on time	30%
4. Inventory of Safety Equipment	10%
Total	100%

10.6.5 Tender 20/2016 'Provision for Electrical Maintenance Services'

Based on the assessment of all submissions received for Tender 20/2016 'Provision of Electrical Maintenance Services', it is recommended that the tender submission from Harrison Electrics be approved by Council.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report at **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 \$150,000. 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 tenders to a maximum value of \$250,000 (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 full cost of the works is reflected in the 2016/2017 budget/s.

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

- 10.6.5 (a):** Panel Report for RFT 20/2016 Provision for Electrical Maintenance Services (*Confidential*).

10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.7.1 Recommendations of the Audit, Risk and Governance Committee Meeting - 8 November 2016

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-16-88701
Date:	22 November 2016
Author:	Sharron Kent, Governance Officer
Reporting Officer:	Phil McQue, Manager Governance and Administration
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

The purpose of this report is to provide the recommendations from the Audit, Risk and Governance Committee meeting held on 9 August 2016 for Council's consideration. The Minutes and Attachments of which can be found at **Attachments (a) and (b)**.

Committee Recommendations and COUNCIL DECISION

Moved: Cr Cheryle Irons

Seconded: Cr Ken Manolas

That Council adopt the following recommendations of the Audit, Risk and Governance Committee meeting held on 9 August 2016:

- **Audit Fraud Risk Questionnaire 2015/16**

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (h) as it contains information relating to "such other matters as may be prescribed"*

That Council endorses the Audit Fraud Risk Questionnaire 2015/16 Response and submits it to Macri Partners.

- **Review Policies and Delegations**

That the Audit, Risk and Governance Committee, having reviewed the following council policies and delegations recommends to Council that:

a) the following policies having been reviewed with 'no change' to content be recommended to Council for adoption:

Strategic Direction 2 – Environment

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
- P212 Waste Management

Strategic Direction 4 - Places

- P401 Graffiti Management
- P402 Alfresco Dining
- P403 Charity Clothing Bins on City Managed Land

Strategic Direction 5 - Infrastructure and Transport

- P501 Paths – Provision and Construction
- P502 Cycling Infrastructure
- P510 Traffic Management Warrants

- b) the following delegation has been reviewed with ‘no change’ to content be recommended to Council for adoption:

Strategic Direction 5 – Infrastructure and Transport

DC511 Partial Closure of a thoroughfare for repair or maintenance

- c) The following policies having been reviewed and the content revised, as per **Attachment (a)**, be recommended to council for adoption:

- P316 Developer Contribution for Public Art
- P607 Tenders and Expressions of Interest

- **Drones – Public Places and Local Government Property Amendment Local Law**

That the Audit, Risk and Governance Committee recommend to Council that it not proceed with an amendment to the Public Places and Local Government Property Local Law, relating to the operation of drones on City property.

- **Parking Local Law 2016**

That the Audit, Risk and Governance Committee recommend to Council:

- in accordance with s3.12(3)(a)(b) of the *Local Government Act 1995*, Council gives state-wide and local public notice stating that:
 - a) it proposes to make a Parking Local Law, and a summary of its purpose and effect;
 - b) copies of the proposed local law may be inspected at the City offices
 - c) submissions about the proposed local law may be made to the City within a period of not less than six weeks after the statutory public notice is given;
- provide a copy to the Minister for Local Government and Communities, in accordance with s3.12(4) of the *Local Government Act 1995*.

CARRIED EN BLOC (8/0)

Background

The Audit and Governance Committee meeting was held on 9 August 2016 with the following items listed for consideration on the Agenda:

- Audit Fraud Risk Questionnaire 2015/16
- Review Policies and Delegations
- Drones – Public Places and Local Government Property Amendment Local Law
- Parking Local Law 2016

Comment

The Audit and Governance Committee considered the following items on 8 November 2016:

1) Audit Fraud Risk Questionnaire 2015/16

This report presents Council's response to the Audit Fraud Risk Questionnaire 2015/2016 prepared by Macri Partners.

