

# MINUTES.

## Ordinary Council Meeting

**27 June 2017**

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 27 June 2017 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

30 June 2017

# Our Guiding Values

## Trust

Honesty and integrity

## Respect

Acceptance and tolerance

## Understanding

Caring and empathy

## Teamwork

Leadership and commitment

## Disclaimer

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

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

## Further Information

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

- **Council Meeting Schedule**

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

- **Minutes and Agendas**

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

- **Meet Your Council**

The City of South Perth covers an area of around 19.9km<sup>2</sup> divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

[www.southperth.wa.gov.au/Our-Council/](http://www.southperth.wa.gov.au/Our-Council/)

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# Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 27 June 2017.

## 1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7:07pm and welcomed everyone in attendance. He 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

The Presiding Member advised that this meeting is held in accordance with the City's Standing Orders Local Law which provides rules and guidelines that 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 'Recording of Proceedings'.

He then gave his 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

Cr Glenn Cridland                      Como Ward (Deputy Mayor / Presiding Member)

### Councillors

Cr Jessica Black	Como Ward
Cr Colin Cala	Manning Ward
Cr Sharron Hawkins-Zeeb	Manning Ward
Cr Travis Burrows	Moresby Ward
Cr Fiona Reid	Moresby Ward
Cr Cheryle Irons	Mill Point Ward
Cr Ken Manolas	Mill Point Ward

### Officers

Mr Geoff Glass	Chief Executive Officer
Mr Vicki Lummer	Director Development and Community Services
Mr Colin Cameron	Director Corporate Services
Mr Mark Taylor	Director Infrastructure Services
Mr Phil McQue	Manager Governance and Marketing
Mr Stevan Rodic	Manager Development Services
Ms Vanessa Loncar	Manager Organisational Planning & Performance
Ms Danielle Cattalini	Manager Stakeholder & Customer Relations
Ms Sharron Kent	Governance Officer
Ms Natalia Francis	Governance Project Officer
Ms Christine Vass	Executive Assistant to the CEO

### Gallery

There were approximately 80 members of the public and 1 member of the media present.

## **4.1 APOLOGIES**

Nil

## **4.2 APPROVED LEAVE OF ABSENCE**

Mayor Sue Doherty (Presiding Member)

## **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. 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 a Declaration of Interest had been received from:

- Cr Ken Manolas in relation to Agenda Item 10.0.1 Foreshore Node 9: Flagpole – Westralian Centre Concept.

The Presiding Member advised that in accordance with the *Local Government (Rules of Conduct) Regulations 2007* this Declaration would be read out immediately before Item 10.0.1 was discussed.

## **6. PUBLIC QUESTION TIME**

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

The Presiding Member advised that the responses to public questions Taken on Notice at the May 2017 Ordinary Council Meeting are available in the **Appendix** of these Minutes.

## 6.2 PUBLIC QUESTION TIME: 27 JUNE 2017

*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 the following in relation to Public Question Time procedures:

- Public Question Time is operated in accordance with the Local Government Act Regulations and the City's Standing Orders Local Law.
- Any person who completes and submits, with at least 24 hours' notice, a 'Public Question Time Submission' form may be received at a Council meeting.
- Complex questions requiring research shall be submitted seven working days prior to the Council meeting in order to allow the City sufficient time to prepare a response.
- Forms are available on the City's website, at Reception and also available in the Chamber foyer on the night of the Council Meeting.
- Questions may be accepted in writing at the meeting (forms provided in the Chamber foyer) by placing the form in the 'Public Question Time' tray provided in the Chamber no later than five (5) minutes prior to the commencement of the Council meeting. Any questions submitted at the meeting will be 'Taken on Notice' and an answer provided in the Minutes of the next Ordinary Council meeting.
- Public Question Time will be held in accordance with the legislated period of 15 minutes. A maximum of 3 minutes is allotted for each person to ask up to 3 questions, including any contextual or opening statement. All questions must relate to the ordinary business of the City of South Perth, the function of Council or the purpose of the Special Council Meeting as appropriate. Sub-parts of questions are counted as a question (ie. question 1 parts (a), (b) and (c) will be counted as three questions).
- Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may call a motion to extend Public Question Time for no longer than 15 minutes at the end of the allocated 15 minutes.

The Presiding Member then opened Public Question Time at 7.12pm.

Written questions were received 24hrs prior to the meeting from:

- Ms Cecilia Brooke of 8/20 Garden Street, South Perth
- Mr Colin Bailey of 19B Norton Street, South Perth
- Mr Geoff Defrenne of 24 Kennard Street, Kensington
- Dr Jennifer Nevard of 195 Mill Point Road, South Perth
- Mr Les Ozsdolay of 10 Glasnevin Court, Waterford
- Dr Sarah Schladow of 3/20 Garden Street, South Perth

Written questions were received after the 24hr deadline by:

- Mr Geoff Defrenne of 24 Kennard Street, Kensington



At 7.33pm the Presiding Member called for a Motion to extend Public Question Time by 15 minutes to hear those questions not yet heard.

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

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Colin Cala

That Public Question Time be extended for 15 minutes to hear those not yet heard.

**CARRIED (8/0)**

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

Questions received at the meeting were Taken on Notice. The answers to these questions will be provided in the Appendix of the July 2017 Ordinary Council Meeting Agenda.

The Presiding Member then closed Public Question Time at 7.52pm.

## **7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIFFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1**

### **7.1 MINUTES**

#### **7.1.1 Ordinary Council Meeting Held: 23 May 2017**

#### **7.1.2 Audit, Risk and Governance Committee Meeting Held: 6 June 2017**

#### **7.1.3 Special Council Meeting Held: 8 June 2017**

#### **7.1.4 Special Council Meeting Held: 13 June 2017**

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

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Jessica Black

That the Minutes of the:

- Ordinary Council Meeting Held: 23 May 2017
- Audit, Risk and Governance Committee Meeting Held: 6 June 2017
- Special Electors' Meeting Held: 8 June 2017
- Special Council Meeting Held: 13 June 2017

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. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.*

### 7.2.1 Concept Briefings

Officers of the City provided the Council with an overview of the following:

- *South Perth Station Precinct Draft Report & Recommendations from Roberts Day* at a Concept Briefing held 9 May 2017; *2017/2018 Draft Budget Overview* at a Concept Briefing held 15 May 2017; *Kensington/South Perth Character Study Report – Part B Canning Highway #ShapeOurPlace Stage 2* at a Concept Briefing held 22 May 2017; *2017-2027 Draft Strategic Community Plan* at a Concept Briefing held 12 June 2017; *2017/2018 Draft Budget Overview* at a Concept Briefing held 13 June 2017; and *The Westralian Centre Concept* at a Concept Briefing held 14 June 2017.

#### Attachments

- 7.2.1 (a):** 9 May 2017 - South Perth Station Precinct Draft Report & Recommendations from Roberts Day - Notes and Presentation
- 7.2.1 (b):** 15 May 2017 - 2017/2018 Draft Budget Overview - Notes
- 7.2.1 (c):** 22 May 2017 - Kensington South Perth Character Study - Notes
- 7.2.1 (d):** 22 May 2017 - Kensington South Perth Character Study - Presentation and Background to the Project
- 7.2.1 (e):** 12 June 2017 - 2017-2027 Draft Strategic Community Plan - Notes
- 7.2.1 (f):** 13 June 2017 - 2017/2018 Draft Budget Overview - Notes
- 7.2.1 (g):** 14 June 2017 - The Westralian Centre Concept - Notes
- 7.2.1 (h):** 14 June 2017 - The Westralian Centre Concept - Presentations

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Cheryle Irons

That the Notes of the Concept Briefings held 9 May, 15 May, 22 May and 12 June, 13 June and 14 June 2017 be noted.

**CARRIED (8/0)**

### 7.2.2 Council Agenda Briefing - 20 June 2017

Officers of the City presented background information and answered questions on items to be considered at the June 2017 Ordinary Council Meeting at the Council Agenda Briefing held 20 June 2017.

#### Attachments

- 7.2.2 (a):** 20 June 2017 - Council Agenda Briefing - Notes

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Colin Cala

That the Notes of the Council Briefing held on 20 June 2017 be noted.

**CARRIED (8/0)**

## 8. PRESENTATIONS

### 8.1 PETITIONS

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

#### 8.1.1 Telecommunications Tower at 211 Douglas Avenue, Kensington

A petition was received on 30 May 2017 from Sonia Smilley of 170 Douglas Avenue, Kensington together with 181 signatures in relation to the location of the proposed telecommunications infrastructure intended for 211 Douglas Avenue, Kensington (Moresby Reserve).

The text of the petition reads:

*“We, the undersigned local Kensington residents demand that the City of South Perth find an alternative location for the proposed ‘Telecommunications Infrastructure’ intended for 211 Douglas Avenue, Kensington (Moresby Reserve).*

*The ‘Telecommunications Tower’ will not only be unsightly to local residents and park users; it also has the potential to devalue properties in the surrounding area.*

*This structure will be an extraordinarily tall and ugly eye-sore that will seriously degrade the neighbourhood’s skyline.”*

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Cheryle Irons

That the petition received on 30 May 2017 from Ms Sonia Smilley of 170 Douglas Avenue, Kensington together with 181 signatures in relation to the location of the proposed telecommunications infrastructure intended for 211 Douglas Avenue, Kensington (Moresby Reserve) be forwarded to the relevant Officer for consideration.

**CARRIED (8/0)**

### 8.2 PRESENTATIONS

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

#### 8.2.1 Silver Award - Australasian Reporting Awards

The City was awarded the Silver Award at the Australasian Reporting Awards in Melbourne on Wednesday 21 June 2017. The City successfully competed with large corporations such as Telstra, Australia Post, BHP and Woodside Petroleum to take out the Silver.

The Chief Executive Officer, Mr Geoff Glass, was at the ceremony to accept the award on behalf of the City.

Mr Glass presented the award to the Presiding Member.

### 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 Council Agenda Briefing held 20 June 2017.

### 8.4 COUNCIL DELEGATES REPORTS

#### 8.4.1 Delegates' Reports

Reports summarising the:

- Rivers Regional Council (RRC) Meeting held 20 April 2017
- Western Australian Local Government Association (WALGA) South East Metropolitan Zone (SEMZ) Meeting held 27 April 2017

are attached.

#### Attachments

**8.4.1 (a):** 20 April 2017 - RRC Meeting - Delegates' Report

**8.4.1 (b):** 27 April 2017 - WALGA SEMZ - Delegates' Report

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Travis Burrows

That the Delegates' Report of the RRC Meeting held 20 April 2017 and the WALGA SEMZ Meeting held 27 April 2017 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. He then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 20 June 2017.

The Chief Executive Officer confirmed that this was correct.

#### ITEMS WITHDRAWN FOR DISCUSSION

Item 10.0.1 Foreshore Node 9: Flagpole - Westralian Centre Concept

Item 10.6.4 Draft Strategic Community Plan 2017-2027

Item 10.6.5 Third Party Appeal Rights in Planning - WALGA Discussion Paper

## 9.1 EN BLOC MOTION

### COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Cheryle Irons

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

- Item 10.0.2 Electors' Motions - Special Electors' Meeting - 8 June 2017
- Item 10.3.1 Proposed Two Storey Single House. Lot 216 (No. 139) River Way, Salter Point.
- Item 10.3.2 Proposed Change of Use (Cafe/ Restaurant). Lot 3 (No.5/71) Manning Road, Como
- Item 10.3.3 Final Adoption of Policy P303 Design Review Panel
- Item 10.3.4 Review of Town Planning Scheme No. 6
- Item 10.4.1 South Perth Peninsula Place + Design Report
- Item 10.6.1 Management Account Summaries
- Item 10.6.2 Statement of Funds, Investments and Debtors at 31 May 2017
- Item 10.6.3 Listing of Payments
- Item 10.7.1 Matters Referred from the Audit, Risk and Governance Committee Meeting: 6 June 2017

**CARRIED (8/0)**

## 10. REPORTS

### 10.0 MATTERS REFERRED FROM PREVIOUS COUNCIL MEETINGS

At this point, and prior to discuss on the Item, Councillor Ken Manolas read aloud his Declaration of Interest in relation to Item 10.0.1 Foreshore Node 9: Flagpole - Westralian Centre Concept, as follows:

“As per the Local Government Act, the Rules of Conduct Regulations and the Administration Regulations as well as the City’s Code of Conduct 2008, I wish to declare an impartiality interest in Agenda Item 10.0.1 Foreshore Node 9: Flagpole – Westralian Centre Concept on the Ordinary Council Meeting Agenda of 27 June 2017.

I declare that I reside at and am joint owner of 193 Mill Point Rd, and that, the proximity of this property to the South Perth Foreshore could lead to a perception that my impartiality on this item may be affected.

In accordance with requirements set out in section 5.65 of the Local Government Act, I acknowledge that there also may be a perception that I have a proximity interest and/or a financial interest in item 10.0.1 regarding the Westralian Centre to be discussed at the Agenda Briefing Meeting 20th June 2017.

In accordance with section 5.60B of the Local Government Act 1995, I wish to declare that I do not have a proximity interest as my property does not adjoin or have a common boundary with the proposed location for the Westralian Centre.

In accordance with Section 5.60A of the Local Government Act 1995, I wish to declare that I do not have a financial interest as I do not believe that the proposed Westralian Centre development proceeding would result in a financial impact (negative or positive) on the value of my property.

It is also my view that the proposed Westralian Centre concept is an item that is common with a significant number of electors and/or ratepayers - 5.63 (1) (a) of the Local Government Act 1995.

In the event that Council do not concur with the above declarations , I request that Council to allow me to participate in item 10.0.1 The Westralian Centre in accordance with section 5.68 of the Local Government Act 1995.

It is my intention to remain in the Council Chamber, consider this matter on its merits and vote accordingly or vacate the Chamber before this Item is discussed or voted on.”

The Presiding Member raised a question of clarification with Cr Manolas with respect to his Declaration of Interest:

**“Deputy Mayor Cridland:** I’m sorry I didn’t understand that last bit [of the Declaration]. You’re asking us to.... vote on?

**Cr Manolas:** That if you don’t concur with my declaration, I’m asking you to vote.

**Deputy Mayor Cridland:** Well can I seek some guidance from you? You’ve said that you’ve declared an impartiality interest and that’s because you live at 193 Mill Point Road. Does your impartiality interest also relate to the/any flyers distributed or sourced or that have been created from that place in relation to the Westralian Centre?

**Cr Manolas:** I do not understand your question.

**Deputy Mayor Cridland:** I'll put it again. You've declared an impartiality interest because you live at and you're the joint owner of 193 Mill Point Road, correct?

**Cr Manolas:** Correct, that's what you've said.

**Deputy Mayor Cridland:** Does your impartiality interest also relate to flyers that have come from that address?

**Cr Manolas:** Of that I'm not certain. I know my wife did distribute some flyers, but I do not understand whether that has an impartiality interest or not.

**Deputy Mayor Cridland:** Right, have you distributed any flyers?

**Cr Manolas:** No I haven't.

**Deputy Mayor Cridland:** And what about the online survey, oh sorry, survey petition in respect of saving the South Perth foreshore? Does your impartiality relate to that as well? You're not aware of that?

**Cr Manolas:** Not aware of that.

**Deputy Mayor Cridland:** Okay, alright, now do any of the Councillors have a view in respect of, not accepting the declarations made by Councillor Manolas? Alright, okay that takes us on to the report 10.0.1."

Later during discussion on the Item, Cr Manolas confirmed a pamphlet was distributed by him:

**Cr Manolas:** In seconding the motion, I would refer to the importance of consultation. Mr Deputy Mayor, I would, for my declaration, I realised that I did distribute a pamphlet, and I said the previous pamphlet belonged to my wife and I encourage people to go on the website and fill in - to read what was on the website and actually fill in the survey.

**Deputy Mayor Cridland:** Right, okay.

**Cr Manolas:** So I'd like to correct what I said previously.

Cr Manolas remained in the Chamber for debate and voting on the item.

### 10.0.1 Foreshore Node 9: Flagpole - Westralian Centre Concept

Location: South Perth  
Ward: Mill Point Ward  
Applicant: City of South Perth  
File Ref: D-17-49515  
Date: 27 June 2017  
Author / Reporting Officer: Geoff Glass, Chief Executive Officer  
Strategic Direction: Community -- Create opportunities for an inclusive, connected, active and safe community  
Council Strategy: 1.3 Create opportunities for social, cultural and physical activity in the City.

#### Summary

This report provides Council with a progress report on the Westralian Centre concept business plan, community and stakeholder consultation, investigation and preparatory works, and potential external funding sources, as resolved by Council in February 2017.

#### Officer Recommendation

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Glenn Cridland

That the Council:

- Note and acknowledge the Business Case analysis prepared by Pracsys that demonstrates the proposed concept of the Westralian Centre as being financially viable and feasible, able to generate significant long term benefits for South Perth;
- Note and acknowledge the independent survey results conducted by Thinkfield / Clarity Communications, which demonstrates key findings showing that the majority of people in the City of South Perth and broader Western Australia support the Westralian Centre concept and design;
- Note and acknowledge the Your Say South Perth questionnaire result which demonstrates that the majority of respondents, primarily from the City of South Perth, are not in favour of the proposed Westralian Centre concept and design at Foreshore Node 9 : Flagpole;
- Note and acknowledge the City of South Perth stakeholder engagement conducted with identified parties that indicates support for the uses and nature of the Westralian Centre concept;
- Note and acknowledge the motions passed at the 8 June 2017 Special Electors Meeting that expressed opposition to the proposed Westralian Centre concept;
- Resolve not to progress the Westralian Centre concept in the form and indicative design as proposed, including the undertaking of further site and management investigations and obtaining required approvals;
- Resolve to progress individual conceptual components that were identified as favourable in the Business Case and survey and questionnaire results, consistent with the statement of intent for Foreshore Node 9 : Flagpole as



part of the progressive implementation of the South Perth Foreshore Plan;

- Note that the South Perth Foreshore Plan Advisory Group be tasked to assist with investigating, developing and advising the Council on potential options to achieve the Node 9 Strategies.

#### **Amended Motion (Parts 1-5) AND COUNCIL DECISION**

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Sharron Hawkins-Zeeb

*Note: Councillor Colin Cala requested that his Amended Motion be moved in two parts: dot points 1-5, then 6-8.*

That the Officer Recommendation be amended as follows:

That the Council:

- Note ~~and acknowledge~~ the Business Case analysis prepared by Pracsys. ~~that demonstrates outlined three financial scenarios that they believed were the proposed concept of the Westralian Centre as being financially viable and feasible and able to generate significant long term benefits for South Perth;~~
- Note ~~and acknowledge~~ the independent survey results conducted by Thinkfield / Clarity Communications, which ~~indicated demonstrates key findings showing that the that there were a~~ majority of people in the City of South Perth and broader Western Australia ~~that~~ support the Westralian Centre concept and design;
- Note ~~and acknowledge~~ the Your Say South Perth questionnaire result which ~~indicates demonstrates~~ that ~~the a~~ majority of respondents, primarily from the City of South Perth, are not in favour of the proposed Westralian Centre concept and design at Foreshore Node 9 : Flagpole;
- Note ~~and acknowledge~~ the City of South Perth stakeholder engagement conducted with identified parties that indicates support for the uses and nature of the Westralian Centre concept;
- Note ~~and acknowledge~~ the motions passed at the 8 June 2017 Special Electors Meeting that expressed opposition to the proposed Westralian Centre concept;

**CARRIED (8/0)**

#### **Amended Motion (Parts 6-8) AND COUNCIL DECISION**

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Sharron Hawkins-Zeeb

- Resolve not to progress the Westralian Centre concept ~~as proposed at Node 9 on Sir James Mitchell Park and its Foreshore at Node 9. This should be a public open space for recreation with no permanent commercial buildings; in the form and indicative design as proposed, including the undertaking of further site and management investigations and obtaining required approvals;~~
- Resolve to progress the South Perth Foreshore Strategy and Management Plan for Node 9 in accordance with the Strategies identified in the Plan ~~and as a Landscape Architectural expression and in consultation with the community. individual conceptual components that were identified as favourable in the Business Case and survey and questionnaire results;~~

~~consistent with the statement of intent for Foreshore Node 9 : Flagpole as part of the progressive implementation of the South Perth Foreshore Plan;~~

- ~~• Establish a Reference Group whose role will be to assist in the implementation of an endorsed Plan for Node 9. Note that the South Perth Foreshore Plan Advisory Group be tasked to assist with investigating, developing and advising the Council on potential options to achieve the Node 9 Strategies.~~

*Note: with the agreement of the Mover, Councillor Cheryle Irons requested that the words “on Sir James Mitchell Park and its Foreshore at Node 9” be added to the first dot point.*

*Note: with the agreement of the Mover, Councillor Ken Manolas requested that the word “and” be removed from the second dot point.*

**CARRIED (7/1)**

### **Reasons for Amendments**

- Dot points 1 to 6 present too strong a case for the results of the financial modelling and surveys and I believe ‘Noting’ the survey results is more appropriate and the results ‘indicating’ rather than demonstrating either support or opposition is more appropriate.
- The form and scale of the proposed Westralian Centre concept is a significant departure from what would be reasonably understood from the Strategy outlined in the South Perth Foreshore and Management Plan for Node 9. The Officer’s Recommendation for dot point 6 still does not discount a significant built structure which I believe to be inconsistent with the Strategies for Node 9.

