

# MINUTES

## Ordinary Council Meeting

15 October 2019

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 15 October 2019 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS  
CHIEF EXECUTIVE OFFICER

18 October 2019

# Acknowledgement of Country

Kaartdjini Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjul kura kura.

We acknowledge and pay our respects to the traditional custodians of this land, the Whadjuk people of the Noongar nation and their Elders past and present.

## Our Guiding Values



## 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.

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# Ordinary Council Meeting - Minutes

Minutes of the Ordinary Council Meeting held in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 15 October 2019.

## 1. DECLARATION OF OPENING

The Presiding Member declared the meeting open at 7.00pm.

## 2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

## 3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

Nil.

## 4. ATTENDANCE

Mayor Sue Doherty (Presiding Member)

### Councillors

Como Ward  
Como Ward  
Manning Ward  
Manning Ward  
Moresby Ward  
Moresby Ward  
Mill Point Ward  
Mill Point Ward

Councillor Glenn Cridland  
Councillor Tracie McDougall  
Councillor Blake D'Souza  
Councillor Colin Cala  
Councillor Greg Milner  
Councillor Travis Burrows  
Councillor Cheryle Irons  
Councillor Ken Manolas

### Officers

Chief Executive Officer  
Director Corporate Services  
Acting Director Development and Community Services  
Acting Director Infrastructure Services  
Manager Development Services  
Manager Governance  
Manager Strategic Planning  
Senior Strategic Projects Planner  
Senior Strategic Urban Planner  
Senior Governance Officer  
Governance Officer  
Communications Officer

Mr Geoff Glass  
Mr Colin Cameron  
Mr Patrick Quigley  
Mr Steve Atwell  
Ms Fiona Mullen  
Ms Bernadine Tucker  
Mr Warren Giddens  
Mr Mark Carolane  
Mr Aaron Augustson  
Ms Christine Lovett  
Ms Mieke Wevers  
Ms Kassie Bush

### Gallery

There were approximately 35 members of the public present.

#### 4.1 APOLOGIES

Nil.

#### 4.2 APPROVED LEAVE OF ABSENCE

Nil.

### 5. DECLARATIONS OF INTEREST

- Councillor Greg Milner declared an Impartiality Interest in relation to Item 10.3.1 as he and his wife attended the South Perth Hospital Christmas Celebration Dinner on 23 November 2018.
- Mayor Sue Doherty declared a Financial Interest in relation to Item 10.3.2 as she was the recipient of 1 election related gift in September 2015 and 2 election related gifts in October 2015, all from Pierre Sequeira (owner of the Karalee Bottle Shop and Liquor Barons, Angelo Street).
- Councillor Greg Milner declared a Financial Interest in relation to Item 10.3.2 as Nick Tana has contributed to his election campaign. He understands that: Mr Tana is a unitholder in the Como Property Trust (CPT); the CPT owns the Cygnet Cinema site with other associates of Australian Property Collective (APC); and Mr Tana does not hold a controlling interest, and has no day-to-day involvement in the management process of APC. It is his intention to leave the Chamber prior to any discussion or decision-making procedure relating to this matter.

### 6. PUBLIC QUESTION TIME

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

Nil.

#### 6.2 PUBLIC QUESTION TIME: 15 OCTOBER 2019

The Presiding Member opened Public Question Time at 7.02pm.

Written questions were received prior to the meeting from:

- Ms Carol Roe of Abjornson Street, Manning
- Ms Cecilia Brooke of Garden Street, South Perth
- Mr Justin Hansen representing Creative Design and Planning, Murray Street Perth

Written questions were received at the meeting by:

- Ms Karen Grimstead of Salter Point Parade, Salter Point

The questions and responses 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 made available in the November 2019 Agenda.

There being no further questions, the Presiding Member closed Public Question Time at 7.19pm.

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

### 7.1 MINUTES

#### 7.1.1 Ordinary Council Meeting Held: 24 September 2019

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Sue Doherty

**Seconded:** Councillor Colin Cala

That the Minutes of the Ordinary Council Meeting held 24 September 2019 be taken as read and confirmed as a true and correct record.

**CARRIED (9/0)**

### 7.2 CONCEPT BRIEFINGS

#### 7.2.1 Council Agenda Briefing - 8 October 2019

Officers of the City presented background information and answered questions on Items to be considered at the 15 October 2019 Ordinary Council Meeting at the Council Agenda Briefing held 8 October 2019.

##### Attachments

**7.2.1 (a):** Council Agenda Briefing Notes - 8 October 2019

#### 7.2.2 Concept Briefings and Workshops

There were no Concept Briefings or Workshops held between 1 October 2019 and 15 October 2019.

##### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Travis Burrows

That the Notes of the Council Agenda Briefing held 8 October 2019 be noted.

**CARRIED (9/0)**



## **8. PRESENTATIONS**

### **8.1 PETITIONS**

Nil.

### **8.2 PRESENTATIONS**

Nil.

### **8.3 DEPUTATIONS**

Deputations were heard at the Agenda Briefing of 8 October 2019.

### **8.4 COUNCIL DELEGATES REPORTS**

Nil.

### **8.5 CONFERENCE DELEGATES REPORTS**

Nil.

## **9. METHOD OF DEALING WITH AGENDA BUSINESS**

The Presiding Member advised that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the Officer Recommendations, will be adopted by exception resolution (i.e. all together) as per Clause 5.5 Exception Resolution of the Standing Orders Local Law 2007.

The Chief Executive Officer confirmed all the report items were discussed at the Council Agenda Briefing held 8 October 2019.

### ITEMS WITHDRAWN FOR DISCUSSION

- Item 10.1.3 'Innovate' Reconciliation Action Plan 2019-21
- Item 10.3.1 Final Adoption of Scheme Amendment No. 62 - Specific Development Requirements for South Perth Hospital Site
- Item 10.3.2 Initiation of Draft Scheme Amendment No. 63 - Preston Street Neighbourhood Centre
- Item 10.3.3 Retrospective Light Poles and Overheight Boundary Fence Additions to Single House on Lot 22 (No. 104) River Way, Salter Point
- Item 10.7.4 Delegation - Building Regulations 2012

The Presiding Member called for a motion to move the balance of reports by Exception Resolution.

#### **COUNCIL DECISION**

**Moved:** Councillor Cheryle Irons

**Seconded:** Councillor Travis Burrows

That the Officer Recommendations in relation to the following Agenda Items be carried by exception resolution:

- Item 10.1.1 eQuote 8/2019 - Road Resurfacing, Rehabilitation & Ancillary Services
- Item 10.1.2 Tender 08/2019 Provision for Plumbing Maintenance Services
- Item 10.3.4 Cities Power Partnership
- Item 10.4.1 Listing of Payments - September 2019
- Item 10.4.2 Monthly Financial Statements - September 2019
- Item 10.7.1 City of South Perth Public Places and Local Government Property Local Law Review
- Item 10.7.2 Policy Review
- Item 10.7.3 Appointment of Authorised Persons - Building Regulation Infringement Notices
- Item 10.7.5 2018/2019 Annual Financial Statements (External) Audit - Interim Report
- Item 10.7.6 Audit Register - Progress Report

**CARRIED (9/0)**

## 10. REPORTS

### 10.1 STRATEGIC DIRECTION 1: COMMUNITY

#### 10.1.1 eQuote 8/2019 - Road Resurfacing, Rehabilitation & Ancillary Services

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Reference:	D-19-86016
Meeting Date:	15 October 2019
Author(s):	Lewis Wise, Infrastructure Projects Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

#### Summary

This report considers submissions received from the advertising of eQuote 8/2019 for Road Resurfacing, Rehabilitation & Ancillary Services under the WA Local Government Association (WALGA) Preferred Supplier Panel – Road Building Materials Related Services.

This report will outline the assessment process used during evaluation of the eQuotes received and recommend approval of the submission(s) that provides the best value for money and level of service to the City.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council:

1. Accepts the submission by Asphaltech Pty Ltd for eQuote 8/2019 - Road Resurfacing, Rehabilitation & Ancillary Services, as per the conditions and prices of the WALGA Preferred Supplier Panel – Roadbuilding Materials Related Services, for the period of supply up to 30 June 2020; and
2. Accepts the estimated contract sum for eQuote 8/2019 of \$2,541,326 (excluding GST) as included in **Confidential Attachment (a)**.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

#### Background

The City has an annual road resurfacing program to ensure its roads meet service standards. Approximately \$3 million has been allocated for road related projects in the 2019/2020 Infrastructure Capital Works budget.

The City invited eQuote (8/2019) Road Resurfacing, Rehabilitation and Ancillary Services, as a schedule of rates contract from the WALGA Preferred Supplier Panel - Roadbuilding Materials Related Services.

The contract is for the period of nine months. It was prescribed within the request for eQuote that it was the City's intention to award two contracts (work packages) to one or two contractors.

Ten suitably qualified contractors were selected to provide a response, with the invitation to quote closing at 5.00 pm on Tuesday 11 September 2019.

### Comment

At the close of the eQuote advertising period, five submissions had been received and these are tabled below:

TABLE A - eQuote Submissions

Tender Submission
1. Asphaltech Pty Ltd
2. Civicon Civil & Project Management Pty Ltd
3. Fulton Hogan Industries Pty Ltd
4. RCA Civil Group
5. WCP Civil Group

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

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Company Experience, Past Performance and Understanding of the Works	40%
2. Key Personnel, Skills & Resources	30%
3. Resources and Subcontractors	20%
4. Management Systems	10%
<b>TOTAL</b>	<b>100%</b>

Based on the assessment of all submissions received for eQuote 8/2019 Road Resurfacing, Rehabilitation & Ancillary Services, it is recommended that the eQuote submission from Asphaltech Pty Ltd be awarded both work packages one and two.

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

### Consultation

eQuotes were invited from the WALGA Preferred Supplier Panel – Road Building Materials Related Services.

**Policy and Legislative Implications**

The following policies apply:

- Policy P605 - Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

**Financial Implications**

The full cost of the works is included in the 2019/2020 budget.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Community  
Aspiration: A diverse, connected, safe and engaged community.  
Outcome: Community infrastructure  
Strategy: Manage the use and development of City's properties, assets and facilities

**Attachments**

10.1.1 (a): Evaluation Report (*Confidential*)

## 10.1.2 Tender 08/2019 Provision for Plumbing Maintenance Services

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Reference:	D-19-86017
Meeting Date:	15 October 2019
Author(s):	Shirley King Ching, Building and Assets Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

### Summary

This report considers submissions received from the advertising of Tender 08/2019 for the Provision of Plumbing Maintenance Services.

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

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council:

1. Accepts the tender submitted by Finestone Investments Pty Ltd trading as ACE+ for the Provision of Plumbing Maintenance Services in accordance with Tender 8/2019 for the period of three years with the option to extend for an additional two years; and
2. Accepts the tender price of \$750,000 (excluding GST) as included in **Confidential Attachment (a)**.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

### Background

A Request for Tender (RFT) 8/2019 for the Provision of Plumbing Maintenance Services was advertised in The West Australian newspaper on 27 July 2019 and closed at 2:00 pm on 13 August 2019.

Tenders were invited as a schedule of rates contract. The RFT is for the Provision of Plumbing Maintenance Services. The contract as stated in the specifications is for a period of three years with the option to extend for an additional two years.

The plumbing maintenance contract is for general and specified plumbing maintenance works in City of South Perth owned public buildings, the Collier Park Retirement Village, its parks and reserves.

Funding to accommodate plumbing maintenance works is provided within the City's Infrastructure and Collier Park Village Operations budget.

The City typically incurs costs to the approximate value of \$150,000 annually in association with the procurement of these services. The estimated value of the contract over a three year period is \$450,000 and therefore requires the establishment of a service supply contract via public tender in compliance with the *Local Government Act 1995* (the Act).

### Comment

At the close of the tender advertising period, 15 submissions had been received and these are tabled below:

TABLE A – Tender Submission

Tender Submission	
1.	AAA Hillarys Plumbing & Gas
2.	AWB Building Co.
3.	Beneficial Arts
4.	Cushman Wakefield
5.	Finestone Investments Pty Ltd trading as ACE+
6.	JCS Plumbing
7.	LT Dlugi trading as Swift Flow
8.	Mackie Plumbing
9.	Majestic Plumbing
10.	Morris Ioppolo trading as MI Plumbing
11.	On Tap Plumbing
12.	Techworks
13.	The Plumbing & Gas Guys
14.	No Probs Plumbing Gas
15.	Snap Plumbing

Tender submissions were reviewed by an Evaluation Panel and assessed according to the assessment criteria detailed in the RFT, which are described in Table B below.

TABLE B - Assessment Criteria

Assessment Criteria	Weighting %
1. Relevant Experience	30%
2. Key Personnel Skills and Resources	20%
3. Demonstrated Understanding	25%
4. Quality Management Plan	15%
5. Price	10%
<b>TOTAL</b>	<b>100%</b>

Based on the assessment of all submissions received for Tender 8/2019 Provision of Plumbing Maintenance Services, it is recommended that the tender submission from Finestone Investments Pty Ltd trading as ACE+ be accepted by Council as the most advantageous.

More detailed information about the assessment process can be found in the Evaluation Report – **Confidential Attachment (a)**.

### Consultation

Public tenders were invited in accordance with the Act.

### Policy and Legislative Implications

Section 3.57 of the Act requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 - Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

### Financial Implications

The full cost of the works is included in the 2019/2020 budget and will be considered in future budgets.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Community  
Aspiration: A diverse, connected, safe and engaged community.  
Outcome: Community infrastructure  
Strategy: Manage the use and development of the City's properties, assets and facilities.

### Attachments

**10.1.2 (a):** Evaluation Report (*Confidential*)



### 10.1.3 'Innovate' Reconciliation Action Plan 2019-21

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-86022
Meeting Date:	15 October 2019
Author(s):	Patrick Quigley, Acting Director Development and Community Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.1 Culture & Community

#### Summary

Business and government at all levels across Australia have been preparing Reconciliation Action Plans (RAPs) to promote and facilitate reconciliation by building relationships, respect and trust between the wider Australian community and Aboriginal and Torres Strait Islander peoples.

The City of South Perth has been active in this area since 2010 with an existing Aboriginal Reference Group and an adopted Aboriginal Engagement Strategy.

The preparation of the next phase of the City's commitment is to develop a RAP in association with Reconciliation Australia (peak national body) who is an independent not-for-profit organisation that provides guidance on the plan content.

The City has developed the 'Innovate' Reconciliation Action Plan 2019-21, which is shown as **Attachment (a)** and is submitted for Council's support.

#### Alternative Motion

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Glenn Cridland

That Council adopt the 'Innovate' Reconciliation Action Plan 2019 – 21, as shown in **Attachment (a)** for referral and consideration by Reconciliation Australia, with the following changes:

1. **Action 2.6 (Deliverable 3)**

- Remove deliverable 3 from Action 2.6 which reads – '*Investigate the installation of an additional flag pole at Sir James Mitchell Park to fly the Aboriginal flag to honour, respect and commemorate Aboriginal leaders, families and communities.*'

## 2. Action 2.7 (Deliverable 3)

- Amend deliverable 3 from Action 2.7 which reads – ‘*Investigate the installation of dual signage in English and Noongar language in local parks and significant heritage sites; and consider using Aboriginal names on and within appropriate City facilities, such as at civic and community buildings*’ and replace with ‘*Install dual signage in English and Noongar language at significant local Aboriginal sites.*’

## 3. Action 3.3 (Deliverable 2)

- Amend deliverable 2 from Action 3.3 which reads – ‘*Target procuring \$2million per year in goods and services from Aboriginal and Torres Strait Islander peoples' owned businesses*’ and replace with - ‘*Establish progressive targets for the procurement of goods and services by the City from Aboriginal and Torres Strait Islander peoples' owned businesses*’ over the duration of the Reconciliation Action Plan, as per the table below.

Financial Year	Procurement Targets
2019/20	Two (2) per cent of the number of awarded contracts
2020/21	Three (3) per cent of the number of awarded contracts

4. Defer Action 3.2 ‘Investigate the provision of affordable housing to ensure Aboriginal and Torres Strait Islander families have equal opportunity to be long-term residents of our local area.’ until after a Councillor workshop is held.

**For:** Councillor Travis Burrows, Councillor Glenn Cridland, Mayor Sue Doherty, Councillor Tracie McDougall.

**Against:** Councillor Colin Cala, Councillor Blake D’Souza, Councillor Cheryle Irons, Councillor Ken Manolas, Councillor Greg Milner.

**LOST (4/5)**

During debate Councillor Colin Cala foreshadowed the following alternative motion:

### Alternative Motion AND COUNCIL DECISION

**Moved:** Councillor Colin Cala

**Seconded:** Councillor Greg Milner

That the Officer’s Recommendation not be adopted and:

- That this Item be deferred pending the scheduling of a workshop programme for councillors beginning in November to review and consider the proposals outlined in the Proposed Reconciliation Action Plan and further;
- Following this workshop process, a recommendation be presented to Council with a view to receiving “in principle” support pending community consultation.

**For:** Councillor Colin Cala, Councillor Blake D'Souza, Councillor Cheryle Irons, Councillor Ken Manolas, Councillor Greg Milner.

**Against:** Councillor Travis Burrows, Councillor Glenn Cridland, Mayor Sue Doherty, Councillor Tracie McDougall.

**CARRIED (5/4)**

#### Reasons for Change

While it is said in the Report that the Reconciliation Action Plan has received a significant consultation process, this has not been at Elected Member level. Council in the first instance needs to be provided with the opportunity to workshop the proposals in order to provide the proper level of due consideration that would normally be expected for such an important document.

There are four groups of actions listed that are aimed at continuing the reconciliation journey that began many years ago in 2010, as an "Indigenous Engagement Strategy". The four groups outlined are: Relationships, Respect, Opportunities and fourthly Governance. Under these headings there are many proposed actions. These proposed actions have been developed in good faith and it follows that Council should be provided with the adequate time these actions deserve in their consideration. It is only showing respect to all parties by doing so.

In turn, the wider community should be provided with the opportunity to have their input. It will only be through a truly inclusive process, that we will have a Plan that will be embraced by all members of the City.

#### Officer Recommendation

That Council adopt the 'Innovate' Reconciliation Action Plan 2019-21, as shown in **Attachment (a)** for referral and consideration by Reconciliation Australia.

In 2010 the City started its reconciliation journey, with Council resolving for the City to develop an 'Indigenous Engagement Strategy', which was intended to lead to the establishment of a Reconciliation Action Plan.

In 2013 the City's Aboriginal Engagement Strategy was endorsed by Council; and since then the City has been implementing the actions outlined in the Strategy. The majority of the actions have now been met and strong relationships have been built with the local Aboriginal community. Some of implemented actions include:

- Undertake acknowledgement and/or welcome to country at selected City of South Perth civic and community events and functions.
- Aboriginal flag to be flown at the front of the City of South Perth Civic building alongside the Australian national flag.
- Record written and oral history and house within libraries, schools and the Historical Society in the City of South Perth.
- Participate in NAIDOC week celebrations in partnership with community organisations and local Noongar/Bibbulmun community members.
- Include Aboriginal design/art/names in new buildings and upgrading within the City of South Perth.

- Develop a reference working group comprising of Noongar/ Bibbulmun people to continue consultation, engagement, knowledge and information sharing and learning.
- Include Noongar/Bibbulmun history on the history page of the City's website.
- Provide opportunities for City of South Perth staff and elected members to develop an awareness of Noongar / Bibbulmun culture, history and current issues through information, education and networking.
- Install signage in Noongar language on areas of importance and significance including parks, reserves.

As a result of the positive reconciliation work undertaken by the City in recent years, the Aboriginal Reference Group has supported the City to develop a Reconciliation Action Plan.

All Reconciliation Action Plans are developed in association with Reconciliation Australia, who is the lead body for reconciliation in the nation. Reconciliation Australia is an independent not-for-profit organisation that promotes and facilitates reconciliation by building relationships, respect and trust between the wider Australian community and Aboriginal and Torres Strait Islander peoples. Under Reconciliation Australia's framework, there are four types of Reconciliation Action Plans that an organisation can develop, namely:

1. Reflect – entry level plan that sets out the steps in preparing an organisation for reconciliation initiatives in successive plans.
2. Innovate – second level plan that allows an organisation to be aspirational and innovative to advance reconciliation.
3. Stretch – third level plan that is best suited to organisations that have well developed strategies and established a strong approach towards advancing reconciliation internally and within the organisation's sphere of influence.
4. Elevate – most advanced plan level for organisations that have a proven track record of embedding effective reconciliation initiatives in their organisation and are ready to take on a leadership position to advance national reconciliation.

Each type of Reconciliation Action Plan is designed to suit an organisation at a different stage of their reconciliation journey.

In 2018 the City engaged consultants, Kim Bridge and Tim Muirhead, to assist with the development of its Reconciliation Action Plan. As the City had previously developed an Aboriginal Engagement Strategy and was more advanced in its reconciliation journey, the City was able to develop a plan at the second 'Innovate' level. The City's 'Innovate' Reconciliation Action Plan 2019-21 is shown as **Attachment (a)**.

### Comment

The City's 'Innovate' Reconciliation Action Plan 2019-21 is aimed at continuing the reconciliation journey within the local community. The actions are grouped into four 'Innovate' pillars, namely:

1. Relationships;
2. Respect;
3. Opportunities; and
4. Governance.

Within these four Reconciliation Action Plan pillars are goals and actions/deliverables that have been identified to implement the Reconciliation Action Plan over a three-year prescribed period. This information is presented in a table format to clearly outline the overarching pillar; description of the actions and deliverables; level of City involvement; and the suggested implementation timeframes. Measuring the success of the actions related to the delivery of the Reconciliation Action Plan will vary according to the project, program or service development identified. All actions will be measured using a range of tools and methods i.e. both qualitative and quantitative data.

### Consultation

The 'Innovate' Reconciliation Action Plan 2019-21 has been developed through an extensive consultation process, which is detailed in the table below.