2) Review Policies and Delegations

The City has a statutory obligation under the *Local Government Act 1995* to review its policies and council delegations each financial year. The Terms of Reference of the Audit, Risk and Governance Committee include responsibility for reviewing the City's policies and council delegations.

a) The annual review of the City's policies held within:

- Strategic Direction 2 – Environment;
- Strategic Direction 4 – Places; and
- Strategic Direction 5 – Transport and Infrastructure

are now presented for the consideration of the Committee and referral to Council for adoption.

b) The annual review of the City's council delegation held within:

- Strategic Direction 5 – Transport and Infrastructure

is now presented for the consideration of the Committee and referral to Council for adoption.

c) A major review of the following two policies:

- P316 Developers Contribution to Public Art
- P607 Tenders and Expressions of Interest

are now presented for the consideration of the Committee and referral to Council for adoption.

3) Drones – Public Places and Local Government Property Amendment Local Law

This report recommends that the Audit, Risk and Governance Committee not proceed with an amendment to the Public Places and Local Government Property Local Law, relating to the operation of drones on City property.

4) Parking Local Law 2016

This report considers a new Parking Local Law 2016.

10.7.1 Recommendations of the Audit, Risk and Governance Committee Meeting - 8 November 2016

Consultation

The four items were the subject of consideration at the 8 November 2016 Audit, Risk 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*.

Financial Implications

Nil

Sustainability Implications

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

Attachments

- 10.7.1 (a):** Minutes of the Audit, Risk and Governance Committee Meeting held 8 November 2016
- 10.7.1 (b):** Attachments to the Audit, Risk and Governance Committee Meeting held 8 November 2016

11. APPLICATIONS FOR LEAVE OF ABSENCE

11.1 REQUESTS FOR LEAVE OF ABSENCE

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

- *Councillor Cheryle Irons* for the period 24 – 30 November 2016 inclusive and 6 December 2016 only
- *Councillor Travis Burrows* for 22 November 2016 only
- *Councillor Glenn Cridland* for the period 6 – 14 December 2016 inclusive
- *Councillor Ken Manolas* for the period 30 November – 18 December 2016 inclusive and 12 – 25 January 2016 inclusive

COUNCIL DECISION

Moved: Councillor Cheryle Irons

Seconded: Councillor Jessica Black

That Leave of Absence be granted to:

- *Councillor Cheryle Irons* for the period 24 – 30 November 2016 inclusive and 6 December 2016 only
- *Councillor Travis Burrows* for 22 November 2016 only
- *Councillor Glenn Cridland* for the period 6 – 14 December 2016 inclusive
- *Councillor Ken Manolas* for the period 30 November – 18 December 2016 inclusive and 12 – 25 January 2016 inclusive.

CARRIED (8/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

The Presiding Member advised that a report was to be presented to the 22 November 2016 Ordinary Council meeting as a result of Councillor Travis Burrows' Notice of Motion in relation to the Revocation of the August 2016 Resolution of Council concerning the Black Spot Program. Given Cr Burrows' Leave of Absence at this evening's meeting this report will not be presented this evening, rather it will go to the 13 December 2016 Ordinary Council meeting.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

At the 25 October 2016 Ordinary Council meeting there were no questions from Members taken on notice.

13.2 QUESTIONS FROM MEMBERS – 22 NOVEMBER 2016

Questions were received from Councillor Ken Manolas relating to the 'Vision 2027' Survey, as follows:

- Q. Why is it optional at question 9. for survey respondents to provide their name and email address if they answered 'yes' to either questions 7. or 8.:

Q7. "Would you like to continue the conversation and take part in a Strategic Community Plan workshop in February 2017?"

Q8. "Would you like to receive the City's e-newsletter to keep up to date with this project and what's happening in the City of South Perth?"

Why is it not compulsory for all participants to provide their details? Would this not encourage multiple responses of a certain viewpoint potentially resulting in skewed data?