#### **STRATEGY N9 FLAG POLE**

*Develop the Flag Pole node as:*

*A landmark site, representing national, state, local and Aboriginal significance, that expresses the historical background of the area; and*

*A landmark event space for calendar civic and social events, that provides recreational facilities throughout the year.*

*The Strategy is further expanded in detail:*

#### **NODE STRATEGIES**

- *N9.1 Improve family and picnic facilities;*
- *N9.2 Expression of site history:*
  - Chinese market gardens;*
  - European Settlement;*
  - Aboriginal history;*
- *N9.3 Develop the area as a civic ceremony and events space.*

There is nothing in these words that would suggest a development of over 2200 square metres plus approximately another two lane 6 metre wide access road to the site approximating 1800 square metres and another 500 plus square metres of hardstand for parking for staff, buses and visitors. All in all, approximately 4500 square metres of green space removed from the park.

It is no wonder that those who understand this area well have responded so negatively to the proposition. Given the opposing results from the two surveys undertaken and the motions passed at the Special Electors Meeting, it is puzzling to read in the Report that the work undertaken to date demonstrates a strong community support for the concept, I would suggest the facts prove otherwise. The results of the “Your Say South Perth

Questionnaire” and the Motions passed at the Special Elector’s Meeting would suggest a strong community reaction to the Proposals. The results of the Thinkfield/Clarity Communications survey which showed majority support for the Concept has to be considered in the context of any such proposal put to people: of course it’s a nice idea – who wouldn’t think so. However when you consider the economic issues and what iconic open space will be lost to those who use the park for Australia Day and general events; and those who value its passive recreation opportunities, then it puts the proposal in an entirely different light.

The results of the surveys leading up to the formulation and adoption of the Foreshore and Management plan clearly showed that people’s dominate purpose for visiting this area was associated with using the open space for walking, cycling, dog walkers and also those attending open air events, charity walks and runs, picnics and family opportunities.

- Amongst other factors’ the choice of the Site as military history exhibition space is inappropriate. As the Site has limited military significance in the history of the State or Nation, there is little to no case to provide a facility along the lines of the Anzac Centre in Albany. To provide a permanent exhibition of military history to compliment the State War Memorial in Kings Park maybe a well-intentioned proposal, but choosing a Site without the deep significance Albany has for the memory of those departing for Europe in World War 1, does no service to the memory of those men and women of this nation who gave up their lives in the many military conflicts since World War 1. A onetime Australia Day event at this location does not give it National Significance and the Concept proposed would not provide shelter for the hundreds who attend the Australia Day Citizenship Ceremony in this location every year. A development would in fact remove the opportunity for the range of events hosted in this area of SJMP that occur throughout the year.
- Providing the opportunity to acknowledge and celebrate the local history of the Site can be expressed through Landscape Architecture. The very significance of the foreshore to aboriginal culture and life; and as land for European and Chinese market gardeners suggests a Landscape expression of this past.
- I believe that the three scenarios that are presented for the business case provide various outcomes for the City but don’t satisfy me as being conclusive to justify a development at this site. If the City wants to provide more opportunity for tourist dollars, it should provide this in its existing business quarter and at the Historic Old Mill. Node9 is not the appropriate location and no further money or resources should be put into this exercise. There are other community infrastructure projects that are in the City’s long term financial plan, such as an expanded indoor sports centre and a new aquatic facility for George Burnett Leisure Centre. These projects have a higher level of priority in seeking federal or state funding.
- Consultation achieves a personal ownership to any project and any proposed expression of the objectives for Node 9 is no exception. A brief should be prepared following a workshop of interested residents and a Landscape Architectural Consultant appointed to develop a plan for the area. Following the endorsement of the Plan by the Council, a reference group composed of the various interest groups should be appointed to assist in the implementation of the Plan.

The Amendments then became the Substantive.

#### **COUNCIL DECISION**

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Glenn Cridland

That the Council:

- Note the Business Case analysis prepared by Pracsys;
- Note the independent survey results conducted by Thinkfield / Clarity Communications, which indicated that there were a majority of people in the City of South Perth and broader Western Australia that support the Westralian Centre concept and design;
- Note the Your Say South Perth questionnaire result which indicates that a majority of respondents, primarily from the City of South Perth, are not in favour of the proposed Westralian Centre concept and design at Foreshore Node 9 : Flagpole;
- Note the City of South Perth stakeholder engagement conducted with identified parties that indicates support for the uses and nature of the Westralian Centre concept;
- Note the motions passed at the 8 June 2017 Special Electors Meeting that expressed opposition to the proposed Westralian Centre concept;
- Resolve not to progress the Westralian Centre concept as proposed at Node 9 on Sir James Mitchell Park and its Foreshore at Node 9. This should be a public open space for recreation with no permanent commercial buildings;
- Resolve to progress the South Perth Foreshore Strategy and Management Plan for Node 9 in accordance with the Strategies identified in the Plan as a Landscape Architectural expression and in consultation with the community;
- Establish a Reference Group whose role will be to assist in the implementation of an endorsed Plan for Node 9.

**CARRIED (7/1)**

#### **Background**

The South Perth Foreshore is a significant regional asset providing important recreational amenity to the Greater Perth metropolitan region. The user base of the South Perth Foreshore is growing at a fast rate with projected population growth, development in the Perth CBD and around Perth Waters driving demand for use of the public open space.

Following extensive community consultation, the award winning South Perth Foreshore Strategy and Management Plan (SPFSM Plan) for the 62 hectares of South Perth foreshore land was unanimously adopted by Council in September 2014.

The SPFSM Plan aims to balance the competing demands for use, development and management of the metropolitan regional reserve with the need to conserve and enhance a functional healthy river and foreshore environment.

The SPFSM Plan objectives include:

- Create opportunities for increased social activity
- Develop and enhance existing parkland, flora and fauna
- Encourage healthy lifestyles
- Recognise and celebrate history and cultural heritage
- Foster and promote sustainability
- Improve accessibility and connectivity
- Maintain vistas
- Governance

The SPFSM Plan has four strategies to assist with planning and management of the foreshore, including:

#### Transport and Access

- Create a highly accessible and connected public open space, with improved access, connectivity and legibility for all users to the foreshore environment;
- Identify transport considerations aimed to reduce car use and conflict between modes of transport; review current transport provisions; and investigate multi-modal transport options.

#### Infrastructure

- Manage the operation, maintenance, renewal and upgrade of infrastructure assets in order to meet community needs in a sustainable, cost effective and holistic manner.

#### Activation

- Increase activation and appeal of existing spaces through ideas that are trialed and assessed and long term place making opportunities realised through good design, appropriate management, community activation and partnering.

#### Culture, Environment and Heritage

- Celebrate culture and heritage as a strong element of the foreshore's identity;
- Develop an environment that responds to the requirements of climate change and water sensitive urban design practice and provides biodiversity.

#### Foreshore Node 9 : Development Concept

In line with the SPFSM Plan, the City has been seeking to develop a concept on Foreshore Node 9: Flag Pole (Node 9), which has the following statement of intent.

- A landmark site, representing national, state, local and Aboriginal significance, that expresses the historical background of the area; and
- A landmark event space for calendar civic and social events that provides recreational facilities throughout the year

In response to the above, the City engaged SIA architects in 2016 to assist in developing a unique concept that could deliver on the above statement of intent.

A multi-purpose public space concept of approximately 2,200 sqm was developed, that could be a commemorative landmark site, which could host events of local, state and national significance, whilst also being a major tourist attraction.

The name “Westralian Centre” was chosen as a working title, to symbolically represent the State significance of the South Perth foreshore.

This concept was considered by Council at a confidential briefing in August 2016, and in February 2017 the Council formally considered the Westralian Centre, which could potentially comprise:

- Internal interpretation and exhibition space
- Outdoor recreation and interpretation space
- Theatre / lecture room (40 person capacity)
- Office
- Café / Restaurant (40-60 person capacity)
- Gift and souvenir shop
- Public toilets

The Council resolved to support in principle the Westralian Centre concept as follows:

*That:*

- *the Council support in principle the Westralian Centre concept to be located on the South Perth Foreshore in accordance with the South Perth Foreshore Plan (the preferred location at this time being Node 9);*
- *the Council authorise the Chief Executive Officer to:*
  - *commence community and stakeholder consultation*
  - *commence investigations and preparatory works pertaining to statutory approvals and proposed operational management requirements for the Westralian Centre concept*
  - *commission a business plan on the Westralian Centre concept*
  - *investigate capital funding for the Westralian Centre concept with public and private sources*
- *note that a progress report on the business plan, community and stakeholder consultation, site and management investigations and preparatory works potential external capital funding sources will be provided to Council by June 2017 for the purposes of an initial review before proceeding to any further stage of the Proposed Project and;*
- *the Council allocate an additional \$50,000 from municipal funds for the Westralian Centre concept investigations and preparatory works with the following adjustment.*

### **Comment**

The following works have been undertaken as requested by Council.

### Business Plan

Pracsys were engaged to develop a Business Case that assessed the Westralian Centre concept. It must be noted that this Business Case is still a draft document, given the Westralian Centre is a concept subject to further approvals and amendments. In the event that the Westralian Centre concept is progressed, then this Business Case would develop into a Business Plan.



The purpose of this Business Case **shown at Attachment (a)** is to assess:

- Benchmarks for foreshore developments which respected their natural and recreational surroundings
- The need for facilities in the area of Node 9
- Options for developing Node 9
- The community impact of the most suitable option
- Scenarios of financial implications for the City

The business case analysed the following

- Visitor activity and trends for South Perth foreshore
- Potential infrastructure and favoured uses for South Perth foreshore
- Options for concepts at South Perth foreshore
- Operating Financial Models for the Westralian Centre concept

Amongst a range of river front locations, the analysis identified Point Fraser as a similar style project that enhanced the natural environment, maintained recreational uses and provided commercial activity along the Perth Waters foreshore. It is suggested that some concepts from this development could be applied at Node 9. A needs assessment found that there was a gap in the provision of local and Aboriginal heritage infrastructure and storytelling. A gap was also identified in current facilities near Node 9 to support existing and future activities.

It was noted that the amenity in some areas along the South Perth Foreshore had been upgraded and that the City was taking further steps to ensure sustainable use of the South Perth Foreshore into the future. User growth projections indicate a substantial increase in visitation between 2017 and 2037 due to the regional scale of the amenity and its attractiveness to tourists. Opportunities were identified with regards to increased visitation, increased expenditure capture and commercial activity.

Options were assessed, including:

- No change
- Minimal Infrastructure
- Moderate Infrastructure
- Comprehensive Infrastructure

Using a comprehensive Multi-Criteria Analysis, the Moderate Infrastructure option was identified as the most suitable. The option was seen to provide sufficient infrastructure to sustain the amenity of Node 9 given user growth while respecting the natural surrounds and introducing appropriate commercial activity.

The Moderate Infrastructure option impacts were assessed based on possible infrastructure and the costs associated with the conceptual design provided by the City.

The construction of the facility will inject \$6.5 million into the local economy, creating 21 Full-time Equivalent (FTE) direct jobs and indirectly stimulating up to 42 jobs in the broader economy.

Once operational, the facility is expected to increase visitation to the foreshore. The additional spend associated with this visitation is estimated at \$11 million in net present value over a 20 year period. The expenditure could generate six direct employment opportunities as well as an additional 11 indirect employment opportunities in the first year. The number of jobs supported will grow in line with the expected visitation growth, reaching 12 direct and 23 indirect employment opportunities in by 2037.

The project is expected to increase the opportunity for individuals to volunteer in the City. It was conservatively estimated that around 5,000 hours of volunteering per year will be required to support the exhibition space activities. Participation in volunteering provide the opportunity for increased productivity. It was estimated that the present value of productivity benefits of volunteering amounts to \$4.7 million.

The moderate infrastructure project will be a sustainable and financially positive asset. The total value of operational income was estimated at approximately \$4 million over 20 years.

The analysis determined that the project will contribute significant social benefits, which includes:

- Sense of Community
- Education
- Volunteering
- Potential for further integration of Public Transport Infrastructure
- Safety
- Equitable usage
- Social Cohesion
- Health
- Social Capital

Some of these benefits can be quantified through research based relationships. The intrinsic value attributable to potential interpretation and exhibition space is estimated to be \$13 million in present value terms over 20 years. Volunteering civic and volunteering intrinsic benefits associated with the exhibition space are estimated at \$2 million and \$1 million respectively in present value terms. Total discounted social benefits amount to approximately \$16 million over a 20-year period.

A Cost Benefit Analysis assessed the value for money of the project related to the capital costs and ongoing costs to the community. Total discounted economic and social benefits were compared to total discounted costs. Discounted costs amounted to an estimated \$31 million in present value terms over 20 years.

Benefits and Costs	Present Value (\$)
Economic Benefits	15,818,000
Social Benefits	15,555,000
<b>Total Benefits</b>	<b>31,373,000</b>
<b>Total Costs</b>	<b>7,791,000</b>
<b>Net Present Value</b>	<b>23,582,000</b>



The financial implications for the City were assessed using three scenarios:

- Scenario 1: a private developer develops the land and pays ground lease to the City – Minimal revenue and cost to the City
- Scenario 2: the City invests \$1.5 million into the development with funding from Federal and State government and private operates pay market rent to the City – High revenue and moderate to high cost to the City maintenance costs of non-commercial areas
- Scenario 3: Federal and State funding is sought to fund the entirety of the development – High revenue and moderate cost to the City

A financial model was developed to assess the three options. In all options the project is viable based on the City's initial costs (if any) and ongoing costs associated with managing the facility.

#### Revenue to Cost Ratio Assessment

Financial Metric	Scenario One	Scenario Two	Scenario Three
City Revenue – Present Value	\$1,823,000	\$3,933,000	\$3,933,000
City Cost – Present Value	\$(773,000)	\$(3,292,000)	\$(1,334,094)
City – Net Present Value	\$1,051,000	\$641,000	\$2,599,000

Scenarios two and three (when the City operates the facility) bring the highest revenue over a 20-year period, and scenario one bears the lowest cost due to the private investor covering most of the operating expenses. Based on the Net Present Values, scenario three presents the best value for money for the City.

Scenario one requires no capital investment from the City and has low operating costs, but significantly limits the long-term potential revenue for the City. This option is based on a private investor paying all of the development costs (further analysis would be required to assess the viability of such an investment from the perspective of the developer). Both scenarios two and three are not likely to attract external government funding due to the commercial nature of the investment and the high return on investment achieved by the City.

Scenario two, where the City co-invests \$1.5 million is more likely to secure government funding. In this scenario the City keeps control over the development and it is able to recover the initial investment with a potential for a long-term revenue making asset. Note that alternative scenarios can potentially occur such as a mix of City, private and external government funding.

#### Independent Survey – Thinkfield / Clarity Communications

Thinkfield / Clarity Communications were engaged to undertake independent market research to determine the level of support for the concept of a landmark site at Foreshore Node 9, as well as the reaction to the design of the Westralian Centre concept amongst City of South Perth residents and ratepayers as well as the wider West Australian community.

An online survey was sent to two separate samples - a representative sample of the West Australian population, as well as an additional sample of City of South Perth ratepayers and residents.

The representative sample of the Western Australian community was sourced using fieldwork agency Thinkfield's panel of people who have agreed to take part in surveys to ensure a representative sample by age and gender from across Western Australia. A total sample size of 500 Western Australians was achieved.

As the City of South Perth's residents are more likely to be users of the South Perth foreshore and potentially have different views on the development, it was important to ensure their views were sought separately in this research. The online survey was emailed to 3,450 City of South Perth ratepayers and residents, of which 659 completed the survey and their responses analysed separately to the WA sample.

Research findings **shown at Attachment (b)** show the majority of Western Australians and City of South Perth residents and ratepayers think the proposed concept for Node 9 is appropriate and are in favour.

- WA – 69% in favour of the concept and 14% against
- City of South Perth – 63% in favour of the concept and 27% against

Main reasons for supporting the concept include a desire for activation of the foreshore precinct, a place to convey the history (both Indigenous and early settlement) of the area and an attraction for visitors to South Perth.

There is a subset of the City of South Perth sample who were strongly against (18.5%) the concept for Node 9. This subset consists of people who are aged 55+ years, living in the suburb of South Perth and using that part of the foreshore on a daily basis.

This subset are predominantly resistant to any change at that point of the foreshore ("leave it alone") with a fear of losing the natural, green, open space.

Overall, there was greatest support for the landmark site to include features that enhanced the existing natural environment, with highest levels of support for picnic facilities, recreational facilities and a café from which to enjoy the view and environs. The natural, riverside environment (including flora and fauna) and the significance of the Swan River were most favoured as themes for the landmark site.

The Westralian Centre would likely enjoy high levels of visitation from people across Western Australia should it proceed, with 62% of Western Australians aged 18+ years indicating they would be very or quite likely to visit in the first year it opened to the public.

#### Community and Stakeholder Consultation

As part of the consultation process for the proposed Westralian Centre, the City commenced initial consultation with stakeholders at the inform and consult levels:

- A questionnaire open to community and other stakeholders for a three week period.
- Workshop/focus groups including one with key military/ex-military stakeholders.
- Workshop/focus group with key Traditional Owners/Aboriginal stakeholders.
- Preliminary meetings with government agencies, key special interest groups and possible funding sources.

The City communicated the community and stakeholder consultation process through a number of different channels including:

- Southern Gazette advertisements
- City of South Perth e-newsletters
- Social media including Facebook and Twitter
- Flyers, posters and hard copies of the questionnaire at all the City of South Perth outposts including the Thelma St depot, South Perth and Manning Libraries, the Old Mill, the South Perth Senior Citizens Centre, Manning Senior Citizen Centre and the South Perth Civic Centre reception.
- Your Say South Perth including information on the proposed Westralian Centre, FAQ's, diagrams with the concept design, questionnaire and timeline.
- The City of South Perth website.
- Direct emails to the City's stakeholders including community and special interest groups and businesses, City of South Perth reference group members advising them of the proposed Westralian Centre and inviting them to participate in the consultation.
- Meetings/information sessions.

#### *Your Say South Perth Questionnaire*

Community consultation on the proposed Westralian Centre concept via the City's *Your Say South Perth* portal commenced on Wednesday 10 May 2017.

A questionnaire was published along with a summary of the background to the project, frequently asked questions, location photos and concept plans. Hard copies of the questionnaire were distributed to all City venues.

The questionnaire contained a set of targeted questions along with open ended comment fields. The questions were aligned with those from the Thinkfield survey to enable the comparison of responses and analysis.

The questionnaire closed on Friday 2 June 2017, providing the community with three and a half weeks to submit feedback.

Key findings from the questionnaire **shown at Attachment (c)** are:

- 435 questionnaires were completed
- 65% of respondents did not like the proposed concept of the Westralian Centre.
- 26.7% of respondents liked the proposed concept of the Westralian Centre.
- 8.2% of respondents did not know if they liked or did not like the proposed concept of the Westralian Centre.
- 84% of respondents were City of South Perth residents (with 63% of these respondents living in the suburb of South Perth) with the remaining 16% from the wider Perth metropolitan area.
- Over 80% of respondents visit the South Perth Foreshore at least once a month, with 64.9% visiting at least once a week

Two workshops held with key military and Aboriginal/Traditional Owners attendees were overwhelmingly supportive of the Westralian Centre concept. The majority at both workshops support design elements of the proposed centre and discussed it as a first stage idea to be further explored with the possibility of

including other elements to express the themes (through a number of different forms including areas such as signage, lighting and displays). Both groups expressed a desire for a physical form/building of some description for displays, lectures and functions, to provide food and beverage options and also to become a place to reflect heritage and culture.

Preliminary informal meetings and correspondence held with individuals, groups and government agencies including the South Perth History Society, the State Heritage Office, the Australia War Memorial, State and Federal government representatives and possible financial providers, all had an interest in the proposed Westralian Centre concept and wanted to know more about it and how they may contribute. These parties viewed the discussions as an initial starting point and were supportive of the proposed Westralian Centre concept elements and themes at this early stage.

#### Capital Funding

Given the Westralian Centre is a concept that has not yet received Council approval to progress it was considered premature to formally seek capital funding from external sources. However preliminary discussions with potential funders were considered positive and beneficial.

#### **Summary**

The majority of the work undertaken on the Westralian Centre concept has demonstrated that there was strong community support for the concept, and that it would be a popular, viable and feasible project for the City that would provide a landmark attraction for Node 9 consistent with the SPFMS Plan.

However, it is acknowledged that there is concern from the local community as to the Westralian Centre concept. It is therefore recommended that the Council resolve not to progress the Westralian Centre Concept in the form and indicative design as proposed, including the undertaking of further site and management investigations and obtaining any required approvals.

