

MINUTES

Ordinary Council Meeting

26 March 2019

Mayor and Councillors

Here within are the Minutes of the Ordinary Council Meeting of the City of South Perth Council held Tuesday 26 March 2019 in the City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.



GEOFF GLASS
CHIEF EXECUTIVE OFFICER

27 March 2019

Acknowledgement of Country

Kaartdjinin Nidja Nyungar Whadjuk Boodjar Koora Nidja Djining Noonakoort kaartdijin wangkiny, maam, gnarnk and boordier Nidja Whadjul 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, present and future.

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 26 March 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

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

Officers

Chief Executive Officer
Director Corporate Services
Director Development and Community Services
Director Infrastructure Services
Manager Development Services
Manager Governance
Governance Coordinator
Marketing Coordinator
Senior Governance Officer
Governance Officer

Mr Geoff Glass
Mr Colin Cameron
Ms Vicki Lummer
Mr Mark Taylor
Mr Stevan Rodic
Ms Bernadine Tucker
Ms Toni Fry
Ms Lisa Williams
Ms Christine Lovett
Ms Mieke Wevers

Gallery

There were approximately 16 members of the public and 1 member of the press present.

4.1 APOLOGIES

Mill Point Ward

Councillor Cheryle Irons

4.2 APPROVED LEAVE OF ABSENCE

Nil.

5. DECLARATIONS OF INTEREST

Councillor Tracie McDougall declared an Impartiality Interest in relation to Agenda Item 10.1.1 Assessment of Community Sport and Recreation Facility Fund (CSRFF) Applications for 2019 as her sons attend Wesley College and play hockey with Wesley College (not WASPs). Wesley College is a co funder of the feasibility study for the move of WASPs from Richardson to Collier Oval.

Councillor Glenn Cridland declared an Impartiality Interest in relation to Agenda Item 10.1.1 Assessment of Community Sport and Recreation Facility Fund (CSRFF) Applications for 2019 as his children play hockey for WASPs.

6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

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

6.2 PUBLIC QUESTION TIME: 26 MARCH 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
- Mr Paul Ruthven of Charles Street, South Perth

Written questions were received at the meeting by:

- Ms Vicki Redden of Mill Point Road, South Perth
- Mr Craig Dermer of Mill Point Road, South Perth

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 April 2019 Agenda.

There being no further questions, the Presiding Member closed Public Question Time at 7.15pm.

7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIEFINGS AND OTHER MEETINGS

7.1 MINUTES

7.1.1 Ordinary Council Meeting Held: 26 February 2019

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That the Minutes of the Ordinary Council Meeting held 26 February 2019 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

7.1.2 Special Council Meeting Held: 6 March 2019

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Ken Manolas
Seconded: Councillor Travis Burrows

That the Minutes of the Special Council Meeting held 6 March 2019 be taken as read and confirmed as a true and correct record.

CARRIED (8/0)

7.2 CONCEPT BRIEFINGS

7.2.1 Council Agenda Briefing - 19 March 2019

Officers of the City presented background information and answered questions on Items to be considered at the 26 March Ordinary Council Meeting at the Council Agenda Briefing held 19 March 2019. The Notes of which can be found at **Attachment (a)**.

Attachments

7.2.1 (a): 19 March 2019 - Council Agenda Briefing Notes

7.2.2 Concept Briefings and Workshops

Officers of the City and or Consultants provided Councillors with an overview of the following matters at Concept Briefings and Workshops:

Date	Subject
25 February 2019	Recreation and Aquatic Facility
25 February 2019	Standing Orders Workshop
12 March 2019	Customer Service

Attachments

Nil

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Blake D'Souza

Seconded: Councillor Tracie McDougall

That Council notes the following Council Briefings/Workshops were held:

- 7.2.1 Council Agenda Briefing - 19 March 2019
- 7.2.2 Concept Briefings and Workshops

CARRIED (8/0)

8. PRESENTATIONS

8.1 PETITIONS

Nil.

8.2 PRESENTATIONS

Nil.

8.3 DEPUTATIONS

Deputations were heard at the Council Agenda Briefing held 19 March 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 19 March 2019.