A. Respondents were asked to provide their contact details in order that they may be contacted to participate in further research or receive the e-newsletter. The City does not believe that anonymous responses would encourage the manipulation of data but rather encourage public participation in the survey. All opinion is important to the City - all submissions will be collated and analysed. Additionally the survey will not accept multiple responses from one IP address (computer identifier) which minimises your concern of multiple submissions of one viewpoint.

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

Nil

15. MEETING CLOSED TO PUBLIC

Nil

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 7.49pm.

17. RECORD OF VOTING

22/11/2016 7:24:14 PM

Motion to Extend Public Question Time

Motion Passed 8/0

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

Absent: Cr Travis Burrows

22/11/2016 7:29:30 PM

7.1 Confirmation of Minutes

Motion Passed 8/0

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

Absent: Cr Travis Burrows

22/11/2016 7:30:13 PM

7.2 Noting of Briefing

Motion Passed 8/0

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

Absent: Cr Travis Burrows

22/11/2016 7:31:06 PM

8.4 Council Delegates' Reports

Motion Passed 8/0

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

Absent: Cr Travis Burrows

22/11/2016 7:34:05 PM

9.1 En Bloc Motion

Motion Passed 8/0

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

Absent: Cr Travis Burrows

22/11/2016 7:40:22 PM

10.3.1 Proposed Three-Storey Single House. Lot 806 (No. 83) River Way, Salter Point

Motion Passed 8/0

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

Absent: Cr Travis Burrows

22/11/2016 7:43:04 PM

11. Requests for Leave of Absence

Motion Passed 8/0

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

Absent: Cr Travis Burrows

APPENDIX

6.2 RESPONSES TO QUESTIONS TAKEN ON NOTICE: 25 OCTOBER 2016

1. Phillip Courtney, 82 Princeton Circuit, Aubin Grove Received at the meeting	Response provided by: Mark Taylor, Director Infrastructure Services
<p><i>[Preamble]</i> This council is aware that on Wednesday 19 October that JDAP approved a high rise building at 74 Mill Point Road. That meeting was advised by your traffic officer Mr. Edwards, and by myself, that the resulting traffic congestion will be non trivial. The presiding member advised, after all presentations were closed, that the resulting traffic issues will be something the residents of South Perth will need to adapt to.</p>	
<p>1. Does the council have any view about the resulting degradation of air quality which in my view will lead to an increase in mortality and morbidity c.f. <i>Ole Raaschou-Nielsen; et al. (July 10, 2013). "Air pollution and lung cancer incidence in 17 European cohorts: prospective analyses from the European Study of Cohorts for Air Pollution Effects (ESCAPE)". The Lancet Oncology. 14 (9): 813-22. Doi:10.1016/S1470-2045(13)70279-1. PMID 23849838. Retrieved October 25 2016. Particulate matter air pollution contributes to lung cancer incidence in Europe.?</i></p>	<p>Questions concerning air quality should be directed to the Department of Environmental Regulation (DER). The DER has the role of protecting and maintaining air quality in Western Australia. The DER provides strategic, technical, and policy advice on air quality matters.</p>
<p>2. Does the council have any view about the resulting degradation of air quality which may result in stress on the London plane trees in Mill Point Road north? Does the Council have plans to pollard the trees to protect their viability?</p>	<p>London Plan trees are noted for their ability to survive and thrive in the urban environment. They have been a feature tree in London (hence their colloquial name) and other European Cities, such as Paris and Barcelona, for over 300 years.</p>
<p>3. Does the council have any view about the resulting degradation of air quality which may have an adverse effect on residents of the aged care facilities to be built in this – and other developments?</p>	<p>Questions concerning air quality should be directed to the Department of Environmental Regulation (DER). The DER has the role of protecting and maintaining air quality in Western Australia. The DER provides strategic, technical, and policy advice on air quality matters.</p>

