

MINUTES.

Special Council Meeting

13 June 2017

The Mayor and Councillors

Here within are the Minutes of the Special Council Meeting of the City of South Perth Council held Tuesday 13 June 2017 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.

The purpose of the meeting was to consider:

- The Responsible Authority Report (RAR) for an amendment to the existing approval for 26 and 28A Charles Street, South Perth
- Alteration / Redefinition of Licensed Premises, Como Hotel – Liquor Commission (**Confidential Report**)



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

14 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 19.9km² divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

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

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Special Council Meeting - Minutes

Minutes of the Special Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 5.30pm on Tuesday 13 June 2017.

1. DECLARATION OF OPENING

The Presiding Member opened the meeting at 5.35pm 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. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

2.1 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.

2.2 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member advised 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.

2.3 LEAVE OF ABSENCE REQUEST

The Presiding Member advised that Mayor Sue Doherty has applied for a Leave of Absence for the period 13 June 2017 to 30 June 2017, inclusive. He then called for someone to move the Motion to approve the leave.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Cheryle Irons

Seconded: Councillor Fiona Reid

That the Leave of Absence application received from Mayor Sue Doherty for the period 13 June 2017 – 30 June 2017, inclusive be approved.

CARRIED (6/0)

3. ATTENDANCE

Deputy Mayor Glenn Cridland Como Ward (Presiding Member)

Councillors

Cr Jessica Black	Como Ward
Cr Colin Cala	Manning Ward
Cr Travis Burrows	Moresby Ward
Cr Fiona Reid	Moresby Ward
Cr Cheryle Irons	Mill Point Ward

Officers

Mr Geoff Glass	Chief Executive Officer
Mr Vicki Lummer	Director Development and Community Services
Mr Colin Cameron	Interim Director Corporate Services
Mr Mark Taylor	Director Infrastructure Services
Mr Phil McQue	Manager Governance and Marketing
Mr Stevan Rodic	Manager Planning Services
Mr Cameron Howell	Senior Statutory Planning Officer
Ms Sharron Kent	Governance Officer
Ms Natalia Francis	Governance Project Officer

Guests

Mr Richard Sandover	Jackson McDonald (for Confidential Item 8.1.1)
Ms Kelli Blatchford	Jackson McDonald (for Confidential Item 8.1.1)

Gallery

There were approximately 14 members of the public and no members of the media present.

3.1 APOLOGIES

Cr Sharron Hawkins-Zeeb	Manning Ward
Cr Ken Manolas	Mill Point Ward

3.2 APPROVED LEAVE OF ABSENCE

Mayor Sue Doherty

4. 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.

Nil

5. PUBLIC QUESTION TIME

Public Question Time is operated in accordance with Local Government Act Regulations and the City's Standing Orders Local Law. Forms are available on the City's website and at the City's Reception. Questions can also be submitted electronically via the City's website. Questions received 24 hour prior to the meeting would be dealt with first. Questions received less than 24 hours prior to the meeting would be taken on notice and the response provided in the Minutes of the next month's Council meeting.

The Presiding Member advised the meeting that questions are to be in writing and submitted 24 hours prior to the meeting and those received at the meeting would be Taken on Notice.

The Presiding Member then opened Public Question Time at 5.39pm.

Written questions were received prior to the meeting from:

- Ms Carol Roe of 16 Abjornson Street, Manning

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

The Presiding Member then closed Public Question Time at 5.42pm.

6. DEPUTATIONS

Members of the community may, with prior permission, address Council at the Special Council meeting, for no longer than 10 minutes, on Agenda Items where they have a direct interest.

Deputations were heard from:

- Mr Paul Ruthven of 5/24 Charles Street, South Perth in relation to *Item 7.1.1 Proposed Amendment to approved Mixed Development. Logs 156, 157 & 158 (Nos 26 & 28A) Charles Street, South Perth*
- Ms Cecilia Brooke of 8/20 Garden Street, South Perth in relation to *Confidential Item 8.1.1 Alteration / Redefinition of Licensed Premises (Como Hotel) – Liquor Commission Hearing*
- Mr Greg Benjamin of 42 Norfolk Street, South Perth in relation to *Confidential Item 8.1.1 Alteration / Redefinition of Licensed Premises (Como Hotel) – Liquor Commission Hearing*

7. REPORTS

7.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

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

Location:	Lots 156, 157 & 158 (Nos. 26 & 28A) Charles Street, South Perth
Ward:	Mill Point Ward
Applicant:	Planning Solutions
File Reference:	D-17-45048
DA Lodgement Date:	13 April 2017
Meeting Date:	13 June 2017
Author(s):	Cameron Howell, Senior 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

The Responsible Authority Report (RAR) for a proposed amendments to an approved Mixed Development within a 9 storey building, located at Lots 156, 157 & 158 (Nos. 26 & 28A) Charles Street, South Perth, is attached for Council to consider, prior to determination by the Metro Central Joint Development Assessment Panel (Metro Central JDAP).

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Fiona Reid

Seconded: Councillor Travis Burrows

That Council notes and strongly supports the Responsible Authority Report (RAR) prepared for the Metro Central Joint Development Assessment Panel (JDAP) regarding the proposed amendments to an approved Mixed Development within a 9 storey building, located at Lots 156, 157 & 158 (Nos. 26 & 28A) Charles Street, South Perth.

CARRIED (6/0)

Note: the words "and strongly supports" were added by Cr Reid with the agreement of Cr Burrows.