<u>Timeline</u>	<u>Consultation Action</u>
June to December 2018	Workshops were held with local community and stakeholders regarding the purpose of the Reconciliation Action Plan.
September 2018	An introductory workshop was held with the City's Leadership Team to meet the consultants; learn about Aboriginal history; and have a preliminary discussion about the Reconciliation Action Plan process.
October 2018	A second workshop was held with nominated City officers to explore the Reconciliation Action Plan process in greater detail; and discuss potential actions within the Plan.
February 2019	Councillor workshop was held to meet the consultants; provide a summary of issues faced by Aboriginal community; and invite Councillor's feedback about local government's role in assisting Aboriginal members in the local community (leadership, advocacy resolving issues and/or providing opportunities).
April-June 2019	A cross-directorate City Working Group was established to work alongside the consultant to develop a draft Reconciliation Action Plan.

All relevant feedback gathered during the above consultation processes have been incorporated into the City's 'Innovate' Reconciliation Action Plan.

### 10.1.3 'Innovate' Reconciliation Action Plan 2019-21

It is noted that Reconciliation Australia in reviewing the City's 'Innovate' Reconciliation Action Plan may request refinements or amendments and depending on that feedback the Council will be informed of the outcome and any requested changes.

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

Nil.

#### **Financial Implications**

The Reconciliation Action Plan is intended to be delivered over a period of three financial years from 2019/20 to 2021/22 inclusive. Funds required for the actions will be sought using a combination of City funds, external funding and/or contributions from stakeholders; and will be requested as part of the annual operational budget process for assessment by Council.

#### **Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Community
Aspiration:	A diverse, connected, safe and engaged community
Outcome:	Culture and community
Strategy:	Develop and facilitate services and programs to respond to changing community needs and priorities

#### **Attachments**

10.1.3 (a): 'Innovate' Reconciliation Action Plan 2019-2021

## 10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

### 10.3.1 Final Adoption of Scheme Amendment No. 62 - Specific Development Requirements for South Perth Hospital Site

Location:	Lot 60 (No. 26) Fortune Street, South Perth
Ward:	Como Ward
Applicant:	Element Advisory Pty Ltd
File Ref:	D-19-86024
Meeting Date:	15 October 2019
Author(s):	Mark Carolane, Senior Strategic Projects Planner
Reporting Officer(s):	Patrick Quigley, Acting Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### Summary

At its Ordinary Council Meeting held 26 February 2019, Council resolved to prepare and initiate public consultation on proposed Amendment No. 62 to Town Planning Scheme No. 6 (the Scheme). The amendment relates to Lot 60 (No. 26) Fortune Street, South Perth (South Perth Hospital), bound by South Terrace to the south, Fortune Street to the west, Burch Street to the north and Ernest Johnson Reserve to the east.

The amendment proposes to introduce specific development requirements for the South Perth Hospital site to facilitate the future redevelopment of the Hospital. The proposed development requirements include:

- building height limits and minimum setbacks that define a building envelope for the site; and
- that a Local Development Plan (LDP) be adopted by the Council prior to the approval of any future development application to specify the detailed built form, landscaping, traffic management, access and parking requirements for the site.

The proposed amendment will enable the future expansion of the hospital, while ensuring that development is compatible with the surrounding urban context.

The proposed amendment was advertised for a period of 66 days, between 14 June 2019 and 19 August 2019. At the conclusion of the consultation period 14 submissions were received by the City.

The proposed amendment is recommended to be modified to address concerns raised in the submissions relating to traffic and parking issues that may result from redevelopment of the Hospital. An additional requirement is recommended to be added to the proposed amendment to ensure that the LDP be accompanied by a study into traffic impacts and parking demand resulting from development of the site.

It is recommended that the Council support the proposed amendment subject to modifications and forward the amendment to the Western Australian Planning Commission for assessment.



**Officer Recommendation AND COUNCIL DECISION****Moved:** Councillor Travis Burrows**Seconded:** Councillor Glenn Cridland

That Council:

- a. Notes the submissions received as detailed in the Schedule of Submissions at **Attachment (a)**;
- b. Resolves, pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, to support Amendment No. 62 to the City of South Perth Town Planning Scheme No. 6, subject to modifications as set out in **Attachment (b)**;
- c. Authorises the Mayor and Chief Executive Officer to execute the relevant scheme amendment documentation and affix the common seal of the City of South Perth to the documentation; and
- d. Requests that the Minister for Planning grant final consent to proposed Amendment No. 62 to the City of South Perth Town Planning Scheme No. 6.

**CARRIED (9/0)****Background**

The proposed Town Planning Scheme Amendment No. 62 (the amendment) applies to Lot 60 (No. 26) Fortune Street, South Perth (South Perth Hospital). The site has a land area of almost 8,000m<sup>2</sup>, with frontages to South Terrace, Fortune Street, Burch Street and Ernest Johnson Reserve, as shown on **Figure 1**.

**Figure 1:** South Perth Hospital site



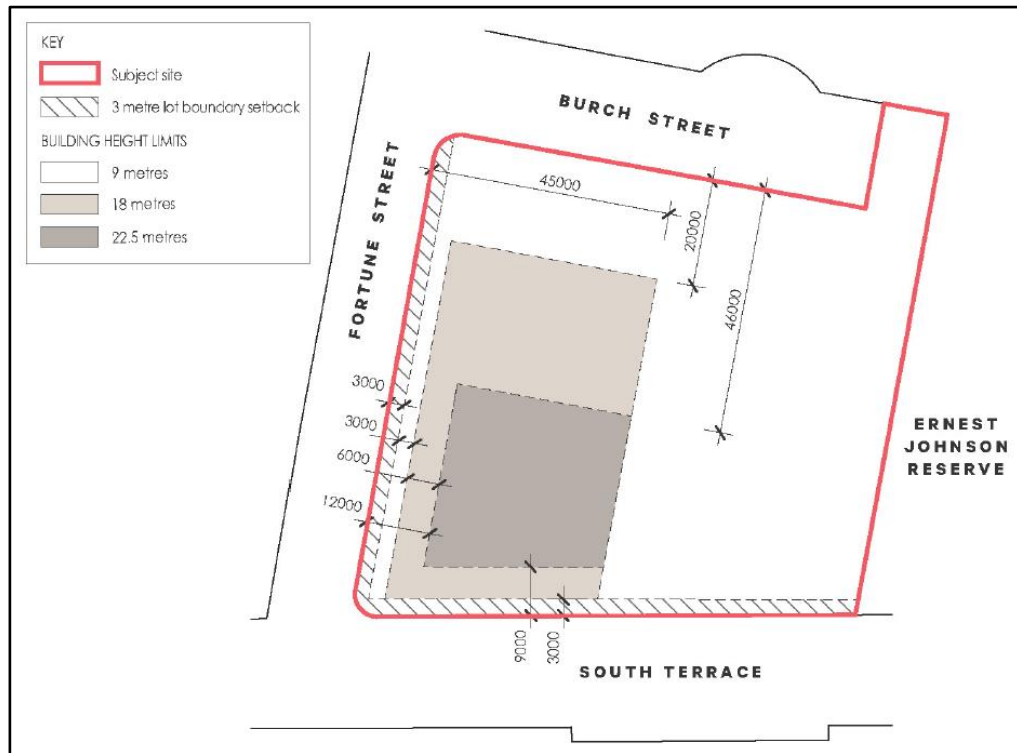
The area is currently zoned Private Institution with a building height limit of 7.0 metres under Town Planning Scheme No. 6 (the Scheme). The amendment is an applicant-led initiative that proposes to introduce specific development requirements to facilitate redevelopment of the site.

At the Ordinary Council Meeting held 26 February 2019 (refer item 10.3.1) the Council resolved to carry out consultation on the proposed Amendment No. 62. At this meeting the Council also resolved that the proposed amendment is complex, as defined by the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).

In summary, the proposed Amendment No. 62, as advertised, proposes the following:

1. Inserting a new sub-clause (15) into the Scheme at Clause 5.4 Development Requirements for Certain Sites, to apply to the South Perth Hospital site (Lot 60 (No. 26) Fortune Street, South Perth);
2. The new sub-clause allows for development on the Hospital site to be approved up to 22.5 metres in height, subject to the following requirements:
  - a. The proposed development meets a set of defined height and setback requirements in accordance with Figure 2 (below); and
  - b. A Local Development Plan is adopted by the Council to set out detailed development requirements including (but not limited to) objectives and requirements for:
    - Building design;
    - Massing and overshadowing;
    - Ground floor design and streetscape interface;
    - Landscaping and open space;
    - Traffic management;
    - Parking;
    - Pedestrian access;
    - Servicing; and
    - Signage.

There are no proposed changes to the land use requirements on the site.



**Figure 2:** Amendment No. 62 building height and setback requirements

The applicant envisages key objectives, which would form part of a Local Development Plan prepared to guide future development, as follows:

- Enable a development footprint and building form which can efficiently deliver a range of medical, surgical, allied health services and ancillary amenities in response to the broader community needs;
- Ensure new development is of a scale that appropriately interfaces with adjacent residential areas and the public realm without detrimentally affecting existing amenity by overshadowing;
- Ensure development is visually interesting and responsive to the streetscape with well-considered use of materials and textures, colour and articulation of building form and mass;
- Facilitate an integrated site design layout which is cognisant of pedestrian accessibility opportunities in the surrounding area;
- Achieve pragmatic vehicle access and egress points to enable traffic associated with the hospital to gain efficient access to South Terrace and Burch Street;
- Ensure the location and provision of parking adequately services the development;
- Contribute to the activation and vitality of the public realm by addressing and activating South Terrace.

Should Council choose not to adopt any future proposed LDP, future development would be subject to the current provisions and development standards under the existing Town Planning Scheme No. 6.

**Comment**Key issues resulting from public consultation

During the public consultation period, the City received 14 submissions on the proposed Amendment No. 62, including those from State Government agencies. Of the 14 submissions, 12 were generally not supportive of the proposed amendment, whilst 2 submissions were technical guidance from government agencies. Further information regarding the outcomes of the public consultation is detailed in the 'Consultation' section of this report.

The key matters raised during public consultation are outlined in the table below and officer comments are provided in response to these key issues. A detailed officer response to each submission is contained in the Schedule of Submissions contained in **Attachment (a)** of this report.

Matter	Officer summary of key issue	Officer Comment
Building Height (5 responses)	The building height limit is not considered to be consistent with the character of the locality (3 responses).	<p>The location and distribution of building height across the site is intended to ensure that new development is of a scale that appropriately interfaces with the adjacent residential areas and the public realm, without detrimentally affecting existing amenity of surrounding development in terms of building bulk, privacy or overshadowing.</p> <p>The building height limits proposed in the amendment are designed specifically to accommodate the expected needs of the hospital. It is therefore not recommended to reduce the building height limits in the proposed amendment.</p>
	The proposed building height provides insufficient transition to adjacent properties (2 responses).	The proposed amendment allows for a maximum of 22.5 metres building height (approximately 5 storeys) in the vicinity of the South Terrace/Fortune Street intersection, with height progressively stepping down to 9.0 metres (two storeys) across the eastern portion of the site, and across the northern portion of the site where it interfaces with existing residential development.

		<p>Building height is massed towards South Terrace and has generous separation requirements to adjacent residential properties. The site is also separated from adjoining residential properties by street reservations. It is therefore not recommended to reduce the building height limits in the proposed amendment.</p>
Traffic and parking (12 responses).	<p>Existing traffic and parking issues will be exacerbated by the expanded Hospital and will create additional traffic and demand for parking on South Terrace, Fortune Street and Burch Street (12 responses).</p>	<p>The demand for parking associated with any future expansion of the Hospital is somewhat undefined at this stage, as it will depend upon the ultimate internal functions the expanded Hospital, and the extent of trip generation/parking demand associated with these functions.</p> <p>The proposed amendment is to introduce the requirement that a Local Development Plan (LDP) be adopted by the Council prior to the consideration of any application for development approval above 7 metres in height. The LDP is to include objectives and requirements for traffic management and parking.</p> <p>The LDP is required to address matters of traffic and parking. This recognises the potential for a future proposal on the site to generate increased levels of traffic and parking demand. It is appropriate that traffic and parking demand is assessed in detail as part of the preparation on an LDP.</p> <p>The proposed amendment is recommended to be modified to require an assessment of traffic impacts and parking demand resulting from development of the Hospital site to accompany the LDP, as discussed later in this report.</p>

Street setbacks (2 responses).	A similar 3.0 metre street setback should be provided to Burch Street in the same way it is proposed to Fortune Street and South Terrace (2 responses).	<p>The street boundary to Burch Street is the northern boundary of the site. It is therefore unnecessary to provide a setback to this boundary for the purpose of providing solar access.</p> <p>The Scheme currently allows for a nil setback to Burch Street up the maximum building height of 7 metres. The proposed amendment would allow for an additional 2 metres in maximum building height, with the nil setback being retained.</p> <p>Any height greater than 9m would be setback at least 20.0 metres from the street boundary. It is not considered necessary to specify a setback to this boundary to ameliorate building bulk.</p> <p>The proposed amendment is to introduce the requirement that a Local Development Plan (LDP) be adopted by the Council prior to the consideration of any application for development approval above 7 metres in height. The LDP is to include objectives and requirements for building design, massing, ground floor design and streetscape interface. This provision is considered adequate to address matters such as landscaping and ground floor articulation.</p>
Local Development Plan (2 responses).	The LDP does not provide enough certainty over future development and provisions should be included in the Scheme (2 responses).	The purpose of the proposed amendment is to set building height limits and minimum setbacks that define a building envelope for the site of a future redeveloped hospital. Defining the maximum height and distribution of that height provides certainty as to the overall future building scale. This provides a high-level of certainty as to how the site may develop in the future; with more detailed controls to form part of a future LDP.

		In preparing the proposed amendment, the applicant has provided concept plans to illustrate why it is necessary to first amend the building height limit of the site, before the development of more detailed provisions relating to building design and access.
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The proposed amendment allows for the future expansion of an important and required facility that benefits both the local and wider community. The amendment provisions ensure that potential impacts of scale, bulk and overshadowing are appropriately controlled. The amendment ensures that any development above the existing 7.0 metre building height limit is first subject to the adoption of an LDP that considers the design and functioning of any future redevelopment on the site.

It is recognised that most submissions (including all submissions from members of the public) raised concerns/objection to the proposed amendment. As described above, the amendment provides a high-level framework for the redevelopment of the site. The potential future impacts of such a redevelopment are considered to be adequately mitigated by the provisions of the amendment and through the requirement to prepare an LDP prior to any development above 7.0 metres in height. Notwithstanding, it is recognised that the amendment should more precisely identify how traffic and parking demand will be considered in the future. A modification to the amendment is recommended in this regard and is discussed below.

#### Recommended Modification

In order to address concerns raised during the public consultation period, an additional provision is recommended to be added to the proposed amendment to specifically address matters of traffic and parking. The provision is recommended as follows:

*'(iii) The Local Development Plan shall be accompanied by an appropriately detailed assessment of traffic impacts and parking demand resulting from development of Site Q, to be prepared by a qualified traffic engineer.'*

The additional provision will ensure that any future LDP is accompanied by a detailed traffic and parking demand assessment. The purpose of the LDP is to more specifically outline how the site may be developed in the future. The LDP will set out detailed requirements relating to matters of building design, access, traffic management and parking. These requirements should be informed by an assessment of the likely impacts of the proposed development and it is therefore appropriate that detailed matters relating to traffic management and parking demand are dealt with at the same time as these detailed requirements are being developed.

The requirement to prepare an LDP, and the additional proposed requirement to prepare an assessment of traffic impacts and parking demand, provide an additional point of approval prior to the consideration of an application for development approval. This will allow the Council to consider the potential development of the site, and set additional requirements as appropriate, when the design of the potential redeveloped Hospital is further resolved.

#### Burch Street Carpark

The carpark located adjacent to the Hospital in Burch Street is not directly affected by the proposed amendment; however it was mentioned in a number of submissions. The Burch Street carpark is owned and maintained by the City of South Perth and has been used for many years by clients of the Hospital as well as users of the Ernest Johnson Reserve.

The proposed amendment does not impact on options for the potential future use of the Burch Street Carpark, either by the Hospital or other parties. It will be incumbent upon the Hospital, through the preparation of the LDP, to demonstrate how parking demand can be accommodated on the site or nearby sites owned or secured for use by the Hospital. This may involve future negotiation between the Hospital and the City if the Burch Street carpark is to contribute to the provision of adequate parking for the Hospital.

#### **Consultation**

Following the Council resolution to initiate the proposed Amendment No. 62 on 26 February 2019, the amendment was forwarded to the Environmental Protection Authority (EPA) and the Western Australian Planning Commission (WAPC) for consent to advertise. On 18 March 2019 the EPA advised the City that the proposed amendment did not require an environmental assessment and could proceed to advertising. The WAPC advised the City on 19 March 2019 that consent was granted to advertise the proposed amendment subject to minor corrections.

The amendment was advertised for a period of 66 days between 14 June 2019 and 19 August 2019, exceeding the minimum requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and Council Policy P301 – Community Engagement in Planning Proposals (P301).

Consultation on proposed Amendment No. 62 involved:

- Two notices in the Southern Gazette newspaper (18 June 2019 and 4 July 2019);
- Three advertising signs erected in strategic locations throughout the amendment area for the duration of the consultation period;
- Notice and copies of the amendment documents being published on 'Your Say South Perth' for the duration of the consultation period;
- Hard copy notices and copies of the proposed amendment being available at the City's Civic Centre and libraries for the duration of the consultation period; and
- Mail notices being sent to property owners and occupiers within approximately 100 metres around the amendment area (150 letters sent).



### 10.3.1 Final Adoption of Scheme Amendment No. 62 - Specific Development Requirements for South Perth Hospital Site

At the conclusion of the consultation period, 14 submissions were received by the City. Of the 14 submissions, 12 were generally not supportive of the proposed amendment, whilst 2 submissions were technical guidance from government agencies. The key matters raised during public consultation are outlined in the table above and officer comments are provided in response to these key issues. A detailed officer response to each submission is contained in the Schedule of Submissions contained in **Attachment (a)** of this report.

#### Policy and Legislative Implications

The Council has undertaken public consultation as required by the Regulations, the Scheme and local planning policy P301, and must now consider whether to recommend to the Minister for Planning to approve the proposed Amendment No. 62, with or without modifications, or not approve it. The recommendation is to support the proposed amendment subject to modifications.

Should the Minister approve proposed Amendment No. 62, the City will arrange for notice of the Minister's approval to be published in the Government Gazette newspaper. The amendment provisions will then become operative as part of Town Planning Scheme No. 6.

The statutory scheme amendment process is set out below, together with a date for each stage. The stages which have been completed are shown shaded:

Stage of Amendment	Estimated Time
Council resolution to adopt proposed draft Amendment for advertising purposes.	February 2019
Referral of draft Amendment proposals to EPA for environmental assessment and WAPC for preliminary assessment within a 60 day time period.	March 2019
Public advertising period of not less than 60 days.	22 June – 19 August 2019
<b>Council consideration of Report on Submissions and resolution on whether to support or not support the amendment.</b>	<b>October 2019</b>
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"><li>• Schedule on Submissions;</li><li>• Council's recommendation on the proposed Amendment inclusive of this report; and</li><li>• Three signed and sealed copies of amendment documents for final approval.</li></ul>	November 2019
Minister's final determination of amendment and publication in Government Gazette	Early 2020

#### Financial Implications

The cost of preparing and advertising the amendment has been met by the applicant.

There will be costs associated with the gazettal of the amendment should the Minister approve it. These costs are included in the 2019/2020 budget.



10.3.1 Final Adoption of Scheme Amendment No. 62 - Specific Development Requirements for South Perth Hospital Site

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)  
Aspiration: Sustainable urban neighbourhoods.  
Outcome: Sustainable built form  
Strategy: Develop a local planning framework to meet current and future community needs and legislative requirements

**Attachments**

- 10.3.1 (a): Amendment No. 62 - Schedule of Submissions  
10.3.1 (b): Amendment No. 62 - Modified Scheme Text Following Public Consultation Period

Mayor Sue Doherty declared a Financial Interest in relation to Item 10.3.2 as she was the recipient of 1 election related gift in September 2015 and 2 election related gifts in October 2015, all from Pierre Sequeira (owner of the Karalee Bottle Shop and Liquor Barons, Angelo Street) and accordingly left the meeting at 7.56pm prior to consideration of the Item.

Councillor Greg Milner declared a Financial Interest in relation to Item 10.3.2 as Nick Tana has contributed to his election campaign. He understands that: Mr Tana is a unitholder in the Como Property Trust (CPT); the CPT owns the Cygnet Cinema site with other associates of Australian Property Collective (APC); and Mr Tana does not hold a controlling interest, and has no day-to-day involvement in the management process of APC. It is his intention to leave the Chamber prior to any discussion or decision-making procedure relating to this matter. He left the meeting at 7.56pm prior to consideration of the item.

At 7.56pm Councillor Glenn Cridland assumed the Chair.

### **10.3.2 Initiation of Draft Scheme Amendment No. 63 - Preston Street Neighbourhood Centre**

Location:	Not Applicable
Ward:	Como Ward
Applicant:	Australian Property Collective Pty Ltd & the Burnett Family
File Ref:	D-19-86030
Meeting Date:	15 October 2019
Author(s):	Scott Price, Urban Planner
Reporting Officer(s):	Patrick Quigley, Acting Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

#### **Summary**

This report outlines the details of a proposed amendment to Town Planning Scheme No. 6 (the Scheme) relating to the land within the Preston Street Neighbourhood Centre, Como.

The scheme amendment area relates to two lots (51 & 80) on the southern side of Preston Street that include the existing 'Como Centre' development (Karalee Tavern, Como IGA, Better Choice Service Station and appurtenant car parking area) and the whole of the street block bound by Preston Street, Labouchere Road, Eric Street and Mary Street (inclusive of the Cygnet Theatre). The proposed amendment has been lodged on behalf of some of the landowners in this area.