4. Does the council have any view about the resulting degradation of air quality on the operation of the Zoo? Has the council considered whether the zoo will be able to keep mammals, and if not what the effect on the zoo will be?	Questions concerning air quality should be directed to the Department of Environmental Regulation (DER). The DER has the role of protecting and maintaining air quality in Western Australia. The DER provides strategic, technical, and policy advice on air quality matters.
5. Does the council have any plans to investigate the resulting degradation of air quality	No
6. Does the council have powers to delay this (and other approvals) until it is satisfied, or otherwise if the council finds the effects are non trivial, what powers does the council have to ameliorate the resulting health risk.	No.
2. Vicki Redden, 14/63 Mill Point Road, South Perth Received at the meeting	Response provided by: Vicki Lummer, Director Development and Community Services
<i>[Preamble]</i> We received advice that a SAT appeal against the JDAP decision for 74 Mill Point Rd, is not completely out of the question. It may be a long shot or even perhaps a first, but it wouldn't harm the situation. I've learned in the last 2 years that lawyers have very different opinions on what is right and wrong – and in the end some are right and some are not so right! The other reason for taking this initial step would be to publically declare that council is serious about challenging this decision.	
1. So will council consider a request to SAT to be joined as a 3 rd party in the final proceedings?	The Council has resolved to allocate funding to seek legal advice to determine whether reasonable grounds exist that would require the Supreme Court to consider a review of JDAP's decision, and as to the prospects of a successful appeal in the event the appeal is heard.
<i>[Preamble]</i> As we have had 3 JDAP reviews in 3 weeks... sadly I have only read through this Business Case for the South Perth Rail Station just the once, and there are some good ideas, but it raised quite a few concerns.... As you can see by my notes. This report makes numerous incorrect assumptions and many errors. An there are many areas where the report builds a case on all the <u>unexpected</u> consequences of TPS6 – many of the developments described are unlawful approvals and as you know, not what was planned. I worry that this is TPS7 by stealth as it and leans heavily towards developers determining the future of South Perth rather than a consultative approach. My question is....	

<p>2. If you adopt this report tonight, does that mean you also accept these dubious assumptions and factual errors?</p>	<p>The business case document was updated between the briefing and the Council meeting, with some errors being corrected. I recommend you look at the updated document will form part of the Minutes.</p>
<p>3. This same Business Case refers to many items which will be impacted by some upcoming events..... Amendment 46 – surly must be finalised soon, the Consultative Planning Forum with Roberts Day in the new year and hopefully a Local Planning Scheme for the Mends St area which has been strongly recommended by the Government Architect. Wouldn't it be more sensible to defer this proposal until the city has a clearer idea of its future vision?</p>	<p>The business case is an update of a previous, now outdated business case. Should the planning framework change considerably a further update can be completed in due course.</p>
<p>3. Craig Dermer, 14/63 Mill Point Road, South Perth Received at the meeting</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p><i>[Preamble]</i> Some time ago, after the special electors meeting, Cardno were engaged to do something? Perhaps review the current town planning scheme.</p>	
<p>1. Why is this report still not available to the public (I am not certain about the access by the Councillors?) What is so secret that the residents and ratepayers (and councillors?) are refused access?</p>	<p>The town planning review undertaken by Cardno provided an unendorsed working document only. The recommendations and comments were used in house in further work.</p>
<p><i>[Preamble]</i> In the introduction of the DA for 74 Mill Point Road it is stated that the value of the Development is \$90 million. However, in the AEC economic impact report, which was used to approve the DA (for the 34 Storey building), the total project cost is estimated to be \$140 million.</p>	
<p>2. Since the applicant will be required to contribute monies based on the cost, is council aware of the true figure on which these contributions will be calculated?</p>	<p>The value of \$90 million was taken from the application form for the 44 storey development. A further estimate will be carried out by the applicant during the design development stage and a more accurate costing provided to the City prior to Building Permit application.</p>