Given the Business Case and the survey and questionnaire results indicate strong and favourable support for individual conceptual components within the Westralian Centre concept, it is recommended that these individual components, consistent with the statement of intent for Node 9, be progressed with further reports to Council for consideration in due course.

The SPFSM provides that a South Perth Foreshore Advisory Group be established to *'advise on specific points related to future planning for the foreshore'*. It is recommended that representation be sought for this Group and it be tasked to assist with investigating, developing and advising the Council on potential options to achieve the Node 9 Strategies

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

Flagpole Node 9 is situated on a Class C Crown Reserve 34565, with a management order stating a designated purpose of 'recreation' only. Uses permitted must be ancillary or beneficial to 'recreation'.

The Management Order provides the City the power to lease, sublease or licence to a maximum of 21 years, subject to the approval of the Minister for Lands.

The Westralian Centre Concept has proposed uses which are inconsistent with the purpose of the reserve of 'recreation' and therefore the City would be required to

obtain approval from the Minister for Lands for that portion of land to be excised from the Reserve.

Reserve 34565 falls within the development control area as prescribed in the Swan and Canning Rivers Management Act 2006, and therefore development would require the approval of the Minister for Environment, acting on the advice of the Department of Parks and Wildlife and the Swan River Trust.

**Financial Implications**

The Westralian Centre concept works were progressed in accordance with the allocated budget.

**Strategic Implications**

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

**Sustainability Implications**

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

**Attachments**

- 10.0.1 (a):** Pracsys Draft Business Case
- 10.0.1 (b):** ThinkField Clarity Independent Survey
- 10.0.1 (c):** Your Say South Perth Questionnaire Findings

### 10.0.2 Electors' Motions - Special Electors' Meeting - 8 June 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-49516
Date:	27 June 2017
Author:	Sharron Kent, Governance Officer
Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy:	4.4 Engage the community to develop a plan for vibrant activities and uses on and near foreshore areas and reserves around the City.

#### Summary

This report presents to the Council the Motions carried at the Special Electors' Meeting held in the City's Community Hall on 8 June 2017 for consideration.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Cheryle Irons

That:

1. The Minutes of the Special Electors' Meeting held on 8 June 2017 be received **(Attachment (a))**;
2. the Council note the five Electors' Motions passed at the Special Council Meeting.

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

#### Background

In response to a petition received, a Special Electors' Meeting was held in the City's Community Hall on Thursday 8 June 2017. The Minutes of the meeting can be found at **Attachment (a)**.

The purpose of the Special Electors' Meeting was to "*provide the residents of the City the opportunity to have the City Officers explain the City's proposal for a Westralian Centre Development at "Node 9" on Sir James Mitchell Park, as part of the public consultation process and prior to any decision of Council*".

The *Local Government Act* at s5.33 requires the Council to consider the Minutes of a Special Electors' Meeting at either the next Ordinary Council Meeting or at a Special Council Meeting called for that purpose.

The following Electors' Motions were carried:

**ELECTORS' MOTION 1**

**Moved:** Ms Cecilia Brooke, Chair of the City of South Perth Residents Association Inc.

**Seconded:** Mr Les Ozsdolay of 10 Glasnevin Court, Waterford

That the Electors of the City of South Perth:

- a) oppose the proposed development of the Westralian Centre on the South Perth Foreshore, principally to preserve the long held vision of Sir James Mitchell and others that the Park should for all times be a public open space for passive recreation purposes, with no more commercial buildings including the proposed multi-function Centre; and
- b) call on City of South Perth Councillors to vote against the proposed development of the Westralian Centre on the South Perth Foreshore.

**CARRIED (4 AGAINST)**

**ELECTORS' MOTION 2**

**Moved:** Mr Harry Anstey of 21 River View Street, South Perth

**Seconded:** Doug Yorke of 7/219 Mill Point Road, South Perth

That this meeting requests Council to promptly amend its existing Policies and Procedures to include clauses which note that:-

- a) the community places a very high value on retaining the public open space, gardens and recreation opportunities provided by the Sir James Mitchell Park;
- b) development of buildings and structures on the Sir James Mitchell Park are generally not supported;
- c) where a building or structure is proposed to be built on the Sir James Mitchell Park the concept shall be:-
  - i) in the public domain, with the public fully informed at all times of all considerations; and
  - ii) clearly marked out on site to physically identify the bulk (boundaries and height) for a period of not less than 28 days during the advertised period; and
  - iii) public comments sought for the period up to 14 days after the display and advertised period; and
  - iv) determined by a poll of all residents and ratepayers of the detailed proposal at the actual location.
- d) any area of the Sir James Mitchell Park which is approved to have buildings or structures erected on it shall require a new area provided for the local community to replace that lost, i.e. retain access to local public open space.

**CARRIED (1 AGAINST)**

**ELECTORS' MOTION 3**

**Moved:** Dr Sarah Schladow, 3/20 Garden Street, South Perth

**Seconded:** Dr Jennifer Nevard of 195 Mill Point Road, South Perth

That the Electors of the City of South Perth call no confidence in the City's ability to clearly and accurately answer the ratepayers.



**CARRIED (7 AGAINST)****ELECTORS' MOTION 4****Moved:** Ms Yvette Stott of 32 Victoria Street, South Perth**Seconded:** Mr Harry Anstey of 21 River View Street, South Perth

That the Electors of the City of South Perth call on the City of South Perth to respect the views of the residents and ensure that consultation information is used in a manner that reflects the guiding values of the City: Trust, Respect, Understanding, Teamwork.

**CARRIED UNANIMOUSLY****Comment**

All five Electors' motions passed at the Special Electors Meeting primarily relate to the Council's Westralian Centre Concept.

The Westralian Centre Concept is the subject of a separate report to Council in June 2017 and it is therefore recommended that the Council resolve to note the Electors' Motions.

**Consultation**

The 5 Motions under consideration were passed by ratepayers who attended the Special Electors' Meeting on 8 June 2017. No further consultation is required before the Council considers the Electors' Motions and decides how to respond.

**Policy and Legislative Implications**

As per *s.5.33 of the Local Government Act 1995* which states:

**5.33. Decisions made at electors' meetings**

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –*
  - (a) *at the first ordinary council meeting after that meeting; or*
  - (b) *at a special meeting called for that purpose,*

*whichever happens first.*
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.*

**Financial Implications**

Nil

**Sustainability Implications**

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

**Attachments**

**10.0.2 (a):** 8 June 2017 - Special Electors' Meeting - Minutes



### 10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

#### 10.3.1 Proposed Two Storey Single House. Lot 216 (No. 139) River Way, Salter Point.

Location: Salter Point  
Ward: Manning Ward  
Applicant: APG Homes  
File Reference: D-17-49526  
DA Lodgement Date: 2 March 2017  
Meeting Date: 27 June 2017  
Author(s): Valerie Gillum, Planning Officer Development Services  
Reporting Officer (s): 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 Two-Storey Single House on Lot 216 (No. 139) 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 - Buildings other than Carports and Garages (Council Policy P306)	Residential Design Codes (Design Principles of Clause 5.1.2)
Solar Access to Adjoining Sites	Residential Design Codes (Design Principles of Clause 5.4.2)

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Cheryle Irons

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 Two-Storey Single House at Lot 216 (No. 139) River Way, Salter Point **be approved** subject to:

##### (a) Standard Conditions

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

##### (b) Specific Conditions

- (i) The proposed driveway gradient exceeds that which will normally be accepted by the City. The driveway gradient will be accepted by the City if:

- (i) A letter is received from the property owner which acknowledges responsibility for any access difficulties that may arise, without any future recourse to the City of South Perth;
- (ii) certification from a consulting traffic engineer or architect that the design of the vehicular access from the street to all parking bays complies with the provisions of Australian/New Zealand Standard AS/NZ 2890.1:2004 – Parking Facilities – Part 1: Off-Street Car Parking. The consulting engineer or architect is to also certify the actual finished driveway gradient, which in no case is to be steeper than 1:4.

The required information shall be provided prior to the lodgement of a building permit application.

**(c) Standard Advice Notes**

700A	building permit required	706	address outstanding planning matters
790	minor variations- seek approval	795B	appeal rights- council decision
Note 1-2	Validity (2 years)		

**(d) Specific Advice Notes**

The applicant is advised that:

- (i) The developer needs to prevent the flow of stormwater landing on driveway from draining into River Way, and vice-versa. A suitable raised kerb or longitudinal grate (connected to a suitable soak well) along the property boundary will be required to address this, in accordance with comments from Engineering Infrastructure Services.
- (ii) Planning Approval or the subsequent issuing of a Building Permit by the City is not consent for the construction of a crossing. As described in Management Practice M353 a 'Crossing Application' form must be formally submitted to Infrastructure Services for approval prior to any works being undertaken within the road reserve.
- (iii) The owner is responsible to ensure compliance with the restrictive covenant pertinent to the subject lot regarding height limitations. Development approval from the City does not absolve the owners' responsibility to satisfy the restrictive covenant.

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

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

**Background**

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	455 sq. metres
<b>Building height limit</b>	7.0 metres

The location of the development site is shown below:



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

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

(b) *Applications which propose variations to Policy P306 “Development of Properties Abutting River Way”.*

#### **Comment**

##### **(a) Background**

In March 2017, the City received an application for a Two-Storey Single House at Lot 216 (No. 139) River Way, Salter Point (the **Site**).

A previous application for a third floor addition lodged in July 2014 was refused by Council under Delegated Authority (ID: 11.2014.342.1) on 30 September 2014 due to non-compliance with Building Height and Policy P306 ‘Development of Properties Abutting River Way’ and Policy P350.09 ‘Significant Views’.

The site is restricted by a covenant registered on the title that does not permit buildings in the covenant area over a height of AHD 14.65. This is explained further in the report.

##### **(b) Description of the Surrounding Locality**

The Site has a frontage to River Way to the east, and is located adjacent to residential dwellings to the north, west and south as seen in the figure below:



(c) **Description of the Proposal**

The proposal involves the construction of a Two-Storey Single House with an associated double garage on the Site, as depicted in the submitted plans at **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).
- Building height limit – 7.0 metres (TPS6 clause 6.1A).
- Lot boundary setbacks (R-Codes clause 5.1.3 and Tables 2a/2b)
- Lot boundary setbacks – Boundary Walls (Council Policy P350.02 clause 1.1).
- 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).
- Finished floor and ground levels (TPS6 clause 6.10)
- Sight lines (R-Codes clause 5.2.5).
- Outdoor living area (R-Codes clause 5.3.1).
- Parking (R-Codes clause 5.3.3; Council Policy P306 clause 3 and TPS6 clause 6.3(8)).
- Vehicular access (R-Codes clause 5.3.5 C5.2-3; Council Policy P306 clause 4).
- Driveway gradient (TPS6 cl. 6.10(2)) – Certification of gradient to be provided prior to lodgement of Building Permit Application. A specific condition has been applied in this respect.
- Visual privacy (R-Codes clause 5.4.1).

The following planning aspect requires the exercise of discretion to be approved and is discussed further in the report:

- Street Setback – Buildings other than carports and garages – (Council Policy P306 clause 1(b)).
- Solar access for adjoining sites (R-Codes Clause 5.4.2).

(d) **Setback of Building (other than carports and garages)**

	<b>Deemed-to-Comply Provision (P306 “Developments of Properties abutting River Way”)</b>	<b>Proposed</b>
Ground Floor Setback	5.7 metres [No. 133 River Way – 5.0 metres] [No. 145 River Way – 6.4 metres]	5.1 metres
First Floor Setback	4.7 metres [No. 133 River Way – 4.5 metres] [No. 145 River Way – 4.9 metres]	3.6 metres
<b>Design Principle P2.1</b> <i>Buildings setback from the street boundaries an appropriate distance to ensure they</i> <ul style="list-style-type: none"> <li>• <i>contribute to, and are consistent with, an established streetscape;</i></li> <li>• <i>provide adequate privacy and open space for dwellings;</i></li> <li>• <i>accommodate site planning requirements such as parking, landscape and utilities; and</i></li> <li>• <i>allow safety clearances for easements for essential service corridors.</i></li> </ul>		

The site abuts River Way, Salter Point and the development is adjoining properties which have their buildings setback less than 6.0 metres from the street and as such Clause 1 (b) of Council Policy P306 applies. In accordance with Clause 1(b), the minimum setback of each storey of a dwelling on the development site shall be not less than the average of the setbacks of the corresponding storeys of the dwellings on the adjoining lots. This policy replaces the deemed-to-comply standards of the R-Codes that would otherwise apply.

The applicant has submitted written justification to address the street setback requirements at **Attachment (b)**.

The site is restricted by a covenant registered on the title that does not permit buildings in the covenant area over a height of AHD 14.65 which is considered to be a significant loss to the overall developable area.

The existing streetscape of River Way has varying setbacks. The subject development is two-storey and is not dissimilar to other existing buildings along River Way. The property to the south is three-storeys with a 3.2 metre minimum setback to the balcony on the first and second floors and the subject property has a minimum 3.6 metre setback to the balcony. Setbacks of walls facing the street are also not dissimilar with the property to the south of the three-storey dwelling having a first floor setback at 1.5 metres from River Way and the subject property has a minimum of 3.6 metres. It is therefore considered that bulk and scale of the dwelling is not considered to impact the streetscape character.

Accordingly, it is considered that the street setback variation satisfies the design principles of the R-Codes and ultimately the objectives of Policy P306 for the following reasons:



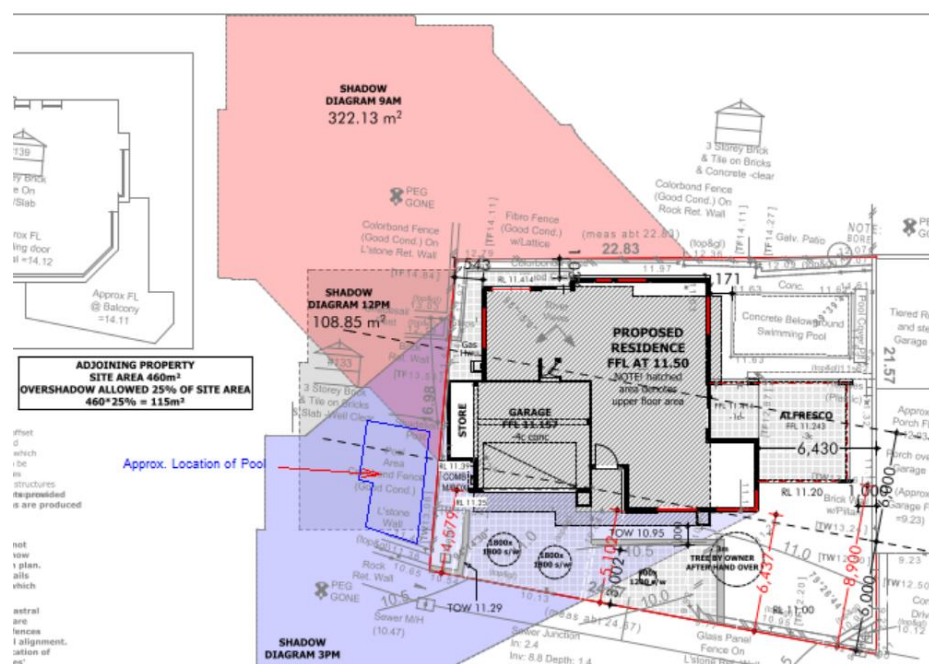
- The setback of the dwelling does not detract from the streetscape; and
- The amount of building across the upper floor is limited due to the covenant and therefore reduces building bulk as viewed from River Way.

(e) **Solar Access for Adjoining Sites**

	Deemed-to-comply provision	Proposed
Shadow cast onto No. 133 River Way (southern lot)	<p>99.56m<sup>2</sup> (21.64%) (proportionate share)</p> <p><i>25% Total from both northern properties (shared proportionately) where properties are coded R25 or lower at midday, 21 June.</i></p> <p><i>25% Proportioned as follows:</i></p> <ul style="list-style-type: none"> <li>• No. 139 River Way - 21.643%</li> <li>• No. 32 Sullman Ave - 3.357%</li> </ul>	108.85m <sup>2</sup> ( 23.7%)
<p><i>Design Principles:</i></p> <p><i>P2.1 Effective solar access for the proposed development and protection of the solar access.</i></p> <p><i>P2.2 Development design to protect solar access from neighbouring properties taking into account the potential to overshadow existing:</i></p> <ul style="list-style-type: none"> <li>• outdoor living areas;</li> <li>• north facing major openings to habitable rooms, within 15 degrees of north in each direction; or</li> <li>• roof mounted solar collectors.</li> </ul>		

The applicant has provided the following justification in support of the proposed variation at **Attachment (b)**:

Please refer to **Figure 3** below which shows the extent of overshadowing on 21 June at 9am, 12pm and 3pm.



**Figure 3 – Overshadowing Diagram**

The adjoining property at No. 133 River Way has an east-west orientation like the subject site. The existing dwelling on the subject site currently casts a shadow of approximately 80m<sup>2</sup> over the property. The proposed extension increases the shadow cast to 109m<sup>2</sup> at midday on the 21 June.

The building at No. 133 River Way which includes balconies to the first and second floor is setback a sufficient distance (approximately 12 metres) to not be affected by the zone of overshadowing and as a result no roof mounted solar collectors will be overshadowed. The overshadowing extends a maximum of 8 metres into the affected lot.

Accordingly, it is considered that the proposed solar access variation satisfies the design principles of the R-Codes for the following reasons:

- There are no roof mounted solar collectors overshadowed;
- Whilst additional shadow is cast to the southern property, the overshadowing does not extend to the dwelling on that lot; and
- The outdoor living areas (balconies) attached to the dwelling on the first and second floor are not overshadowed by the proposed development.

**(f) 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.

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.

It is considered that proposed dwelling being located in a similar position to the existing dwelling will not impact any further to views of the Canning River from buildings on neighbouring lands and is therefore compliant with Council Policy P350.09 *"Significant Views"*.

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

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

- (f) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;*

The proposed development is considered satisfactory in relation to the above matter, subject to the recommended conditions.

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

In considering an application for development approval, the local government is to have due regard to the matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

**Consultation**

**(a) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the standard consultation method, individual property owners, occupiers and/or strata bodies at Nos 133 and No. 145 River Way, and No. 30 Sulman Avenue were invited to inspect the plans and to submit comments during a minimum 14-day period (however the consultation continued until this report was finalised).

During the advertising period, a total of three (3) consultation notices and three (3) neighbour information notices were sent and three (3) submission(s) were received, all against the proposal. The comment(s) of the submitter(s), together with officer response(s) are summarised below.

Submitters' Comments	Applicant's Comments	Officer's Responses
Visual Privacy Concerns from first floor balcony looking south.	We have applied screening to the side of the Balcony to eliminate overlooking into the neighbours pool area.	Amended plans were received following a request from the City to provide screening to the balcony. The elevation includes obscure glass screening to the southern side of the balcony to prevent overlooking to the south onto No. 133 River Way.  The comment is <b>UPHELD</b> .
Solar access of 23.7% in lieu of permitted 21.645%. Concern in relation to overshadowing of pool area which is heavily dependent on direct solar access for heating the water which will have a detrimental effect on amenity, particularly in early	Overshadowing is consistent with the pattern generated by the existing dwelling. Dwelling on No. 30 Sulman Avenue is too far away to generate an overshadowing impact, therefore very unlikely that No. 133 will be overshadowed to greater extent of 25%.	The solar access has been discussed in Part (e) of the report and has been determined to comply with the Design Principle of Clause 5.4.2 of the Residential Design Codes.  The comment is <b>NOT UPHELD</b> .