Comment

As requested by Council, the RAR is attached for Council to consider. The Metro Central JDAP meeting is scheduled to be held on Wednesday 21 June 2017 in the South Perth Council Chambers, starting at 9:30am.

Policy and Legislative Implications

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

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

Financial Implications

Nil

Strategic Implications

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

Attachments

- 7.3.1 (a):** Responsible Authority Report (RAR) - DAP/15/00933 | 11.2015.540.2
- 7.3.1 (b):** RAR Attachment 1 - Original Determination Notice (28 April 2016)
- 7.3.1 (c):** RAR Attachment 2 - Amended Development Plans
- 7.3.1 (d):** RAR Attachment 3 - 3D Building Model
- 7.3.1 (e):** RAR Attachment 4 - Photographs of the Subject Site
- 7.3.1 (f):** RAR Attachment 5 - Applicant's Supporting Reports
- 7.3.1 (g):** RAR Attachment 6 - Public Consultation Submissions
- 7.3.1 (h):** RAR Attachment 7 - Comments from the City's Engineering Infrastructure Services
- 7.3.1 (i):** RAR Attachment 8 - Comments from the City's Environmental Health Services
- 7.3.1 (j):** RAR Attachment 9 - DAP Practice Note 4 'Form 2, Regulation 17, Minor Amendments'
- 7.3.1 (k):** RAR Attachment 10 - Comparison Floor and Elevation Plans

8. MEETING CLOSED TO THE PUBLIC

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

The Report regarding this matter has been circulated separately to Councillors.

8.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

8.1.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing

This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (d) as it contains information relating to "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting"

Location:	South Perth
Ward:	Como Ward
Applicant:	City of South Perth
File Ref:	D-17-42881
Date:	13 June 2017
Author:	Phil McQue, Manager Governance and Marketing
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:	6.5 Advocate and represent effectively on behalf of the South Perth community.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Colin Cala

That the following Agenda Items be considered in closed session, in accordance with *s5.23(2) of the Local Government Act 1995*:

8.1.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing

CARRIED (6/0)

The Presiding Member requested that members of the public vacate the Chamber and advised they would be invited back to hear the public reading of the resolution at Item 8.1.1.

At 6.02pm the doors were closed to the public.

At 6.15pm Mr Cameron Howell, Mr Richard Sandover and Ms Kelli Blatchford vacated the Chamber.

At 6.23pm, following consideration of the **Confidential** Item at 8.1.1, the Presiding Member called for someone to move the Motion to re-open the meeting to the public.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Travis Burrows

Seconded: Councillor Fiona Reid

That the meeting be reopened to the public.

CARRIED (6/0)

Members of the public, along with Mr Cameron Howell, Mr Richard Sandover and Ms Kelli Blatchford returned to the Chamber.

8.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

8.2.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing

The Presiding Member then read aloud the Council Resolution at Item 8.1.1:

COUNCIL DECISION

Moved: Deputy Mayor Glenn Cridland

Seconded: Councillor Colin Cala

That the Council resolve to proceed with Jackson McDonald acting on its behalf in relation to the Liquor Commission Hearing for the determination of the licensed premises (Como Hotel) and note the fee and scope of works as outlined in this **confidential** report.

CARRIED (6/0)

Note: the Resolution at Item 8.1.1 is no longer deemed confidential - the report remains confidential.

9. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 6.34pm.

10. RECORD OF VOTING

2.3 Leave of Absence Request

For: Cr Glenn Cridland, Cr Jessica Black, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons

Absent: Mayor Sue Doherty, Cr Sharron Hawkins-Zeeb, Cr Ken Manolas

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

For: Cr Glenn Cridland, Cr Jessica Black, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons

Absent: Mayor Sue Doherty, Cr Sharron Hawkins-Zeeb, Cr Ken Manolas

8.1 Motion to Close the Meeting to the Public

For: Cr Glenn Cridland, Cr Jessica Black, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons

Absent: Mayor Sue Doherty, Cr Sharron Hawkins-Zeeb, Cr Ken Manolas

8.1.1 Alteration / Redefinition of Licensed Premises (Como Hotel) - Liquor Commission Hearing

For: Cr Glenn Cridland, Cr Jessica Black, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons

Absent: Mayor Sue Doherty, Cr Sharron Hawkins-Zeeb, Cr Ken Manolas

8.2 Motion to Re-open the Meeting to the Public

For: Cr Glenn Cridland, Cr Jessica Black, Cr Colin Cala, Cr Travis Burrows, Cr Fiona Reid, Cr Cheryle Irons

Absent: Mayor Sue Doherty, Cr Sharron Hawkins-Zeeb, Cr Ken Manolas

APPENDIX

5. PUBLIC QUESTION TIME: 13 June 2017

1. Ms Carol Roe of 16 Abjornson Street Received: 12 June 2017	Response provided by: Deputy Mayor, Glenn Cridland
<i>[Preamble] I am one of the objectors who has written submissions to the Director of Liquor Licensing about the proposed Dan Murphys Store to replace the existing bottle shop.</i>	
1. Would the Council edit the confidential report to redact it for public reading?	The report is confidential and will not be made available publically as it contains legal advice pertaining to the Liquor Commission Hearing.
2. Why do objectors, of which the Council is one, need to re-present and submit their original submissions to the coming Commission hearing	The Director of Liquor Licensing has referred this application to the Liquor Commission, and all parties to the proceeding have been afforded the opportunity to file and serve any file evidence they wish to rely upon to the Commission by 30 June 2017.

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 27 June 2017.

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