4. Geoff Defrenne, 24 Kennard Street, Kensington Received at the meeting	Response provided by: Les Croxford, Manager Engineering Infrastructure
<i>[Preamble]</i> Underground power – Kensington: The state government, local government, and statutory authorities have an obligation to provide certain services to an area.	
<p>1. Are residents expected to contribute to the replacement or maintenance of the following, should they require upgrading?:</p> <ul style="list-style-type: none"> • the water supply pipes • the sewage pipes • the footpaths • the local roads • the electricity supply 	<p>Yes. The service providers obtain their revenue from rates and charges levied against the property. As a result the resident indirectly pays for the maintenance, replacement or upgrading of water mains, sewer lines and the electricity supply to their properties.</p>
<p>2. If residents contribute to the cost of underground power, will they have any equity in the electricity that is currently under review for sale?</p>	<p>No. The contribution to underground power by property owners is the one off capital cost to provide an alternative form of power distribution that has little if any direct benefit to Western Power. Outages on an underground circuit are fewer in number but far more costly and impact longer than an outage on the overhead network. The major beneficiary to the UGP program is the homeowner through a much improved streetscape, a higher level of visual amenity and increased property resale values.</p>

6.2 PUBLIC QUESTION TIME: 22 NOVEMBER 2016

1. David Cooper of 20 Forrest Street, South Perth Received: 21 November 2016	Response provided by: Vicki Lummer, Director Development and Community Services
<p><i>[Preamble] With respect to an R15 coded Lot.....</i></p>	
<p>1. does the City consider a side boundary setback of 1.2m allowed for a 15.8m wall of height greater than 6m above natural ground level to be a significant departure to the R-Codes, alternatively, a 1.2m setback allowed for a 18.34m long wall of height greater than 5m above natural ground level to be a significant departure to the R-Codes, alternatively a zero lot setback for a wall height greater than 6m above natural ground level to be a significant departure to the R-Codes, alternatively a combination of any or all of the foregoing to be a significant departure to the R-Codes, bearing in mind a second zero lot setback also would apply to the side boundary of the other adjoining property?</p>	<p>These matters under the R Codes require the development to meet the “Deemed –to –Comply” provisions or alternatively demonstrate compliance with the required “Design Principles”. There is no term or concept of a “departure” to the R Codes. The following are the Design Principles for Lot boundary setbacks :</p> <p><i>5.1.3 Lot boundary setback</i></p> <p><i>P3.1 Buildings set back from lot boundaries so as to:</i></p> <ul style="list-style-type: none"> • <i>reduce impacts of building bulk on adjoining properties;</i> • <i>provide adequate direct sun and ventilation to the building and open spaces on the site and adjoining properties; and</i> • <i>minimise the extent of overlooking and resultant loss of privacy on adjoining properties.</i> <p><i>P3.2 Buildings built up to boundaries (other than the street boundary) where this:</i></p> <ul style="list-style-type: none"> • <i>makes more effective use of space for enhanced privacy for the occupant/s or</i> • <i>outdoor living areas;</i> • <i>does not compromise the design principle contained in clause 5.1.3 P3.1;</i> • <i>does not have any adverse impact on the amenity of the adjoining property;</i> • <i>ensures direct sun to major openings to habitable rooms and outdoor</i>

	<p><i>living areas for adjoining properties is not restricted; and</i></p> <ul style="list-style-type: none"> • <i>positively contributes to the prevailing development context and streetscape.</i> <p>City's Policy P350.2 "Residential Boundary Walls" replaces the R-Codes provision (P3.2 above). Approval of boundary walls under this policy is determined on site specific criteria and hence a generic answer to your question is not relevant. However, if you are referring to development at Lot 164 Forrest Street, I can advise the following: approval of the boundary wall is not considered as a significant departure from the policy requirements. This approved two storey boundary wall at no. 22 Forrest Street abuts the existing two storey boundary wall at no. 20 Forrest Street. The approved wall is shorter in length than the existing wall next door; and is no higher than the existing wall either. Hence, the boundary wall will not be visible from 20 Forrest Street and will not have an adverse impact in terms of visual bulk or amenity. The approved wall also meets with all amenity factors identified under Clause 5 of this policy.</p>
<p>2. Will Council allow Mr David Cooper's representative, Cornerstone Legal, to make a Deputation to Council on the use of delegated powers by planning officers?</p>	<p>Response provided by Mayor Sue Doherty: Council reviews its delegations annually. Our advice would be to make a submission at this time as the review of delegations will be an Item on the Agenda and therefore you have the opportunity to make a Deputation to Council. This City will notify you when this review takes place.</p>
<p>3. What is the limit of the City's delegated authority in changing setbacks to that specified in the R-Codes and specifically varying the maximum height of zero lot line from 3.5 metres to greater than 6 metres?</p>	<p>This question was taken on notice given it was received at the meeting. The response to this question will be recorded in the December 2016 Council Minutes.</p>