Autumn.	No roof mounted panels will be affected. Negligible impact on areas not utilised frequently.	
Boundary wall of store and potential to damage paving and supporting slab on the adjacent pool area.	The boundary wall and the footings have been engineer certified and appropriate construction methods will be used to ensure the neighbours pool area is not damaged during construction. The builder will be happy to inspect the pool area prior to construction and on completion (photos and written report will be required).	The concern relates to construction. The applicant has been advised of these concerns which can be managed during the construction phase.  The comment is NOT a planning consideration and is therefore <b>NOT UPHELD</b> .
It is requested that the proponent maintains current boundary fencing in place at all times during construction works.	No comments provided by the applicant.	A standard condition of approval requires that no fencing is to be removed unless replaced immediately by another fence.  The comment is <b>UPHELD</b> .
Concern that the development does not comply with the registered Restrictive Covenant over the land that protects the views of the adjoining property to the West.	There is currently no vegetation in the covenant area however we agree that any future vegetation will be trimmed so that it does not extend into the covenant area.	Although covenants are not a planning consideration, the City was made aware of the covenant during the application process. This covenant restricts the building height in the covenant area to AHD 14.65m. The approved plans indicate that the alfresco will be built to a height of AHD 14.586m and therefore complies with the registered covenant. A small portion of the house sits slightly within the covenant area up to two storeys; however the owner of the benefited lot has acknowledged this is acceptable provided the RL of the alfresco does not exceed AHD 14.65m and and future vegetation is trimmed.  The City requires a tree to a height of 3m to be planted on

		<p>site prior to occupation. The tree proposed to be planted is located just outside of the covenant area, in front of the guest bedroom en-suite. The proposed alfresco is at 3m and fits under the restricted height of the covenant. Owner will need to monitor the height of the tree if it is relocated elsewhere on the site.</p> <p>The comment is <b>UPHELD</b>.</p>
<p>It is requested that the proponent maintains the current boundary fence in place during construction.</p> <p>Any damage caused to the current boundary fence during construction must be rectified at the proponents expense.</p>	Comments not provided.	<p>A condition will be included on an approval that requires the fence to remain in place.</p> <p>The comment is <b>UPHELD</b></p> <p>Damage to fencing is a civil matter and not a planning consideration.</p> <p>The comment is <b>NOT UPHELD</b>.</p>
<p>This new proposed construction should not exceed the height of the present house and thus should not affect my existing view.</p>		<p>The proposed building height complies with the building height limit as outlined in Clause 6.1A of TPS6.</p> <p>The comment is <b>NOT UPHELD</b>.</p>
<p>I trust the roofing material proposed does not give off "heat shimmers" under our intense Perth sun as does the new house adjacent to mine.</p>		<p>A roof giving off 'heat shimmers' is not a planning consideration.</p> <p>The comment is <b>NOT UPHELD</b>.</p>

**(j) Manager, Engineering Infrastructure**

The Manager, Engineering Infrastructure was invited to comment in relation to the location and dimensions of the crossover in accordance with clause 4(a) of Council Policy P306 *"Development of Properties abutting River Way"*.

The Engineering Infrastructure department provided comments with respect to crossover width/design and drainage. The following comments were received:

- the developer intends to have the necessary visitor car bays running parallel with River Way – one of which will be in front of the garage. Engineering Infrastructure have no issues with this arrangement.

- The developer needs to prevent the flow of stormwater landing on driveway from draining into River Way. A suitable longitudinal grate (connected to suitable soakwell) along the property boundary will be required to address this. The developer may want to highlight private property from road reserve by using a mountable (preferable) or flush kerb to run along the property.

River Way is characterised by a narrow verge for the purpose of a foot path along the eastern side with no verge to the western side. This is a result of the street being converted from a right-of-way to a public street. Street parking is made difficult by the narrow street width (6.0 metres) and additional onsite parking is required for new development to discourage any on-street parking. The purpose of reducing crossover numbers and widths is to encourage larger landscaped areas on verges and allow space for on-street parking. On street parking is discouraged on this street and no area is available for landscaping therefore the width of crossover and number of crossovers will not impact on the streetscape, pedestrian safety or access.

Planning conditions and important notes are recommended in relation to stormwater and crossover as a result of comments from the Manager, Engineering Infrastructure.

### **Policy and Legislative Implications**

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

### **Financial Implications**

This determination has no financial implications

### **Strategic Implications**

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

### **Sustainability Implications**

Noting the constraints posed by the development Site with respect to the restrictive covenant as well as not a very favourable orientation of the lot, the outdoor living area is required to be located to the side in view of the street which has been designed to have access to winter sun. Accordingly, the proposed development is seen to achieve an outcome that has regard to the sustainable design principles.

### **Conclusion**

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

### **Attachments**

- 10.3.1 (a):** Development Plans  
**10.3.1 (b):** Applicant Justification Letter

### 10.3.2 Proposed Change of Use (Cafe/ Restaurant). Lot 3 (No.5/71) Manning Road, Como

Location: Lot 3 (No. 5/71) Manning Road, Como  
 Ward: Como Ward  
 Applicant: Kevin Pinh How ER  
 File Reference: D-17-49521  
 DA Lodgement Date: 4 November 2016  
 Meeting Date: 27 June 2017  
 Author(s): Victoria Madigan, Statutory Planning Officer  
 Reporting Officer (s): 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 in the Canning Bridge Activity Centre for a Change of Use to (Café/ Restaurant) on Lot 3 (No.5/71) Manning Road, Como. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use	Canning Bridge Activity Centre Plan - Element 1

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala  
**Seconded:** Councillor Cheryle Irons

That pursuant to the provisions of *City of South Perth Town Planning Scheme No. 6* and the *Metropolitan Region Scheme*, this application for planning approval for a Change of Use to (Café/ Restaurant) on Lot 3 (No.5/71) Manning Road, Como **be approved** subject to conditions:

##### (a) Standard Conditions

- 352 car bays- marked and visible
- 354 car bays- maintained

##### (b) Specific Conditions

- (i) There shall be at least two car parking bays allocated for the exclusive use of the Café/ Restaurant for Unit 5, marked and visible at all times.
- (ii) The applicant is to pay the City \$750.00 as a cash payment in lieu of the onsite bicycle parking shortfall of two (2) bays, in accordance with Element 18.7 of *the Canning Bridge Activity Centre Plan* prior to the submission of a building permit.

##### (c) Standard Advice Notes

- Note 1-2 validity (2 years) 706 applicant to resolve issues
- Note 3 appeal rights 720 strata note- comply with that Act
- 700A building licence required 790 minor variations- seek approval

**(d) Specific Advice Notes**

The applicant is advised that:

- (i) The use of these premises must comply with the *Environmental Protection Act 1986* & the *Environmental Protection (Noise) Regulations 1997* at all times.
- (ii) The premise will be required to notify/register with the City of South Perth for a food premises.
- (iii) A final inspection by an Authorised Officer will be required prior to the business operating.

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

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

**Background**

The development site details are as follows:

<b>Zoning</b>	Centre
<b>CBACP Reference</b>	Q5 Mt Henry Quarter – H8 Zone
<b>Development potential</b>	Residential 6-8 Storeys (up to 26 metres in height)

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



**Figure 1 – Location of Development Site**

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 which in the opinion of the delegated officer, represents a significant departure from the Scheme, the Residential Design Codes or relevant Planning Policies.

This has been referred to Council as the proposed land use of Café/ Restaurant is not a use listed in H8 zone in the Canning Bridge Activity Centre Plan and requires consideration under the Desired Outcome Element 1.5

### Comment

#### (a) Background

In November 2016 the City received an application for a Change of Use from Indoor Sporting Activities to Café/ Restaurant on Lot 3 (No. 5/71) Manning Road, Como (the **Site**).

On the 10th of February 2017, Amendment No. 47 and the Canning Bridge Activity Centre Plan (CBACP) were gazetted and became fully operative, replacing all effective development controls for comprehensive new developments on all sites within the CBACP with the controls contained in the Canning Bridge Activity Centre Plan (CBACP) document.

The Canning Bridge Activity Centre Plan (CBACP) area is less than 8km from the Perth CBD, with direct road, public transport, walking and cycling access.

The Activity Centre plan has been prepared to provide a guide to development of the CBACP area, an area recognised as an 'activity centre' under the Western Australian Planning Commission's State Planning Policy 4.2: Activity Centres for Perth and Peel. The study area comprised the area generally considered a convenient walkable distance from the Canning Bridge bus and rail interchange which is located at the junction of the Canning Highway and Kwinana Freeway.

It is proposed that the CBACP area will comprise a mix of residential, civic, office, retail and entertainment uses against the backdrop of the Swan and Canning Rivers and the adjacent open space. The CBACP area comprises land within both the City of Melville and the City of South Perth and includes a substantial area of the river.

The CBACP establishes a foundation for the future of the area including objectives and goals for its ongoing development, guidelines for the style of built form which is expected, and an implementation framework for orderly improvements to infrastructure and land over time.

This Activity Centre plan was prepared by the Western Australian Planning Commission, Department of Planning, City of Melville, City of South Perth, Department of Transport, Public Transport Authority and Main Roads WA as a joint initiative to progress long term planning for the Canning Bridge Activity Centre Plan area

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

The existing development on the Site currently features a single storey building with commercial land uses of Café/ Restaurant, Shop, Office and Take Away Food Outlet across units 1 – 4 and a vacant lot at unit 5 of Lot 3 (No. 71) Manning Road as depicted in the site photographs at **Attachment (a)**.



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

The corner Site has a frontage to Manning Road to the north and a frontage Ley Street to the east. The site is located adjacent to commercial development to the South and West as depicted in **Figure 2** below:



**Figure 2 – Surrounding Locality**

**(d) Description of the Proposal**

The proposal involves changing the use of the existing vacant unit (previously Indoor Sporting Activities) to Café/ Restaurant. The proposal includes the provision of signage as depicted in the submitted plans and internal layout at **Attachment (b)**. Three car parking bays have been allocated for the use of the Café/ Restaurant located with access off Manning Road. In addition cash in lieu payment is required for two bicycle parking bays that could be located on the Council verge.

The following planning aspects have been not been assessed with the Provisions of CPACP as they are not applicable to a Change of Use within the Centre but comprehensive new development and therefore have not been discussed further in the body of this report:

- Element 2 – Form and Mass
- Element 3 – Heights
- Element 4 – Street Setbacks
- Element 5 – Side and Rear Setbacks
- Element 6 – Linking Pathways
- Element 7 – Canning Highway
- Element 8 – Landmark Buildings
- Element 9 – Facades
- Element 10 – Open Space and Landscaping
- Element 11 – Sustainability

- Element 12 – Acoustics
- Element 13 – Adaptability
- Element 14 – Street Edges
- Element 15 – Level Changes
- Element 16 – Fencing
- Element 17 – Public Art
- Element 19 – Servicing
- Element 20 – Safety
- Element 21 – Development Bonus Based on Design Considerations
- Element 22 – Development Bonus Based on Community Considerations

The following planning aspect has been assessed and found to be compliant with the provisions of CBACP, and therefore have not been discussed further in the body of this report:

- Element 18 – Parking (subject to cash in lieu payment for 2 bicycle parking bays).

The following planning aspect requires the exercise of discretion to be approved and is discussed further in the report:

- Element 1 – Land Use (Desired Outcome 1.5)

**(e) Land Use**

The proposed land use of Café/ Restaurant is classified as a 'Use not Listed' as it is not a preferred land use in Element 1 for the Q5/H8 zone in the CBACP. Table 1 below details the preferred land uses and table 2 outlines the desired outcomes for comprehensive new development within the Q5/H8 zone.

Zone	Preferred Land Uses	Proposed Land Use
Q5/H8	Multiple Dwelling, Grouped Dwelling, Single House, Aged or Dependant Person's Dwelling, Single Bedroom Dwelling, Corner Store, Recreation - Private, Recreation - Public, Residential Building, Home Occupation, Home Office	Café/ Restaurant (Use not Listed)

Zone	Desired Outcome
Q5/H8	Q5 will be characterised by quiet residential Streets. The residential nature of the area will dominate the land uses, although the Mt Henry Tavern site is a notable exception. Ground floor development which interfaces with the street will be encouraged at that site.



The plan is silent on change of use applications and other minor developments. It is noted that in Figure 1 of the CBACP this location is designated as a mixed use sub precinct.

Requirement 1.14 of Desired Outcome 1.7 (under Element 1 - Land Use) states:

*“Any use not listed in the relevant Clause pertaining to the relevant Quarter is not permitted unless the Council is satisfied that the use is consistent with the relevant Desired Outcomes for that Quarter”.*

The objective of Element 1 - Land Use is stated below:

*“To reinforce the CBACP as a vibrant and high use area, where employment and accommodation options are plentiful and varied”.*

The character of the Mt Henry Quarter is discussed in part 2 of the CBACP. The plan states:

*“A small commercial area is located near the Ley Street and Manning Road intersection. In conjunction with the planned Manning Hub, this commercial development provides a local shopping service for the community, without the need to traverse busy Manning Road”.*

Currently, unit 5 remains vacant, whilst units 1 – 4 are trading as commercial land uses all within Lot 3 (No. 71) Manning Road, Como. In considering this discretionary ‘Use not Listed’ it is noted the adjoining properties to the south and west of the subject site are also existing commercial land uses as depicted in **Attachment (c)**. The Cafe/Restaurant is considered an appropriate use in the Centre Zone as it is small in scale and is complimenting the existing commercial land uses both within the building and commercial pocket.

It is noted the proposed Café/Restaurant contributes to employment options including the other 4 units at No. 71 Manning Road, and provides for a local commercial service for the surrounding community.

Given the existing pocket of commercial buildings on the corner of Ley Street and Manning Road, the proposed change of use is consistent with the existing uses currently operating within the vicinity. It is noted if the subject site was proposing comprehensive new development, there would be the need to comply with the desired outcomes and preferred land uses, however the proposed use is consistent with the existing character of the land uses and streetscape with a predominantly commercial pocket.

Additionally, it is noted that another commercial use, the Mt Henry Tavern, is a notable exception to the desired ‘residential area’ as stated in Element 1, Desired Outcome 1.5.

Accordingly, it is recommended that the proposed change of use to Café/ Restaurant compliments the existing commercial activity in this pocket of Mt Henry Quarter and will not increase the non-residential land uses.

**(f) Canning Bridge Activity Centre Plan Objectives**

In considering the application, the Council is required to have due regard to, and may impose conditions with respect to, matters listed in CBACP, which are, in the opinion of Council, relevant to the proposed development. Of the 9 listed matters, the following are particularly relevant to the current planning application and require careful consideration:

- (1) Meet district levels of community need and enable employment, goods and services to be accessed efficiently and equitably by the community.*
- (3) Support a wide range of retail and commercial premises and promote a competitive retail and commercial market.*

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

**(g) 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 matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The proposed development is considered satisfactory in relation to all of these matters as addressed in this report, subject to the recommended conditions.

**Consultation**

**(a) Neighbour Consultation**

Neighbour Consultation has been undertaken in March 2017 for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. The use of Café/ Restaurant was a 'Discretionary Use' under TPS6. In this circumstance neighbour consultation was required to be undertaken. Under the standard neighbour consultation method, individual property owners, occupiers and/ or strata bodies of units at No. 71 Manning Road were invited to inspect the plans during a minimum 14-day period (however the notification continued until this report was finalised).

During the advertising period, a total of 4 consultation notices were sent and no submissions were received.

**(b) Internal Administration**

Comments were invited from Engineering Infrastructure, and Environmental Health Services section(s) of the City's administration.

The Manager, of the City's Engineering Infrastructure section was invited to comment on issues relating to cash- in lieu- provisions for bicycle parking bays on the City's Verge generated from the proposal. This section raises no

objections and has provided the following comments as depicted in **Attachment (d)**:

*“Cash-in-lieu for a bicycle parking bay is \$375 for each bay. This would enable a bike rack as per the specification to be installed”.*

The Environmental Health section provided comments with respect to bins, noise, kitchens, laundries and toilets. This section raises no objections and has provided recommended important notes as depicted in **Attachment (e)**.

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

### **Policy and Legislative Implications**

Comments have been provided elsewhere in this report, in relation to the various provisions of the Canning Bridge Activity Centre Plan where relevant.

### **Financial Implications**

This determination has no financial implications.

### **Strategic Implications**

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

### **Sustainability Implications**

Being non-residential land uses of a non-sensitive nature, it is considered that the development enhances sustainability by providing local businesses and employment opportunities.

### **Conclusion**

It is considered that the proposal meets all of the relevant CBACP objectives and provisions, as it will not have a detrimental impact on adjoining residential neighbours and streetscape. Provided that advice noted and conditions are applied as recommended, it is considered that the application should be conditionally approved.

### **Attachments**

- 10.3.2 (a):** Site Photos - No. 5/71 Manning Road, Como
- 10.3.2 (b):** Development Plans - No. 5/71 Manning Road, Como
- 10.3.2 (c):** Existing Commercial Uses - Corner of Ley Street and Manning Road, Como
- 10.3.2 (d):** Engineering Referral Comments - No. 5/71 Manning Road, Como
- 10.3.2 (e):** Environmental Health Referral Comments - No. 5/71 Manning Road, Como

### 10.3.3 Final Adoption of Policy P303 Design Review Panel

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	N/A
File Ref:	D-17-49517
Date:	27 June 2017
Author / Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Housing and Land Uses -- Accommodate the needs of a diverse and growing population
Council Strategy:	3.3 Review and establish contemporary sustainable buildings, land use and environmental design standards.

#### Summary

The Western Australian Planning Commission recently released a suite of documents to assist with good design in development, particularly apartments.

These documents, being delivered as Design WA include a "Design Review Guide". Whilst these documents are only in draft form at this point, they do provide a useful basis for the City to review its own policy on design review, currently known as Design Advisory Consultants.

The review of this policy seeks to implement changes to bring the name and operation of the Design Advisory Consultants group more into alignment with contemporary practices and the operation of the Canning Bridge Activity Centre Plan Design Review Panel (CBACDRP).

This report considers the submissions received during the advertising period of the draft policy P303 Design Review Panel and recommends some changes prior to final adoption.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Cheryle Irons

That:

- (a) Council adopt planning policy P303 and appendices with modifications as detailed in **Attachment (a) and (b)**; and
- (b) A notice be published in the Southern Gazette newspaper advising of the adoption of the amended policy.
- (c) The process of recruitment for members of the Design Review Panel be commenced in accordance with the newly adopted policy P303

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

#### Background

On 14 March 2017 the Audit, Risk and Governance Committee considered changes to the current policy P303 Design Advisory Consultants, including renaming it to Design Review Panel.

The committee recommended that the changes be adopted for the purpose of advertising. The Council made the same resolution at the Ordinary Council meeting on 28 March 2017.

The draft revised policy was advertised in accordance with the City's Town Planning Scheme No. 6 (TPS6) and policy P301 Consultation for Planning Proposals, as detailed under Consultation, below.

### Comment

The advertised draft policy (**Attachment (a)**) and the Terms of Reference document (**Attachment (b)**) includes the modifications detailed in the Minutes of the Ordinary Council Meeting held on 28 March 2017. These modifications are summarised below:

- The name change to Design Review Panel
- Splitting the Policy statement from the Terms of Reference document for the panel
- Adding a set of Design Review principles to the policy. These are found in the Design WA guide and also Canning Bridge Design Review panel terms of Reference
- Adding standard templates for use by the panel and note takers in formatting the advice
- Confidentially statement has been removed as it was considered to be contrary to the stated design review principles of accessibility, transparency and accountability.
- A quorum has been changed from 2 to 3 members to be consistent with Design WA and CBACDRP
- Membership has been changed to include more disciplines and requirement for 4 architects has been removed.
- The addition of a chair on the panel in accordance with Design WA and CBACDRP
- Changes to the meeting procedure so that advice can be given directly to applicants at the DRP meetings, in addition to the formal notes. This allows for more natural and effective communication.
- The responsibility for selection of DAP members has been changed to a selection panel in accordance with the Design WA guidance. It is proposed members are then appointed by the CEO which is also consistent with CBACPDRP. The panel cannot include elected members, and City executives.

As a result of the comments received during public consultation the following further amendments have been made to the draft policy :

- The policy objectives have been rearranged into separate background and objectives sections. This improves the clarity and readability of the policy;
- The policy clause (2(b)(ii)) which states that the DRP members are not to provide advice directly to an applicant in respect of any item under consideration at a DRP meeting, has been amended to ensure that it clear that written advice is provided by the panel, rather than from individual panel members;
- In regard to the multi-disciplinary aspect of the panel, the purpose of the DRP is to *provide comments and advice... on the design and site planning*. Specialist engineering and other technical advice is generally outside of the scope of the DRP and the wording of the policy has been modified to reflect this;

- The policy has been amended to ensure the difference between “design principles” and “principles of design review” is clear.

The current Design Advisory Consultants were appointed in October 2013 (effective from the December meeting) for a term of 4 years. The term of appointment in the amended policy is 2 years and hence, if Council endorses the amended policy it is appropriate to begin the recruitment process for members under the terms of the amended policy.

### Consultation

The draft revised policy and terms of reference documents were advertised in accordance with the City’s Town Planning Scheme No. 6 (TPS6) and Part 11 of policy P301 Consultation for Planning Proposals. They were advertised between Tuesday 11 April and Friday 5 May 2017, as follows:

- Two notices were published in the Southern Gazette newspaper (11 and 18 April);
- The draft revised policy and toolkit were made available on the Your Say South Perth online community engagement portal for the duration of the advertising period;
- The draft revised policy and toolkit were displayed in the City’s libraries and Civic Centre for the duration of the advertising period;
- A news item was published in the Peninsula Snapshot e-newsletter on 18 April 2017
- The City’s existing Design Advisory Consultants were notified via email seeking their comments.

The draft revised policy and toolkit were available for public comment for a period of 24 days, which is 3 days longer than the minimum required 21 day consultation period.

Seven (7) submissions were received and the content of submissions along with officer comments are found in **Attachment (c)**. A number of changes are recommended as a result of the submissions.

### Policy and Legislative Implications

Under clause 1.5 of TPS6, planning policies are documents that support the Scheme. The revised policy at **Attachment (a)** and **Appendices, Attachment (b)** have been prepared and advertised for public comment in accordance with clause 5 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions).

### Financial Implications

The costs associated with the Design Review Panel’s operation are contained within the City’s operational budget.