The amendment request is to change the City's planning controls to add additional development potential to the land, including increases to the density coding and building height limits. In summary, the amendment proposes:

- Recoding of two sites referred to as Site 'R' (broadly the 'Como Centre') and Site 'S' (broadly the land around the Cygnet Theatre) from R80 to R-AC0 and remaining lots within the amendment area north of Preston Street from R80 to R100;

- Increases to the maximum building height limits for Site 'R' (29 metres and 8 storeys) and Site 'S' (47 metres and 13 storeys), subject to specific development criteria relating to setbacks, public benefits and solar access;
- Increase the maximum building height limit for lots within the amendment area but not within Site 'R' or 'S', from 10.5 metres (generally 3 storeys) to 14 metres (generally 4 storeys);
- Development requirements for Site 'R' and Site 'S' to make provision or payment towards upgrading of the public realm along Preston Street; and
- Additional permitted land uses specific to Site 'R' and Site 'S', superseding the existing zoning table in the Scheme.

Pursuant to clause 9.8 of the Scheme, preliminary consultation was carried out with landowners directly affected by the proposed amendment. Feedback from 25 owner/occupiers was subsequently received with 12 parties objecting to the proposed amendment and 13 providing support or qualified support.

Having regard to the outcomes of the preliminary consultation, the characteristics of the amendment area and the guiding strategic planning framework, a number of modifications to the proposed amendment are recommended. The recommended modifications are summarised as follows:

1. Modifying the maximum building height of Site 'S' from 13 storeys and 47 metres to 8 storeys and 29 metres;
2. Limiting maximum building height to 3 storeys and 10.5 metres within 5 metres of the Eric Street boundary to provide built-form transition;
3. Modifying the minimum lot boundary setback for the podium on Site 'S' to 6 metres, from the boundary that divides No. 171 (Lot 4) Labouchere Road and the Cygnet Theatre site;
4. Inclusion of an additional provision relating to the public benefits that ensure the Cygnet Theatre is sympathetically preserved/restored as part of any future development on Site 'S'.
5. Remove the need for a Local Development Plan to be prepared to vary the height of any proposed parapet wall (up to 10.5) and setbacks.
6. Reinstating the 'Small Bar' land use as a discretionary, rather than permitted, use for both Site 'S' and Site 'R'.

The proposed amendment, as modified above, is considered to provide an acceptable built form outcome for the area, is consistent with the emerging strategic framework applicable and allows for the coordinated redevelopment of land within the amendment area.

It is recommended that the Council adopt the proposed amendment for the purposes of public advertising in accordance with Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), Clause 4 of the Deemed Provisions and local planning policy P301 'Community Engagement in Planning Proposals', subject to the modifications outlined above.

**Officer Recommendation**

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

That Council:

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 37(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, to adopt the proposed Scheme Amendment No. 63 to Town Planning Scheme No. 6 as detailed in the amendment documents contained in **Attachment (a)** – Amendment Documents subject to the modifications set out in **Attachment (b)** – Schedule of Modifications;
2. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolve that the amendment is a complex amendment as it relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed amendment to the Environmental Protection Authority for assessment prior to advertisement;
4. Pursuant to Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, submit the proposed amendment to the Western Australian Planning Commission for consent to advertise; and
5. Upon receipt of consent to advertise from the Western Australian Planning Commission, prepare notice of, and advertise, the proposed amendment with a submission period of not less than 60 days pursuant to Regulation 38(4) of the Planning and Development (Local Planning Schemes) Regulations 2015, Clause 4 of the Deemed Provisions, and local planning policy P301 'Community Engagement in Planning Proposals'.

**Amended Motion**

**Moved:** Councillor Glenn Cridland  
**Seconded:** Councillor Travis Burrows

That Point 1 of the Recommendation be reworded as follows:

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 37(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, to adopt the proposed Scheme Amendment No. 63 to Town Planning Scheme No. 6 as detailed in the amendment documents contained in **Attachment (a)** – Amendment Documents subject **only to the modifications set out in Attachment (b) that reflect items 3 and 4 in the Officer's Summary - Schedule of Modifications;**

**For:** Councillor Travis Burrows, Councillor Glenn Cridland, Councillor Cheryle Irons, Councillor Tracie McDougall.

**Against:** Councillor Colin Cala, Councillor Blake D'Souza, Councillor Ken Manolas.

**The Amended Motion was CARRIED (4/3) and formed part of the Substantive Motion.**

The Recommendation was then reworded as follows:

#### **Amended Motion AND COUNCIL DECISION**

**Moved:** Councillor Glenn Cridland

**Seconded:** Councillor Travis Burrows

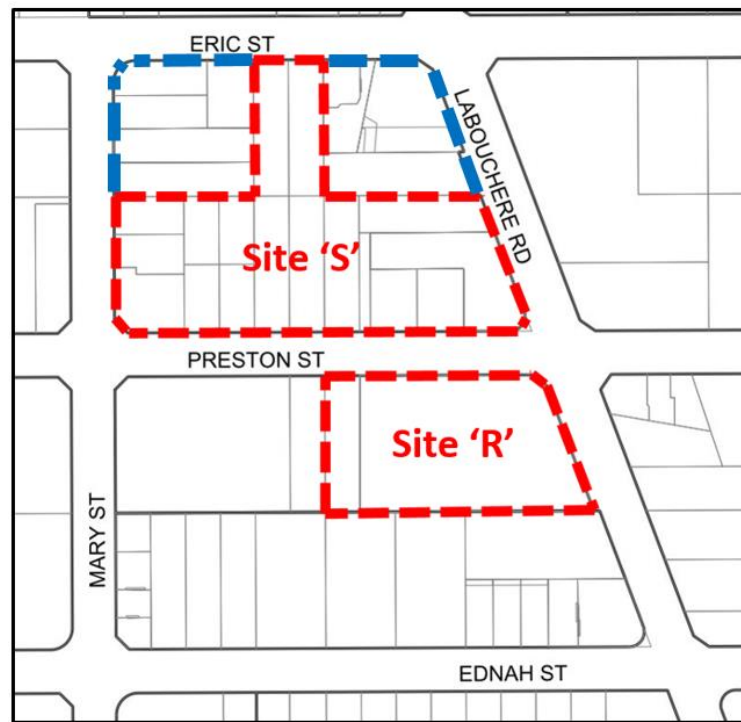
That Council:

1. Resolve pursuant to Section 75 of the *Planning and Development Act 2005* and Regulation 37(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, to adopt the proposed Scheme Amendment No. 63 to Town Planning Scheme No. 6 as detailed in the amendment documents contained in **Attachment (a)** – Amendment Documents subject only to the modifications set out in **Attachment (b)** that reflect items 3 and 4 in the Officer’s Summary - Schedule of Modifications;
2. Pursuant to Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, resolve that the amendment is a complex amendment as it relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality;
3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refer the proposed amendment to the Environmental Protection Authority for assessment prior to advertisement;
4. Pursuant to Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, submit the proposed amendment to the Western Australian Planning Commission for consent to advertise; and
5. Upon receipt of consent to advertise from the Western Australian Planning Commission, prepare notice of, and advertise, the proposed amendment with a submission period of not less than 60 days pursuant to Regulation 38(4) of the Planning and Development (Local Planning Schemes) Regulations 2015, Clause 4 of the Deemed Provisions, and local planning policy P301 ‘Community Engagement in Planning Proposals’.

**CARRIED (7/0)**

#### **Background**

In June 2019 the City of South Perth received a request for a Town Planning Scheme amendment on behalf of landowners in Preston Street. The proposed amendment requests modifications to the density and development controls contained within Town Planning Scheme No. 6 (the Scheme).



**Figure 1:** Map of amendment area and Site 'S' and Site 'R'.

The amendment area consists of a Site 'R' and Site 'S' (depicted on **Figure 1** in red) as well as the remainder of land within the street block bound by Mary Street, Eric Street, Labouchere Road and Preston Street, Como (shown in blue). The proposed amendment was submitted on behalf of the landowners of the majority (but not the entirety) of Site 'S' and Site 'R'.

Site 'R' relates to two lots (51 & 80) on the southern side of Preston Street that includes the existing 'Como Centre' development (Karalee Tavern, Como IGA, Better Choice Service Station and appurtenant car parking area). Site 'S' relates to 16 lots (Lot 410, 411 Eric Street, Lot 4 and 18 Labouchere Road, Lot 1, 2, 3, 9, 10, 299, 414, 415, 416, 417 Preston Street, Lot 12 and 13 Mary Street) that includes the existing Cygnet Theatre. The amendment area comprises approximately 28,177sqm (2.82 hectares) of land in total. A map depicting the lots contained within the amendment area is included in this report at **Attachment (e)**.

*Amendment inception & applicant's preliminary engagement ('Preston Street Revival')*

Planning for the proposed amendment commenced in October 2018 in the form of a series of preliminary consultation activities referred to as the 'Preston Street Revival' project. The Preston Street Revival project was led entirely by the amendment proponents and sought to identify community attitudes towards future development outcomes in the Preston Street area.

The project involved a series of community engagement activities including workshops, stakeholder conversations and a local business forum. The process was used to inform the development of a 'Place Blueprint' for the Preston Street area **Attachment (c)**. The Place Blueprint identified a range of 'key principles' that are summarised as follows:

- Respect the prominence and restore the Cygnet Cinema, and facilitate complementary uses (e.g. cinemas, live shows, music, theatre, and restaurants and bars) that will encourage and support its ongoing viability and therefore its ongoing maintenance and protection;
- Maintain a village feel along Preston Street frontage with a maximum of 3 storeys;
- Reduce density / building bulk to the street and the Cygnet Cinema, transferring to taller tower(s) behind;
- Maintain year-round sunlight to the southern side of Preston street;
- Have maximum height on the northern side of Preston Street determined by the sun angle (winter solstice), but capped at 13 storeys (47 metres) above natural ground level. A secondary tower of up to 8 storeys above natural ground level may be developed on the Eric Street lots where screened from view from the street by a lower 4 storey development;
- Ensure the larger precinct is well served with services and amenities such as an expanded local supermarket, restaurants and taverns (such as the Karalee);
- Retain residential feel and uses along Eric Street (maximum four storeys);
- Fund comprehensive streetscape upgrades for new development and the public plaza on the Como Centre land; and
- Residential development should be diverse, sustainable and adaptable to allow for accommodation for all age groups and future generations.

The abovementioned aspirations of the Place Blueprint have been used to inform the preparation of the scheme amendment.

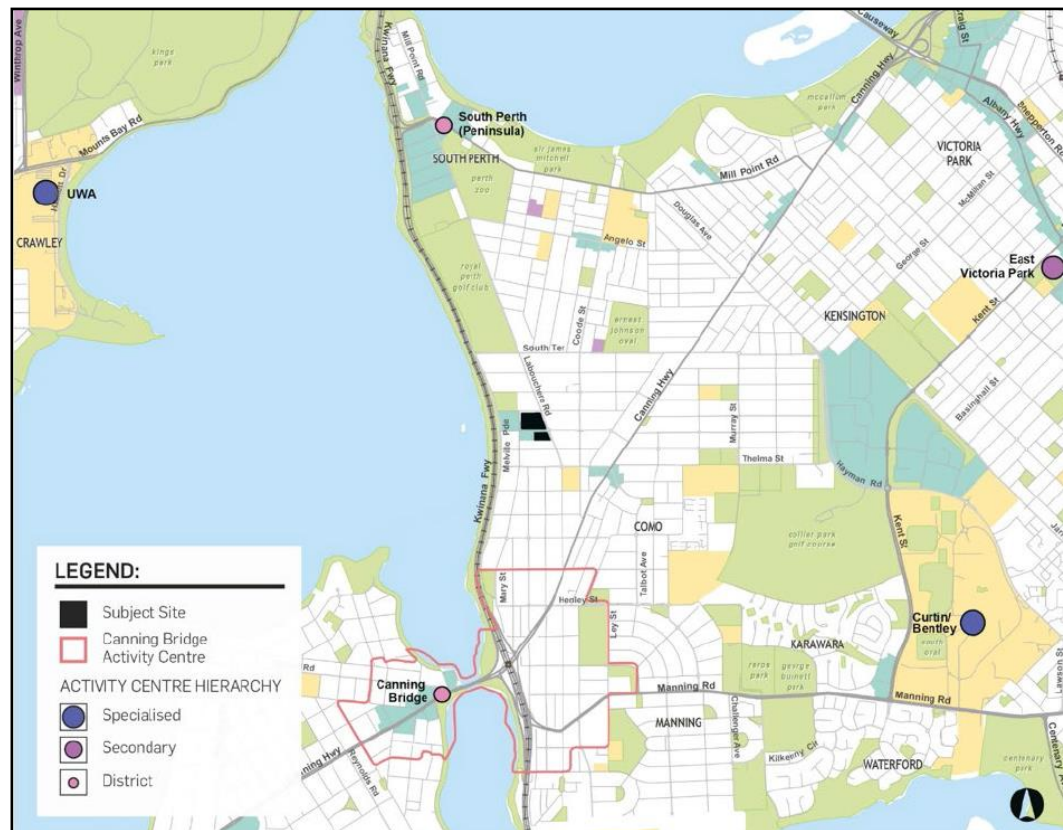
## Comment

### Strategic context

#### *Amendment area characteristics*

The amendment area is located approximately 4.3 kilometres to the south of the Perth Central Business District and 1.7 kilometres north of the Canning Bridge railway station. **Figure 2** shows the location of the area relative to other higher-order activity centres.





**Figure 2:** Centre location relative to other higher order activity centres (extract from amendment report).

Access to the surrounding road network is available via Labouchere Road and Thelma Street, which provides linkages to wider road networks such as Canning Highway.

The Cygnet Theatre building is located on Lot 2 Preston Street, but its curtilage and significance extends to the adjoining Lots 1 and 3. The theatre was constructed in 1938 for local film entrepreneur James Stiles, of the Grand Theatre Company. It was included on the City of South Perth's Municipal Inventory and is permanently listed on the State Register of Heritage Places. The Cygnet Theatre building is therefore highly valued for its heritage significance and makes a unique contribution to the amenity and character of the amendment area.

#### *State Government strategic framework*

The State Government's strategic plan for metropolitan Perth, 'Perth and Peel @3.5million' provides a framework for managing population and activity growth to approximately 2050. Perth and Peel @3.5million outlines that the majority of future growth should be directed towards activity centres, station precincts (areas around heavy rail stations) and along urban corridors. The accompanying Central Sub-Regional Planning Framework provides a minimum dwelling growth target of 8,300 additional dwellings to be provided within the City of South Perth by approximately 2050.

In addition to the strategic framework outlined in Perth and Peel @3.5million, State Planning Policy 4.2 – Activity Centres for Perth and Peel (SPP4.2) provides policy direction for the development of activity centres. SPP4.2 provides a hierarchy of activity centres; which identifies Preston Street as a 'Neighbourhood Centre'.



SPP4.2 identifies that neighbourhood centres should be developed to a minimum density of 15 dwellings per gross hectare, but to a 'desirable' density of 25 dwellings per gross hectare within the 'walkable catchment' of the centre (broadly 200m). This guidance is intended to help guide more detailed, localised investigations relating to the centre's role/function in context of other centres, transport and accessibility, urban design and retail sustainability. The dwelling density within and around Preston Street is estimated to be approximately 17.4 dwellings per gross hectare.

#### *Draft Local Planning Strategy*

The City's Draft Local Planning Strategy (Draft Strategy) recently completed public advertising in June 2019. The Draft Strategy recommends the City adopt a 'managed growth strategy' that directs the majority of future forecast growth towards key activity centres and urban corridors (such as Canning Highway and Manning Road). This aligns with the approach of Perth and Peel @3.5million, which ensures that the majority of future growth is accommodated in areas of higher accessibility and employment.

For the Preston Street Neighbourhood Centre the managed growth strategy outlines the following action;

*'Prepare planning provisions for the Preston Street neighbourhood centre and the surrounding 200m catchment area to accommodate 25 dwellings per gross hectare in accordance with the recommendations of State Planning Policy 4.2 – Activity Centres for Perth and Peel. This plan shall examine the potential for an increase in residential density to a minimum of R50 for residential zoned properties within a 200m walkable catchment of the centre...'*

The Draft Strategy identifies that approximately 222 additional dwellings should be planned for within and around the Preston Street Neighbourhood Centre by 2031 to assist in accommodating the City's growth. It is recognised that there are limited opportunities to provide for this growth given the built-up nature of Preston Street and the surrounding catchment.

The proposed amendment will assist in achieving the outcomes of the draft Local Planning Strategy. Notwithstanding this, the amendment should recognise the centre's place in the activity centre hierarchy and the role it plays in providing services, entertainment and employment opportunities to the community.

#### *Activity Centres Review*

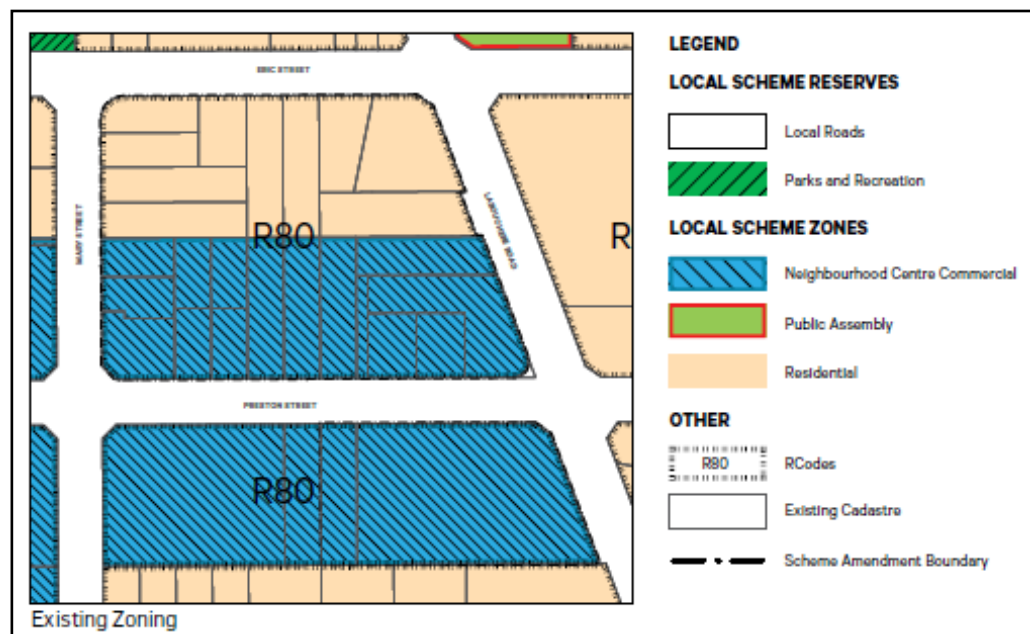
As part of the preparation of the Draft Strategy, the City undertook an 'Activity Centres Review' (2017). This review forecast potential future non-residential floor space demand in each of the City's activity centres, with the exception of the South Perth and Canning Bridge centres. These forecasts considered how the catchment of each centre may grow and evolve over time.

The review identified that the area north-west of Canning Highway is currently undersupplied with supermarket floor space and would continue to be underserved as the population in this area grows. The review identified that Preston Street is a 'main street' style centre with a catchment of approximately 6,700 people. Growth within this catchment would induce demand for an additional 700m<sup>2</sup> of office space, as well as the need for up to 800m<sup>2</sup> additional retail space by 2031.

#### Existing Scheme provisions/requirements

The entirety of the amendment area is currently coded 'R80', with the lots bound by Preston Street, Labouchere Road, Mary Street and Eric Street having a building height limit of 10.5 metres (3 storeys). The Como Centre site has a building height limit of 7 metres (2 storeys).

The majority of land within the amendment area is zoned 'Neighbourhood Centre Commercial', as shown on **Figure 3** below.



**Figure 3:** Existing coding and zoning of the amendment area under the Scheme.

Under the Acceptable Outcomes provisions of State Planning Policy 7.3 Volume 2 – Apartments (SPP7.3), the following development requirements are applicable to Multiple Dwelling development (at R80) within the amendment area:

- Residential plot ratio of 1.0;
- 3 Metre minimum rear setback;
- 3 Metre minimum side setback
- 2 Metre minimum primary street and secondary street setback;

Table 3 of the Scheme sets out the requirements for non-residential uses in non-residential zones (Neighbourhood Centre Commercial zone) as follows:

- Maximum plot ratio of 0.75 for Mixed Development or Non-Residential;
- Nil setback to side and rear setbacks;
- Average of 1.5m setback to street boundaries.

The amendment proposes to modify the permissibility of a number of land uses within the amendment area. The table below sets out the current permissibility of these uses under the Scheme

Land Use	Existing Permissibility	Proposed Permissibility
Cinema/Theatre (Site 'S' only)	Discretionary – Consultation Required	Permitted
Liquor Store - Small		
Mixed Development	Discretionary	
Multiple Dwelling		
Single Bedroom Dwelling		
Office		
Shop	Prohibited	
Home Business		
Small Bar	Discretionary – Consultation Required	Discretionary
High Level Residential Aged Care Facility	Prohibited	
Aged or Dependent Persons Dwelling and Amenities		
Reception Centre		
Student Housing	Not Listed in Table	
Purpose Built Student Accommodation Facility		

The Scheme currently provides that, for the majority of land uses in the Neighbourhood Centre Commercial zone, vehicle parking should be provided at a rate of 1 bay per 20sqm of gross floor area. However the amendment considers a series of land use that have specific parking ratios, stated in the Scheme as follows:

- Cinema/Theatre: 1:5sqm of auditorium area;
- Restaurant/Café: 1:5sqm of dining area and 1:3sqm of drinking area;
- Small Bar: 1:3sqm of drinking area;
- Reception Centre: 1:5sqm of gross floor area.