<p>2. Trevor Wilkinson, 2 Ruth Street, Como Received: 21 November 2016</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p><i>[Preamble] I received a letter of 16 November with update of illegal non-compliant driveway and it appears Council is not enforcing all regulations as pertaining to the crossover and driveway. Extract:</i></p> <p><i><u>Driveway</u></i></p> <p><i>The driveway is functional, has an appropriate fall to existing structures and satisfies the general expectations of a driveway. Therefore there is no justification to alter the driveway.</i></p> <p><i><u>Crossover</u></i></p> <p><i>Although the crossing has not been constructed to the natural ground levels, in all other respects it satisfies the details for a crossing. Therefore there is no justification to alter the crossing.'</i></p> <p><i>Council Officers as do Councillors see the crossover is totally wrong with raised height and the driveway is too flat and won't direct water into the sumps. Brickwork is flat with some falling away to my west side. I am told that if, at the SAT meeting, if just one issue is agreed on that is the finish and we can't readdress the other issues now dropped off. This is extremely concerning.</i></p>	
<p>1. <i>This being the case will Council reinstate the total number of issues before the SAT meeting on site?</i></p>	<p>The City has made extensive endeavours to keep you informed as to developments in relation to the issues associated with the development at 23 Brittain Street. Amongst that advice was information provided both verbally and in writing from questions you asked at the previous Council meeting. That included advice that the City had issued a Direction Notice for breach of several planning conditions of approval.</p> <p>Please note that by itself that the driveway is not illegal or non-compliant as you state.</p> <p>You were also advised that the owner had the prerogative of lodging an appeal to the State Administrative Tribunal against the Direction Notice and in fact that is what has occurred.</p> <p>The owner of 23 Brittain Street has lodged an appeal and the first</p>

directions hearing was held on Friday 18 November. The City officers did advise you of that directions hearing so that you could attend. A mediation date has not yet been set, however SAT has advised you that you can attend if both parties agree to this. The City is agreeable to this.

Please understand that the SAT is specifically considering the following breaches of planning approval:

1. Any filling of the site to be retained by embankments or walls
2. All subsoil water and stormwater from the property to be discharged into soak wells or sumps located on the site.

With respect to the letter you have received dated 16 November the information contained in that is correct and all of the City officers are in agreeance in regard to the driveway and the crossing.

These matters do not form part of the SAT matter.

As advised in the letter in relation to the Driveway:

Driveway

The driveway is functional, has an appropriate fall to existing structures and satisfies the general expectations of a driveway. Therefore there is no justification to alter the driveway.

And in relation to the Crossover:

Crossover

Although the crossing has not been constructed to the natural ground levels, in all other respects it satisfies the details for a crossing. Therefore there is no justification to alter the crossing.

These matters are closed for consideration.

I wish to advise that questions about these matters will not be further entertained and answered in the future, instead reference will be made to the minutes of this meeting.

[Preamble] I table a copy of letter written and posted registered mail 12 October 2015 delivered and signed for at office to the former Acting CEO, Ms Lummer, to avoid any possible confusion. Original and carbon copy! Letter sent 29 October 2015 was summary of meeting on site 21 October 2015 totally irrelevant to question. I implore you Madam Mayor to direct the former Acting CEO to answer the question as she has intimate knowledge of the matter unlike the CEO, Mr Geoff Glass, who had not taken up his position. Copy of letter:

*'Chief Executive Officer
Administration Centre Office
Civic Centre
South Perth Council*