### Strategic Implications

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

*3.3 Review and establish contemporary sustainable buildings, land use and best practice environmental design standards.*

*6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.*

**10.3.3 Final Adoption of Policy P303 Design Review Panel**

**Sustainability Implications**

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

**Attachments**

- 10.3.3 (a):** Advertised draft policy P303 Design Review Panel
- 10.3.3 (b):** Terms of Reference - Appendix 1
- 10.3.3 (c):** Terms of Reference - Appendix 2
- 10.3.3 (d):** Submitter's Comments

#### 10.3.4 Review of Town Planning Scheme No. 6

Location:	Not applicable
Ward:	All
Applicant:	Not applicable
File Ref:	D-17-49824
Date:	27 June 2017
Author:	Elyse Maketic, Manager Strategic Planning
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:	3.1 Develop a new Local Planning Strategy and a new Town Planning Scheme to meet current and future community needs, cognisant of the local amenity.

##### Summary

The *Planning and Development (Local Planning Schemes) Regulations, 2015* (the Regulations) require the City to commence a review of Town Planning Scheme No. 6 (the Scheme) in 2017. Under the Regulations the Council is required to consider, approve and forward a report of review to the Western Australian Planning Commission for their consideration by June 2017. The report must cover the matters outlined in Regulation 66(2) and make a recommendation on how to proceed with the review.

This report provides an overview of the report's findings. In summary, the City's Scheme requires a holistic and substantial review in order to align it with the overarching planning framework, which has substantially changed since the Scheme's gazettal. It is therefore recommended that a new local planning scheme be prepared and Town Planning Scheme No. 6 be repealed upon the gazettal of the new Scheme. The decision to prepare a new local planning scheme also requires a resolution of the Council under a separate part of the Regulations and the *Planning and Development Act, 2005*. The report also recommends that Council resolve to prepare a new local planning Scheme under the relevant parts of this legislation.

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala  
**Seconded:** Councillor Cheryle Irons

That Council:

1. Pursuant to Regulation 66 of the *Planning and Development (Local Planning Schemes) Regulations, 2015*, recommend to the Western Australian Planning Commission that the City of South Perth Town Planning Scheme No. 6 requires review, that a new Local Planning Scheme should be prepared, and Town Planning Scheme No. 6 be repealed upon the gazettal of the new Local Planning Scheme;
2. Pursuant to Regulation 19(1) of the *Planning and Development (Local Planning Schemes) Regulations, 2015* and Section 72(1) of the Planning and Development Act 2005, prepare a new Local Planning Scheme for the City of



South Perth; and

3. Approve the Report of the Review City of South Perth Town Planning Scheme No. 6 at attachment (a) and forward the report to the Western Australian Planning Commission for their consideration.

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

### Background

Town Planning Scheme No. 6 (the Scheme) was gazetted on 29 April 2003 and 36 amendments have been gazetted since that time with several amendments (6) currently in various stages of progress. A number of planning strategies and detailed planning studies have also been prepared in this time including:

- Local Commercial Strategy, 2004;
- Canning Bridge Activity Centre Plan and associated work, 2010 to 2016;
- South Perth Station Precinct Plan and associated work, 2011 to present;
- Local Housing Study, 2012;
- Waterford Triangle Urban Design Study, 2012;
- Manning Hub Community Facility Masterplan and Scheme Amendment, 2012 to 2014;
- Retail Needs Assessment, 2013;
- Canning Highway Residential Density and Built Form Study, 2015 to 2017;
- Local Heritage Inventory Review, 2017

During the operation of the Scheme, the overarching planning framework has changed significantly. The most notable changes being the introduction of the *Planning and Development Act 2005* in April 2006 and the commencement of the comprehensive two phase planning reform process in 2009. This reform process included the review of the *Town Planning and Development Regulations, 1967*, which culminated in the gazettal of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) in August 2015.

Regulation 65(2) of the 2015 Regulations requires all local governments with Schemes older than 5 years to carry out a review of their Schemes in the 2nd year following the gazettal of the Regulations. The City's Scheme is 14 years old; therefore, the requirement for the City to carry out a review arose at the beginning of 2017.

Regulation 66(2) requires the local government to undertake the following within 6 months after the requirement to carry out a review arises:

- Prepare a report of the review outlining the following:
  - The date on which the Scheme was gazetted;
  - The date on which each amendment to the Scheme was gazetted;
  - The date on which the Scheme was last consolidated (not applicable in this instance);
  - An overview of the subdivision and development activity, lot take-up and population changes since the date of gazettal; and
  - An overview of the extent to which the Scheme has been amended to comply with any relevant legislation or State planning policy; and

- Recommendation on how to proceed (whether the Scheme is satisfactory in its existing form, should be amended or should be repealed and a new Scheme prepared in its place).
- Approve the report by resolution; and
- Provide the approved report to the Western Australian Planning Commission (WAPC) for their consideration and decision on the recommendations.

The above report must be prepared, approved by Council and provided to the WAPC for their consideration by the end of June 2017.

#### **Comment**

The Report of the Review of the City of South Perth Town Planning Scheme No. 6 is included at attachment (a). In summary, the City has progressively updated its Scheme via scheme amendments since its gazettal in 2003 in order to ensure consistency with the overarching state planning framework, best planning practice and respond to changing community needs.

Notwithstanding the above, the significant changes to the state planning framework that have occurred since 2009 have had significant implications for the local planning framework. Key components of the reform process that have had a significant impact on the local planning framework are:

- The release of *'Directions 2031'* in 2010 which identifies long term land use planning objectives for the Metropolitan area and includes the draft *'Central Sub-Regional Planning Framework'*.
- The release of State Planning Policy 4.2 *'Activity Centres for Perth and Peel'* (SPP4.2) in 2010;
- The review of *'Directions 2031'* and release of the updated *'Perth and Peel @ 3.5 million'* suite of planning documents in 2015, including an updated *'Central Sub-Regional Planning Framework'*. Under these documents the city has an additional dwelling target of 8300 by 2050;
- The introduction of the 2015 Regulations.

Most notably the Regulations introduced in 2015 include a set of 'Deemed Provisions' and new Model Provisions for Local Planning Schemes. The 'Deemed Provisions' cover a series of administrative matters and processes and apply to all local planning schemes within the State, replacing all corresponding clauses in individual local planning schemes. The Model Provisions provide a template for schemes and new schemes are required to include the model provisions. These provisions are also to apply when scheme amendments occur.

The Council has recently initiated an amendment to bring the Scheme into line with the 'Deemed Provisions' by deleting those clauses which have been replaced, updating terminology and including additional provisions of the aforementioned deleted clauses as supplemental provisions where considered necessary. However, the Scheme is substantially different to the model scheme provisions.

In addition to the substantial changes to the overarching legislative and strategic framework there have also been changes to the local and regional circumstances, primarily in the South Perth Station Precinct and Canning Bridge Activity Centre.

The South Perth Station Precinct is a District Activity Centre under SPP4.2 and requires an Activity Centre Plan with appropriate provisions from the Plan incorporated into the Scheme. This work will commence this year and form an important part of providing for the projected population growth and additional dwelling requirements under the state planning framework. Whilst the City has endeavoured to maintain an up to date local planning framework the significant changes that have occurred over the last few years mean that the Scheme is not consistent with the overarching framework, most notably the model provisions.

In light of the above, the Scheme requires a substantial and holistic review to align it with the overarching planning framework. It would not be possible to achieve this alignment through amendments to the existing scheme. Consequently the preparation of a new Scheme is required. It is therefore recommended that Council:

- Recommend to the WAPC that a new Local Planning Scheme be prepared and Town Planning Scheme No. 6 be repealed upon the gazettal of the new Local Planning Scheme; and
- Forward the report at attachment (a) to the WAPC for their consideration.

The decision to prepare a Local Planning Scheme also requires a resolution of the Council under Regulation 19 and Section 72(1) of the *Planning and Development Act, 2005*. It is therefore also recommended that Council resolve pursuant to Regulation 19(1) and Section 72(1) of the Act to prepare a new Local planning Scheme for the City of South Perth.

#### *Scheme Review Process*

The Scheme review process involves a significant amount of work and resources and is generally done in two stages, the development or review of a Local Planning Strategy (the Strategy) followed by the development of a new or consolidation of an existing Local Planning Scheme. The City does not have a Local Planning Strategy and Work on the preparation of this document has already commenced. It is anticipated to be presented to Council for consent to advertise in the first quarter of 2018. Whilst some of the work on the new Scheme will be undertaken in conjunction with the preparation of the Strategy, the majority of the work will be undertaken once Council has endorsed the Strategy. It is difficult to anticipate when this final endorsement may occur given the requirements for the WAPC's consent to advertise the Strategy and processing times within the Department of Planning. A new draft Scheme is anticipated to be prepared 12 months after Council has endorsed the Strategy.

#### **Consultation**

Following Council's resolution to review the Scheme and prepare a new Scheme, the City is required under Regulation 20(1)(a) to prepare and publish a notice in a local newspaper advising that it intends to prepare a new scheme. A copy of the notice is also required to be provided to the identified parties in Regulation 20(1)(b). These parties may make recommendations or provide relevant information for consideration in the preparation of the new scheme within a 21 day

period. The City is also required by the *Planning and Development Act 2005*, to notify the *Environmental Protection Authority* (EPA) of the resolution.

The report at attachment (a) must be forwarded to the WAPC for their consideration. Under Regulation 67(2) upon receipt of the WAPC's decision on the report the City is required to publish the report and notice of the WAPC's decision on the website as well as make the report and notice available for public inspection at the Administration Centre.

Once the draft scheme documents have been prepared, Council will be requested to endorse the new draft Scheme for consent to advertise. It will then be submitted to the WAPC for consent to advertise. If the WAPC is satisfied that the draft Scheme is suitable to be advertised, the city will undertake public consultation for a period of not less than 90 days. At this stage, it is not possible to anticipate the timing for when a draft Scheme will be presented to Council or when this advertising will occur.

### **Policy and Legislative Implications**

Section 72(1) of the *Planning and Development Act, 2005* provides for a local government to prepare a local planning scheme. Part 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, outlines the process associated with the preparation or adoption of a new Local Planning Scheme.

Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, outlines the process associated with the Review and Consolidation of a Local Planning Scheme.

### **Financial Implications**

It is intended to undertake as much preparation of the Scheme review as possible in-house so as to reduce the associated costs. However, consultant/s will be engaged as necessary where specific expertise is required. These services will be appropriately budgeted for.

### **Strategic Implications**

The preparation of a new Scheme is essential for controlling and guiding development within the city in a manner which is responsible, sustainable and consistent with community views.

This report is aligned to the City's [Strategic Community Plan 2015-2025](#). This matter relates to Strategic Direction 3 'Housing and Land Uses' which is expressed in the following terms: Accommodate the needs of a growing population.

### **Sustainability Implications**

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

### **Attachments**

**10.3.4 (a):** Report - Review of Town Planning Scheme No. 6

## 10.4 STRATEGIC DIRECTION 4: PLACES

### 10.4.1 South Perth Peninsula Place + Design Report

Location:	South Perth Station Precinct
Ward:	Mill Point Ward
Applicant:	N/A
File Ref:	D-17-49678
Date:	27 June 2017
Author:	Mark Carolane, Senior Strategic Projects Officer
Reporting Officer:	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Places -- Develop, plan and facilitate vibrant and sustainable community and commercial places
Council Strategy:	4.1 Develop and facilitate activity centres and community hubs that offer a safe, diverse and vibrant mix of uses.

#### Summary

This report presents the outcomes of the South Perth Station Precinct Place + Design project, along with the next steps for the planning of the South Perth Station Precinct and surrounding area.

Council resolved in May 2015 to review the Town Planning Scheme No. 6 provisions pertaining to the South Perth Station Precinct and the geographic extent of the remainder of that precinct. The City engaged a consultant in August 2015 to review the relevant scheme provisions and procedures. Consultants RobertsDay were engaged in September 2016 to further this work by undertaking a Place and Design exercise with a focus on engagement with key stakeholders. The engagement program included two workshops, followed by a five-day Planning Design Forum (PDF), as well a community open day to present the project outcomes.

The process culminated in the preparation of the report at **Attachment (a)**. This report provides an overview of the process and sets out a renewed draft vision, as well as recommended goals, ideas and actions to achieve this vision. It also provides a draft implementation schedule for the ideas and actions, which will provide the basis for the ongoing planning of the South Perth Station Precinct and the surrounding area. The place and design project provides a sound basis for progressing with a more collaborative approach to the planning and development of the South Perth Station Precinct and surrounding area.

It is recommended that Council note the report at **Attachment (a)** and endorse the associated priority actions.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Cheryle Irons

That the Council:

- a) Note the South Perth Peninsula Place + Design Report May 2017 (**Attachment (a)**) and appendices (**Attachment (b)**) as the basis for the ongoing planning of the South Perth Station Precinct and surrounding area; and

b) Endorse the following priority actions for the further planning of the South Perth Station Precinct and the surrounding area:

- Establish a Stakeholder Reference Group, to actively engage with key stakeholders and provide regular feedback on the implementation of recommended actions;
- Prepare a Community Needs Assessment; and
- Prepare an Activity Centre Plan pursuant to Part 5, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and State Planning Policy 4.2 Activity Centres for Perth and Peel.

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

### Background

Planning for the South Perth Station Precinct has been ongoing since 2006 when the site for a potential train station was identified as part of the development of the Perth to Mandurah rail line. In order to support the case for a train station the City, in conjunction with the Department of Planning, developed the South Perth Station Precinct Plan in 2011. The recommendations of that plan, including the creation of the South Perth Station Precinct special control area, were incorporated into Town Planning Scheme No. 6 (TPS No. 6) in 2013 via Amendment No. 25.

Since the establishment of the South Perth Station Precinct in 2013 via the abovementioned amendment, the scale of growth and change has exceeded and had additional consequences to the outcomes initially envisaged. A range of stakeholder groups have expressed a desire for adjustments to the area's planning framework to preserve local character, address transport and traffic issues, deliver new and upgraded community amenities, provide more clarity and certainty, and to improve development outcomes.

In order to address anomalies and ambiguities in the Scheme text, and strengthen performance criteria for building height variations in the South Perth Station Precinct, Amendment No. 46 to the Scheme was initiated in October 2014. The amendment generated significant stakeholder interest due to the high number of large scale development applications in the area and was advertised twice in a 12 month period (January-March 2015 and November 2015-February 2016).

In May 2015, while receiving the minutes of a Special Electors' Meeting held to discuss development issues concerning the Mill Point Peninsula, Council resolved to review the Town Planning Scheme No. 6 provisions pertaining to the South Perth Station Precinct and the geographic extent of the remainder of that precinct.

Consultants were engaged in August 2015 to review the relevant scheme provisions and procedures. This highlighted a number of issues in the scheme, and provided recommendations based on research into how other planning jurisdictions address similar issues. The study did not involve any community or stakeholder engagement and the report focussed on technical statutory planning matters and recommended further amendments to TPS No. 6.



The report was not presented to Council but the findings and recommendations identified the need to undertake a high level, collaborative planning and design exercise in the area to inform future planning and development.

The City engaged consultants RobertsDay in September 2016 to undertake the above work through a Place and Design study. This study aimed to investigate and recommend preferred development outcomes and appropriate statutory provisions to achieve those outcomes. The consultant team was led by RobertsDay, with expertise in planning, urban design and placemaking, and included sub-consultants EPCAD (landscape architecture), Colliers International (economics), GTA Consultants (transport and traffic) and Donaldson and Warn (architecture). Members of the City's administration were also part of the project team and highly involved in the process.

### Comment

The aims of the project were to:

- Review the South Perth Station Precinct Plan (2011);
- Build on work done to date; and
- Update the vision and planning direction for the area through collaboration with stakeholders.

An essential part of the study was engagement with the community and other stakeholders in a manner that would capture all points of view and reach people who normally don't have their voice heard. Details of the engagement process are set out under the 'consultation' section of this report.

The following diagram illustrates a summary of the process undertaken to complete the project.



During the study stakeholders identified the need to review the boundary of the station precinct, as it is defined in TPS No. 6, in order to holistically plan for community amenities, public realm improvements and built form. As a result, the report at **Attachment (a)** considers the entire peninsula area north of Royal Perth Golf Course and the Perth Zoo and west of Sir James Mitchell Park.

The key output of this project was the South Perth Peninsula Place and Design Report (**Attachment (a)**). This report is separated into 5 parts:

- Part 1- Introduction  
Including the purpose of the study, the study area, context, history and an overview of the work undertaken to date in planning for the area.

- Part 2- Understanding the Peninsula  
Including an assessment of the demographics, built form, quality of public spaces, overview of the stakeholder engagement process and outcomes, and opportunities and constraints analysis.
- Part 3 - Envisaging the Peninsula  
Including a renewed draft vision and goals for the area and identification of 'character areas' (distinct areas with different characteristics within the wider study area).
- Part 4- Strategies for the Peninsula  
Including goals, ideas and actions for the future planning and development of the study area and recommendations for implementation.
- Part 5- Implementation Schedule- outlining a recommended implementation schedule for the ideas and associated actions

The report recommends that Council advertise and endorse it. Whilst the report will provide a sound basis for the ongoing planning of the South Perth Station Precinct and the surrounding area, the intent of the process was not to bind the City to implement the recommendations exactly as they appear in the report. Council is therefore not required to endorse the report and no further community consultation is recommended to be undertaken on the report itself.

The intent of the process was to provide an opportunity for a high level engagement process to inform the future planning and development of the area. The report was generated with a high degree of stakeholder involvement and provides an appropriate record of that process. Endorsement and consultation on the report would take approximately 3 to 6 months and delay the implementation of the actions, including commencing work on the Activity Centre Plan. There will be further engagement opportunities as part of the implementation of the actions and details of planned future stakeholder engagement activities are set out under 'consultation' in this report.

The report also recommends that a 'quick win' town planning scheme amendment be initiated by the City in order to address issues that were largely agreed by stakeholders at the Planning Design Forum as requiring immediate modification. The report sets out the relevant issues, as discussed at the Forum; however subsequent investigations and discussions with RobertsDay and the Department of Planning have indicated that an amendment is more complex than was originally envisaged and would require substantial modifications to TPS No. 6. Furthermore there is a risk that, once initiated, an amendment may take longer than originally thought due to high levels of stakeholder interest, additional community consultation that may be required or delays in receiving Ministerial approval. This work would delay the implementation of other actions associated with holistically planning for the area, such as the development of the Activity Centre Plan. As a result it is not recommended to initiate a town planning scheme amendment at this time.

The South Perth Peninsula is recognised as a District Activity Centre in the State Government's State Planning Policy 4.2 Activity Centres for Perth and Peel. As a District Activity Centre it is recommended to prepare an activity centre plan. This will provide a guiding framework for the planning and development of the area, including issues that cannot be adequately addressed by town planning scheme provisions alone. Development of an activity centre plan will build on the outcomes of the place and design project and will take a holistic approach to the long term



planning of the area. The plan will also provide a robust framework that can be updated over time to respond to current issues and community aspirations.

It is recommended that the City progress the following recommended actions as a priority:

1. Establish a Stakeholder Reference Group, to actively engage with selected stakeholders and provide regular feedback on implementation actions;
2. Prepare a Community Needs Assessment; and
3. Prepare an Activity Centre Plan pursuant to Part 5, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and State Planning Policy 4.2 Activity Centres for Perth and Peel.

Implementation of the report recommendations will require collaboration across the City's departments and with stakeholders over a number of years. The place and design project provides a sound basis for progressing with a more holistic and collaborative approach to the planning and development of the South Perth Station Precinct and surrounding area.

### Consultation

The place and design project has had input from a large consultant team and extensive involvement from a wide range of stakeholders including City of South Perth staff and Councillors, local residents, community group representatives, developers and landowners, local businesses and State Government representatives. The engagement process was designed to ensure that stakeholders were presented with multiple opportunities to contribute.

In addition to the report, the project delivered important outcomes related to the stakeholder engagement process. The majority of the report content, including recommendations, was developed during the Planning and Design Forum in March 2017. This process was very different to the 'standard' practice of drafting a report and then advertising for community comment. Instead, the community were invited to participate in the process of considering issues, generating potential solutions and developing recommendations before the report was drafted.

Many ideas raised by forum participants are now reflected in the report at **Attachment (a)** and many interested community members were able to have their voices heard in a way that they have not previously. The process was facilitated to ensure that a range of views were expressed and considered and that opposing views were discussed and debated constructively.

Outcomes from previous consultation, including Amendment No. 46 and the surveys for the Strategic Community Plan, informed the study. The engagement program included two open workshops on 22 and 25 February 2017, followed by a five-day Planning Design Forum (PDF) on 13-17 March 2017, which formed the core of the process, and a community open day on 20 May to present the project outcomes.

### Stakeholder workshops

The workshops were designed to introduce the process to stakeholders and community members and to hear from them the issues, concerns and aspirations for the future of the study area. The first workshop focussed on developers and

business owners in the area and the second focussed on community members; however both workshops were open to the public.

Approximately 50 people attended each workshop and expressed a wide range of views, which were captured for further exploration during the Planning Design Forum.