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.3.5 Parking Restriction Signs in Stone, Stirling and Scott Streets

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

COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

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

- Item 10.1.1 Assessment of Community Sport and Recreation Facility Fund (CSRFF) Applications for 2019
- Item 10.3.1 Modified Local Planning Policy P350.03 - Setback of Garages and Carports, Garage Width, Design of Car Parking spaces and vehicle access - Final adoption
- Item 10.3.2 Proposed Change of Use from Consulting Rooms to Child Day Care Centre at Lot 91 (No. 2) Fourth Avenue, Kensington
- Item 10.3.3 Proposed Change of Use to 'Use Not Listed' (Holiday House) at Lot 352 (No. 7) Vista Street, Kensington
- Item 10.3.4 RFT 14/2018 - Provision of Graffiti Removal and High Pressure Cleaning
- Item 10.4.1 Listing of Payments - February 2019
- Item 10.4.2 Monthly Financial Statements - February 2019
- Item 10.4.3 Budget Amendments - 28 February 2019
- Item 10.7.1 2017/18 Office of the Auditor General final report
- Item 10.7.2 Strategic Internal Audit Plan review
- Item 10.7.3 Internal Audit - Review of Procurement Transactions
- Item 10.7.4 Audit Register - Progress Report
- Item 10.7.5 Annual Review of Council Delegations
- Item 10.7.6 Appointment of Authorised Persons
- Item 10.7.7 Annual Policy Review
- Item 10.7.8 2018 Compliance Audit Return

CARRIED (8/0)

10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Assessment of Community Sport and Recreation Facility Fund (CSRFF) Applications for 2019

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Ref:	D-19-25513
Meeting Date:	26 March 2019
Author(s):	Patrick Quigley, Manager Community, Culture & Recreation
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Community: A diverse, connected, safe and engaged community
Council Strategy:	1.2 Community Infrastructure

Summary

- Each year the Department of Local Government, Sport and Cultural Industries (DLGSCI) calls for applications via its Community Sport and Recreation Facility Fund (CSRFF) to invite eligible community groups and local governments to apply for funding to assist with sport and recreation infrastructure projects.
- CSRFF applications must initially be presented to the relevant local government to request its in-principle support of the project, including the financial contribution requested by the applicant under the CSRFF program.
- The City has received one application for this funding round submitted by the Wesley and South Perth (WASP) Hockey Club to assist the Club to undertake a feasibility study to evaluate its proposed relocation from Richardson Reserve in South Perth to Collier Reserve in Como. However, in this case no project financial contribution is requested from the City.
- This report seeks Council's in-principle support for this project.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That Council

1. Provides in-principle support of the Community Sport and Recreation Facility Fund application submitted by the Wesley and South Perth Hockey Club to assist the Club to undertake a feasibility study to evaluate its proposed relocation from Richardson Reserve in South Perth to Collier Reserve in Como.

2. Notes the Wesley and South Perth Hockey Club is not seeking a financial contribution for its proposed feasibility study project from the City on this occasion.
3. Approves for the City to advise the Department of Local Government, Sport and Cultural Industries the following assessment for the March 2019 round of the Community Sport and Recreation Facility Fund:

Applicant	Project	City of South Perth Ranking	City of South Perth Rating
Wesley and South Perth Hockey Club (WASP)	Collier Reserve Hockey Feasibility Study	One/First Priority	B - Well planned and needed by applicant

CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

Each year the Department of Local Government, Sport and Cultural Industries (DLGSCI) calls for applications via its Community Sport and Recreation Facility Fund (CSRFF) to invite eligible community groups and local governments to apply for funding to assist with sport and recreation infrastructure projects. The CSRFF program aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well designed and well utilised facilities. Priority is given to projects that lead to facility sharing and rationalisation.

Three CSRFF grant categories are offered (see table below for details).

Grant Category	Total Project Cost Range	Standard Department (One-Third) Financial Contribution	Grant Program Frequency
Small Grants	\$7,500 – \$ 200,000	\$2,500 – \$66,666	Bi-Annual
Annual Grants	\$200,001 – \$500,000	\$66,667 – \$166,666	Annual
Forward Planning Grants	\$500,001 +	\$166,667 – \$2,000,000	Annual

The maximum grant awarded by DLGSCI will be no greater than one-third of the total cost of the project up to a maximum of \$1M. The CSRFF grant must be at least matched by the applicant's own cash contribution equivalent to one third of the total project cost, with any remaining funds being sourced by the applicant. In some cases, funds provided by the DLGSCI do not equate to one-third of the project costs and the applicants are advised that they are expected to fund any shortfall. The local government is not obliged to contribute funding to the projects. As stated in the CSRFF guidelines, small grants for this round of funding require an implementation period of one year. Therefore, grant applications submitted in this round must be claimed by 15 June 2020.