The amendment proposes modifications to the applicable parking ratios within the amendment area, which are discussed further in this report below.

#### Proposed scheme amendment

The proposed amendment seeks to establish development provisions and increase the building height limit of lots within the amendment area. The development provisions will be implemented through the introduction of specific site requirements under clause 5.4 - 'Development Requirements for Certain Sites' of the Scheme.

In summary, the amendment proposes the following:

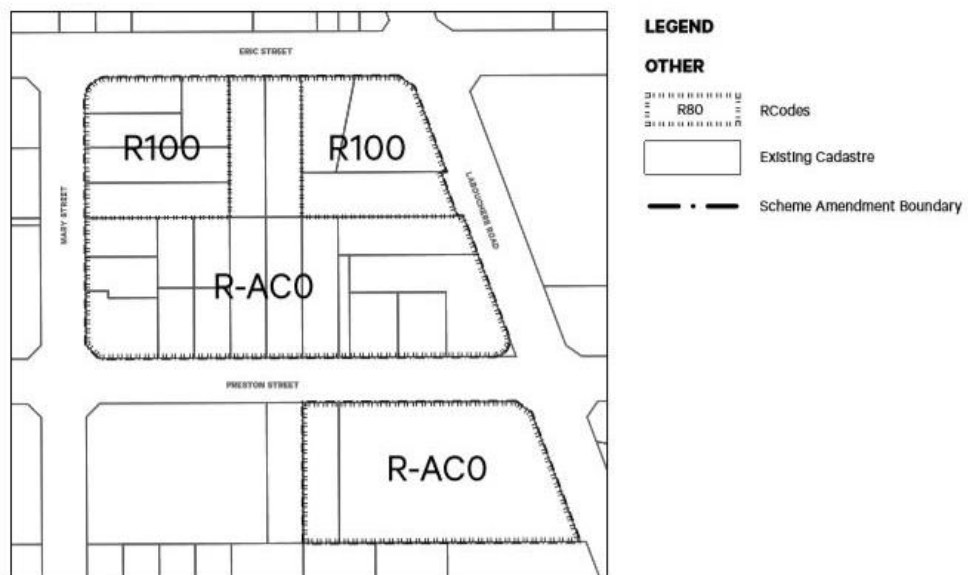
- Recode Site 'R' and Site 'S' from R80 to R-AC0 and remaining lots within the amendment area from R80 to R100;
- Increase the building height limits for Site 'R' (29 metres and 8 storeys) and Site 'S' (47 metres and 13 storeys), subject to specific development criteria relating to setbacks, public benefits and solar access;

- Increase the building height limit for lots within the amendment area but not within Site 'R' or 'S', from 10.5 metres (generally 3 storeys) to 14 metres (generally 4 storeys);
- Development requirements for Site 'R' and Site 'S' to make provision or payment towards upgrading of the public realm along Preston Street; and
- Additional permitted land uses specific to Site 'R' and Site 'S', superseding the existing zoning table in the Scheme.

The Scheme Amendment Report contained in **Attachment (c)** provides background information, a review of the existing planning framework, further details of the proposal, and justification for particular elements of the amendment.

#### Residential density

The amendment area is currently zoned 'Residential R80' and 'Neighbourhood Centre R80'. The proposed amendment seeks to increase the density coding to R-AC0 for Site 'R' and Site 'S', and R100 for Residential zoned properties outside of Site R and Site S, as shown on **Figure 4**.



**Figure 4:** Proposed density coding map (extract from amendment report)

The 'R-AC0' code applies in circumstances where the provisions of the R-Codes are to be replaced by more detailed provisions in a town planning scheme. In this instance, the applicant proposes to vary a number of provisions of the R-Codes by inserting replacement controls into clause 5.4 of the Scheme, as outlined further below.

#### Building height and setbacks

The amendment proposes to insert a series of requirements into the Scheme that provide maximum building heights and minimum setbacks for each site within the amendment area. These are summarised for each site as follows:

*Site 'S' – Building height and setbacks*

On Site 'S' the amendment proposes a 'podium and tower' summarized as follows:

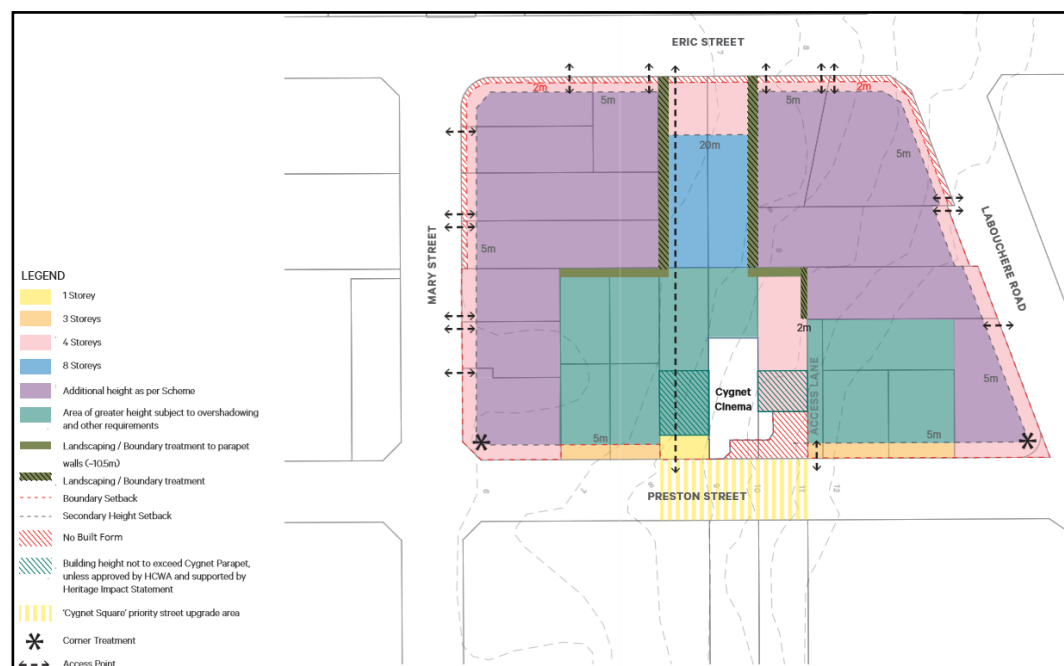
- **Lower levels (podium):** Buildings built up to three storeys (10.5 metres) fronting Preston Street and up to a maximum of four storeys (14 metres) fronting Mary Street, Eric Street and Labouchere Road.

Buildings with a nil setback to the street on Preston Street, Mary Street and Labouchere Road, and minimum 2.0 metre setback to Eric Street. Buildings up to three storeys (10.5 metres) in height permissible to all side boundaries (nil setbacks) except to the western boundary of the existing apartments at No. 171 Labouchere Road, where a 2.0m setback to the boundary is proposed.

- **Upper levels (tower/s):** Towers up to a maximum height of eight storeys (29 metres) on Lots 410 & 411 (No. 15 & 17) fronting Eric Street and 13 storeys (47 metres) on lots fronting Labouchere Road, Preston Street and Mary Street.

These towers must be setback a minimum of 20.0 metres from Eric Street, and a minimum of 5.0 metres from Preston Street, Mary Street and Labouchere Road. In addition to these setbacks and building height limits, no shadow from development on Site 'S' is to fall over the lots on the southern side of Preston Street.

- **Tower side and rear setbacks:** Towers to be setback from side boundaries in accordance with the R-Codes. For a tower up to eight storeys in height, the R-Codes indicates a setback of 9.0 metres from each boundary/building. For a 13 storey tower, the R-Codes indicates a setback of 12.0 metres from each boundary/building.



**Figure 5(a):** Height and setbacks map of amendment area north of Preston Street, provided by the applicant



**Figure 5(b):** Section (A) through site between Preston Street and Eric Street adjacent to Cygnet Theatre showing building envelope created by amendment provisions and potential indicative building massing, provided by the applicant.



The above **Figure 5(b)** provides indication as to how the provisions of the proposed amendment, along with provisions in the rest of the planning framework (such as the R-Codes) define a building envelope over Site 'S'. It depicts a section through the site from Preston Street (left) to Eric Street (right) for the land immediately west of the Cygnet Theatre building. The figure provides indicative outlines (not to scale) of the potential built-form massing (in grey) that could occur within envelope defined by the amendment provisions. **Figure 5(b)** is intended to depict one possible built-form outcomes arising from the amendment provisions.

#### *Site 'R' – Building height and setbacks*

On Site 'R' the amendment proposes a requirements summarised as follows:

- **Lower levels:** Building up to 10.5 metres (three storeys) in height with nil setbacks to Labouchere Road and Preston Street and to the western boundary of the site. Setback a minimum of 6.0 metres to the rear boundary of the site to protect solar access and provide building separation.
- **Upper levels/tower:** Additional height up to 29 metres (eight storeys), to be setback a minimum of 5.0 metres from Preston Street and 6.0 metres from the southern and western boundaries of the site.



**Figure 6:** Height and setbacks map of Site 'R' provided by the applicant

#### *Other lots – Building height and setbacks*

As outlined above, the amendment proposes to increase the zoning for land not forming part of Site 'S' or 'R' from R80 to R100. To accompany this, the amendment proposes to modify the Building Height Scheme Map to increase the building height limit for these sites from 10.5 metres (generally 3 storeys) to 14.0 metres (generally 4 storeys). This is consistent with the criteria of SPP7.3 which indicate that an R100 coded site would typically attract a building height of 4 storeys.

The street and lot boundary setbacks applicable to buildings on these lots would be determined in reference to the 'primary controls' of SPP7.3, summarised as follows:

- 2.0 metres to street boundaries;
- 3.0 metres to side boundaries, except where a wall is longer than 16 metres, in which case the setback should average 3.5 metres. A lot boundary wall (nil setback) may be permitted to one side boundary, to a height of 2 storeys and shall not exceed two-thirds the length of the applicable boundary; and
- 6.0 metres to a rear boundary.

#### Land Use

The amendment proposes changes to the permissibility of a number of land uses for Site 'R' and Site 'S'. The applicant has proposed that certain land uses be considered appropriate for the amendment area that differ from the existing permissibility in the Scheme.

Notwithstanding any land use permissibility under the City's existing planning controls, the following land uses are proposed to be 'Permitted' in Site 'S' and 'R':

- Cinema/Theatre (Site 'S' only)
- Home Business;
- Mixed Development;
- Multiple Dwelling;
- Office;
- Shop; and
- Liquor Store – Small (less than 300m<sup>2</sup> floor area).

In addition to above, the following uses are proposed to be 'Discretionary' within Site 'S' & 'R':

- Aged or Dependent Persons Dwelling & Amenities;
- Small Bar;
- Student Housing;
- Purpose Built Student Accommodation Facility; and
- Reception Centre.

Further land use restrictions are proposed as follows;

- Take-away fast food outlets are not permitted to have drive-through facilities;
- Consultation Rooms (medical) are permitted to have patients stay over-night for recovery and care.

The Scheme currently only allows for 'Student Housing' to be operated by educational establishments and religious organisations and limited to a small area of land along Kent Street, Karawara. The amendment proposes, similar to other amendments recently considered by Council (refer Amendment 60 – Waterford Triangle Student Accommodation), to introduce the 'Purpose Built Student Accommodation' land use to both Site 'S' and 'R'. This would enable the consideration of this use for these sites only, which would enable the consideration of a greater diversity of housing/accommodation opportunities within the Preston Street Neighbourhood Centre.



Overall the suite of land uses proposed by the amendment provides for a range of land use that would support the on-going viability, interest and vitality within the Preston Street Neighbourhood Centre. In particular the Cinema/Theatre use provides a clear indication that restoration of the existing Cygnet Theatre building could/should comprise a refurbished cinema facility.

#### Vehicle Parking

The amendment proposes the following car parking requirements, differing to that of the existing Scheme:

- Shop – 4 car bays per 100sqm net lettable area. (Currently 1 per 20sqm)
- Liquor store (Small) - 4 car bays per 100sqm net lettable area. (Currently 1 per 20sqm)
- Cinema/theatre – 1 car bay per 5 seats; (Currently 1 per 4 seats)
- Restaurant, Tavern and Small Bar – 1 car bay per 20sqm of net lettable area (Currently 1 per 5sqm of dining area, 1 per 3sqm of drinking area).

The above parking ratios are intended to ensure adequate parking supply in so far as:

- The nature and likely diversity of land use proposed have different peak demand periods, enabling reciprocal use of bays; and
- The catchment surrounding the centre is considered to be highly walkable, is well served by public transport and has good access to the bicycle network. This is likely to reduce parking demand overall compared to other areas of the City zoned 'Neighbourhood Centre Commercial'.

The proposed ratios are consistent with industry best-practice for similar sized and located centres. Furthermore, the over provision of parking within the amendment area could result in excessive traffic and negatively impact on the objective established in the Place Blueprint to enable a pedestrian-orientated village environment.

In addition to the above, the proposed amendment would enable the consideration of a lesser number of vehicle bays, providing a Parking Needs Assessment is undertaken and demonstrates that the proposed number of bays is sufficient.

#### Public Benefits/Public Realm Contributions

The amendment requires the following public benefits (provision of or payment towards) to be provided as part of a future development:

- Site 'R' – Provision of a publically accessible plaza within the development site and the upgrading of the public realm (footpaths etc.) along Preston Street to the width of Site 'R' and to the 'back of curb'.
- Site 'S' – For Lots 1, 2 and 3 Preston Street (Cygnet Theatre) upgrades/restoration of the Cygnet Theatre building, streetscape upgrades to Preston Street for the frontage of the site, inclusive of the road carriageway. For all other lots on Site 'S', public realm upgrades to the 'back of curb'. In addition to the public realm upgrades for Site 'S', buildings are also to achieve a 5-star Green Star rating and 50% of the dwellings within a future development are to meet either 'Silver' or 'Platinum' ratings under the 'Liveable Housing Design Guidelines' issued by Liveable Housing Australia.

The public benefits proposed in the amendment will deliver a significant improvement to the public realm and the interface with the private buildings along Preston Street. The potential upgrades represent an opportunity for the benefits of development to be leveraged for a wider public benefit.

#### Local Road Network

The proposed amendment includes a 'Traffic Analysis Report' (TAR) prepared by Shawmac Consulting Engineers (Appendix D in **Attachment (c)**). The objectives of the analysis were to:

- Review the existing traffic scenario; and
- Quantify the remaining traffic capacity in the road network.

The conclusions of the TAR are summarised as follows:

- The Labouchere Road/Preston Street roundabout currently operates below capacity with room for approximately 700 new vehicle trips during morning peak and 1,330 vehicle trips during afternoon peak;
- Inclusive of recently approved developments within the South Perth Station Precinct, the proposal is unlikely to impact the operation of the regional network at the junction of Mill Point Road and Labouchere Road;
- Recommendations provided to modify Preston Street to be pedestrian friendly with rationalised vehicle access, street parking and additional crossings.

A further conclusion of the TAR was that the analysis of the Canning Highway and Thelma Street traffic signals indicate that capacity of this intersection would be 'exceeded' under the proposed amendments development scenario. The amendment includes a further 'technical note' (included at page 26 of the Shawmac Report contained within **Attachment (c)**). This technical note clarifies the situation at the intersection of Thelma Street/Canning Highway as follows:

- A 'worst' case scenario of 30% of vehicle traffic generated from the development travelling south via Thelma Street/Canning Highway would see the intersection exceed optimised intersection capacity;
- Working backwards from this point, the maximum vehicle traffic that could be generated without exceeding intersection capacity would be 280 vehicles in AM peak and 630 vehicles in PM peak. The development is likely to generate vehicle traffic less than these volumes (estimated 272 in AM peak and 564 in PM peak);
- The traffic distribution was relatively simplified that it assumed all new trips generated by the activity centre would be limited to three main routes (north via Labouchere Road, east via Preston Street and south via Thelma / Canning). In reality, vehicle trips generated to and from the south will be more spread out as drivers may seek alternate routes to avoid the Thelma/ Canning / Barker intersection during peak periods. There are multiple alternate routes to Canning Highway including Alston Avenue, Saunders Street and Henley Street.

The TAR indicates that there is considerable capacity within the road network to accommodate future development at the scale provided for by the amendment. Notwithstanding, growth in the wider catchment (and at the regional level) is likely to put pressure on the existing intersections at Mill Point Road/Labouchere Road and Thelma Street/Canning Highway. Nonetheless, the TAR demonstrates that there is likely to be sufficient network capacity to accommodate the potential growth enabled by the proposed amendment.

#### Retail Needs Assessment

A Retail Needs Assessment was prepared to inform the scale and mix of retail floor space and subsequent uses that may be facilitated by the proposed amendment. The assessment presents the following key findings and recommendations:

- The catchment around Preston Street is largely underserved by supermarket floor space (4.5sqm per 100 residents compared with 34sqm across Perth);
- An expansion in supermarket floor space to approximately 3,300sqm (currently 542sqm) is sustainable from a viability and retail hierarchy perspective;
- Population growth within the centre's catchment, affluent resident profile, and high worker and visitor populations will justify demand for retail supermarket, non-food shop and a moderate amount of food catering floor space in the future; and
- A larger and enhanced offering at Preston Street will enhance local amenity and improve access to a broader range of non-retail amenities such as gymnasiums, medical centres and health services.

The Retail Needs Assessment recommends the development of approximately 2,750sqm of additional supermarket floor space, 560sqm of restaurant/café floor space and 1,500sqm of other retail floor space. The findings support the applicant's amendment for greater building height and land uses to facilitate a prominent retail component at ground level and concentrate residential development above ground and basement levels.

The outcomes of the Retail Needs Assessment are broadly similar to the high-level analysis that formed part of the City's Activity Centre Review in so far as;

- Both reports identified the considerable shortfall of supermarket floor space within the City north/west of Canning Highway; and
- Both reports outline increased demand for non-residential floor space within the Preston Street Neighbourhood Centre; and specifically demand for a broader range of service, retail and entertainment uses.

#### Heritage considerations

The 'Cygnet Theatre' building is contained within the proposed amendment area (centrally located within Site 'S'). The site is listed under the Heritage Council of Western Australia (HCWA) State Register of Heritage Places. Given the cultural heritage significance of the site, the applicant has provided a comprehensive Heritage Impact Statement for the theatre (included as an appendix to **Attachment (c)** of this report).

The documentation prepared by the applicant outlines appropriate steps for specific remedial works that are necessary to conserve the Cygnet Theatre. It also notes the following:

- The original (existing) main theatre building is considered to be of 'considerable' cultural heritage significance;
- The theatre forecourt and wall to the former rear 'outdoor picture garden' is considered to also be of 'considerable' cultural significance. This area is currently utilised for vehicle parking
- The former (now removed) 'outdoor picture garden' to the east of the main theatre and the 'Canary Island Date Palm' in the forecourt are considered to have 'some' cultural significance.

The outcomes above were summarised in the conclusion of the Heritage Impact Statement, which also states that the potential impact on the cultural heritage values of the Cygnet Theatre are largely mitigated by likely future considerable conservation benefits. As a result, it is necessary to ensure appropriate restoration of the Cygnet Theatre occurs as part of any future comprehensive development on Site 'S'. A modification to the amendment that ensures this conservation occurs in an appropriate way is recommended later in this report.

#### Preliminary community consultation

Pursuant to clause 9.8(3) of the Scheme, preliminary consultation with landowners in the amendment area is required to be undertaken prior to consideration of an amendment by the Council. The preliminary consultation was undertaken in July 2019 for a period of twenty-one days (commencing on 19 July 2019 and concluding on 9 August 2019) and included the following:

- Letters to remaining landowners (excluding land owned by the amendment proponents) within the amendment area providing background detail, the draft amendment, and inviting comment; and
- Invitation for affected landowners to phone, email or meet with City officers to discuss the proposed amendment.

In total 67 different landowners were advised of the proposed amendment. Responses from 25 owner/occupiers were received, with 12 parties objecting to the proposed amendment and 13 providing support or qualified support. A schedule of responses is included as an attachment to this report at **Attachment (d)** summarising all of the responses received. A number of concerns were raised during the feedback period as summarised in the table below.

Matters Raised (number of times raised)	Issues Raised
Building height, bulk and density (9)	<ul style="list-style-type: none"> <li>• Building height on Site 'R' and Site 'S' is out of scale with adjoining buildings;</li> <li>• Height and density of Site 'S' is a considerable departure from the existing framework;</li> <li>• Heights on both Site 'R' and Site 'S' do not facilitate retention of village character;</li> <li>• Results in loss of views from neighbouring buildings;</li> <li>• Proposed heights will produce excessive shadowing and visual privacy impacts.</li> </ul>

Traffic and parking (7)	<ul style="list-style-type: none"> <li>Additional dwelling yield will further exacerbate existing traffic and street parking concerns;</li> </ul>
Setbacks (1)	<ul style="list-style-type: none"> <li>Setbacks proposed to the boundary with No. 177 Labouchere Road are insufficient;</li> </ul>
Noise (1)	<ul style="list-style-type: none"> <li>Noise is a likely by-product of introducing a Small Bar into the discretionary land uses for the sites.</li> </ul>

Specific matters raised from preliminary community consultation are included in the schedule of submissions as **Attachment (d)** – Schedule of submissions.

#### Recommended modifications to the proposed amendment

Having regard to the outcomes of the preliminary consultation, the characteristics of the amendment area and the guiding strategic planning framework, a number of modifications to the proposed amendment are recommended. The recommended modifications are set out in detail within **Attachment (b)** – Schedule of Modifications and are summarised as follows:

##### *(i) Maximum building height limit on Site ‘S’*

The proposed scheme amendment allows for building up to a maximum of 13 storeys and 7 metres for Site ‘S’ subject to meeting lot and street boundary setback criteria.