#### Planning Design Forum

The Planning Design Forum was run over five consecutive days, from 13-17 March 2017, and involved the consultant team, City staff, invited stakeholders and community representatives. In total approximately 70 people were involved in the Forum.

Days one and two of the Forum included all participants and included a site tour on the morning of day one. The bus and walking tour provided a unique opportunity to view and discuss the challenges and opportunities of various sites, and the different opinions and ideas of the Forum participants. The remainder of days one and two involved workshop discussions and presentations from the consultant team to further explore participants' views.

On days three to five the project team worked through the issues and ideas in a studio format. A wide range of material was produced and is now reflected in the report (**Attachment (a)**), including conceptual designs for public spaces, pedestrian links and the train station, and draft recommendations for place management and changes to the planning framework.

At the end of days three and five of the Forum, all community members were able to view the work in progress at public exhibitions in the South Perth Community Hall. Both exhibitions were attended by over 30 people.

Online updates and information was provided to the broader community through the Your Say South Perth project website and the City of South Perth's Facebook page throughout the Planning Design Forum.

A summary of all stakeholder feedback collated through the study process is provided at Appendix 3 to the report (**Attachment (b)**).

#### Community open day

A community open day was held at Manning Hall on Saturday 20 May 2017, to coincide with the release of the report. An executive summary of the report was presented on large posters and the community were invited to discuss the process and outcomes with City staff and the lead consultants from RobertsDay. Approximately 40 people attended the open day.

Following the open day the City sought feedback on the process and the outcomes via a survey on Your Say South Perth. The purpose of the survey was to help improve future community engagement processes and to provide preliminary guidance for the City to consider in progressing with planning for the South Perth Station Precinct and surrounding area. The feedback survey results are in **Attachment (c)**. The report (**Attachment (a)**) will not be modified to incorporate the survey results, as discussed above.

In addition to the survey results, the City has received five emails with feedback on the planning design forum and the report. This feedback is at **Attachment (d)**. This attachment is confidential as it contains personal information.

#### Future Engagement Opportunities

Subject to Council endorsement, a stakeholder reference group will be formed to help guide the development of the activity centre plan. Details of this group are yet to be finalised but it is currently envisaged that it will consist of 10-15 key stakeholder representatives who will be selected for their ability to contribute diverse perspectives from the range of groups interested in the development of the area.

In addition, community engagement will be undertaken in the development of the activity centre plan. This will likely include workshops, open days, and the opportunity to provide written comments. At this stage it is anticipated that this engagement will occur in the second quarter of 2018. The development of subsequent documents associated with the Activity Centre Plan, such as design guidelines will also require further consultation. At this stage it is not possible to anticipate when this consultation will occur.

There will also be further engagement opportunities as part of the Community Needs assessment, which will likely occur towards the end of this year. The Integrated Transport Plan will also require community engagement; however, it is not possible to anticipate at this stage when this is likely to occur.

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

An Activity Centre Plan will be prepared in accordance with the Structure Plan Framework (WAPC, August 2015), which sets out the manner and form in which an activity centre plan is to be prepared, pursuant Schedule 2, Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Once an activity centre plan has been prepared it is likely that a town planning scheme amendment will be necessary to incorporate key built form provisions into the Scheme. It is anticipated that the process of preparing the plan, with associated community engagement and involvement of the stakeholder reference group, will assist in communicating and understanding any changes to the town planning scheme provisions.

#### **Financial Implications**

Preparation of an activity centre plan will require the engagement of consultants, which will be paid for out of the strategic planning budget for the 2017/18 financial year.

Other implementation actions may also require the engagement of consultants and this will be budgeted for as required.

#### **Strategic Implications**

The South Perth Station Precinct and surrounding area is one of the City's most important activity centres and the report at **Attachment (a)** provides recommendations for its ongoing planning and development in support of action 4.1 of the City's [Strategic Community Plan 2015-2025](#). Development of the area will also support other Strategic Community Plan actions including:

- 1.5 Develop effective processes to listen, engage, communicate and respond to the community.

- 2.4 Improve the amenity of our streetscapes (residential and commercial) and public open spaces while maximising their environmental benefits.
- 2.6 Continue to protect buildings of heritage significance.
- 3.2 Develop integrated local land use planning strategies to inform precinct plans, infrastructure, transport and service delivery, cognisant of the local amenity.
- 4.2 Encourage and facilitate economic development;
- 5.2 Advocate for, provide and maintain a safe, efficient and reliable transport network based on safe system principles.
- 5.3 Facilitate a pedestrian and cycle friendly environment.

### **Sustainability Implications**

This report is aligned to the City's [Sustainability Strategy 2012-2015](#). The renewed place vision generated through the Place and Design project is:

*A distinctive residential neighbourhood, city centre and tourism destination that is shaped by its connection to nature, unique assets, distinctive buildings, and future-forward approaches to sustainable living.*

*Its lively epicentre and pedestrian friendly tree-lined streets connect locals and visitors to its diverse businesses, transport nodes and local heritage.*

This vision puts sustainability at the centre of planning for the South Perth Station Precinct and the surrounding area.

### **Attachments**

- 10.4.1 (a):** South Perth Peninsula Place + Design\_FINAL REPORT
- 10.4.1 (b):** South Perth Peninsula Place and Design report appendices
- 10.4.1 (c):** Survey responses received through Your Say South Perth
- 10.4.1 (d):** Council report attachment d - submissions received in email form (*Confidential*)

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

### 10.6.1 Management Account Summaries

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-49547
Date:	27 June 2017
Author:	Les Mainwaring, Interim Manager Financial Services
Reporting Officer:	Colin Cameron, Director Corporate Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

#### Summary

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

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala  
**Seconded:** Councillor Cheryle Irons

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 for May 2017 provided as **Attachment (a) - (e)** be received
- (c) the Schedule of Significant Variances for May 2017 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 for May 2017 provided as **Attachment (g) & (h)** be received.
- (e) the Rate Setting Statement for May 2017 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.

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

A summary of budgeted capital revenues and expenditures (grouped by department and directorate) will be provided each month from 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 May 2017 is \$58.18M which represents 99% of the \$58.92M year to date budget. Revenue performance is close to budget in most areas other than items identified below.

Rates revenue is on budget, whilst Investment revenues are 17% under budget. Parking revenue is 5% behind budget targets following a quieter than expected third quarter.

Planning revenues are 29% under budget (despite downwards budget revisions) due to the slowing of activity particularly in the station precinct. Building Services revenue is currently above budget by 5%.

Waste management revenues are on budget expectations and Collier Park Golf Course revenue continues to track at 6% under budget following a downwards revision in the Q2 Budget Review.

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 May 2017 is \$48.95M which represents 96% of the year to date budget of \$50.91M. Operating Expenditure shows as 2% under budget in the Administration area. Operating costs are 6% 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, savings on consultancy or vacant staff positions.

In the Infrastructure Services operations area, there are some favourable variances at the end of the month that relate to timing differences on maintenance activities and these are expected to continue to reverse out.

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 to try to better understand and manage plant charge recoveries.

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

Where appropriate, relevant expenditure adjustments were made in the Q2 Budget Review.

Capital Revenue is disclosed as \$4.64M at 31 May which is 8% under the year to date budget of \$5.08M. Capital Expenditure to 31 May is \$17.64M representing 73% of the (revised) year to date budget of \$24.33M.

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.

**TABLE 1 - CAPITAL EXPENDITURE BY SERVICE AREA GROUPING**

Directorate	YTD Budget	YTD Actual	% YTD Budget	Total Budget
CEO Office	1,149,000	299,437	26%	1,214,000
Major Community Projects	5,500,000	4,740,062	86%	5,500,000
Financial & Information	1,740,000	685,337	39%	1,760,000
Development	195,000	335,789	172%	250,000
Community Services	720,000	662,293	92%	725,000
Infrastructure Services	13,831,505	10,305,905	75%	14,164,505
Waste Management	285,000	233,215	82%	665,000
Golf Course	912,970	380,057	42%	936,612
<b>Total</b>	<b>24,333,475</b>	<b>17,642,095</b>	<b>73%</b>	<b>25,215,117</b>

A Schedule showing the movements in the budget since adoption is also presented from the November meetings onwards.

### 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 and Expenditure - Infrastructure Services
- 10.6.1 (e):** Summary of Capital
- 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 May 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-49548
Date:	27 June 2017
Author:	Les Mainwaring, Interim Manager Financial Services
Reporting Officer:	Colin Cameron, Director Corporate Services
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

### Summary

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

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

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Cheryle Irons

That Council receives the 31 May 2017 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. The 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.

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 \$65.98M which compares unfavourably to \$68.53M 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 \$67.90.

Municipal funds represent \$13.51M of this total, with a further \$51.35M being Reserve Funds. The balance of \$1.13M relates to monies held in Trust.

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 only significant reserve movements since 30 June 2016 have related to movements of leaseholder funds associated with the Collier Park Village and transfers reflecting the operating results of the Collier Park Village and Golf Course.

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 \$64.64M compared to \$67.62M at the same time last year.

Funds are invested in secure Australian Authorised Deposit-taking Institutions (ADIs) to generate interest until those monies are required to fund operations and projects during the year.

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, 91% 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 54% of its investments in such institutions.

In meeting this objective, the City has necessarily invested 8.7% 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 revenue (received and accrued) for the year totals \$1.73M. This compares to \$2.03M 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 2.37%. 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 2016 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 May 2017 (1 instalment remaining) represent 96.38% of rates collectible (excluding pension deferrals) compared to 96.31% at the same time last year.

**(ii) General Debtors**

General debtors stand at \$1.84M at the end of the month (\$1.20M last year). Last month debtors were \$2.38M. Most debtor balances are not materially different.

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):** Statement of All Council Funds
- 10.6.2 (b):** Summary of Cash Investments
- 10.6.2 (c):** Statement of Major Debtors

### 10.6.3 Listing of Payments

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-49549
Date:	27 June 2017
Author:	Les Mainwaring, Interim Manager Financial Services
Reporting Officer:	Colin Cameron, Director Corporate 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 May 2017 and 31 May 2017 is presented to Council for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(392)	\$3,517,928.08
Cheque Payment to Creditors	(23)	\$122,432.81
<b>Total Monthly Payments to Creditors</b>	<b>(415)</b>	<b>\$3,640,360.89</b>
Cheque Payments to Non Creditors	(82)	\$367,083.24
<b>Total Payments</b>	<b>(497)</b>	<b>\$4,007,444.13</b>

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Colin Cala  
**Seconded:** Councillor Cheryle Irons

That the Listing of Payments for the month of May 2017 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.

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 Draft Strategic Community Plan 2017-2027

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-49550
Date:	27 June 2017
Author:	Vanessa Loncar, Manager Organisational Planning & Performance Charlotte Carlish, Project Coordinator
Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.2 Develop and maintain a robust Integrated Planning and Reporting Framework (in accordance with legislative requirements).

#### Summary

The purpose of this report is to provide an overview of the major review of the City's Strategic Community Plan 2013-2023 and gain approval to release the draft Strategic Community Plan 2017-2027 for public advertising to obtain further community and stakeholder feedback and subsequently finalise the plan.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Cheryle Irons

*Note: Councillor Fiona Reid moved the Officer Recommendation with the following amendment:*

That the Officer Recommendation be amended as follows:

That Council:

1. ~~amend the~~ approve the release of the draft Strategic Community Plan 2017-2027 to include Strategy 3.8 under Environment: Sustainable urban neighbourhoods (p11):

*Environment: Built*

*3.8 Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs.*

2. ~~That Council~~ approve the release of the draft Strategic Community Plan 2017-2027 for public comment

So that the Motion reads as follows:

That Council:

1. amend the draft Strategic Community Plan 2017-2027 to include Strategy 3.8 under Environment: Sustainable urban neighbourhoods (p11):

*Environment: Built*

*3.8 Plan for and promote the development of recreation and aquatic facilities to service City of South Perth needs.*

2. approve the release of the draft Strategic Community Plan 2017-2027 for public comment.

**CARRIED (8/0)**

### **Reasons for Amendment**

In July 2015, in response to the Aquatic Centre Feasibility Study, Council resolved:

*COUNCIL DECISION (Amended Motion Moved by Cr Irons, Seconded Cr Reid)*

*Moved: Councillor M Huston*

*Seconded: Councillor G Cridland*

*That:*

1. *That receipt of the South Perth Aquatic Centre Feasibility Study be deferred to the August 2015 Ordinary Council meeting pending further clarifications on questions being raised in relation to the accuracy of the Report with respect to calculation errors, usage estimates and financial queries;*
2. *Council considers the project during the next Strategic Plan review, due to commence early 2016;*
3. *Council continues to explore opportunities to seek Federal, State Government and private funding contributions towards an aquatic centre at GBLC in line with the intent of Strategic Plan initiative 6.5.1; and*
4. *That the City of South Perth continues to develop a business plan that supports the business case for the aquatic facility as a financially sustainable continuation of the GBLC expansion.*

*CARRIED (9/0)*

In the Vision 2027 Stage One Survey Results - Improving Infrastructure was equal 2<sup>nd</sup> highest response relating to 'Ideas to Make the City a Better Place' with a swimming pool being the 2<sup>nd</sup> highest idea for infrastructure improvements, after traffic management, with strong support from Manning, Salter Point and Como residents. It is not a surprise that an Aquatic Centre would receive strongest support from these suburbs given:

- The closure of the Bentley Pool a number of years ago;
- The closest public swimming pool being at Wesley College which has limited facilities
- The closest facilities in other Local Government areas are Aqualife, Cannington Leisureplex, Beatty Park and Leisurefit Booragoon

With increasing unit and apartment living in the City of South Perth the days of a pool in every other suburban back yard (which in our dry climate are also not sustainable) are rapidly disappearing and facilities in the City will increasingly be required. In a City the size of South Perth it is surprising that we do not have comprehensive recreation/aquatic centre and whilst it may be some years before this is realised at the preferred George Burnett Leisure Centre site it is important that we continue to plan for and promote a sustainable centre to meet future needs.

### Background

The State Government's Integrated Planning and Reporting Framework requires all local governments to develop a ten year Strategic Community Plan. The Plan is a long term, overarching document that outlines the community's aspirations and priorities for the future and sets out the key strategies required to achieve these.

At the core of the Integrated Planning and Reporting Framework is the Corporate Business Plan, which outlines in detail the projects, services, operations and performance measurements required to deliver on the priorities identified in the Strategic Community Plan.

The 2013-2013 Strategic Community Plan was formulated through the Our Vision Ahead process, which documented the community's priorities, aspirations and vision for the City and helped shape and create a shared vision.

The Integrated Planning and Reporting Framework requires a part review of the Strategic Community Plan every two years and a full review of the Strategic Community Plan every four years. A minor review was completed in 2015, resulting in the 2015-2025 Strategic Community Plan.

### Comment

The City of South Perth embarked on a major review of its 10 year Strategic Community Plan 2013-2023 and developed the Vision 2027 project to engage the community in the review. The engagement activities provided the community and stakeholders with the opportunities to have a say about the City's future and to contribute to shaping the City's priorities for the next 10 years.

### Consultation

The Vision 2027 project was designed in three community engagement stages as follows:

#### Stage One: Community and Stakeholder Survey

Vision 2027 was launched on 7 November 2016 with a community and stakeholder survey. The community was invited to complete the survey by visiting the City's Your Say South Perth online engagement portal or by picking up a hardcopy of the survey from selected City venues including; Civic Centre, Operations Centre, South Perth Library, Manning Library, Manning Men's Shed, South Perth Senior Citizens Centre, Manning Senior Citizens Centre, George Burnett Leisure Centre and Old Mill.

Postcards advertising the survey were distributed to each property in the City, cafes and businesses, banners installed in 20 locations across the City and displays put up at South Perth Library and South Perth Seniors Centre. The survey was also advertised in local newspapers, on Facebook and Twitter and on the City's website. In addition, the City had a stall at Clontarf Markets on Saturday 19 November 2016 to publicise the survey. It was also advertised in the Peninsula Snapshot E-newsletter.

The Vision 2027 community and stakeholder survey was open from 7 November to 12 December 2016 and asked the community the following three questions:

1. What are the three things you like most about living in or visiting the City?
2. What three ideas do you have that would make the City a better place to live or visit?
3. What priorities would you like the City to focus on over the next 10 years?

Information was also requested from respondents about which suburb they live in, their connection to the City and age group. They were also asked if they were interested in continuing the conversation by attending a workshop and if they wanted to be added to the City's e-news distribution list.

The City received almost 1,200 responses to the survey, with over 800 indicating that they would be interested in attending a workshop and almost 600 wanting to receive the City's e-newsletter. The responses to the three questions were grouped into the following seven themes:

1. Community
2. Infrastructure and Transport: Infrastructure
3. Infrastructure and Transport: Public Transport
4. Leadership
5. Natural Environment
6. Places: Economy and Lifestyle
7. Places: Planning and Design

The analysis of the survey was carried out by Research Solutions and the detailed report can be found in Attachment One.

The City produced a summary document of the survey outcomes and also included in the document information on what the City is currently working on and what is planned for the future. This summary document can be viewed in Attachment Two.

The comments and ideas provided by respondents in the survey were used to design Stage Two of the Vision 2027.

#### Stage Two: Community and Stakeholder Workshops

In Stage Two, the City held four workshops at which participants further explored priorities, discussed visions, reviewed strategies from the Strategic Community Plan 2013-2023 and drafted new strategies.

Invitations to attend the workshops were emailed to all survey respondents who indicated an interest in attending a workshop. The workshops were advertised on Facebook and Twitter, in the local newspaper and via the Peninsula Snapshot E-newsletter.

The workshops were held as follows:

Workshop theme	Date	Venue
Economy and Lifestyle	Wednesday 22 March	South Perth Community Hall
The Natural Environment	Thursday 23 March	Manning Community Centre
Our Community	Saturday 25 March	Manning Community Centre
Our Community	Monday 27 March	South Perth Community Hall

Many respondents had provided feedback in the survey about planning, design, infrastructure and traffic congestion in particular in the South Perth Station Precinct (SPSP) area. As workshops for the SPSP project were taking place around the same time as the Vision 2027 workshops, survey respondents who indicated an interest in attending a workshop were invited to attend the SPSP workshops.

Approximately 60 people attended the Vision 2027 workshops, which involved working towards a vision, review of strategies in the SCP 2013-2023 and drafting new strategies.

The workshops were facilitated by Metrix Consulting, who also analysed the workshops and produced a report, which can be found in Attachment Three.

Stage Three: Draft Strategic Community Plan released for community and stakeholder engagement

The City's Strategic Community Plan 2017-2027 has been drafted taking on board the community and stakeholder feedback from the survey and workshops. The draft Plan can be viewed in Attachment Four.

It is intended that the draft Plan be released for public comment as per the recommendation in this report for a period of four weeks. The final Strategic Community Plan 2017-2027 will then be presented to Council for adoption.

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

Section 19C(9) of the *Local Government (Administration) Regulations 1996* requires local governments to have a Strategic Community Plan for the district that covers a period of at least ten financial years. It is also a requirement to review the current plan at least once every four years.

#### **Financial Implications**

The updated Strategic Community Plan will help guide the City's financial planning, including the Strategic Financial Plan and annual budgets.

#### **Strategic Implications**

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

#### **Sustainability Implications**

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

#### **Attachments**

- |                    |   |
|--------------------|---|
| <b>10.6.4 (a):</b> | Vision 2027 Stage One Survey Results              |
| <b>10.6.4 (b):</b> | Vision 2027 Stage One Summary                     |
| <b>10.6.4 (c):</b> | Vision 2027 Stage Two Report by Metrix Consulting |
| <b>10.6.4 (d):</b> | Draft Strategic Community Plan 2017-2027          |



### 10.6.5 Third Party Appeal Rights in Planning - WALGA Discussion Paper

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-49518
Date:	27 June 2017
Author / Reporting Officer:	Vicki Lummer, Director Development and Community 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 discusses the recent Western Australia Local Government Association (WALGA) discussion paper on third party appeal rights in planning and recommends feedback to WALGA on the matter.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Fiona Reid

**Seconded:** Councillor Colin Cala

*Note: Councillor Fiona Reid moved the Officer Recommendation with the following amendment:*

That the Officer Recommendation be amended as follows:

That Council advise the Western Australia Local Government Association of the following comments in response to the "Third Party Appeal Rights in Planning" discussion paper:

- ~~• Third Party Appeal Rights should be invoked only through a well developed and considered process that limits the impact on resources and uncertainty.~~
- ~~• The scope of Third Party Appeal Rights should be limited to avoid vexatious, time wasting appeals and focus on high impact, major developments.~~

The City of South Perth and Council is in favour of some form of Third Party Appeal Rights in Planning, subject to:

1. Third Party Appeal Rights being invoked only through a well-developed and considered process that limits the impact on resources and uncertainty;
2. Appeals only being applicable where discretion is exercised under the R-Codes, Local Planning Policies, and Local Planning Schemes;
3. That Development Assessment Panels also be subject to any third-party appeals process adopted under the WA planning framework; and
4. The scope of Third Party Appeal Rights being limited to avoid vexatious and time wasting appeals ~~and focus on high impact, major developments~~, as already outlined in the State Administrative Tribunal Act 2004:  
*'s.47 - Unjustified proceedings*

*This section applies if the Tribunal believes that a proceeding –*  
*(a) is frivolous, vexatious, misconceived or lacking in substance;*  
*(b) is being used for an improper purpose; or*  
*(c) is otherwise an abuse of process.' (p32)*

5. It should be noted that Western Australia is the only state in Australia with no Third Party Appeal Rights in Planning and WALGA is urged to lobby this matter with the State Government as a matter of priority.