CSRFF applications must initially be presented to the relevant local government to request its in-principle support of the project, including the financial contribution requested by the applicant under the CSRFF program.

One project has been submitted to the City in the March 2019 round of the CSRFF program being from the WASP Hockey Club to undertake a feasibility study to evaluate its proposed relocation from Richardson Reserve in South Perth to Collier Reserve in Como. The funding details are as follows:

- CSRFF grant sought from DLGSCI : \$4,667 (ex GST)
- WASP Hockey Club's contribution: \$2,333 (ex GST)
- Wesley College contribution: \$7,000 (ex GST)
- Financial contribution requested from the City: \$Nil
- Estimated Total Project Cost: \$14,000 (ex GST)

Comment

Summary of WASP Hockey Club and Officer Comment on Proposed Project

The WASP Hockey Club is currently situated at Richardson Reserve in South Perth, which is vested to the City for the purposes of 'parks and recreation'. The Club lease a sporting clubhouse known as WCG Thomas Pavilion that is located on the Reserve. The Lease Agreement for the clubhouse expires on 30 September 2020.

The Club is affiliated with Hockey WA and currently has 749 members. The Club is financially sustainable and has a net income of \$102,420 (as at September 2018).

The Club's proposed feasibility study will assess the potential creation of a new synthetic astro-turf hockey pitch at Collier Reserve. This would service a relocation of the Club; provide hockey and recreation facilities for Wesley College; as well as the prospect of attracting other users in summer and winter (e.g. gridiron). Whilst hockey has traditionally been regarded as a grassed field winter game there is a strong and increasing demand for access to synthetic turf facilities for both training and competition. Where synthetic turf facilities do exist, there is a move to two seasons of competition, making hockey a year round sport.

The proposed project will involve investigating other potential usage for Collier Reserve, which is under-utilised. Collier Reserve is adjacent to a sporting field used by Wesley College; is closer to the synthetic astro-turf hockey pitches at Curtin University; and is nearby the Town of Victoria Park border, so a new hockey facility at that site would create future partnership opportunities with Hockey WA, Curtin Hockey Club and/or Victoria Park Hockey Club.

CSRFF Ranking and Rating

Under the CSRFF program criteria, local governments are to assess the applications they receive and apply a 'ranking' and 'rating' for each project.

In terms of the ranking assessment, the projects are to be evaluated according to a priority order for funding support. On this occasion the City only received one CSRFF application, so it is recommended the application from WASP Hockey Club be given a 'one/first priority' ranking.

In terms of the rating assessment, the projects are to be evaluated according to the following CSRFF rating criteria:

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

A panel comprising the City's Manager Community, Culture and Recreation; Recreation Development Coordinator; and Club Development Officer assessed the CSRFF application submitted for the WASP Hockey Club feasibility project and recommended that it be given a 'B' rating. In making this assessment the panel noted:

- WASP Hockey Club submitted a sound CSRFF funding application.
- WASP Hockey Club demonstrated it is a financially sustainable Club.
- WASP Hockey Club project was well planned and needed by the applicant to optimise participation in hockey and create more effective synergies with other stakeholders/users.

In summary, the City supports the WASP Hockey Club's CSRFF application to undertake a feasibility study to evaluate its proposed relocation from Richardson Reserve in South Perth to Collier Reserve in Como.

Consultation

WASP Hockey Club has undertaken preliminary consultation with the Department of Local Government, Sport and Cultural Industries and Hockey WA about its proposed feasibility project.

Policy and Legislative Implications

Nil.

Financial Implications

Nil.

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: Plan for and promote the development of recreation and aquatic facilities to service community needs

Attachments

Nil

10.3 STRATEGIC DIRECTION 3: ENVIRONMENT (BUILT AND NATURAL)

10.3.1 Modified Local Planning Policy P350.03 - Setback of Garages and Carports, Garage Width, Design of Car Parking spaces and vehicle access - Final adoption

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-25516
Meeting Date:	26 March 2019
Author(s):	Aaron Augustson, Senior Strategic Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

This report considers the outcomes of consultation on draft modified local planning policy P350.03 – Car Parking, Access, Siting and Design; proposed as part of this policy review process to be renamed ‘P350.03 – Setback of garages and carports, garage width, design of parking spaces and vehicle access’.