The amendment report suggests that 13 storeys on Site ‘S’ has potential to provide up to 110 dwellings. The report suggests a further 125 dwellings could be developed on Site ‘R’ as a result of the proposed amendment. It is recognised that this yield is dependent upon the eventual land use mix and scale of any development proposed in the future.

The applicant submits that the proposed development height is appropriate insofar as:

- It enables the protection and restoration of the Cygnet Theatre building;
- Despite the proposed overall height, it limits buildings to a three storey elevation to Preston Street, with greater height setback from the Preston Street boundary;
- It is accompanied by a requirement that winter sun penetration to the southern side of Preston Street be achieved in all circumstances; and
- It supports the development of more density and housing in the Preston Street Neighbourhood Centre in recognition of the limited opportunities for density development to occur in the surrounding catchment.

Notwithstanding, it is recommended that the building height limit of buildings on Site ‘S’ be modified to a maximum of eight storeys and 29 metres for the following reasons:

- The amendment proposes tower heights that are significantly greater than the surrounding context (mostly of 1-3 storey buildings). The site is also adjacent to contemporary buildings that establish a pattern of building heights between 2-4 storeys. This includes but is not limited to;
  - No. 9-11 Preston Street - a multi-storey strata-titled office building on the southern side of Preston Street known of ‘Como Corporate Centre’;
  - No. 171 Labouchere Road – a four storey residential apartment building at the rear of Site ‘S’

- No. 167 Labouchere Road – a four storey residential apartment building at the corner of Eric Street and Labouchere Road.

The age and/or ownership arrangements of these buildings mean that they are unlikely to be redeveloped in the short-medium term. The development of a 13 storey tower is unlikely to be compatible with this built form, particularly in the case of No. 171 Labouchere Road. The amendment is not considered to sufficiently manage the transition between the much larger 13 storey form, the immediately adjacent 2-4 storey form (which is also promoted under the amendment) and the further removed 1-2 storey form in the surrounding neighbourhood centre catchment. A maximum building height equivalent to eight storeys is considered more proportional in this context, enabling a more gradual transition of built form across the centre;

- The Preston Street Neighbourhood Centre is located between two higher order activity centres at South Perth and Canning Bridge. A building to 13 storeys, particularly in a podium-and-tower form is more similar in scale to the development expected in these two centres under the existing Scheme. While this is not a reason in itself to modify the proposed height, it suggests that the maximum building height proposed may be inconsistent with the built form expected in a lower-order neighbourhood activity centre; and
- The likely yield of future development could/would result in the entirety of the dwelling growth outlined in the draft Strategy for the Preston Street Neighbourhood Centre being concentrated on two sites. It is recognised that there are limited opportunities to accommodate growth on other land within the neighbourhood centre; however it is also unnecessary to facilitate a built form that accounts for all of the expected residential and non-residential development over the short-medium term.

The proposed amendment contains a range of provisions that may limit the scale of buildings to a lesser height than the maximum 47 metres proposed, including that sunlight access to the southern side of Preston Street be retained. Moreover, SPP7.3 contains provisions that generally constrain building depth and ensure side and rear setbacks are provided. For instance, the 'acceptable outcomes' of SPP7.3 specify that a building greater than nine storeys should be separated from a boundary by a minimum of 12.0 metres. When considering these factors, a building 9-11 storeys is considered a more likely product of the proposed amendment provisions.

Having regard to the above, it is recommended that clause 5.4(15)(b)(i)(G) of the proposed amendment is be modified to limit the height of buildings on Site 'S' to eight storeys and 29.0 metres. The maximum building height across all of the amendment area would therefore be eight storeys.

*(ii) Modification to building height on sites fronting Eric Street*

The proposed amendment allows for a building up to four storeys and 14 metres fronting Eric Street, subject to a 2.0 metre setback. Built form on the northern side of Eric Street is limited to two storeys and 7.0 metres and this area currently consists of a range of single and two storey dwellings.



To provide a more even built-form transition between the amendment area and the sites north of Eric Street it is recommended that the proposed amendment be modified to provide a three storey and 10.5 metre height limit to Eric Street, with any addition (fourth) storey setback a minimum of 5.0 metres from the street to reduce its visual prominence and bulk.

*(iii) Modification to proposed minimum lot boundary setback to Lot 3 Preston Street and No.171 (Lot 4) Labouchere Road*

The amendment proposes a minimum setback of 2.0 metres from the boundary that divides No. 171 (Lot 4) Labouchere Road and Lot 3 Preston Street (Site 'S'). No. 171 Labouchere Road consists of a four storey multiple dwelling development, with a number of apartments having outdoor living areas adjacent to this boundary (pictured below). Balconies/living areas on this elevation are setback between 0.9-3.2 metres from the boundary.



The amendment report argues that a proposed 2.0 metre setback is sufficient to achieve appropriate relief and provide for landscaping between a new building on Site 'S' and the existing building on No. 171 Labouchere Road. It is recognised that providing relief of building bulk between the two sites is difficult given the limited existing balcony setbacks. It is also noted that the existing building is unlikely to be redeveloped in the near future, given its age and strata ownership. A degree of setback and landscaping on Site 'S' would assist in providing relief to the building at No. 171 (Lot 4) Labouchere Road; however the amendment proposal of 2.0 metres setback is considered insufficient.

SPP7.3 outlines that a deep-soil landscaping area with a minimum width of 6.0 metres is recommended to support a 'large tree'. While the amendment proposes to recode No. 171 (Lot 4) Labouchere Road to R-AC0 its current development is more similar to development at the R100 code. The primary controls of SPP7.3 indicate that rear setbacks of approximately 6.0 metres would be applicable for a development at this density code. It is therefore recommended that the side setback for this portion of Site 'S' be increased to a minimum of 6.0 metres to enable substantial deep-soil areas and building bulk relief to be achieved between the two buildings.

*(iv) Modification of public benefits provision to include direct benefits of development towards the Cygnet Theatre*

As stated earlier in this report, the amendment is accompanied by a Heritage Impact Statement. This Statement outlines the heritage values of the Cygnet Theatre building and the likely compatibility of a development on the land adjacent to this building on Site 'S'.

It is apparent that any comprehensive redevelopment on Site 'S' would include conservation and restoration of the theatre building. However the proposed amendment does not include any specific provisions relating to this likely conservation; and specifically not as part of the section (iv) (Public Benefits) for Site 'S'. It is recommended that conservation and restoration of the Cygnet Theatre be recognised as a specific public benefit of the proposal with additional text included in clause 5.4(15)(b)(iv) as follows:

*'In respect of development on Site S, any comprehensive new development on this site shall provide the following:*

- i. For Lots 1 to 3 (No.16) Preston Street – the 'Cygnet Cinema' site the provision or payment of a public plaza and streetscape upgrades to the northern side of Preston Street and include the carriageway for the frontage of the said lots to the satisfaction of the local government;*
- ii. For Lots 1 to 3 (No.16) Preston Street – the 'Cygnet Cinema' site, the provision of a Conservation Management Plan for the Cygnet Theatre. Development shall be carried out in accordance with any approved conservation management plan to the satisfaction of the Local Government;*
- iii. For all remaining lots with frontage to Preston Street, the upgrade or payment of the upgrading of Preston Street surface treatment, street furniture and street trees abutting the respective property to the back of the respective kerb to the satisfaction of the local government;...'*

*(v) Permitting minor variations to setbacks and height of lower storeys.*

On both Site 'S' and Site 'R' the amendment includes provisions that allow for minor variations to setbacks and the height of buildings at lower levels where the 10.5 metre height limit applies.

The proposed mechanism for permitting this variation is through the adoption of a Local Development Plan (LDP). This is considered to add unnecessary process to the consideration of building height discretion (lower levels only) and setbacks that may be minor in nature. Clause 5.4(14)(i)(F), 5.4(15)(b)(i)(H) and (I) are proposed to be modified to delete reference to the adoption of an LDP in favour of a decision maker permitting minor variations to the Scheme requirements (refer to **Attachment (b)** – Schedule of modifications).

*(vi) Permissibility of Small Bar use*

The amendment proposes a suite of 'discretionary' (D) land uses that would apply to a future comprehensive development on each site. One of these land uses is 'Small Bar'. The 'Small Bar' land use is already considered a 'DC' (Discretionary requiring consultation) use for a Neighbourhood Centre Zone. It is recommended that reference the Small Bar land use be removed from clause 5.4(14)(b)(ii)(II) and clause 5.4(15)(b)(ii)(II) of the proposed amendment to ensure any such proposal is publicly advertised.



### Consultation

Community consultation requirements for a complex amendment are prescribed by Regulation 38(2) of the Planning and Development (Local Planning Schemes) Regulations 2015. These requirements are supplemented by Part 10 of Local Planning Policy P301 - 'Community Engagement in Planning Proposals', which provides further guidance for advertising such proposals.

As discussed above, preliminary consultation has been undertaken with all landowners within the proposed scheme amendment area on the draft scheme amendment in accordance with Clause 9.8 of the Scheme. This included direct mailed letters to landowners and a number of one-on-one meetings.

A number of submissions were received during the preliminary consultation period, whilst some members of the community requested meetings with City Officers to better ascertain the information within the proposed scheme amendment.

Following Council's endorsement of the draft Scheme Amendment for consultation, the amendment will be forwarded to the Western Australian Planning Commission for preliminary assessment and referred to the Environmental Protection Authority for assessment. Upon receipt of advice from the aforementioned authorities community consultation on the amendment and draft local planning policy will be undertaken for a minimum period of 60 days in accordance with the Regulations. Consultation will include letters to potentially affected landowners and occupiers, signs on the amendment site, and notices in the Southern Gazette newspaper, the Civic Centre, the City's Libraries and on the City's web site.

### Policy and Legislative Implications

The amendment is considered to be a complex amendment under the Regulations for the following reasons:

- (a) The amendment relates to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

The statutory process for Complex Scheme Amendments is set out in Part 5, Divisions 1 and 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. The process as it relates to proposed amendment No. 63 is set out below, together with an estimate of the likely timeframe associated with each stage of the process. The below timeframes are based on the WAPC undertaking preliminary assessment within the prescribed 60 day time period.

Stage of Amendment	Estimated Time
Council resolution to adopt proposed draft scheme amendment for advertising purposes.	October 2019
Referral of draft Amendment proposals to EPA for environmental assessment and WAPC for examination within a 60 day time period.	November 2019
Public advertising period of not less than 60 days (extended/delayed due to Christmas/New Year period).	December 2019 - March 2020
Council consideration of Report on Submissions and resolution on whether to support the amendment, support with modifications or not support.	April/May 2020
Referral to WAPC and Planning Minister for consideration, including: <ul style="list-style-type: none"> <li>• Report on Submissions;</li> <li>• Council's recommendation on the proposed Amendment; and</li> <li>• Three signed and sealed copies of Amendment documents for final approval.</li> </ul>	Mid 2020
Minister's final determination of Amendment and publication in Government Gazette	Not yet known

### Financial Implications

The estimated costs for the proposed scheme amendment have been paid for by the applicant as prescribed in the City's adopted Fees and Charges Schedule. These costs are in accordance with the Planning and Development Regulations 2009, which allows the City to recover the costs associated with a scheme amendment that is submitted by a landowner.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built and Natural)  
Aspiration: Sustainable urban neighbourhoods  
Outcome: 3.2 Sustainable built form  
Strategy: (A) Develop a local planning framework to meet current and future community needs and legislative requirements

### Attachments

- 10.3.2 (a):** Amendment Documents (*Published Separately*)  
**10.3.2 (b):** Schedule of Modifications (*Published Separately*)  
**10.3.2 (c):** Amendment Report & Appendices (*Published Separately*)  
**10.3.2 (d):** Schedule of Submissions (*Published Separately*)  
**10.3.2 (e):** Amendment Area Lot Map (*Published Separately*)

Councillor Tracie McDougall left the meeting at 8.07pm.

Mayor Sue Doherty and Councillor Greg Milner returned to the meeting at 8.08pm, prior to consideration of Item 10.3.3. Mayor Sue Doherty assumed the Chair.

Councillor Tracie McDougall returned to the meeting at 8.10pm.

### 10.3.3 Retrospective Light Poles and Overheight Boundary Fence Additions to Single House on Lot 22 (No. 104) River Way, Salter Point

Location: Salter Point  
Ward: Manning Ward  
Applicant: Creative Design and Planning  
File Reference: D-19-86032  
DA Lodgement Date: 27 May 2019  
Meeting Date: 15 October 2019  
Author(s): Kevin Tang, Urban Planner  
Reporting Officer(s): Patrick Quigley, Acting Director Development and Community Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.2 Sustainable Built Form

#### Summary

To consider an application for development approval for retrospective light poles and overheight boundary fence additions to Single House on Lot 22 (No. 104) 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
External fixtures, utilities and facilities	R-Codes Design Principles 5.4.4
Overheight boundary fence	TPS6 clause 6.7 and P350.07

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Glenn Cridland

**Seconded:** Councillor Travis Burrows

That pursuant to the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, this application for development approval for two retrospective light poles and overheight boundary fence additions to single house on Lot 22 (No. 104) River Way, Salter Point, be approved subject to the following conditions:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. Any lighting installed is to achieve compliance with Australian Standard 4282-1997 – Control of the obtrusive effects of outdoor lighting, to the satisfaction of the City.

**Note:** City officers will include relevant advice notes in the determination notice.

**For:** Councillor Travis Burrows, Councillor Glenn Cridland, Mayor Sue Doherty, Councillor Cheryle Irons, Councillor Tracie McDougall, Councillor Greg Milner.

**Against:** Councillor Colin Cala, Councillor Blake D'Souza, Councillor Ken Manolas.

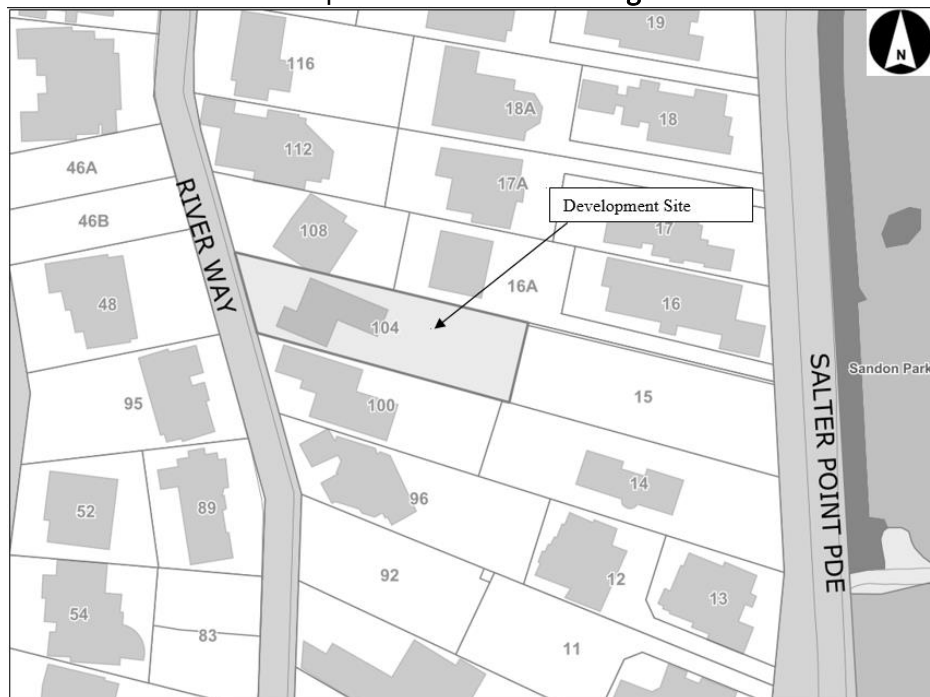
**CARRIED (6/3)**

### Background

The development site details are as follows:

<b>Zoning</b>	Residential
<b>Density coding</b>	R20
<b>Lot area</b>	1067 sq. metres
<b>Building height limit</b>	3.0 metres/6.5 metres
<b>Development potential</b>	Two dwellings
<b>Plot ratio limit</b>	Not Applicable

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



**Figure 1:** Development Site

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

*3. Developments involving the exercise of a discretionary power*

*This power of delegation does not extend to approving applications for development approval involving the exercise of a discretionary power in the following categories:*

*(a) Applications in areas situated within Precinct 13 – Salter Point which:*

- (i) Have been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres and*

- (ii) Will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.1A(9) of the Scheme.

### Comment

#### (a) Background

Council at its meeting of 23 May 2017 resolved to grant a development approval for a two storey single house including undercroft on Lot 22 (No. 104) River Way, Salter Point (the site). Previously, a development approval was granted under delegated authority on 14 December 2016 for site fill and retaining in preparation for the construction of the house.

In February 2019, the City received a complaint regarding two unauthorised light poles and overheight boundary fence on the site. The City's Compliance Officer investigated the complaint and advised the landowner that a retrospective development approval would be required for the unauthorised development. In May 2019, an application for retrospective development approval was received by the City.

It is noted that the unauthorised development has been designed to service an existing private basketball court at the eastern portion of the site, which was constructed as part of the Single House development.

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

The existing development on the site currently features a two storey single house with an undercroft, as depicted in the site photographs at **Attachment (a)**.

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

The site has a frontage to River Way to the west, surrounded by residential properties to the north, east and south, as seen in **Figure 2** below:



Figure 2: Aerial image

**(d) Description of the Proposal**

The retrospective proposal involves the installation of two light poles (8.0 metres in height) and an overheight boundary fence (3.0 metres in height) along a portion of the northern lot boundary on the site in order to service an existing half-sized family basketball court. The two light poles are located near the western and eastern sidelines of the court. The development plans can be found at **Attachment (b)**. The site photographs show the relationship of the Site with the surrounding built environment at **Attachment (a)**.

The following components of the development require discretionary consideration under the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6) the Residential Design Codes (Volume 1) (R-Codes) and/or Council Policy requirements:

- (i) External fixtures, utilities and facilities; and
- (ii) Fencing height;

The proposal is considered to meet the relevant Design Principles or discretionary criteria of the Scheme, R-Codes and relevant Council policies. The various discretionary assessments are discussed in further details below.

The potential light spill impact on the surrounding land is also discussed in further detail below, in addition to the 'Environmental Health' referral section of this report.

**(e) External Fixtures, Utilities and Facilities**

Element	Deemed-to-comply	Provided
External fixtures, utilities and facilities	C4.3 other external fixtures provided they are: <ul style="list-style-type: none"> <li>i. Not visible from the primary street</li> <li>ii. Are designed to integrate with the building; or</li> <li>iii. Are located so as not to be visually obtrusive</li> </ul>	The light poles are visible from Salter Point Parade and the surrounding properties.
<p><i>Design principles:</i>            Clause 5.4.4 P4.1 Soar collectors, aerials, antennas, satellite dishes, pipes and external fixtures integrated into the design of the building to not be visually obtrusive when viewed from the street and to protect the visual amenity of surrounding properties.</p>		



The two light poles included in this application are not visible from River Way but are visible from Salter Point Parade. The setbacks between these structures and Salter Point Parade are 60m and 73m respectively. Photos taken from Salter Point Road are included in **Attachment (c)**. It is considered that the light poles are set back sufficiently from the public roads and would not be visually obtrusive as viewed from the street.

Access was granted by a number of surrounding properties affected by the proposal in order for an assessment of the visual impact from these properties. Photos from the site inspections are provided at **Attachment (c)**.

An assessment on visual amenity from these properties is provided below:

- 16A Salter Point Parade – while the light poles are located in close proximity to the property, they are located to the south side of the property. The main line of sight to Canning River from this property is orientated to the eastern aspect, which is not affected by this proposal.
- 96 River Way – visual assessments were undertaken from the outdoor living area and living room. The light poles are located to the north of this property. The light poles are visible from the outdoor living area but they do not cause a significant obstruction on the view to Canning River. While the view from the living room area is largely obstructed by an existing umbrella in the outdoor living area, it is a temporary structure that can be easily removed or relocated. It is not considered that the view from the living room area would be significantly affected by the proposal. In addition, the landowners of this property are still able to enjoy a wide angle of view to Canning River to the east.
- 100 River Way – visual assessments were undertaken from the outdoor living area and living room area. While the light poles will be clearly visible from these areas, they do not cause a significant distraction to the existing view and associated visual amenity due to their slim presence.

Council Policy P320 – Assessment of Significant Obstruction of Views in Precinct 13 – Salter Point aims to provide clarity and guidance on the application of clause 6.1A(9) of TPS6. While the proposed light poles are considered to be incidental structures to the existing Single House and are not considered to be buildings, P320 can be used as a guide to visual assessment of obstruction of views. When assessing the impact of obstruction of views resulting from projection above the Building Height Limit, Clause 2.2 of P320 gives the greatest weight to any line-of-sight established from a property directly behind a site in reference to its position to Canning River. Significantly lesser weight should be given to a line-of-sight established from a property to the side of a site. It is noted that the above three properties are all located to the side of the subject site.

Based on the above visual assessments, it is considered that the light poles, while visible in the surrounding landscape, will not cause a significant distraction to the existing river view and visual amenity and are considered to satisfy relevant design principles.

(f) **Fencing Height**

Element	Deemed-to-comply	Provided
Northern boundary fencing height	1.8m in height	From existing NGL-a maximum of 3m
<p>Design Principles Policy P350.07, Clause 2.0</p> <p>(a) Whether the height, materials and visual permeability of the proposed fence is consistent with the established pattern of fences within the surrounding streetscape or will not materially impact on the character of amenity of the surrounding streetscape. This includes matters such as excessive shadow and restriction on sun penetration, restriction on views of significance and adverse bulk and scale.</p> <p>(b) Additional fence height where necessary by virtue of the sloping topography of the site, including any level difference between a site and the adjacent street verge.</p> <p>(c) Where privacy screening is needed in the street setback (primary, secondary or communal street) area because there is no alternate outdoor living area or where privacy screening is needed for a north facing outdoor living area.</p> <p>(d) The fence relates to a Mixed Development and the height or solidity of the fence is considered to compliment the form of the Mixed Development.</p>		

The fencing height included on the northern elevation is considered to be supportable against clause 2 of the City's P350.07 (Street Walls and Fences) for the following reasons:

- While 3m high fencing on the existing retaining wall may appear excessive, it is considered necessary to prevent the inconvenience of a ball entering the adjoining properties and mitigating the potential of property damage (i.e. Vehicles or dwellings).
- The shadow cast on the winter solstice day would not affect any property to the south.
- The additional fencing height is largely in response to the topography differential across the site.
- It is evident from the site photos provided in Attachment (a) that the height of boundary fence is in keeping with the existing tennis court fencing to the south.
- The additional fencing height is consistent with the existing sports fencing erected around private tennis court or basketball court in the wider Salter Point precinct.