So the Motion reads as follows:

That Council advise the Western Australia Local Government Association of the following comments in response to the “Third Party Appeal Rights in Planning” discussion paper:

The City of South Perth and Council is in favour of some form of Third Party Appeal Rights in Planning, subject to:

1. Third Party Appeal Rights being invoked only through a well-developed and considered process that limits the impact on resources and uncertainty;
2. Appeals only being applicable where discretion is exercised under the R-Codes, Local Planning Policies, and Local Planning Schemes;
3. That Development Assessment Panels also be subject to any third-party appeals process adopted under the WA planning framework; and
4. The scope of Third Party Appeal Rights being limited to avoid vexatious and time wasting appeals ~~and focus on high impact, major developments~~, as already outlined in the State Administrative Tribunal Act 2004:

*'s.47 - Unjustified proceedings*

*This section applies if the Tribunal believes that a proceeding –*  
*(a) is frivolous, vexatious, misconceived or lacking in substance;*  
*(b) is being used for an improper purpose; or*  
*(c) is otherwise an abuse of process.' (p32)*

5. It should be noted that Western Australia is the only state in Australia with no Third Party Appeal Rights in Planning and WALGA is urged to lobby this matter with the State Government as a matter of priority.

**CARRIED (8/0)**

#### **Reasons for Amendment**

The Amended Recommendation strengthens the officer’s recommendation and clearly responds to the questions posed by WALGA to the City of South Perth:

- *‘Would you be in favour of the introduction of some form of Third Party Appeal Rights in Western Australia? Why or Why not?’*
- *Do you feel your Council is likely to support some form of Third Party Appeal Rights?*
- *Any other comments relating to Third Party Appeal Rights’*

As outlined in the report there has been *‘significant changes to the planning framework that have taken place in recent years:*

- *Introduction of Development Assessment Panels (DAPs)*
- *Changes to section 76 of the Planning and Development Act 2005 to give greater powers to the Minister for Planning*
- *The establishment of the Metropolitan Redevelopment Authority*
- *Changes to structure planning processes*
- *Introduction of deemed provisions for all local planning schemes in the*

*Planning and Development (Local Scheme) Regulation 2015'*

In this new context Third Party Appeal Rights may have been beneficial to Council over the last few years, with decisions being made by the JDAP which have not been consistent with the Council's Responsible Authority Reports (RAR), views or resolutions. In particular the application of discretion by JDAP has been widely viewed as inconsistent. The only current recourse is a judicial review, usually in the Supreme Court, which will only consider matters of procedural correctness and the legality of the decision and not the planning merit of the proposal: a process which has significant costs.

In other States where Third Party Appeals have been in operation for a number of years, where costs in comparison to a Judicial Review are significantly reduced and outcomes are often resolved through mediation. For example:

- Costs to lodge an appeal in Victoria are \$325 & in Tasmania \$350
- The number of Third Party Appeals lodged account for between 4% and 19% (VCAT Data)
- South Australia approx. 78% of Appeals lodged were withdrawn or resolved without going to full hearing

If other States are managing to handle Third Party Appeals, it is an indictment on Western Australia if the present process continues. What does seem to be a significant inequity in the present WA system is that while an Applicant, being a second party, is permitted to Appeal to the SAT against the decision to refuse an Application by a Local Government or a Development Assessment Panel, an adjoining owner or any other third party (such as the Local Government in the case of JDAP's) cannot.

This is not simply an issue of costs. Before DAPs were introduced there were fewer grounds for extending Third Party Appeal Rights to the general community, other than to adjoining property owners. However, this is no longer the case for developments with a value of more than \$2 million, that can now opt-in to be assessed under the new DAP regime. The DAP is now the approving body, whose refusal can be appealed to the SAT by the Applicant, but the City or other affected Party cannot Appeal against an Approval. It needs to be borne in mind that the DAP membership is composed of three governmental appointees who are not accountable to the community. Their role is more to represent the Development Policy of the State Government.

### **Background**

The Western Australia Local Government Association (WALGA) has released a discussion paper titled "Third Party Appeal Rights in Planning" (**Attachment (a)**). Feedback on the views of Local Governments on this matter should be submitted by 14 July 2017.

The discussion on Third Party Appeal Rights must be considered against the changes to the planning framework that have taken place in recent years:

- Introduction of Development Assessment Panels (DAPs)
- Changes to section 76 of the *Planning and Development Act 2005* to give greater powers to the Minister for Planning
- The establishment of the Metropolitan Redevelopment Authority
- Changes to structure planning processes
- Introduction of deemed provisions for all local planning schemes in the *Planning and Development (Local Scheme) Regulation 2015*

**Comment**

Currently, an application for the review of development application decisions can only be lodged by an aggrieved landowner or applicant (the first party). The decision maker (second party) usually defends the review application which is determined by the State Administrative Tribunal (SAT). There is currently no avenue for a third party to seek a development decision review on planning grounds. A judicial review can be undertaken, usually in the Supreme Court, however this review will only consider matters of procedural correctness and the legality of the decision and not the planning merit of the proposal. Council is familiar with this method of review from such matters as the Como Hotel redevelopment application.

Summary of arguments for and against Third Party Appeal Rights (from WALGA paper)

For :

- Members of the community and neighbours have a legitimate interest in development as it has impacts on character and amenity.
- Increased avenue for public participation, which can improve planning decisions.
- Encourages developers to engage more with the community and neighbours.
- Decisions can be checked for consistency through the appeal process, with third party appeals, this leads to more scrutiny and transparency.

Against:

- Can lead to parties with no direct interest in a decision to oppose it on non planning grounds (if rights are too widely granted).
- Appeals shift decision making away from Local Government, with DAPS already taking decision making power away, this will further erode local input.
- Proactive public engagement in strategic planning is more beneficial. Third party appeals may create short term decisions which are not in the long term interest of the community.
- Lead to increased costs, delays and uncertainty which ultimately could stifle development and economic growth.
- The community may believe that the number of objections rather than the validity of the planning concern can influence the planning decisions.

The implications for local government of Third Party Appeals are significant. Additional staff resources would be required to prepare for and attend third party appeals in SAT. Significant additional monetary resources would be required to engage legal counsel.

Whilst third party appeal rights would give the community the ability to appeal decisions made by DAPs and Councils, the likely outcome would be that Council itself would be lobbied by community or interest groups to lodge the appeals on their behalf, with the City bearing the costs of such significant legal challenges.

Third Party Appeal Rights may have been beneficial to Council over the last few years, with decisions being made by the JDAP which have not been consistent with

the Council's views or resolutions. In particular the application of discretion by JDAP has been widely viewed as inconsistent.

The discussion paper states that any feedback is welcomed by WALGA, however the following questions are posed:

- Would you be in favour of the introduction of some form of Third Party Appeal Rights in Western Australia? Why or Why not?
- Do you feel your Council is likely to support some form of Third Party Appeal Rights?
- Any other comments relating to Third Party Appeal Rights

Given the arguments for and against and the implications, it is considered that should Third Party Appeal rights be introduced in WA, it should be through a clear and considered process designed to reduce vexatious and time wasting appeals, maintain certainty for developers and limit the need for Councils to spend significant resources on the appeal process.

### **Consultation**

Elected members were consulted on the WALGA discussion paper on 23 May by email. Two responses were received:

- In favour of third party appeal rights, for the reason that the community should be able to appeal against inappropriate developments that would have a negative impact on the residents and the community.
- Before DAPs were introduced there were fewer grounds for extending Third Party Appeal Rights to the general community. However, this is no longer the case for larger developments that are now assessed under the new DAP regime. The DAP is now the Third Party – not the Local Government. The DAP membership is composed of three members who are not accountable to the community. Neither are they meant to represent their interests, but rather the Development Policy of the State Government. The present mediation process of SAT is also not representative, as the presiding member is generally the only DAP member aware of, or involved in the process. The council DAP members have to actively involve themselves as for the most part they are provided with little information. All DAP members should be fully informed and one of the council representatives should be involved in any Mediation process.

### **Policy and Legislative Implications**

There are no policy implications with this report.

The *Planning and Development Act 2005* would require amendment to implement Third Party Appeals in WA.

### **Financial Implications**

There are no financial implications with the recommendation in this report.

### **Strategic Implications**

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

6.3 Continue to develop best practice policy and procedure frameworks that effectively guide decision-making in an accountable and transparent manner.

### **Sustainability Implications**

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

**10.6.5 Third Party Appeal Rights in Planning - WALGA Discussion Paper**

**Attachments**

**10.6.5 (a):** Third Party Appeals Discussion Paper

## 10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.7.1 Matters Referred from the Audit, Risk and Governance Committee Meeting: 6 June 2017

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-17-49519
Lodgement Date:	22 June 2017
Date:	27 June 2017
Author:	Sharron Kent, Governance Officer
Reporting Officer:	Geoff Glass, Chief Executive Officer
Strategic Direction:	Governance, Advocacy and Corporate Management -- Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan
Council Strategy:	6.1 Develop and implement innovative management and governance systems to improve culture, capability, capacity and performance.

#### Summary

The purpose of this report is to provide the recommendations from the Audit, Risk and Governance Committee meeting held on 6 June 2017 for Council's consideration. The Minutes and Attachments of which can be found at **Attachments (a) and (b)**.

#### Committee Recommendations AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Cheryle Irons

That Council adopt the following recommendations of the Audit, Risk and Governance Committee meeting held on 6 June 2017:

##### 1. Review of Council Delegations – Strategic Direction 3

That the Audit, Risk and Governance Committee, having reviewed the City's Delegations held within Strategic Direction 3 – Housing and Land Uses; listed hereunder and contained at Attachment (a) be referred to Council for adoption:

- DC370 Approve or Refuse Granting of a Building Permit
- DC371 Approve or Refuse Granting of a Demolition Permit
- DC372 Grant or Refuse to Grant Occupancy Permits or Building Approval Certificates
- DC373 Approve or Refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
- DC374 Appoint Authorised Officers for the Purpose of the Building Act 2011
- DC375 Issue or Revoke Building Orders

##### 2. Review of Council Policies – Strategic Direction 3

That the Audit, Risk and Governance Committee:



- a) having reviewed the Council Policies listed hereunder, recommends to the Council that the following Policies, which require no changes to content, be adopted:
  - P353 Crossing Crossovers
  - P354 Storm Water Drainage Requirements for Proposed Buildings
  - P356 Electricity Substations
  - P357 Right of Way (RoW) Maintenance and Development
- b)(i) having reviewed the Council Policies in addition to, and outside the annual review cycle listed hereunder, recommends to the Council that the suggested modifications not be adopted as they are adequately covered by existing Policies and statutory planning documents and they are unable to be enforced as neither Policy is a planning policy made pursuant to Part 2, Division 2, Schedule of the *Planning and Development (Local Planning Schemes) Regulations, 2015*.
  - P202 Energy Conservation
  - P692 Sustainability Policy
- (ii) recommends to Council that the resident be provided with an explanation as to why the suggested modifications not be adopted and given an outline of when the relevant Policy will be reviewed again.

### **3. Local Planning Policy Review – Process Moving Forward**

That the Audit, Risk and Governance Committee recommend to the Council that it note the following:

1. Local Planning Policies (LPPs) are to be reviewed systematically as part of the Town Planning Scheme (TPS) review and in accordance with the attached schedule of review instead of as part of the annual review of City Policies;
2. Following on from the TPS Review, LPPs will be reviewed every 2 years; and
3. Revised LPPs will be presented to the Audit, Risk and Governance Committee prior to being presented to Council for consent to advertise and finalisation.

### **4. Public Question Time Procedures**

That the Audit, Risk and Governance Committee recommends to the Council that it note the Public Question Time review and recommends to Council that responses to public questions Taken on Notice be appended to the Council meeting Agenda.

### **5. Corporate Business Plan – Quarter Three Update**

That the Audit, Risk and Governance Committee recommends to the Council that it note the Corporate Business Plan Quarter Three Update.

*Note: it was requested that the Local Emergency Management Committee (LEMC) Delegates' Report be included in the Audit, Risk and Governance Committee Agendas going forward.*

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

**Background**

The Audit, Risk and Governance Committee meeting was held on 6 June 2017 with the following items listed for consideration on the Agenda:

- Review of Council Delegations– Strategic Direction 3
- Review of Council Policies – Strategic Direction 3
- Local Planning Policy Review – Process Moving Forward
- Public Question Time Procedures
- Corporate Business Plan – Quarter Three Update

**Comment**

The Audit, Risk and Governance Committee considered the following items on 6 June 2017:

**1) Review of Council Delegations – Strategic Direction 3**

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

A review of Council Delegations held within Strategic Direction 3 – Housing and Land Uses has been completed and is now presented for the consideration of the Committee and referral to Council for adoption.

**2) Review of Council Policies – Strategic Direction 3**

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

A review of the Policies detailed hereunder has been completed and is now presented for the consideration of the Committee and referral to the Council.

The annual review of the City's Policies held within Strategic Direction 3 – Housing and Land Uses are presented for the consideration of the Committee and referral to Council for adoption.

Two policies were also reviewed in addition to, and outside the annual review cycle, with the suggested modifications unable to be enforced as neither policy is a planning policy made pursuant to Part 2, Division 2, Schedule of the Planning and Development (Local Planning Schemes) Regulations, 2015.

**3) Local Planning Policy Review – Process Moving Forward**

This report outlines a new process for the review of Local Planning Policies for the information of the Audit, Governance and Risk Committee. The City has a statutory obligation under the Local Government Act, 1995 to review its Policies on an annual basis. Local Planning Policies (LPPs) are made pursuant to separate legislation; therefore there is no statutory obligation to review these Policies as part of the aforementioned annual review. It is proposed to review LPP's separately as part of the wider Town Planning Scheme (TPS) Review process and following that bi-annually in line with best planning practice.

**4) Public Question Time Procedures**

This report reviews the City's practice for Public Question Time at Council meetings.

**5) Corporate Business Plan – Quarter Three Update**

This report considers the Corporate Business Plan Quarter Update.

**Other Related Business**

***Review of the Effectiveness of the Audit, Risk and Governance Committee  
(Requested by Chairperson)***

The Chair sought feedback from the meeting as to the effectiveness of the Committee and requested ideas be sent to her prior to the next meeting.

***WALGA Third Party Appeals***

The Chair advised a report on this matter will go to the June Council meeting.

**Consultation**

The 5 items were the subject of consideration at the 6 June 2017 Audit, Risk and Governance Committee meeting.

**Policy and Legislative Implications**

The Audit, Risk and Governance Committee meetings 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**

- |                    |  |
|--------------------|--|
| <b>10.7.1 (a):</b> | 6 June 2017 - Audit, Risk and Governance Committee - Minutes             |
| <b>10.7.1 (b):</b> | 6 June 2017 - Audit, Risk and Governance Committee Meeting - Attachments |

## 11. APPLICATIONS FOR A LEAVE OF ABSENCE

The following Leave of Absence applications were received:

- Councillor Ken Manolas for the period 29 June – 16 July 2017, inclusive;
- Councillor Glenn Cridland for the period 3-6 June and 14 July – 3 August, inclusive.

### **Committee Recommendations AND COUNCIL DECISION**

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Fiona Reid

That the Leave of Absence applications received from:

- Councillor Ken Manolas for the period 29 June – 16 July 2017, inclusive;
- Councillor Glenn Cridland for the period 3-6 July and 14 July – 3 August, inclusive.

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

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

Nil

## 13. QUESTIONS FROM MEMBERS

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

At the May 2017 Ordinary Council Meeting there were no questions from Members Taken on Notice.

### **13.2 QUESTIONS FROM MEMBERS – 27 JUNE 2017**

Nil

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

Nil

## 15. MEETING CLOSED TO THE PUBLIC

Nil

## 16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.32pm.

## 17. RECORD OF VOTING

### 6.2 Extension of Public Question Time

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

Absent: Mayor Sue Doherty

### 7.1 Confirmation of Minutes

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

Absent: Mayor Sue Doherty

### 7.2.1 Noting of Concept Briefings Notes

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

Absent: Mayor Sue Doherty

### 7.2.2 Noting of Council Agenda Briefing Notes

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

Absent: Mayor Sue Doherty

### 8.1.1 Receipt of Petition

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

Absent: Mayor Sue Doherty

### 8.4.1 Receipt of Delegates' Reports

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

Absent: Mayor Sue Doherty

### 9.1 En Bloc Motion

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

Absent: Mayor Sue Doherty

### 10.0.1 Amendments Parts 1-5: Foreshore Node 9: Flagpole – Westralian Centre Concept

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

Absent: Mayor Sue Doherty

### 10.0.1 Amendments Parts 6-8: Foreshore Node 9: Flagpole – Westralian Centre Concept

For: Cr Glenn Cridland, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

Against: Cr Jessica Black

Absent: Mayor Sue Doherty

**10.0.1 Foreshore Node 9: Flagpole – Westralian Centre Concept**

For: Cr Glenn Cridland, Cr Sharron Hawkins-Zeeb, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons, Cr Ken Manolas

Against: Cr Jessica Black

Absent: Mayor Sue Doherty

**10.6.4 Draft Strategic Community Plan 2017-2027**

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

Absent: Mayor Sue Doherty

**10.6.5 Third Party Appeal Rights in Planning - WALGA Discussion Paper**

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

Absent: Mayor Sue Doherty

**11 Applications for Leave of Absence**

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

Absent: Mayor Sue Doherty

## APPENDICES

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

<b>1. Mr Craig Dermer of 14/63 Mill Point Road, South Perth Received: 15 May 2017</b>	<b>Response provided by: Acting Chief Executive Officer, Mr Mark Taylor</b>
1. Does Council agree that, had those questioned about their use of the proposed Station been made aware that there would be no parking, the results may have been somewhat different?	The City will take this question on notice and seek clarification from Mr Dermer after the meeting.
<b>2. Mr Paul Noble of Mends Street News &amp; Supplies – 3/20 Mends Street Received: 22 May 2017</b>	<b>Response provided by: Acting Chief Executive Officer, Mr Mark Taylor</b>
1. How and why was the Council car park to the rear of the news agents on Mends Street sold when it was such a valuable asset to the people of South Perth?	As this was a decision of Council made some time ago, the City will take this question on notice as it requires further research.
<b>3. Mr Geoff Defrenne of 24 Kennard Street, Kensington Received at the Meeting 23 May 2017</b>	<b>Response provided by: Mayor Sue Doherty</b>
1. Will this Council be doing a presentation at the Electors' Meeting next month?	As this question was received at the meeting, it was Taken on Notice. The question and response will be provided to the questioner and included in the Minutes of the June 2017 Ordinary Council Meeting.
2. Will Electors be able to ask questions based on that presentation?	As this question was received at the meeting, it was Taken on Notice. The question and response will be provided to the questioner and included in the Minutes of the June 2017 Ordinary Council Meeting.