Policy P350.03 provides the criteria for the design of car parking spaces and structures for residential development. The existing policy has been reviewed to align the policy with the Residential Design Codes, the City’s Town Planning Scheme No. 6 and to provide modified criteria for the assessment of applications involving the use of car-stacking equipment for vehicle parking. Specifically, the modifications to the policy seek to ensure at least 20% of parking bays in a development are provided completely independent of any stacking equipment.

Council resolved to advertise modifications to P350.03 at its meeting held 18 December 2018. At the conclusion of the consultation period, the City had not received any submissions. It is recommended the Council adopt P350.03 subject to minor modifications as set out in **Attachment (a)**.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That Council, in accordance with the provisions of Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015:

1. Adopt the modified local planning policy P350.03 – Setback of garages and carports, garage width, design of parking spaces and vehicle access as included in **Attachment (a)**; and,
2. Publish a notice of the modified policy in the local newspaper circulating in the local area.

CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

At its meeting held 31 July 2018, Council resolved to review clause 8.2 and 8.4 of P350.03. These clauses relate to the use of mechanical car-stacking equipment within new residential developments. Specifically, the Council resolution requested the following be investigated:

- Whether the minimum ratio of onsite car bays that must be accommodated in any new development outside of any car-stacker system is reasonable; and,
- Whether site difficulties are a proper planning consideration for allowing the use of smaller/less capable car-stackers that cater for a smaller proportion of vehicles than traditionally used in the City of South Perth.

At its meeting held 18 December 2018 the Council resolved to advertise draft modified local planning policy P350.03 – Car Parking, Access, Siting and Design (refer item 10.3.3) for public comment. In order to avoid the Christmas and New Year period, advertising of the policy was withheld and commenced 15 January 2019. Public consultation concluded on 6 February 2019 and no submissions were received.

Comment

Measures to resolve use of car-stacking equipment

The draft modified P350.03 includes the following measures in respect to how car-stacking equipment can be used in residential developments;

- A minimum of 20% of the total on-site car bays provided is to be provided on hard stand area that does not require, rely or be assisted by mechanical car-stacking equipment. This ensures that ‘at-grade’ bays within stacking equipment cannot be considered as bays ‘outside’ of car stacking equipment;
- Clause 8.4 of the existing version of P350.03, which allows ‘site constraints’ to be considered in varying the minimum design specifications for car-stacking equipment, is deleted. ‘Site constraints’ are not considered to be a valid consideration when assessing the use of car-stacking equipment. Deleting the criteria ensures future residents are not constrained by capacity limits that may exist in certain car-stacking equipment.

Minor modifications

A number of minor typographical and grammatical errors have been corrected in the policy, as advertised, contained at **Attachment (a)**.

Consultation

The draft modified policy was advertised for a period of 21 days concluding on 6 February 2019. The consultation involved:

- Two notices in the Southern Gazette newspaper, appearing in the editions issued 15 January and 22 January 2019.
- Notice of copies of the local planning policy being published on ‘Your Say South Perth’ throughout the consultation period and the page including an opportunity for people to comment electronically on the policy.

- Hard copy notices and copies of the local planning policy being available at the City's Civic Centre and libraries throughout the consultation period.

At the conclusion of the consultation period, no submissions had been received.

Policy and Legislative Implications

A local planning policy does not form part of a Scheme and cannot bind a decision maker in respect to an application or planning matter.

Clause 3(4) of the Deemed Provisions states that the Council may amend or repeal a local planning policy. The draft modified policy will be appropriately adopted under that provision.

Financial Implications

Adoption of P350.03 incurs minor costs in publishing a notice in the local newspaper. This cost has been accounted for in the 2018/2019 budget.