Dear Sir/Madam,

Re: meeting on site 23 Brittain Street non-compliant driveway and matter discussed on phone on Friday 9 October 2015 and enquiry stated needed to be undertaken. I request a formal reply as to when the meeting on site with the two Council employees only is to take place. I also request a formal reply of the outcome of your enquiry into the matter discussed on the phone 9 October 2015. My question to you was this: How did the developers builders come to be patching up and covering up evidence only that I had raised in my submission the very next morning after this material landed in the office, less than 24 hours. They never did anything else and only concerned themselves with what I had raised. Council had not inspected the site and did not contact me. This material and letter was forwarded and addressed to the CEO of South Perth City. I also had it confirmed the material was there.

I await your reply.

Yours faithfully

*T. Wilkinson
2 Ruth Street
Como
12 October 2015'*

2. Over what period was the inquiry conducted and why was my letter requesting a formal reply as to the outcome of this inquiry never answered?

Response provided by the CEO, Geoff Glass:

The essence of your letters to the City, your question and the investigation that was undertaken is that you wish to know how the builder was aware of the matters you raised. That matter is being answered now, as it was done at the October Council meeting:

"A letter was sent to you dated 29 October 2015. That letter referred to the matters raised in your letter dated 12 October 2015.

One of the matters was the enquiry into how the builder was aware of the work that was required to be undertaken at 23 Brittain Street. The response in this letter stated that the City has advised the landowner of its concerns regarding stormwater and retaining on site and hence the landowner would have told the builder.“

Please note that this matter, the letters pertaining to it and questions about the investigation will not be answered in future, instead reference will be made to the minutes of this meeting.

[Preamble] To the Mayor.

I wrote to you on 15 April 2016 and on speaking to you, you stated you never got it. Then after speaking to the Property and Admin Officer she found it instantly as it was there all the time. That was found on the Friday and the following Monday at 11.30am I was speaking to you and you said they were still looking for that letter. I just held my breath and thought I don't know what goes on up there. That letter contained very important issues one such pertains to the previous question. I require an answer to that letter in writing together with a written apology.

3. No question.

Response provided by Mayor Sue Doherty:

I received your letter dated 15 April 2016 on 19 April 2016. All letters addressed to me are required to go through the City's formal document management system. When I receive letters that relate to operational matters my practice is to request the relevant City Director respond on my behalf. I passed your letter onto the Director of Development and Community Services who asked one of her Officers to respond to your letter.

The City wrote to you on 1 June 2016 clearly stating the points raised in your letter and provided a detailed response to those points. You have received the requested response in writing.

I acknowledge the matter is now with the SAT.

3. Geoff Defrenne, 24 Kennard Street, Kensington Received Late: 22 November 2016 @ 12.05pm	Response provided by: Mayor Sue Doherty
<i>[Preamble] Questions on Notice: The answers to my September questions were answered in the October minutes.</i>	
1. Is it acceptable to the council that it is effectively a two month wait before subsequent questions can be asked based on the provided answers?	Response provided by Mayor Sue Doherty: These questions will be taken on notice given they were received less than 24 hours prior to the meeting. Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.
2. Were the answers to my September questions in the October meeting agenda or were the answers to my questions mentioned at any time during the October meeting?	Response provided by Mayor Sue Doherty: These questions will be taken on notice given they were received less than 24 hours prior to the meeting. Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.
3. If the council confirms the draft minutes of the October meeting as presented, is the CEO or any councillor prepared to affirm under oath that the answers to my September questions were in the agenda or were mentioned at the October meeting?	Response provided by Mayor Sue Doherty: These questions will be taken on notice given they were received less than 24 hours prior to the meeting. Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business

next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.

[Preamble]

9.31. Terms used

In this Subdivision, unless the contrary intention appears —
authorised employee, in the context of certifying a copy of —
a local law of a local government; or
any other document of or adopted by it,

to be a true copy, means an employee of the local government who is authorised to so certify either by the CEO, or a person acting with CEO’s authority;

certified copy means a copy that is certified by an authorised employee to be a true copy.