**(g) Light Spillage**

Concerns were raised by affected surrounding landowners in relation to light spillage during the neighbour consultation period. In response, the applicant has provided the following comment:

*“Email advice from specialist lighting consultant (Stiles Electrical) notes the height of the light poles was reviewed as part of the original design challenge of complying with competing Australian Standards - i.e. level of lighting for the basketball courts (AS2560) vs spill / obtrusive light for the neighbours (AS4282).*

*Stiles’ approach, as agreed with the landowner, was to design the lights to be dimmed to 10% to achieve the 8 lux maximum at the boundary as required by AS4282.*

*With respect to the height of the poles, the lighting design would generally specify the shortest (i.e. cheapest) pole height. The current poles height means the lights are at zero degrees tilt. A shorter pole would likely require these lights tilted upwards to allow coverage across the whole court. Importantly, this means it creates glare for the player but also spill light over the boundary, which is in conflict with the requirements of AS4282. While a taller pole appears more prominent during the day, it will certainly reduce the impact in terms of lighting.”*

The City’s Environmental Health department has reviewed the above response and are satisfied with it. The applicant has further agreed to adhere to their obligations under the Environmental Protection (Noise) Regulations 1997 and limit basketball activities to no more than two (2) hours each day and between the hours of 7am to 7pm Monday to Saturday and 9am to 7pm Sundays and Public Holidays. It is expected that the limit on the hours of basketball activities would lead to a reduction of the need to use the lighting, hence provide adequate protection for the surrounding properties against light spill.

As this aspect of the proposal is controlled under the provisions of the Environmental Protection (Noise) Regulations 1997, it is not appropriate to attach a planning condition and therefore an advice note is recommended.

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

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

- (a) Maintain the City’s predominantly residential character and amenity;*
- (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 proposal is considered satisfactory in relation to all of these matters.

**(i) 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.

It is considered that the proposal satisfies the relevant sections of Clause 67.

**Consultation****(j) Neighbour Consultation**

Neighbour Consultation has been undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 1' consultation method, individual property owners, occupiers and/or strata bodies were invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertising period, a total of 19 consultation notices were sent and six submissions were received, five of which were against the proposal. The comments of the submitters, together with officer responses are summarised below.

Submitters' Comments	Officer's Responses
<b>Noise from the basketball court</b>	Noise levels from certain activities are regulated under the Environment Protection (Noise) Regulations 1997. In this instance, bouncing of a basketball is subject to hours of operation limit as detailed in the 'Environmental Health' referral section of the report below. An Advice Note relating to the use of the basketball court will be added, should Council approve this proposal.  The comment is <b>NOTED</b> .
<b>Light spillage</b>	Please refer to detailed discussion regarding light spillage at section (h) of the report.  The comment is <b>NOTED</b> .
<b>Height of the light poles</b>	Please refer to detailed discussion regarding the height of light poles at section (a) of the report.  The comment is <b>NOTED</b> .

<p><b>Existing limestone retaining wall</b> The limestone retaining wall is over the building height limit and the neighbour consultation notice does not make mention of it.</p>	<p>The existing limestone retaining wall is 4m high at its highest point and was compliant with the relevant building height limit of 6.5m. The retaining wall was approved by the City in November 2016 and does not form part of this proposal.</p> <p>The comment is <b>NOT UPHELD.</b></p>
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A full copy of the submissions can be found in **Attachment (d)**.

**(k) Internal Referrals**

Comments were invited from Environmental Health department of the City's administration. This section recommends that:

**Noise:**

In accordance with the Environmental Protection (Noise) Regulations 1997, Regulation 14 'specified equipment' such as bouncing a basketball can only be undertaken between the hours of:

- 7am to 7pm Monday to Saturday.
- 9am to 7pm Sundays and Public Holidays.

Bouncing a ball shall not occur for more than a combined total of 2 hours in any given day.

In response to the 'lighting' comment, the applicant's feedback can be found at section (g) of the report and found to be acceptable by this department. The restrictions under the Environmental Protection (Noise) Regulations 1997 were accepted by the applicant and will be added as an Advice Note should Council support this proposal.

**Policy and Legislative Implications**

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

**Financial Implications**

This determination has some financial implications, to the extent that if the applicant were to appeal a decision, or specific conditions of an approval granted, the City may need to seek representation (either internal or external) at the State Administrative Tribunal.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Build and Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	2.3 Sustainable built form
Strategy:	Promote and facilitate contemporary sustainable buildings and land use

### Sustainability Implications

This determination has no sustainability implications.

### Conclusion

It is considered that the proposal meets all of the relevant Scheme, R-Codes and/or Council Policy objectives and provisions, as it would not have a significant detrimental impact on adjoining neighbours and streetscape. The light poles and overheight fence do not contribute to significant visual amenity impact to the surrounding properties. The applicant will be advised of their obligations to adhere to the Environmental Protection (Noise) Regulations 1997. Accordingly, it is considered that the application should be conditionally approved.

### Attachments

- 10.3.3 (a): Site Photographs
- 10.3.3 (b): Development Plans
- 10.3.3 (c): Visual assessment of the light poles from surrounding properties
- 10.3.3 (d): Full copy of Submissions (*Confidential*)

### 10.3.4 Cities Power Partnership

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-86033
Meeting Date:	15 October 2019
Author(s):	Mark Taylor, Director Infrastructure Services
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.4 Resource Management & Climate Change

#### Summary

This report considers a resolution of Council from the September 2019 meeting to consider the possibility of the City of South Perth joining the Cities Power Partnership.

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That the City of South Perth join as a Power Partner in the Cities Power Partnership.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

#### Background

At its meeting held 24 September 2019, Council resolved as follows:

*That a report be submitted to the Ordinary Meeting of Council to be held 15 October 2019 to allow Council to consider joining the Cities Power Partnership.*

The Cities Power Partnership (CPP) is Australia's largest local government climate network, made up by over 100 local government authorities (LGA's) from across the country and representing almost 11 million Australians.

LGA's who join the partnership make five action pledges in either renewable energy, efficiency, transport or working in partnership to tackle climate change. LGA's are able to obtain access to CPP's comprehensive online 'Knowledge Hub' and 'Power Analytics' tool to help track emissions, energy and cost savings. LGA's are teamed up with others working on similar projects to share knowledge. LGA's can also access support from local and international experts, events with other climate and energy leaders and help to get local climate and energy projects up and running.

The CPP program focusses on supporting and celebrating the emissions reduction successes of LGA's across Australia. The program connects LGA's with shared emissions reduction project interests across the pledge areas of renewable energy, energy efficiency, sustainable transport and community advocacy.

### Comment

Officers consider joining the CCP to be entirely beneficial and therefore recommend the City join the program. There is no cost to join and the requirements are not onerous. The benefits of being in the CPP will assist the City meet its Strategic Community Plan objectives.

If the City determined to join as a Power Partner in the CPP, the following steps would need to be completed:

- Within six months, identify five items included in the CPP Pledge that the City will strive to achieve (noting that some projects already in the City's pipeline could be included towards Council's pledge);
- Complete a six monthly online survey that provides the Climate Council with basic information on how the City is progressing on the five pledge items the City has selected;
- Nominate a point of contact within the City that the Climate Council can liaise with on CPP matters, including contact details; and
- Confirm that the City is willing to be buddied with other LGA's to share knowledge.

### Consultation

Not applicable for this report

### Policy and Legislative Implications

Nil

### Financial Implications

There is no cost to the City associated with joining the CPP program.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment
Aspiration:	Sustainable Urban Neighbourhoods
Outcome:	Resource Management and Climate Change
Strategy:	Promote and implement sustainable water, waste, land and energy management practices

### Attachments

Nil

## 10.4 STRATEGIC DIRECTION 4: LEADERSHIP

### 10.4.1 Listing of Payments - September 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-86047
Meeting Date:	15 October 2019
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report presents to Council a list of accounts paid under delegated authority between 1 September 2019 and 30 September 2019 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(443)	\$6,425,292.29
Cheque Payment to Creditors	(6)	\$68,867.75
<b>Total Monthly Payments to Creditors</b>	<b>(449)</b>	<b>\$6,494,160.04</b>
EFT Payments to Non-Creditors	(58)	\$419,187.78
Cheque Payments to Non-Creditors	(9)	\$9,453.66
<b>Total EFT &amp; Cheque Payments</b>	<b>(516)</b>	<b>\$6,922,801.48</b>
Credit Card Payments (September 2019)	(5)	\$9,491.69
<b>Total September Payments</b>	<b>(521)</b>	<b>\$6,932,293.17</b>

#### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That the Council receives the Listing of Payments for the month of September 2019 as detailed in **Attachment (a)**.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

#### Background

Regulation 11 of the Local Government (Financial Management) Regulations 1996 requires the development of procedures to ensure the approval and authorisation of accounts for payment. These controls are documented in Policy P605 - Purchasing and Invoice Approval and Delegation DM605 sets the authorised purchasing approval limits.

After an invoice has been matched to a correct Goods Receipt Note in the financial system, payment to the relevant party must be made and the transaction recorded in the City's financial records. Payments in the attached listing are supported by vouchers and invoices.

### 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 for September 2019 is included at **Attachment (a)**.

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.

In accordance with the Council resolution on 26 March 2019, the attached report includes a "Description" for each payment. Officers provide a public disclaimer in that the information contained within the "Description" is unlikely to accurately describe the full nature each payment. In addition, officers have used best endeavours to redact (in black) information of a private or confidential nature.

The report records payments classified as:

- **Creditor Payments**

These include payments by both cheque and EFT to regular suppliers with whom the City transacts business. The reference number represent a batch number of each payment.

- **Non Creditor Payments**

These one-off payments that include both cheque and EFT are made to individuals / suppliers who are not listed as regular suppliers. The reference number represent a batch number of each payment.

- **Credit Card Payments**

Credit card payments are now processed in the Technology One Finance System as a creditor payment and treated as an EFT payment when the bank account is direct debited at the beginning of the following month.

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 directly debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

### Consultation

Nil.

### Policy and Legislative Implications

Regulation 11 of the Local Government (Financial Management) Regulations 1996.  
Policy P605 - Purchasing and Invoice Approval and Delegation DM605.

### Financial Implications

The payment of authorised amounts is within existing budget provisions.



10.4.1 Listing of Payments - September 2019

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

**Attachments**

10.4.1 (a): Listing of Payments - September 2019

## 10.4.2 Monthly Financial Statements - September 2019

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-85374
Meeting Date:	15 October 2019
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

The monthly Financial Statements are provided within the Attachments ((a)-(i)), with high level analysis contained in the comments of this report. The commencement of new accounting software (1System Project) on 1 July 2019, required all reports to be recreated report refinement is an ongoing task. The reports are still considered interim until the Annual Financial Statements are completed and Audited. Whilst the majority of balances are unlikely to change, there may be changes to the Statement of Financial Position (balance sheet). These reports were not presented to the October Agenda Briefing due to this meeting occurring too close to the end of the month.

### Officer Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That Council notes the interim Financial Statements and report for the month ended 30 September 2019.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

### Background

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996, requires each local government to present a Statement of Financial Activity reporting on income and expenditure as set out in the annual budget. In addition, regulation 34(5) requires a local government to adopt a percentage or value to report on material variances between budgeted and actual results. The 2019/20 budget adopted by Council on 25 June 2019, determined the variance analysis for significant amounts of \$10,000 or 10% for the financial year. Each Financial Management Report contains the Original Budget and Revised Budget, allowing a quick comparison between the adopted budget and any budget adjustments approved by Council.

It should be noted that the attached statements are interim until the Annual Financial Statements are finalised and audited. The final Annual Financial Statements form part of the Annual Report. These financial statements are audited by the WA Auditor General and presented at the Annual Meeting of Electors held each year.

Due to the biennial Council elections in October, the October Agenda Briefing occurs earlier than usual, very close to the end of the month. Due to the time required to complete month end processes for the September financial reports, it was not possible to include these reports within the Agenda Briefing, however are now presented for consideration at the Council Meeting.

### Comment

The Statement of Financial Activity, a similar report to the Rate Setting Statement, is required to be produced monthly in accordance the Local Government (Financial Management) Regulations 1996. This financial report is unique to local government drawing information from other reports to include Operating Revenue and Expenditure, Capital Income and Expenditure as well as transfers to reserves and loan funding.

Commencement with the new accounting software (1System Project) on 1 July 2019 has created some challenges as the budget was based on the Chart of Accounts within Authority, the old financial system. These budgets were loaded and reported within the Chart of Accounts in the Technology One CiAnywhere Finance System (1System Project). This results in some of the Budgets vs Actuals appearing in the reports slightly differently. This does not affect the overall budget for each business unit, rather the detailed lines within. These budget adjustments, with nil effect on the closing position, will be presented for Council approval at a future meeting.

Actual income from operating activities for September year-to-date (YTD) is \$48.64m in comparison to budget of \$48.17m. Actual expenditure from operating activities for September is \$14.82m in comparison to budget of \$16.45m. Variations in the month of September are common with a lower activity following the budget adoption and in general can be ascribed to timing.

Actual Capital Revenue YTD is \$0.217m in comparison to the budget of \$0.793m. Actual Capital Expenditure YTD is \$2.357m in comparison to the budget of \$4.420m. As described during the budget deliberations, the estimation of capital projects that may carry-forward from one year to the next is challenging as it is dependent on estimating the completion of work by 30 June by a contractor. As in previous years, there are a number of capital projects that will require a budget adjustment as they were not re-budgeted for in 2019/20.

Cash and Investments balance is \$68.649m. Traditionally, September cash is a higher balance following the collection of rates revenue for the 2019/2020 year. Consistent with previous monthly reports, this information is contained within the Statement of Financial Position. In addition, further detail is included in a non-statutory report (All Council Funds).

The City 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 38.42% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, illustrates the percentage invested in each of the non-fossil fuel institutions and the short term credit rating provided by Standard & Poors (S&P) for each of the institutions.

### Consultation

No external consultation is undertaken.

### Policy and Legislative Implications

This report is in accordance with the requirements of the Section 6.4 of the *Local Government Act 1995* and regulation 34 and 35 of the Local Government (Financial Management) Regulations 1996.

### Financial Implications

The preparation of the monthly financial reports occurs from the resources provided in the annual budget.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

### Attachments

10.4.2 (a):	Statement of Financial Position
10.4.2 (b):	Statement of Change in Equity
10.4.2 (c):	Statement of Financial Activity
10.4.2 (d):	Operating Revenue & Expenditure
10.4.2 (e):	Significant Variance Analysis
10.4.2 (f):	Capital Revenue & Expenditure
10.4.2 (g):	Statement of Council Funds
10.4.2 (h):	Summary of Cash Investments
10.4.2 (i):	Statement of Major Debtor Categories

## 10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

### 10.7.1 City of South Perth Public Places and Local Government Property Local Law Review

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-86050
Meeting Date:	15 October 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

In accordance with the *Local Government Act 1995*, local governments are required to review their local laws within a period of eight years. The City of South Perth Public Places and Local Government Property Local Law 2011 was last reviewed in 2012 and now requires a review.

#### Committee Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That the Audit, Risk and Governance Committee recommends that Council gives statewide and local public notice stating that it proposes to amend the City of South Perth Public Places and Local Government Property Local Law 2011.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

#### Background

The City of South Perth Public Places and Local Government Property Local Law (Local Law) was Gazetted on 18 October 2011. The Local Law deals with the use of property under the City's care, control and management such as reserves, libraries, halls etc.

Not long after Gazetted, the Delegated Legislation Committee wrote to the City advising that clause 4.7 of the Local Law needed to be deleted as it was invalid on the grounds of unreasonableness. A small typographical error was also identified that needed amending.

In December 2011, the City gave the Delegated Legislation Committee a written undertaking to make the amendments as advised. In March 2012 the City resolved to make the changes and an amendment local law was gazetted on 26 March 2012. The renumbering of affected clauses was not considered during this amendment.

In 2016, an amendment was proposed to the Local Law to regulate the operation of drones from City property. However, Council resolved in November 2016 not to progress with the amendment as drones are generally governed by Federal Government legislation and the Civil Aviation Safety Authority.

Apart from the proposed amendment, no reviews of the Local Law have been undertaken. In accordance with section 3.16 of the *Local Government Act 1995* (the Act), local governments are required, within a period of eight years, to review their local laws to determine whether or not it considers the local law should be repealed or amended.

### Comment

In accordance with the Act, a review was recently completed that identified amendments to the local law were necessary. Some definitions contained within the local law require amendment due to the introduction of the *Public Health Act 2016*. Therefore, amendments are necessary to remove reference to the *Health Act 1911* and to replace them with the relevant sections of the Public Health Act.

The proposed changes include:

- Updating the definitions of 'district' and 'eating house' with the correct reference to the Public Health Act;
- Removing the definition 'Health Act';
- Inserting a definition of 'Public Health Act';
- Inserting the definition of 'local government property' in the correct alphabetical order within the definitions; and
- Renumbering clauses from 4.8 to 4.12 as 4.7 to 4.11 in the body of the Local Law and the contents page.

The proposed changes bring the Local Law into compliance with the *Local Government Act 1995*, and the *Public Health Act 2016*.

The purpose and effect of the proposed local law are as follows:

**Purpose:** to make amendments to the City of South Perth Public Places and Local Government Property Local Law 2011 which regulates the care, control and management of property of and under the care, control and management of the City.

**Effect:** Some City of South Perth property is set aside for particular uses, some activities are allowed only under a permit or under a determination, and others are restricted or prohibited. The local law also establishes offences for inappropriate behaviour in or on City property.

### Consultation

To commence the local law making process, it is necessary for the City to give Statewide and local public notice of its intent to amend the City of South Perth Public Places and Local Government Property Local Law 2011 and invite submissions for a period of no less than six weeks after the notice is given.

### Policy and Legislative Implications

Section 3.12 of the *Local Government Act 1995* prescribes the process for the making of an amendment local law.

**Financial Implications**

The cost associated with amending the local law is already contained within the approved Governance budget.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

- 10.7.1 (a):** Public Places and Local Government Property Local Law 2011 with amendments
- 10.7.1 (b):** Amendment Local Law 2019



## 10.7.2 Policy Review

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-86053
Meeting Date:	15 October 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

### Summary

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 number of Council policies have been reviewed and are now presented for the consideration of the Committee and referral to Council for adoption.

### Committee Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

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

1. Notes that policy P677 State Administrative Tribunal has been reviewed with 'no changes' being proposed.
2. Adopts amended policy P605 Purchasing Policy as contained in **Attachment (a)**.
3. Defers consideration of the revised and renamed policy P669 Elected Member Continuing Professional Development as shown in **Attachment (b)** to a future Audit, Risk and Governance Committee meeting.
4. Adopts Policy P611 Pre-Qualified Supplier Panels as shown in **Attachment (c)**.
5. Revokes existing Policy P667 Member Entitlements and replaces it with the new Policy P667 Elected Member Entitlements as shown in **Attachment (d)**.
6. Revokes the following policies:
  - P670 Delegates from Council
  - P671 Governance
  - P606 Continuous Financial Disclosure

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

**Officer Recommendation**

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

1. Notes that policy P677 State Administrative Tribunal has been reviewed with 'no changes' being proposed.
2. Adopts amended policy P605 Purchasing Policy as contained in **Attachment (a)**.
3. Adopts the revised and renamed policy P669 Elected Member Continuing Professional Development as shown in **Attachment (b)**.
4. Adopts Policy P611 Pre-Qualified Supplier Panels as shown in **Attachment (c)**.
5. Revokes existing Policy P667 Member Entitlements and replaces it with the new Policy P667 Elected Member Entitlements as shown in **Attachment (d)**.
6. Revokes the following policies:
  - P670 Delegates from Council
  - P671 Governance
  - P606 Continuous Financial Disclosure

**Background**

In line with contemporary organisational models, the policy framework aligns policies and delegations to the City's Strategic Directions.

During the review process, policies are considered by the custodian department having the relevant technical expertise in relation to the policy content and subsequently by the Executive Management Team (EMT) representing each of the City's Directorates.

The policy review centres on the continuing relevance of the policy and the need to update it in light of any change in the legislative or operating environment. The policy review may identify a need to revise the policy or it may determine that no change is needed. The nature of the change, whether minor or major, is noted in the Comment section below. Minor changes usually consist of minor typographical or grammatical corrections or revisions due to minor legislative amendments. Major change will consist of significant revision to the content of the policy due to changes in the operational environment or because of more substantial legislative change.

**Comment****Administrative changes**

Policy P677 State Administrative Tribunal is considered to need minor administrative changes only and no changes to content.

### Major Changes

#### P605 Purchasing Policy

The Purchasing Policy has been amended by removing the section “Local Government Panels of Suppliers (Not WALGA Preferred)” as this is addressed in the proposed new policy P611 Pre-Qualified Supplier Panels. Minor amendments have also been made to Policy P605 by including further references to relevant legislation and policies.