## 6.2 PUBLIC QUESTION TIME – 27 JUNE 2017

1. Ms Cecilia Brooke of 8/20 Garden , South Perth Received: 23 June 2017	Response provided by: Chief Executive Officer, Mr Geoff Glass
<i>[Preamble] Bullet Point 6 in the Officer Recommendation says “Resolve not to progress the Westralian Centre Concept in the form and indicative design as proposed, including the undertaking of further site and management investigations and obtaining required approvals”. At the Agenda Briefing Meeting on 20th June, 2017, my comment was that this recommendation provides no assurance that there will be no building on Sir James Mitchell Park.</i>	
1. Will the City give now give us the assurance that there will be no building on Sir James Mitchell Park?	<p>The answer from my point of view is no and if I could explain why.</p> <p>Sir James Mitchell Park is 52 hectares and already includes many buildings.</p> <p>The officer recommendation proposes not to progress the Westralian Centre in the form and indicative design as proposed and instead establish the South Perth Foreshore Plan Advisory Group and consider the results of the work to date and develop options that meet the objectives for Node 9 as a landmark site. My view would be that the City continue to take consultation seriously and that it is important to not pre-empt the outcome of that Advisory Group but rather wait and see what emerges from their consideration.</p> <p>That would extend to include whether there is a building or not.</p> <p>You may be aware that I was asked at the Agenda Briefing by Cr Colin Cala about this same matter. I responded to Cr Cala by saying that it depended on what was meant by a building.</p> <p>There is a lot of ambiguity as to what constitutes a building. There are many structures that currently exist down on the foreshore that are buildings although they may not be conventional buildings like a house.</p> <p>That extends to shelters, toilets, public sculptures, the limestone walls around the flagpole, playground equipment and temporary structures. The</p>

	<p>law, however, is clear in relation to temporary structures such as marquees or tents (as used for the Australia Day Citizenship Ceremony, and as used at various functions and events when Sir James Mitchell Park is hired for corporate functions and weddings or the recent Million Paws Walk event), or even stages (as used for the Fiesta Concert). These are all buildings on Sir James Mitchell Park.</p> <p>I know that it is not your intent to stop these events, but if you say no buildings, then that will bring with it unintended consequences.</p>
<p>2. What has the City learned about community engagement on major infrastructure projects over the last few months?</p>	<p>If the question being asked is in relation to the Westralian Centre concept then the engagement process has demonstrated a number of things.</p> <p>Firstly, turning a strategic direction into an idea that can be discussed and debated by all stakeholders, not just the local community, is a challenging process in which many people will assume that what is being discussed is the final concept. So one learning is that we have to be even clearer and keep reinforcing when we are simply discussing a concept, an idea as opposed to a final proposal.</p> <p>If we cannot safely put up ideas for discussion by ratepayers, residents and other stakeholders, then it will be impossible to make progress on a range of strategies that have been adopted by the Council.</p> <p>Secondly, we have learned again that there are a very wide range of views in the community about the future of the foreshore. The research into South Perth residents, the wider City of South Perth community, and the broader metropolitan area, as well as statements at the Special Electors' meeting, clearly demonstrated that there are diverse views about development on the South Perth foreshore, some people are very opposed, while some are very supportive, and there are many in between. So all our future community</p>

	<p>engagement must continue to capture the views of those who are passionate and engaged, as well as those who might typically be more silent on these issues until directly asked for input.</p> <p>It is also my view that we must also continue to always look at community engagement through the lens of the City's role as custodian of the foreshore, so that we provide a benefit for all West Australians who use, or may use the foreshore area.</p>
<p>3. What is the nature and totals of budgeted expenditure regarding Node 9 which is currently recommended by Officers for inclusion in the City of South Perth Budget for the financial year ended 30 June 2018?</p> <p>It is understood that whilst the Final City of South Perth Budget is expected to be announced in July 2017, the City must at this point in time have a good draft indication of what is recommended for inclusion.</p> <p>Answer to the question should separately include, but not be necessarily limited to identify: 1) any possible contributions by the City of South Perth to the capital cost of any proposed building constructions at Node 9; and 2) any further preliminary design works and associated consultant works at Node 9, of which \$75,000 was understood to have been allocated for the year ended 30 June 2017.</p>	<p>In terms of the draft budget that is being considered by Council next month, there is no funding set aside for building construction at Node 9.</p> <p>In anticipation of the officer recommendation and the establishment of the South Perth Foreshore Plan Advisory Group a notional \$30,000 will be recommended to be set aside for developing options in relation to Node 9.</p>
<p><b>2. Mr Colin Bailey of 19B Norton Street, South Perth</b> <b>Received: 23 June 2017</b></p>	<p><b>Response provided by: Deputy Mayor, Glenn Cridland</b></p>
<p>1. At the Special Elector's Meeting on 8 June 2017 Council made much of its duty to a wider community, i.e. to persons, groups and stakeholders outside of the rate payers of South Perth. Does Council agree, however, that in all Council matters that the interests, expectations and satisfaction</p>	<p>Mr Bailey in asking your question you seek a simple yes or no response.</p> <p>Now you have asked your question, now let me respond. A yes or no is not something I can give to your question.</p>

of the rate payers it serves must always come first before considering any other stakeholders interests – YES or NO?

To every complex question there is always a very simple answer – and unfortunately the simple answer is always wrong. Many questions do not have a yes or no answer and require a nuanced response.

And if you want me to give you an example I can say I could ask any one of you “have you stopped beating your wife?” - clearly there is not a yes or no answer to that question also.

As a Council we are guided and we are bound by many pieces of legislation. One of the most important ones is the Local Government Act but also a number of State Government policies and other pieces of legislation. Those directives tell us how we have to carry out our decision making and the way we go about our business.

We have many parties we are required to serve and to act in the best interests of. The only people that we can’t act in the best interests of are ourselves and our friends and families and associates. Our primary focus is the City’s residents, the ratepayers and the visitors – that is the people of South Perth.

Now, you asked a question about the ratepayers. Well it would not only be very bad government but it would also be unlawful and in breach of the Local Government Act if the Council was to focus simply on ratepayers as you suggest in your question.

I can take you to Section 3.1 Clause 1 that states that ‘The general function of a local government is to provide for the good government of persons in its district.’ Not just ratepayers, not just residents, but also visitors.

There are also a number of other pieces of legislation which require us to do things which may be different to what we think is in the best interests of the City including how we invest money which we hold on behalf of the City’s residents and ratepayers.

2. With reference to the Westralian Centre Concept, this example has highlighted that Council is expending considerable time, effort and rate payer's money on non-essential infrastructure and services. Will Council now change its focus to cut waste and budgets with the specific aim to reduce the rates burden on rate payers? YES or NO?

Once again Mr Bailey you ask a question for which you want a simple yes or no answer. Again in my view a simple yes or no is not possible.

The Council, in its budget deliberations takes many things into account. With respect of the Westralian Centre concept I received a phone call from you in which you indicated you were strongly opposed to the Westralian Centre concept. In that phone call you asked me to cut our waste and I asked whether or not we should cut the libraries or the child health services or the river's walls work or the other services we provide to citizens here. You were unable to identify what was waste in any of those matters. It is a difficult and complex matter for the City's elected Councillors to determine what its priorities are and how its rates are to be raised.

Our budget must be developed in alignment with the City's Strategic Community Plan 2015-2025, the Corporate Plan 2015-2019 and the Long Term Financial Plan – that's not by choice but what we are directed to do so. We have to meet the community's vision for South Perth's future, including aspirations and service expectations which are different in different areas of the City.

We are very conscious to ensure the approved budget reflects the prevailing economic conditions and the City's ongoing endeavours to increase efficiency and effectiveness.

This year's Annual Budget had the sixth lowest rate in the dollar to be levied by the City in 20 years, demonstrating that the Council is committed to delivering on the Strategic Community Plan, whilst also endeavouring to minimise the rate increase for South Perth residents.

We respond to issues in the City.

The Council is considering a further rate setting in its budget that will

	<p>potentially see the rates increase for people who live in this City, by around 54 cents a week on a minimum rated property.</p> <p>This is happening in a context where a very large part of our revenue is declining, that is less grants, and our costs are increasing.</p> <p>What you may not understand is that additionally the Council is a collector of State taxes. The Emergency Services Levy which you will see on your rates notice is actually just a State tax we are forced to collect on their behalf without being properly resourced to do so. Similarly, and we have recent announcement about increases from the State Government about electricity charges, they directly flow onto us as we pay the power bill for all the streets lights. The Treasurer has just announced a 10% increase to one of our largest expenses.</p> <p>Increases in State Government charges would account for a good portion of any increase in rates you may receive.</p>
<p>3. The Westralian Centre Concept which has been totally rejected by the South Perth community has demonstrated that elements within Council are very out of touch with their rate payer's real needs and concerns, how does Council propose to do to rectify this situation?</p>	<p>Mr Bailey you are welcome to your opinion.</p> <p>It is however not a statement of fact.</p> <p>The Council does listen to and respect the views of its community. We engage extensively to ensure effective processes, good decision making and governance.</p> <p>In respect of the Westralian Centre concept, which was not a final plan, you will note that it was put out to the community through a whole series of means, means that were selected and voted on by this Council. A number of different results have come in in respect of that consultation. It is an opportunity that the Council has chosen to give to its residents and ratepayers to comment on the idea. The City of South Perth is absolutely</p>

	<p>committed to consulting with people.</p> <p>The Council has in recent times for example undertaken extensive consultation with the community on a range of matters, including the Community Strategic Plan 2017-2027, the Westralian Centre Concept, South Perth Train Station (Place + Design), Karawara Playground and Public Open Space Upgrade, Canning Highway Stage 2, and the Bike Plan – all of which ensures that the community’s views are taken into consideration in the Council’s decision making process.</p>
<p><b>Note: At this point the allocated 15 minutes for Public Question Time was exhausted. Council resolved to extend Public Question Time for a further 15 minutes.</b></p>	
<p><b>3. Mr Geoff Defrenne of 24 Kennard Street, Kensington</b> <b>Received: 23 June 2017</b></p>	<p><b>Response provided by: Deputy Mayor, Glenn Cridland</b></p>
<p><i>[Preamble] At the last council meeting, I asked what I thought were two very simple questions:</i></p> <ul style="list-style-type: none"> <li><i>Is the city going to do a presentation at the electors meeting on 8 June 2017?</i></li> <li><i>If the council is going to do a presentation, will electors be able to ask questions on that presentation?</i></li> </ul> <p><i>These questions were taken on notice.</i></p> <p><i>Standing Orders</i></p> <p><i>6.7 (8) If, in the opinion of the Presiding Member, a question requires further research or a response cannot be given at the meeting, or if a question form does not contain the name and residential or contact address of the person who wishes to ask the question</i></p> <p><i>– (a) the Presiding Member may determine that the question is to be treated as ‘correspondence’ or is to be taken on notice;</i></p> <p><i>Under Clause 6.7 (8) of standing orders states when a question can be taken on notice. Given I did provide my name and address the only other reason in standing orders for taking the question on notice is a question requires further research and the city had published the rules for the meeting.</i></p>	
<p>1. What research was required to provide a meaningful and accurate response to my questions?</p>	<p>I understand very little.</p>



*[Preamble] Regulation 7 of the Local Government Act sets out the procedures for public question time:*

*7. Procedures for question time for the public — s. 5.24(2)*

*(3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.*

*Up to 10 people were able to personally ask up to three questions and receive verbal responses to their questions.*

*I was denied the opportunity to ask my questions and the general public were not able hear the questions I had asked on the completed question form.*

2. In accordance with regulation 7 (3), was I given an equal and fair opportunity to ask the question and receive a response?

You were given a fair opportunity to ask a question and receive a response.

As you know very well from your extensive experience at Council meetings here, the City's standard procedure is that you are required to submit your questions no later than 24 hours prior to that meeting.

If you hand your questions in at the meeting then those who submitted questions prior to the deadline are dealt with first and those late submissions are Taken on Notice.

It would be unfair that members of the public who put their questions in on time and allow a response to be prepared are disadvantaged and lose priority and opportunity to have their questions dealt with by your choice to submit questions at the last moment.

You have again, submitted late questions at this meeting knowing the required time for submission.

If you had handed in your questions by the deadline then your questions would have been dealt with at the meeting.

In addition, Public Question Time had already been extended twice at this meeting, and the Council did not resolve to extend it any further, therefore preventing your questions from being considered.

<p>3. Given what I believe is a severe breach of the Local Standing orders and of the Local Government Act 1995, will the Mayor and on behalf of the council apologise to me for breaching Standing Orders and the Local government Act 1995 and give assurances to me and the general public such breaches will not occur again?</p>	<p>You are entitled to your opinion.</p> <p>I cannot speak for the Mayor on this matter. I speak only for myself.</p> <p>The answer from me to your question is no.</p> <p>I do not share your opinion.</p>
<p><b>4. Dr Jennifer Nevard of 195 Mill Point Road, South Perth</b> <b>Received: 25 June 2017</b></p>	<p><b>Response provided by: Chief Executive Officer, Mr Geoff Glass</b></p>
<p><i>[Preamble] With reference to Agenda item 10.01 Foreshore Node 9: Flagpole Westralian Centre concept P5-6 Officer Recommendations</i></p> <p><i>The Pracsys Business Case indicates that a major development at Node 9 of the South Perth Foreshore would be viable. Point 7 of the Officer's Recommendation (eight points in total) does not include useful guidance on which individual conceptual components of the Business Case, survey and questionnaire results are identified by the City administration to be favourable and therefore considered for progressing.</i></p>	
<p>1. Which items are presently being considered for progressing and which items would be given highest priority?</p>	<p>In the survey by Clarity when the City of South Perth residents were asked about preference for features at Node 9 as a landmark site the following were most strongly supported:</p> <p>Picnic infrastructure (80% indicated they strongly agreed or somewhat agreed)</p> <p>Second came Café (71%), then recreational facilities (65%), Civic and social event space (61%)</p> <p>With respect to the Pracys report that refers to a wide range of facilities including public toilets, outdoor assembly, recreation and interpretation space, picnic infrastructure, café, display space, event space etc.</p> <p>More importantly the recommendation proposes that the South Perth Foreshore Plan Advisory Group be established to consider these facilities, in developing proposals and recommendations to be considered by the Council.</p>

<p>2. Will the Council have direct oversight of the progressing of these conceptual components; will the City administration be required to seek further approvals before commencing these items; and what constraints is Council placing on the City when selecting any items to progress?</p>	<p>The South Perth Foreshore Plan Advisory Group would be just that, advisory, and not have any delegated authority. All proposals and recommendations have to be submitted to and considered by the full Council.</p> <p>The City does not make any significant changes to Sir James Mitchell Park and its facilities without obtaining the approval of the Council.</p>
<p><b>5. Mr Les Ozsdolay of 10 Glasnevin Court, Waterford</b> <b>Received: 25 June 2017</b></p>	<p><b>Response provided by: Chief Executive Officer, Mr Geoff Glass</b></p>
<p><i>[Preamble] The reason for my questions is that I believe that there is still some ambiguity as to what the Officer's Recommendation actually means so I am attempting to obtain some clarification.</i></p> <p><i><u>Definitions: Node 9</u> – The area described as “N9 – Flagpole”, as delineated on page 18 of the attachments to this agenda. (the lighter shade of blue).</i></p> <p><i>Building – A structure such as the proposed Westralian Centre which has walls, a roof and generally is lockable. It does not include low commemorative walls, shade structures, BBQ's, paths, raised gardens nor indeed flag poles.</i></p>	
<p>1. Given the response from the residents with respect to the concept which involved building in Node 9, has the idea of building on Node 9 now been put aside?</p>	<p>Questions on the role of South Perth Foreshore Plan Advisory Group in considering future development of the site and what “buildings” mean have already been answered tonight. I repeat, that “building” is a very wide term and a building at Node 9 recommended by the South Perth Foreshore Plan Advisory Group, could for example include some of the things you do not consider to be buildings (a limestone wall or a flagpole), that is by law and by whether a building licence would need to be sought, those are the things that constitute buildings so it has a very broad definition.</p>
<p>2. What other options, if any, has the city considered to achieve the aspirations contained in the South Perth Foreshore Management Plan for Node 9?</p>	<p>To date no other options have been developed and given the public interest the recommendation proposes that the South Perth Foreshore Plan Advisory Group would consider the development of new options for Flagpole 9 and submit these for Council's consideration.</p>

<p>3. The City has a good record of effective community involvement and consultation with many projects, and more particularly in the development of the South Perth Foreshore Management Plan itself. Will the city now commit to further consultation in the implementation stage of this plan to ensure that the outcome is consistent with that plan and the wishes of the residents?</p>	<p>Yes, the City can commit to ensure that it will continue to engage and consult with the community.</p>
<p><b>6. Dr Sarah Schladow of 3/20 Garden Street, South Perth Received: 26 June 2017</b></p>	<p><b>Response provided by: Chief Executive Officer, Mr Geoff Glass</b></p>
<p><i>[Preamble] During the consultation process relating to the Westralian Centre Concept Plan, there was debate on whether the Westralian Centre Concept Plan met the designated purpose-of-use of the foreshore Crown Land, which is "recreation". The Pracsys report clearly referred to the 'commercial nature' (p68/155) of the Westralian Centre Concept. Such commercial development was a very low priority; and 'facilitating economic development' rated only 2.8 % in prior community surveys in terms of the Foreshore (SPF Survey Results REV A23/10/1023, p8). I note that for Node 2, Coode Street, there is a microbrewery proposed as a potential strategy (p46 SPF Strategy and Management Plan). Would you please advise the following:</i></p>	
<p>1. If the Crown Land purpose of use "recreation" restricts the City from implementing any commercial, non-recreational strategies as, for example, the Westralian Centre or a Microbrewery, is the City going to apply to the relevant authorities to change the purpose of use?</p>	<p>If the Council at any stage proposes to allow a permanent commercial facility to be located on the portion of Sir James Mitchell Park that is Crown Land (Reserve 34565) then that portion of land required for that facility would need to be removed from the Reserve. That would of course require the approval of the Minister for Lands.</p> <p>The City has not applied to change the purpose of use of the Reserve.</p>
<p>2. Has the City of South Perth approached Government departments or Ministers -OR made any enquiries to date - as to whether the purpose of use could be altered to facilitate that type of development, e.g. Westralian Centre, Micro Brewery without advising residents?</p>	<p>City officers and legal representatives have met with the Department of Lands and the State Solicitors Office to obtain confidential advice on the use of Crown Land Reserve 34565 that forms portion of Sir James Mitchell Park as it relates only to temporary uses under the Management Order.</p> <p>If the Council decided to proceed with either the Westralian Centre or a Micro Brewery or any similar development it would not do that by seeking to</p>

	change the use of the Reserve.
<p>3. As all the Surveys to date, as well as the Special Electors Meeting of 8 June 2017, indicate overwhelming support for Sir James Mitchell Park and Crown Foreshore Land to remain passive recreation, open space: if the City at any time were considering a change from 'recreation' (to any other category of use for these areas), would there be extensive consultation with the residents of the City of South Perth as to whether the residents/community wanted any change of "use" for the Foreshore land.</p>	<p>So, in the event that the City were to consider it desirable that there be any amendment to the temporary uses permitted under the Management Order as it applies to the Crown Reserve then a report would be submitted to Council for consideration including whether consultation was desirable. That next step would have to be a decision for Council.</p> <p>The following interchange then occurred:</p> <p>Dr Schladow: "you haven't answered my question – would there be extensive consultation with the residents as to whether the residents/community....."</p> <p>Deputy Mayor Cridland: "Dr Schladow, the question has been answered, it's not a debate ....."</p> <p>Dr Schladow standing while giving two Nazi salutes: "Sieg Heil! Sieg Heil!"</p> <p>Deputy Mayor Cridland: "Your reference to Nazi Germany is deeply offensive and I think you should be very embarrassed by your behaviour."</p> <p>Dr Schladow: "This whole Council is held in contempt by so many residents and you should know why".</p> <p>Deputy Mayor Cridland: "Now Dr Schladow...."</p> <p>Dr Schladow: "Yes Mr Cridland"</p> <p>Deputy Mayor Cridland: "There is an expectation that people will act with respect in here – we have listened to your questions, they have been answered. We have listened in silence, we haven't interjected, we haven't laughed, we haven't given Hitler salutes as if it was funny. That sort of behaviour is just not acceptable at a Council meeting or may I say in any polite society. Right, now are there any further questions in the tray...."]</p>

7. Mr Geoff Defrenne of 24 Kennard Street, Kensington Received at the meeting after 24 hr deadline	Response provided by: Deputy Mayor, Glenn Cridland
<p><i>[Preamble] At The last council meeting I submitted a question:</i></p> <p><i>“If the council is going to do a presentation, will electors be able to ask questions on that presentation?”</i></p> <p><i>Yesterday I received by email the answer to that question: the answer was NO.</i></p> <p><i>Given that the City on the 22 May, the day before the council meeting, by public notice stated the following:</i></p> <p><i>“The meeting will be held at South Perth Community Hall, cnr Sandgate St and South Tce, South Perth commencing at 6pm, Thursday 8 June 2017.</i></p> <p><i>The Council is inviting Expressions of Interest from those who wish to make a statement or ask questions regarding the proposed Westralian Centre concept.</i></p> <p><i>Members of the public can submit up to three questions prior to the meeting. Sub-parts of questions will be counted as one question. The following process will be used for this meeting:</i></p> <ul style="list-style-type: none"> <li><i>• Electors will be permitted a maximum of five minutes to make a statement or alternatively a maximum of three questions to be asked</i></li> <li><i>• Questions not received by the required time will not be responded to at the meeting”</i></li> </ul>	
1. What research did the city require to answer question when it had already published it would not be responding to questions received at the meeting?	As this question was received at the meeting, it was Taken on Notice. The question and response will be provided to the questioner and included in the Agenda of the July 2017 Ordinary Council Meeting (as per the Council Resolution at Item 10.7.1 ‘4. Public Question Time Procedures’).
2. What was the point of answering a question regarding an event 18 days after that event?	As this question was received at the meeting, it was Taken on Notice. The question and response will be provided to the questioner and included in the Agenda of the July 2017 Ordinary Council Meeting (as per the Council Resolution at Item 10.7.1 ‘4. Public Question Time Procedures’).
3. Has question time at the council meetings generated into a farce?	As this question was received at the meeting, it was Taken on Notice. The question and response will be provided to the questioner and included in the Agenda of the July 2017 Ordinary Council Meeting (as per the Council Resolution at Item 10.7.1 ‘4. Public Question Time Procedures’).

## 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 the Ordinary Council Meeting on Tuesday 25 July 2017.

Signed \_\_\_\_\_

Presiding Member at the meeting at which the Minutes were confirmed