9.37. Using meeting minutes as evidence

Evidence of a matter that is recorded in a document purporting to be a certified copy of all or any part of confirmed meeting minutes may be given by tendering the document.

In subsection (1) —

meeting minutes means the minutes of a meeting of a council or committee in which the matter is recorded.

4. Is there a requirement that the minutes of the council meetings reflex a true and proper record of the meeting?

Response provided by Mayor Sue Doherty:

These questions will be taken on notice given they were received less than 24 hours prior to the meeting.

Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.

[Preamble]

Manning Hub: In September 2016 I asked the following questions using my August question and answer as preliminary context.

Q. Does the City have proposed lease agreements with the proposed tenants including the term of the tenancy and annual lease?

A. Yes the City has proposed peppercorn leases for the child health clinic, playgroup and Moorditj Keila and a paid lease for the football club and gridironclub which will be calculated on the formula of 0.01% of the insured value of the facility. All leases are 5 years with a 5 year option and all come with responsibilities on the groups for cleaning and maintenance.

Football Club: In September I asked the following question:

Q. What is the estimated lease payable by the football club?

A. The clubrooms and change rooms will be jointly leased with Manning Rippers FC and Perth Blitz Gridiron Club.

5. Is the answer provided an acceptable answer to the council?

Response provided by Mayor Sue Doherty:

These questions will be taken on notice given they were received less than 24 hours prior to the meeting.

Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.

6. Did the council understand when asked what the estimated lease payable by the football, I wanted a dollar amount?

Response provided by Mayor Sue Doherty:

These questions will be taken on notice given they were received less than 24 hours prior to the meeting.

Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will

	be recorded in the December 2016 Council Minutes, as per City practice.
7. Has the council any idea of the dollar amount per annum the football club will pay for the lease of the premises within a range of \$300 per annum?	<p>Response provided by Mayor Sue Doherty:</p> <p>These questions will be taken on notice given they were received less than 24 hours prior to the meeting.</p> <p>Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.</p>
8. Is an estimate of the dollar amount per annum too hard a calculation for the administration to calculate?	<p>Response provided by Mayor Sue Doherty:</p> <p>These questions will be taken on notice given they were received less than 24 hours prior to the meeting.</p> <p>Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.</p>
9. Does the administration need any assistance estimating a dollar amount per annum that the football club will pay per annum?	<p>Response provided by Mayor Sue Doherty:</p> <p>These questions will be taken on notice given they were received less than 24 hours prior to the meeting.</p> <p>Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.</p>

<p>10. Does the council believe that providing very poor answers to council questions is a waste of time for the council and public as well as a waste of resources by the council administration?</p>	<p>Response provided by Mayor Sue Doherty:</p> <p>These questions will be taken on notice given they were received less than 24 hours prior to the meeting.</p> <p>Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.</p>
<p><i>[Preamble] Agenda Item 6.1: I note in tonight's agenda at item 6.1 it states the responses to previous questions taken on notice.</i></p>	
<p>11. Will the answers to my October questions taken on notice be provided at tonight's meeting?</p>	<p>Response provided by Mayor Sue Doherty:</p> <p>These questions will be taken on notice given they were received less than 24 hours prior to the meeting.</p> <p>Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.</p>
<p>12. If the answers are not provided tonight, is the agenda item deceptive and misleading conduct by the council?</p>	<p>Response provided by Mayor Sue Doherty:</p> <p>These questions will be taken on notice given they were received less than 24 hours prior to the meeting.</p> <p>Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.</p>

13. Have the answers to my October questions taken on notice been prepared?

Response provided by Mayor Sue Doherty:

These questions will be taken on notice given they were received less than 24 hours prior to the meeting.

Please note I have discussed this matter with the CEO. The City will provide you a written response to all your questions by close of business next Friday 2 December 2016. The questions will also be recorded in the November 2016 Council Minutes and the responses to these questions will be recorded in the December 2016 Council Minutes, as per City practice.

DISCLAIMER

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

These Minutes were confirmed at a meeting on Tuesday 13 December 2016.

Signed _____

Presiding Member at the meeting at which the Minutes were confirmed