#### P669 Elected Member Continuing Professional Development

In June 2017, the McGowan Government announced a review of the *Local Government Act 1995* (Act). Extensive consultation on the Act has occurred through each phase of the review through workshops, submissions and consultations. As a result of the consultation undertaken as part of phase one of the review, the Local Government Legislation Amendment Bill 2019 (Amendment Bill) passed both Houses of Parliament and obtained Royal Assent on 5 July 2019. The Royal Assent causes some sections to be operational, with the remainder awaiting Proclamation. The legislative changes include the requirement for a ‘Continuing Professional Development’ policy which is still awaiting Proclamation.

Policy P669 Elected Member Development was adopted by Council in December 2013. This policy, although covering many of the requirements of the Amendment Bill, has been reviewed and updated to align with the new proposed Division 10 of the Act. The proposed amendments include renaming the policy from ‘Elected Member Development’ to ‘Elected Member Continuing Professional Development’, and including the requirement for an Elected Member training report to be published on the City’s website. In addition, other minor grammatical changes have been made.

Included in this current policy is the ability for Elected Members to undertake the Australian Institute of Company Directors (AICD) course at the City’s expense. A review of other local governments in the metropolitan area revealed that a majority of Councils enable Elected Members to undertake the AICD course, however the cost is either met from their Councillors allocated training budget or with the local government covering 50% of the cost with the Elected Member funding the shortfall.

The Australian Institute of Company Directors course is approximately \$11,000 making the considerable cost unmanageable should a number of Elected Members wish to undertake the course at the same time. It is suggested that as there would be insufficient funds in Councillors allocated training budget to undertake the course, that the policy be amended to reflect that the City will pay for 50% of the costs.

It is considered that this approach will be judged by the community to be more prudent and cost effective for the City whilst still enabling training opportunities for all Elected Members. In addition to this training, the Department of Local Government, Sport and Cultural Industries (Department) has identified a universal training policy position whereby Councillors will be afforded three significant training components. These are universal candidate inductions, universal Elected Member training and continuing professional development to build Elected Member capacity and strengthen local governance. The aim of the Department is to build Elected Member capability and restore public confidence in local government by providing Elected Members with the skills and knowledge they need to do their job well.

### **New Policies**

#### **P611 Pre-Qualified Supplier Panels**

This policy has been developed as the detail in Policy P605 relating to the use of pre-qualified supplier panels was lacking the elements required under Part 4, Division 3 of the Local Government (Functions and General) Regulations 1996. To satisfy the Regulations, the new policy provides clarity and further details on the use of panels for procurement.

#### **P667 Elected Member Entitlements**

The policy for Elected Member Entitlements has been revised to ensure compliance and reference to legislation. The format of this policy has been reworked, therefore it is suggested that policy P667 be replaced with the revised version. There is no changes to the content other than reference to Elected Members equipment, where Elected Members are entitled to retain the laptop at the end of every 4 years.

### **Policies to be revoked**

#### **P670 Delegates from Council**

The objective of Policy P670 is to provide guidelines to assist Council in determining which organisations should receive a Council delegate. However, there are no guidelines provided in the policy. Instead, the policy recognises that Council delegates can be appointed to a number of organisations.

The City receives a number of requests for Council delegates to be appointed to external organisations such as the Rivers Regional Council, Joint Development Assessment Panel and WALGA South East Metropolitan Zone. When these requests are received, a report is presented to Council requesting a Council delegate be appointed. These Council reports contain all the information required for Council to make an informed decision on appointing the appropriate delegate. As Policy P670 – Delegates from Council provides no information to assist Council, and as specific Council reports on delegates are comprehensive, it is recommended this policy be revoked.

### P671 Governance

This policy statement for P671 Governance provides that staff commit themselves to performing their responsibilities professionally and recognises the reporting relationships with staff, the CEO and the Council. The policy makes it clear that in addition to legislative requirements, staff will comply with the Code of Conduct, Standing Orders Local Law, policies, management practices and delegations.

The responsibilities of the staff and Council, and the associated reporting relationships are contained with the *Local Government Act 1995*. Compliance with the Standing Orders Local Law and delegations is a legislative responsibility and the policy cannot give any flexibility in this regard. Compliance with the Code of Conduct, policies and management practices is an administrative function governed by industrial relations instruments such as the City of South Perth Workforce Enterprise Agreement and the Local Government Industry Award.

The contents of Policy P671 Governance is already governed by existing legislation. As the policy does not provide any additional information to assist Council or officers in decision making, it is recommended this policy be revoked.

### P606 Continuous Financial Disclosure

Similar to the above, this policy provides a policy statement only that elected members or designated employees will disclose a change in circumstances in relation to a financial interest. The *Local Government Act 1995* (the Act) places specific obligations on elected members of council, local government employees and other persons involved in making decisions or giving advice on Council matters to act honestly and responsibly in carrying out their functions. Those obligations include the lodgement of disclosure of interest returns, the lodgement of written declarations and the verbal disclosure of financial interests at council and council committee meetings.

Under the Act and the Local Government (Administration) Regulations 1996, there are specific reporting and recording obligations with financial disclosures with breaches reportable to the Corruption and Crime Commission.

In addition, there are mandatory reporting obligations with a Primary and Annual return under the Act. Annual returns are submitted by 31 August each year and the Compliance Audit Return submitted every March to the Department of Local Government, Sport and Cultural Industries provides information on breaches of disclosure.

As the disclosure of financial interests are regulated by the Act and associated regulations and overseen by an external Audit and the Corruption and Crime Commission, Policy P606 offers no value to staff or Council. Therefore, it is recommended that this policy be revoked.

### **Consultation**

Consultation has occurred with officers of each of the relevant City Directorates.

**Policy and Legislative Implications**

The reviewed and new policies are consistent with the *Local Government Act 1995* and other City documents.

**Financial Implications**

Nil.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

10.7.2 (a): P605 Purchasing  
10.7.2 (b): P669 Elected Member Continuing Professional Development  
10.7.2 (c): P611 Pre-Qualified Supplier Panels  
10.7.2 (d): P667 Elected Member Entitlements

### 10.7.3 Appointment of Authorised Persons - Building Regulation Infringement Notices

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-86054
Meeting Date:	15 October 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report is for authorised persons to be appointed to issue infringement notices under the Building Regulations 2012.

#### Committee Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

That the Audit, Risk and Governance Committee recommends to Council that the following classes of persons be appointed for the purpose of section 70(2) of the Building Regulations 2012:

- Statutory Planning Coordinator
- Compliance Officer

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

#### Background

Recent amendments to the Building Regulations 2012 (Gazetted on 26 April 2019) created new offences for which Local Government Permit Authorities may issue infringement notices.

Building regulation 70 was also amended, correcting its reference to and alignment with sections 9.19 and 9.20 of the *Local Government Act 1995* (which were amended in 2016 and created the misalignment with the previous Building Regulation 70).

WALGA have recently written to all local governments recommending Council authorisations and delegations be updated to reflect the changes in the Building Regulations 2012.



**Comment**

Building regulation 70(2) now provides for a local government to be able to authorise persons under section 9.10(1) of the *Local Government Act 1995*, for the purposes of issuing Building Act Infringement Notices, in accordance with section 6(b) of the *Criminal Procedure Act 2004* and Building regulation 70(2).

A person appointed as an 'Authorised Officer' to issue infringement notices cannot also be delegated authority to withdraw or extend the time to pay for an infringement.

The recommended authorisation to the Statutory Planning Coordinator and the Compliance Officer is in accordance with the legislation.

**Consultation**

WALGA have issued a governance update to all local governments on the authorisation for Building Regulation Infringement Notices.

**Policy and Legislative Implications**

Section 9.10 of the *Local Government Act 1995*;  
Section 6(b) of the *Criminal Procedure Act 2004*;  
Regulation 70(2) of the Building Regulations 2012.

**Financial Implications**

Nil.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

**Attachments**

Nil

#### 10.7.4 Delegation - Building Regulations 2012

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-86055
Meeting Date:	15 October 2019
Author(s):	Bernadine Tucker, Manager Governance
Reporting Officer(s):	Geoff Glass, Chief Executive Officer
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report is for a delegation to approved persons for the purpose of extending the time to pay or withdrawing infringement notices under the Building Regulations 2012.

#### Committee Recommendation AND COUNCIL DECISION

**Moved:** Mayor Sue Doherty  
**Seconded:** Councillor Travis Burrows

That the Audit, Risk and Governance Committee recommends to Council that the following classes of persons be delegated authority to extend the time to pay or withdraw infringement notices in accordance with section 70(1) of the Building Regulations 2012:

- Director Development and Community Services
- Manager Development Services

**CARRIED BY ABSOLUTE MAJORITY (9/0)**

#### Background

Recent amendments to the Building Regulations 2012 (Gazetted on 26 April 2019) created new offences for which Local Government Permit Authorities may extend the time to pay or withdraw infringement notices.

Building Regulation 70 was also amended, correcting its reference to and alignment with sections 9.19 and 9.20 of the *Local Government Act 1995* (which were amended in 2016 and created the misalignment with the previous Building Regulation 70).

WALGA have recently written to all local governments recommending Council authorisations and delegations be updated to reflect the changes in the Building Regulations 2012.

**Comment**

Building Regulations now provides for a local government to be able to delegate to persons under section 9.19 and 9.20 of the *Local Government Act 1995*, authority to extend the time to pay or withdraw infringement notices, in accordance with regulation 70(1) of the Building Regulations 2012.

The Building Regulations 2012 make it clear that only an approved officer with delegated authority can undertake these tasks.

The recommended Delegation to the Director Development & Community Services and the Manager Development Services is in accordance with the legislation.

**Consultation**

WALGA have issued a governance update to all local governments on the Delegations required for Building Regulations.

**Policy and Legislative Implications**

Section 9.19 and 9.20 of the *Local Government Act 1995*  
Regulation 70(1) of the Building Regulations 2012

**Financial Implications**

Nil.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

**Attachments**

Nil

### 10.7.5 2018/2019 Annual Financial Statements (External) Audit - Interim Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-86057
Meeting Date:	15 October 2019
Author(s):	Abrie Lacock, Manager Finance
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report tables the Interim Audit report from the Office of the Auditor General relating to the 2018/19 Annual Financial Statements. The audit includes findings, risk ratings, recommendations and management comments. It is recommended that each issue be accepted, added to the City's Audit Register, with commentary on progress of resolution of issues to be reported at each Committee Meeting. Mr Patrick Arulsingham, Senior Director Financial Audit, Office of the Auditor General was in attendance to discuss the content of the Interim Audit.

#### Committee Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

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

1. Notes and accepts the Interim Audit Management letter in **Confidential Attachment (a)**; and
2. Includes the findings in the Audit Register.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

#### Background

The External Audit, also known as Financial Audits or Audit of the Annual Financial Statements are conducted separately from Internal Audit. Internal Audit focuses on improving systems and processes, from a risk based approach. External Audit focuses on providing an objective independent examination of the financial statements prepared by the City, increasing the value and user confidence in the financial statements.

The *Local Government Amendment (Auditing) Act 2017* made legislative changes to the *Local Government Act 1995* to provide for the auditing of local governments by the Auditor General. The Act allows the Auditor General to contract out some or all of the financial audits, but all audits will be the responsibility of the Auditor General.

The changes also allow for the Auditor General to undertake performance audits that focus on the economy, efficiency and effectiveness of any aspect of local government operations. These performance audits are akin to the Internal Audit function undertaken by the City's Internal Auditor (Paxon). Therefore the WA Auditor General may undertake both External and Internal Audits.

Following on from last year, the Office of the Auditor General (OAG) will undertake the City of South Perth 2018/19 Annual Financial Statements (External Audit). The External Audits occur in two steps, the first being an Interim Audit, with the final stage being the Audit work to attest the balances and notes that comprise the Annual Financial Statements.

All Audit recommendations, as well as the progress relating to the implementation of the opportunities for improvement will be incorporated within the City's Business Planning Process, as part of the Integrated Planning Framework, to ensure continuous improvement. Progress will be monitored by Management, this Committee and Council.

### Comment

In May/June 2019 the Interim Audit was conducted, with the Interim Audit Report **Confidential Attachment (a)** being produced. The Interim Audit Report is confidential and includes findings, risk ratings, recommendations and management comments.

As represented in the table below, the report includes five findings, with the detail included in **Confidential Attachment (a)**. This report is presented for the Committee's consideration.

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Invoice approvals	✓		
2. Journals review		✓	
3. Debt management procedures			✓
4. Collier Park Village rental fee			✓
<b>Issues from Prior Year Audits</b>			
5. Corporate credit cards			✓

Whilst there has been excellent progress to improve systems and processes through the implementing both Internal (Paxon) and External Audit findings (OAG), the OAG has identified the above issues, with the majority having already been attended to and completed.

Officers recommend all findings be included in the Audit Register. All items included in the Audit Register will be reported at each subsequent Committee Meeting, including information relating to the progress of implementing the Agreed Management Actions, a Percentage Complete Indicator and Officer Comments. As these issues are implemented (100% or completed), a recommendation will be included to close the item. Closed items will no longer be reported in the Audit Register to the Committee, but will be accessible by the Internal and External Auditors to review compliance.

**Consultation**

Nil.

**Policy and Legislative Implications**

*Local Government Act 1995* and Regulations.

**Financial Implications**

The Office of the Auditor General has estimated the fee for finalising the External Audit for the 2018/19 Annual Financial Statements is \$56,000 (exc GST).

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Leadership
Aspiration:	A visionary and influential local government
Outcome:	Good governance
Strategy:	Empower effective and quality decision-making and governance

**Attachments**

**10.7.5 (a):** Interim Audit - Office of the Auditor General (*Confidential*)

### 10.7.6 Audit Register - Progress Report

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-86058
Meeting Date:	15 October 2019
Author(s):	Colin Cameron, Director Corporate Services
Reporting Officer(s):	Colin Cameron, Director Corporate Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

#### Summary

This report provides an update on the progress of actions included in the Audit Register. The Audit Register includes all (open) audit findings that have previously been accepted by the Committee. It is recommended the Audit, Risk and Governance Committee review and accept the Audit Register Progress Report.

#### Committee Recommendation AND COUNCIL DECISION

**Moved:** Councillor Cheryle Irons  
**Seconded:** Councillor Travis Burrows

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

1. Notes the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**;
2. Approves all items marked as Completed (100%) in the Audit Register, to be registered as closed and no longer reported to the Committee; and
3. Notes the Audit Register was generated using the Technology 1 system audit module.

**CARRIED BY EXCEPTION RESOLUTION (9/0)**

#### Background

The attached confidential Audit Register lists Internal and External audit findings and describes the progress of implementing improvements, as well as a percentage of completion. This report has been prepared for consideration/noting the progress of completion since the last meeting.

#### Comment

A summary of the Audit Register is included below and it illustrates the trend of audit actions that have been added, progressed and completed. The row, highlighted in blue, illustrates the actions that have been added as a result of an audit being completed and presented to the Committee. The Total (0% to 100%) represents the action items that have progressed since the last meeting occurred.



It is requested to note the progress and Officer comments. In addition, it is recommended all Completed (100%) items in the Audit Register be registered as closed. All closed items will not form part of the Audit Register report for future meetings. The closed items are available for the Internal and External Auditors and Committee/Council to review.

Status of actions	ARGC - Meeting Date						Total
	06/06/18	11/09/18	12/11/18	11/03/19	17/06/19	09/09/19	
New actions added by ARGC	10	24	0	24	0	0	58
Not yet commenced = Less than 10%	10	0	0	4	1	0	
Progressed = 10% to 95%	0	32	13	18	11	12	
Completed = 100%	0	2	19	15	10	0	
Total (0% to 100%)	10	34	32	37	22	12	
Closed by ARGC	0	2	19	15	10	0	46
Total Cumulative Closed by ARGC	0	2	21	36	46	46	
Open Actions	10	32	13	22	12	12	

In terms of the progress of implementing actions for this quarter, this time of the year is particularly busy, with the end and start of a new financial year. In addition, the 1System implementation added an additional focus of staff time on completing existing business processes, rather than implementing the improvements contained within Audit actions.

It is requested to note that the Audit Register in **Confidential Attachment (a)** has been generated using the Technology 1 system, where previously an excel spreadsheet was used to capture and report on progress.

### Consultation

No external consultation has occurred.

### Policy and Legislative Implications

The Internal Audit function is considered a business improvement process that will assist in compliance with Regulation 5 of the Local Government (Financial Management) Regulation 1996 (CEO's duties as to financial management) and Regulation 7 of the Local Government (Audit) Regulations 1996 (CEO to review certain systems and procedures).

### Financial Implications

The Internal Audit function has a budget of \$35,000 for the 2018/19 financial year and it is anticipated that a budget of a similar amount is to be adopted each year. Staff effort to undertake the improvements and report on progress has not been estimated.

The External Audit function has a budget of \$50,000 for the 2018/19 financial year and it is anticipated that a budget of a similar amount is to be adopted each year. Staff effort to undertake the improvements and report on progress has not been estimated.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Leadership  
Aspiration: A visionary and influential local government  
Outcome: Good governance  
Strategy: Empower effective and quality decision-making and governance

**Attachments**

10.7.6 (a): Audit Register (*Confidential*)

## 11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Glenn Cridland for the period 28 October 2019 to 1 November 2019 inclusive, and 10 November 2019 to 23 November 2019 inclusive.

### COUNCIL DECISION

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Tracie McDougall

That Council approve the Leave of Absence application received from Councillor Glenn Cridland for the period 28 October 2019 to 1 November 2019 inclusive, and 10 November 2019 to 23 November 2019 inclusive.

**CARRIED (9/0)**

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

### 12.1 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - PARKING AT COODE STREET BOAT RAMP CAR PARK 15

Location: Car Park 15, South Perth Foreshore  
Ward: Mill Point Ward  
Applicant: Not Applicable  
File Ref: D-19-86060  
Meeting Date: 15 October 2019  
Author(s): Chris Jansen, Manager Assets and Design  
Reporting Officer(s): Mark Taylor, Director Infrastructure Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.1 Connected & Accessible City

#### Summary

Councillor Ken Manolas has submitted a Notice of Motion regarding parking restrictions in Car Park 15 (Coode Street boat ramp car park) prior to the Council Meeting held 24 September 2019.

#### COUNCIL DECISION

**Moved:** Councillor Ken Manolas

**Seconded:** Councillor Greg Milner

That Council approves the amendments to paid parking, as listed below:

On / Off Street Car Park	Proposed Fee Structure
South Perth Foreshore – Coode Street – Car Park 15, Vehicle with trailer bays	\$2.00 per hour (\$8.00 all day) 8:00am – 6:00pm Monday to Sunday
South Perth Foreshore – Coode Street – Car Park 15, western side vehicle bays	\$2.00 per hour (\$8.00 all day) 8:00am – 6:00pm Monday to Friday 4P restriction 8:00am – 6:00pm Saturday and Sunday. No fees.
South Perth Foreshore – Coode Street – Car Park 15, eastern side vehicle bays	No fees. 4P restriction 8:00am – 6:00pm Monday to Sunday

**CARRIED (9/0)**

**Notice of Motion Recommendation (Suggested Alternative Recommendation on page 100)**

Coode Street Boat Ramp Car Park 15

1. That the trailer bays on Saturday and Sunday remain paid parking bays.
2. That the far eastern row of 15 car bays in the Coode Street Boat Ramp Car Park 15, near the playground is unpaid during the week.

**Background**

Councillor Ken Manolas has submitted a Notice of Motion requesting a change to parking at Coode Street Boat Ramp Car Park 15. The reasons given for the Notice of Motion are:

*While it is recognised that the City needs to have a general parking strategy for the Precinct, this carpark is not filled weekdays and this far eastern row of car bays in Coode Street Boat Ramp Car Park 15 should remain free parking weekdays, be family friendly, as the City should be encouraging families to come to the foreshore during the week. I believe this is one of the most used playgrounds in the City. Parents bring children to play in this playground and they should not be charged for their children to play.*

*On a recent Friday afternoon at about 3pm, I counted over 30 children in the playground.*

*On speaking to some seniors they informed me that as a group during the week they use this carpark, to park, and then go walking.*

*There should be an area where the local community should be able to park free during the week to enjoy the foreshore and playground in this area.*

*The trailer bays have been paid parking on the weekends and should remain as paid parking.*

**Comment**

The Notice of Motion follows on from Council's resolution from the May 2019 meeting, where car park 15 was amended to \$2.00 per hour (\$8.00 all day), 8:00am – 6:00pm Monday to Friday.

The City maintains that requests for changes to parking restrictions should occur as part of a general review of parking and not undertaken on a reactive basis. Despite this view, the City concurs with the request to reinstate paid parking for trailer bays as they are primarily utilised on weekends.

The City will ensure appropriate time restrictions (4P) are implemented on the car bays requested to be free parking to ensure they are not taken up by commuters.

To better reflect the intent of the Notice of Motion, a suggested alternative recommendation has been provided.



### Consultation

Not applicable for this report.

### Policy and Legislative Implications

City of South Perth Parking Local Law 2017

City of South Perth - Parking Strategy 2016

### Financial Implications

If Council resolves to amend the parking controls at Car Park 15, 19 parking signs will require replacing. The City's estimate for the manufacture of new signs and the removal and replacement of the existing signs is \$50 per sign. The cost implication of such a resolution would therefore be \$950.

If Council resolves to undertake the change for a set period of time with the pre-existing signs reinstated upon its expiry, the labour cost to reinstate the signs would be approximately \$900.

### Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction: Environment (Built & Natural)

Aspiration: Sustainable urban neighbourhoods

Outcome: Connected and accessible City

Strategy: Facilitate a safe, efficient and reliable transport network

**Suggested Alternative Recommendation**

That Council approves the amendments to paid parking, as listed below:

<b>On / Off Street Car Park</b>	<b>Proposed Fee Structure</b>
South Perth Foreshore – Coode Street – Car Park 15, Vehicle with trailer bays	\$2.00 per hour (\$8.00 all day) 8:00am – 6:00pm Monday to Sunday
South Perth Foreshore – Coode Street – Car Park 15, western side vehicle bays	\$2.00 per hour (\$8.00 all day) 8:00am – 6:00pm Monday to Friday 4P restriction 8:00am – 6:00pm Saturday and Sunday
South Perth Foreshore – Coode Street – Car Park 15, eastern side vehicle bays	No fees. 4P restriction 8:00am – 6:00pm Monday to Sunday

**Reasons for Suggested Alternative Recommendation**

Following discussion with Cr Manolas, the suggested alternative recommendation provides clarification of the intent of his Notice of Motion.

**Attachments**

Nil



## 12.2 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - ANGELO STREET PARKING - IN FRONT OF POST OFFICE

Location: Angelo Street Shopping Precinct  
Ward: Mill Point Ward  
Applicant: Not Applicable  
File Ref: D-19-86064  
Meeting Date: 15 October 2019  
Author(s): Chris Jansen, Manager Assets and Design  
Reporting Officer(s): Mark Taylor, Director Infrastructure Services  
Strategic Direction: Environment (built and natural): Sustainable urban neighbourhoods  
Council Strategy: 3.1 Connected & Accessible City

### Summary

Councillor Ken Manolas submitted a Notice of Motion regarding the Angelo Street shopping precinct parking prior to the Council Agenda Briefing held 8 October 2019.

### COUNCIL DECISION

**Moved:** Councillor Ken Manolas  
**Seconded:** Councillor Cheryle Irons

That the parking in front of the Post Office in Angelo Street from Anstey Street to Coode Street change from 30 minutes At All Times to 30 minutes 8am to 6pm Monday to Friday and 8am to 1 pm Saturday.

**CARRIED (9/0)**

### Background

Councillor Manolas has submitted a Notice of Motion requesting a change to existing 30 minute parking in front of the post office on Angelo Street, South Perth. The reasons provided for the Notice of Motion are:

*The short term parking would have been introduced for the businesses that have customers that only stay for a short period of time. The banks, dry cleaner and post office. These businesses are not open late at night or Sundays so there is no requirement to keep the 30 minute parking time limit At All Times.*

*I ask the Councillors to support this motion for the reduction of time 30 minutes from AT ALL TIMES to that the 30 minute 8am to 6pm Monday to Friday and 8am to 1pm Saturday which applies to the rest of Angelo Street parking.*

### Comment

The City concurs with the Notice of Motion and recommends changing the current 30 minute AT ALL TIMES parking restrictions to 8am to 6pm Monday to Friday and 8am to 1pm Saturday.

### Consultation

Not required for this report.

## Policy and Legislative Implications

City of South Perth Parking Local Law 2017  
City of South Perth - Parking Strategy 2016

## Financial Implications

If Council resolves to amend the parking controls in Angelo Street between Coode Street and Anstey Street, four parking signs require replacing. The City's estimate for the manufacture of new signs and the removal and replacement of the existing signs is \$50 per sign. The cost implication of such a resolution would therefore be \$200.

## Strategic Implications

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built & Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	Connected and accessible City
Strategy:	Facilitate a safe, efficient and reliable transport network

## Attachments

Nil

## 12.3 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - ANGELO STREET PARKING - NORTH SIDE OF ANGELO STREET FROM ROSE AVENUE TO COODE STREET

Location:	Angelo Street Shopping Precinct
Ward:	Mill Point Ward
Applicant:	Not Applicable
File Ref:	D-19-86116
Meeting Date:	15 October 2019
Author(s):	Chris Jansen, Manager Assets and Design
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.1 Connected & Accessible City

### Summary

Councillor Ken Manolas submitted the following Notice of Motion about parking changes in Angelo Street shopping precinct prior to the Council Agenda Briefing held 8 October 2019.

### COUNCIL DECISION

**Moved:** Councillor Ken Manolas  
**Seconded:** Councillor Cheryle Irons

That the 1 hour parking limit on the north side of Angelo Street from Rose Avenue to Coode Street increase to 2 hour parking limit.

**For:** Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

**Against:** Mayor Sue Doherty.

**CARRIED (8/1)**

### Background

Councillor Ken Manolas submitted a Notice of Motion that requested an increase in the parking limit on the north side of Angelo Street from Rose Avenue to Coode Street. The reasons provided for the Notice of Motion are:

*The significant number of the businesses on the north side of Angelo Street are café/restaurants and customers require more than 1 hour to have lunch.*

*There is Secret Garden, Bocelli's, Globe, Halo and Gusto. Angelo Street in this part has 1 hour free. One hour is not sufficient time to have lunch or shop in the gift shop or boutique and then stop to have a coffee. If a customer is having lunch or a coffee they should not have to rush to move their car.*

*With the carpark in Angelo Street being sold and the loss and the of the parking during construction for at least 12 months it seems reasonable to increase the time limit on the north side of Angelo Street to 2 hours which is the same as the free parking time limit in the council car park in Angelo Street.*

**Comment**

The reason for the current one hour parking limit on Angelo Street is to provide accessible medium term parking and importantly turnover for all businesses in the Angelo street precinct. Free longer term parking is available to restaurant clients in the supermarket car parks. Additionally two hour free parking is available at City carpark 8 (next door to the supermarket).

Reactive changes, while well intentioned, can often lead to other problems emerging which were unforeseen. For this reason, the City recommends this Notice of Motion should be considered as part of an overall review of all parking restrictions within Angelo Street. Matters such as the impending short term loss of car parking due to the supermarket expansion can be considered in this review.

The review should also be undertaken after a parking survey has been carried out, as recommended in the City's adopted Parking Strategy.

**Consultation**

Nil

**Policy and Legislative Implications**

City of South Perth Parking Local Law 2017  
City of South Perth - Parking Strategy 2016

**Financial Implications**

If Council resolves to amend the parking controls, seven parking signs require replacing. The City's estimate for the manufacture of new signs and the removal and replacement of the existing signs is \$50 per sign. The cost implication of such a resolution would therefore be \$350.

**Strategic Implications**

This matter relates to the following Strategic Direction identified within Council's [Strategic Community Plan 2017-2027](#):

Strategic Direction:	Environment (Built & Natural)
Aspiration:	Sustainable urban neighbourhoods
Outcome:	Connected and accessible City
Strategy:	Facilitate a safe, efficient and reliable transport network

**Suggested Alternative Recommendation**

That:

1. The one hour parking limit on the north side of Angelo Street from Rose Avenue to Coode Street remain in place at this time; and
2. An overall review of parking for the Angelo Street shopping precinct be undertaken and considered by Council at a future meeting.

**Reasons for Suggested Alternative Recommendation**

To seek a better understanding of the current parking conditions in the Angelo Street shopping precinct by way of a survey and stakeholder engagement.

**Attachments**

Nil

### 13. QUESTIONS FROM MEMBERS

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

Nil.

#### 13.2 QUESTIONS FROM MEMBERS

Nil.

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

#### COUNCIL DECISION

**Moved:** Councillor Travis Burrows

**Seconded:** Councillor Glenn Cridland

That Council accepts an Item of New Business of an Urgent Nature regarding the decision of the Liquor Commission of WA to approve the Australian Leisure Hospitality Group's Dan Murphy's Application.

**CARRIED (9/0)**

#### 14.1 DAN MURPHY'S APPROVAL BY WA LIQUOR COMMISSION

#### COUNCIL DECISION

**Moved:** Mayor Sue Doherty

**Seconded:** Councillor Travis Burrows

That the Council request the CEO forthwith write to the Ministers for:

- a. Road Safety,
- b. Transport, and
- c. Racing and Gaming,

to express the disappointment and surprise of the Council of the City of South Perth with the decision of the Liquor Commission of WA to approve the application of Australian Leisure Hospitality Group Pty Ltd for a Dan Murphy's large scale liquor barn to operate on the Como Hotel site and in particular that the announced decision –

- i. was some two years after the hearing by the Commission,
- ii. was made without the release of any reasons, and
- iii. involves the rejection of the cogent safety and traffic concerns of the Department of Main Roads and the City of South Perth.

**CARRIED (9/0)**

## **Background**

The Liquor Commission has announced a decision on the application the subject of hearings held two years ago about the licensing of a Dan Murphy's liquor barn at the Como Hotel on the busy corner of South Terrace and Canning Highway.

The Liquor Commission has remarkably approved the application against overwhelming local and expert opposition including Main Roads concerns about safety and traffic.

It is impossible to work out how after two years the Liquor Commission has come to this remarkable decision as it has provided no reasons.

The Council opposed the Dan Murphy's at this site including by authorising the expenditure on monies on an appeal to the planning approval.

The WA State Government announced some time ago that it was introducing changes to the relevant regulations that would prevent large liquor barns from operating at sites such as the Como Hotel site.

It is reasonable for the Council to request the relevant State Government Ministers intervene in this process to prevent the Dan Murphy's going ahead.

## **15. MEETING CLOSED TO THE PUBLIC**

Nil.

## **16. CLOSURE**

The Presiding Member invited Cecilia Brooke to address Council. Cecilia farewelled the retiring Councillors and thanked them for their service on behalf of the City of South Perth Residents' Association.

Prior to closing the meeting, the Presiding Member reflected on her time as Mayor and thanked former and current councillors with special thanks to retiring Councillors – Councillor Colin Cala, Councillor Cheryle Irons and Councillor Tracie McDougall. She also expressed her thanks and appreciation towards Deputy Mayor Glenn Cridland.

Finally, she acknowledged and thanked the City's administration, and in particular the Chief Executive Officer Mr Geoff Glass.

The Presiding Member thanked everyone for their attendance and closed the meeting at 9.07pm.



## RECORD OF VOTING

### 7.1.1 Ordinary Council Meeting Held: 24 September 2019

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

### 7.2.1 Council Agenda Briefing - 8 October 2019

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

### 9.1 En Bloc Motion

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

### 10.1.1 eQuote 8/2019 - Road Resurfacing, Rehabilitation & Ancillary Services

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

### 10.1.2 Tender 08/2019 Provision for Plumbing Maintenance Services

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

10.1.3 'Innovate' Reconciliation Action Plan 2019-21

Alternative Motion 1

For: Councillor Travis Burrows, Councillor Glenn Cridland, Mayor Sue Doherty, Councillor Tracie McDougall.

Against: Councillor Colin Cala, Councillor Blake D'Souza, Councillor Cheryle Irons, Councillor Ken Manolas, Councillor Greg Milner.

Alternative Motion 2

For: Councillor Colin Cala, Councillor Blake D'Souza, Councillor Cheryle Irons, Councillor Ken Manolas, Councillor Greg Milner.

Against: Councillor Travis Burrows, Councillor Glenn Cridland, Mayor Sue Doherty, Councillor Tracie McDougall.

10.3.1 Final Adoption of Scheme Amendment No. 62 - Specific Development Requirements for South Perth Hospital Site

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

10.3.2 Initiation of Draft Scheme Amendment No. 63 - Preston Street Neighbourhood Centre

Amended Motion 1

For: Councillor Travis Burrows, Councillor Glenn Cridland, Councillor Cheryle Irons, Councillor Tracie McDougall.

Against: Councillor Colin Cala, Councillor Blake D'Souza, Councillor Ken Manolas.

Amended Motion 2

For: Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Travis Burrows.

10.3.3 Retrospective Light Poles and Overheight Boundary Fence Additions to Single House on Lot 22 (No. 104) River Way, Salter Point

For: Councillor Travis Burrows, Councillor Glenn Cridland, Mayor Sue Doherty, Councillor Cheryle Irons, Councillor Tracie McDougall, Councillor Greg Milner.

Against: Councillor Colin Cala, Councillor Blake D'Souza, Councillor Ken Manolas.

10.3.4 Cities Power Partnership

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

#### 10.4.1 Listing of Payments - September 2019

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

#### 10.4.2 Monthly Financial Statements - September 2019

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

#### 10.7.1 City of South Perth Public Places and Local Government Property Local Law Review

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

#### 10.7.2 Policy Review

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

#### 10.7.3 Appointment of Authorised Persons - Building Regulation Infringement Notices

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

#### 10.7.4 Delegation - Building Regulations 2012

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

#### 10.7.5 2018/2019 Annual Financial Statements (External) Audit - Interim Report

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

10.7.6 Audit Register - Progress Report

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

12.1 Notice of Motion - Councillor Ken Manolas - Parking at Coode Street Boat Ramp Car Park 15

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

12.2 Notice of Motion - Councillor Ken Manolas - Angelo Street Parking - in front of Post Office

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

12.3 Notice of Motion - Councillor Ken Manolas - Angelo Street Parking - north side of Angelo Street from Rose Avenue to Coode Street

For: Councillor Ken Manolas; Councillor Cheryle Irons; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

Against: Mayor Sue Doherty.

## APPENDIX

### PUBLIC QUESTION TIME: 24 September 2019

<b>1. Ms Carol Roe of 16 Abjornson Street, Manning</b> <b>Received: 14 October 2019</b>	<b>Responses provided by: Mark Carolane, Senior Strategic Projects Planner</b>
<i>[Preamble]</i> <i>The developer seeking approval for a 42 storey apartment tower near Perth Zoo refers to a crucial reference document being removed that would have provided essential context for the JDAP to consider. In a similar vein, another crucial document is missing from references in draft planning documents for the area. Its title is Mill Point study: interim report / prepared for the City of South Perth and the Metropolitan Region Planning Authority by R.J. Ferguson and Associates 1983.</i>	
1. Has this study since been given any weight having been drawn to the attention of the City last June via a public submission?	The City is familiar with the Mill Point Study report from 1983 and it provides useful historical context. However it is now over 35 years old and its practical relevance is limited as the area has changed significantly over that time.
<i>[Preamble]</i> <i>The same developer: "The reality is that nothing changes if nothing changes – which is exactly what the local activists want. It also means more of the same squat and uninteresting buildings on the peninsula, a location which should showcase incredible architectural design." In contrast, an architect with 16 years of experience on a design advisory committee: "Take an area like the Mill Point Peninsula, one of the most attractive residential areas in Perth, beautifully landscaped, set back well from the streets. For many years this set a benchmark for producing high-density environments that were very liveable." (WAtoday 9 Mar 2016).</i>	

<p>2. Will this difference of opinion be adjudicated by the State Design Review Panel or the Office of the Government Architect in line with LPP 318 South Perth Station Precinct: 6. Assessment of Applications?</p>	<p>High standards of architectural design quality are essential for South Perth to develop in line with community expectations and the Council’s vision for the area. Standards are set in both state and local planning documents, for example the Design WA suite of State Planning Policies and the South Perth Activity Centre Plan. Development applications are assessed against these documents and expert advice is provided by the City’s Design Review Panel and/or the State Design Review Panel or the Office of the Government Architect as required.</p>
<p><i>[Preamble]</i>  <i>“You have to fish in a place with fish” according to one big developer and “Big fish eat little fish.”</i></p>	
<p>3. Is too much fishing going on in South Perth?</p>	<p>It is unclear exactly what this question is referring to. The current planning and development interest in South Perth is reflective of the highly desirable location.</p>

<p>2. Ms Cecilia Brooke of Garden Street Perth, representing the City of South Perth Residents Association</p> <p>Received: 14 October 2019</p>	<p>Responses provided by Patrick Quigley, Acting Director Development and Community</p>
<p><i>[Preamble]</i></p> <p><i>The City of South Perth Residents Association Incorporated recognises the importance of reconciliation. CoSPRA is disappointed that the development of the proposed RAP did not involve the wider community, nor the final RAP tested in the community by way of consultation. We do believe, however, that the only way reconciliation can work is if we all move forward together which means community consultation. Therefore, we have some questions, though our scope is limited by Council's standing orders.</i></p>	
<p>1. Reconciliation is the act of making one belief compatible with another. This suggests that there is more than one belief requiring consideration as parties reconcile. What input has the non-indigenous community had in the development of the RAP?</p>	<p><i>'The act of making one belief compatible with another'</i> is a basic definition of reconciliation. According to Reconciliation Australia (who is the peak national organisation that was established to provide leadership for reconciliation in Australia) the contemporary definition of reconciliation must consider five main dimensions, namely:</p> <ol style="list-style-type: none"> <li>1. Historical acceptance</li> <li>2. Race relations</li> <li>3. Equality and equity</li> <li>4. Institutional integrity</li> <li>5. Unity.</li> </ol> <p>Both Aboriginal and non-Aboriginal people were consulted during the development of the draft Reconciliation Action Plan, including traditional owners; Aboriginal Reference Group members (consisting of Aboriginal and non-Aboriginal people); City of South Perth staff; and Elected Members.</p> <p>Reconciliation Australia provides guidance on the consultation process for the development of reconciliation action plans.</p> <p>There are four types of RAP that an organisation can develop:</p> <p>Level 1 - Reflect Level 2 - Innovate</p>



	<p>Level 3 - Stretch Level 4 – Elevate.</p> <p>Each type of RAP is designed to suit an organisation at different stages of their reconciliation journey. The level of consultation is modified according to the RAP level. The City is currently at the second ‘Innovate’ level. The focus of an Innovate Reconciliation Action Plan is to develop and strengthening relationships with Aboriginal and Torres Strait Islander peoples; engaging staff and stakeholders in reconciliation; and developing and piloting innovative strategies to empower Aboriginal and Torres Strait Islander peoples. This is the City’s rationale for focussing the consultation processes internally involving City staff and elected members; and targeted external consultation with Aboriginal and Torres Strait Islander stakeholders.</p>
<p>2. (Item 3.1) The City currently employs only 0.8% indigenous people. Why is the RAP targeting this issue in year two only, and how was the target of five indigenous employees (or approximately 2% of the workforce) derived?</p>	<p>Action 3.1 comprises five Deliverables aimed at improving employment and training opportunities for Aboriginal and Torres Strait Islander peoples. It should be noted that the nominated target comprises both employees and work experience placements.</p> <p>The target is a guide only, not prescriptive.</p> <p>With that said, there is no obligation for staff or work experience students to reveal their cultural background. However, as the City continues on its reconciliation journey it is hoped that in the future people will feel safe and supported to be able to acknowledge their Aboriginal cultural heritage within their workplace.</p> <p>The rationale for the City targeting this issue in year two is for the City to first develop new Human Resource policies and management practices to advance reconciliation in accordance with the City's Workforce Plan; and implement/communicate throughout the organisation to optimise positive working relationships. It is important that this Deliverable is undertaken first to build a stronger understanding of the reconciliation journey, prior to focussing on Aboriginal employment and work placement programs.</p>

<p>3. Many actions in the plan appear to involve professional external consultation/participation. What is the total cost of the plan to the City, over and above “normal operations” for the term of the plan, how much has been spent to date developing the plan and how much internal time is to be devoted to the plan over the three year period.</p>	<p>There are 85 Deliverables within the draft Reconciliation Action Plan. Of these, the majority (73 Deliverables or 86%) will be delivered using existing City staffing resources. Only 12 Deliverables (14%) will require some professional external consultation/participation, which will be presented to Council for consideration in subsequent operational budgets. The City’s 2019/20 Budget includes an allocation of \$30,000 to engage a consultant to assist with the development of the Reconciliation Action Plan. Of this budget, \$24,720 has been spent to date.</p> <p>It is estimated that City staff will spend approx. 8 hrs per week (400 hours per annum) implementing the Reconciliation Action Plan.</p>
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<p>3. Mr Justin Hansen representing Creative Design and Planning, Murray Street Perth.</p> <p>Received: 14 October 2019</p>	<p>Responses provided by: Fiona Mullen, Manager Development Services</p>
<p><i>[Preamble]</i></p> <p><i>Deputations made by objecting residents at the 8 Oct 2019 Agenda Briefing included photographic evidence of the basketball court lights at maximum capacity. On the 26th August, the landowner had the court lights adjusted to 10% capacity to comply with Australian Standards - being 8 lux maximum at the lot boundary. The current poles height means the lights are at zero degrees tilt. A shorter pole would likely require these lights tilted upwards to allow coverage across the whole court. Importantly, this means it creates glare for the player but also spill light over the boundary, which is in conflict with the requirements of AS4282. While a taller pole appears more prominent during the day, it will certainly reduce the impact in terms of lighting.</i></p>	
<p>1. Are the City officers and Councillors aware that the lights have recently been dimmed to 10% capacity, therefore complying with Australian Standards and contrary to the photographic evidence presented by objecting neighbours?</p>	<p>I am unable to respond on behalf of Council, but City Officers are aware of an email sent by the applicant to Councillors on Friday 11th October, and received by City Officers this morning that indicates the applicants have had dimmer switches installed on the lighting columns that allow for the lighting to be dimmed to 10% of capacity.</p>
<p>2. Are the City officers and Councillors aware that lowering the height of the poles will require the lights being tilted and angled so to create greater glare for users and adjoining properties?</p>	<p>I am unable to respond on behalf of Council but City Officers are not aware that lowering the height of the poles will require the lights to be tilted, as this information has not been supplied.</p> <p>Any issues of light spillage and glare would be considered in subsequent discussions with the applicant, if a condition reducing the height of the columns is attached to a development approval.</p>
<p>3. Have the City officers and Councillors personally inspected the property, and also inspected the perceived affected properties, when the lights have been turned on at the prescribed 10% capacity and therefore can make a rational decision on the matter?</p>	<p>Officers have undertaken a site visit in assessing the development application, but have not visited the site to view any reduction in lighting capacity.</p> <p>I am unable to comment whether Councillors have visited the property.</p>

**4. Ms Karen Grimstead of Salter Point Parade, Salter Point.**

**Received: 15 October 2019**

1. Will Council confirm to me that no glare and light-spill shall affect my property? (a tamperable dimmer is unacceptable)

Taken on notice.

2. Will Council assure me that the basketball court and noise will not exceed two hours per day?

Taken on notice.

3. Prior to approving: will Council visit my property at night once the lights are modified to ensure we have no glare and light-spill?

Taken on notice.

## 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 held: Tuesday 26 November 2019.

Signed \_\_\_\_\_ / /2019  
Presiding Member at the meeting at which the Minutes were confirmed