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

10.3.1 (a): Modified P350.03 - For final adoption (includes minor modifications)

10.3.2 Proposed Change of Use from Consulting Rooms to Child Day Care Centre at Lot 91 (No. 2) Fourth Avenue, Kensington

Location: Lot 91 (No. 2) Fourth Avenue, Kensington
Ward: Moresby
Applicant: Dynamic Planning and Developments Pty Ltd
File Reference: D-19-25520
DA Lodgement Date: 20 December 2018
Meeting Date: 26 March 2019
Author(s): Valerie Gillum, Statutory Planning Officer Development Services
Reporting Officer(s): Vicki Lummer, 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 a Change of Use from Consulting Rooms to Child Day Care Centre on Lot 91 (No. 2) Fourth Avenue, Kensington. Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land Use (Child Day Care Centre – DC Use)	TPS6 clause 3.3
Family Day Care and Child Day Care Centres	Council Policy P307

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That Council 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 Change of Use from Consulting Rooms to Child Day Care Centre on Lot 91 (No. 2) Fourth Avenue **be approved** subject to:

1. The development shall be in accordance with the approved plans unless otherwise authorised by the City.
2. The hours of the Child Day Care Centre are to be limited to the following:
 - i. Opening Hours: Monday to Friday – 7:00am – 6:00pm.
 - ii Staff Hours: Monday to Friday – 7:00am – 6:00pm.
3. The area identified on the approved plans as kitchen/teaching room 3 shall not be used for any other purpose than teaching of students.
4. The number of children on site at any one time is to be restricted to a maximum of 24.
5. The number of staff on site at any one time is to be restricted to a maximum of 5.

6. The Child Day Care Centre shall operate in accordance with the Management Plan dated 14 February 2019 unless otherwise approved by the City.
7. Prior to the commencement of the use, all noise attenuation measures, identified in the Acoustic Report completed by Lloyd George Acoustics Pty Ltd (ref no. 18104690-01, dated 5 December 2018) shall be implemented or installed and remain in place permanently with the exception to the recommendation for staff parking in the southern most car parking bays, to the satisfaction of the City.
8. Prior to the commencement of the use, the car parking bays and accessways shall be marked on site as indicated on the approved plans, and such marking shall be subsequently maintained so that the delineation of parking bays remains clearly visible at all times, to the satisfaction of the City.
9. Prior to the submission of a building permit application, the applicant shall supply certification confirming the design of the car parks and vehicle accessways are compliant with Australian Standard AS2890.1 & 2890.6.
10. The parallel bays identified on the approved plans as bays 7, 8 and 9 shall be made available at all times for the exclusive use of staff only.
11. Prior to the commencement of the use, the applicant shall construct a crossover between the road and the property boundary in accordance with the approved plans, to the satisfaction of the City.
12. The existing crossover shall be removed and the verge and kerbing shall be reinstated to the satisfaction of the City.
13. Hard standing areas approved for the purpose of car parking or vehicle access shall be maintained in good condition at all times, free of potholes and dust and shall be adequately drained, to the satisfaction of the City.
14. Mirrors are to be provided at the car parking entry point which are to be maintained for the life of the development in order to satisfy sight line requirements.
15. Prior to the submission of an occupancy permit application, the applicant shall supply certification confirming the constructed design of all car parks and vehicle accessways are compliant with Australian Standards AS2890.1 & 2890.6 and the approved plans
16. Prior to the submission of a building permit, a detailed landscaping plan for the site shall be submitted by the applicant for approval by the City.
17. Prior to commencement of the use, landscaping areas shall be installed in accordance with the approved landscaping plan, and all landscaping areas shall be maintained thereafter, to the satisfaction of the City.
18. All stormwater from the property shall be discharged into soak wells or sumps located on the site unless otherwise approved by the City.
19. A separate application is to be submitted for any proposed signage that is not exempt from planning approval.

Comment

(a) Background

The application for the change of use of an existing commercial building to be used as a 'Child Day Care Centre' which is the subject of this report on Lot 91 (No. 2) Fourth Avenue, Kensington was received by the City in December 2018. The existing building is currently unoccupied however the building was most recently used as consulting rooms as depicted in the site photographs in **Attachment (e)**.

(b) Description of the Surrounding Locality

The Site has frontages to both Fourth Avenue and Banksia Terrace and is located opposite the Kensington Primary School. The Site is directly adjacent the Kensington Squash Centre to the north-west, and residential uses immediately to the south-west and north-east. Access to the site is currently obtained via Banksia Terrace as depicted in **Figure 2** below:

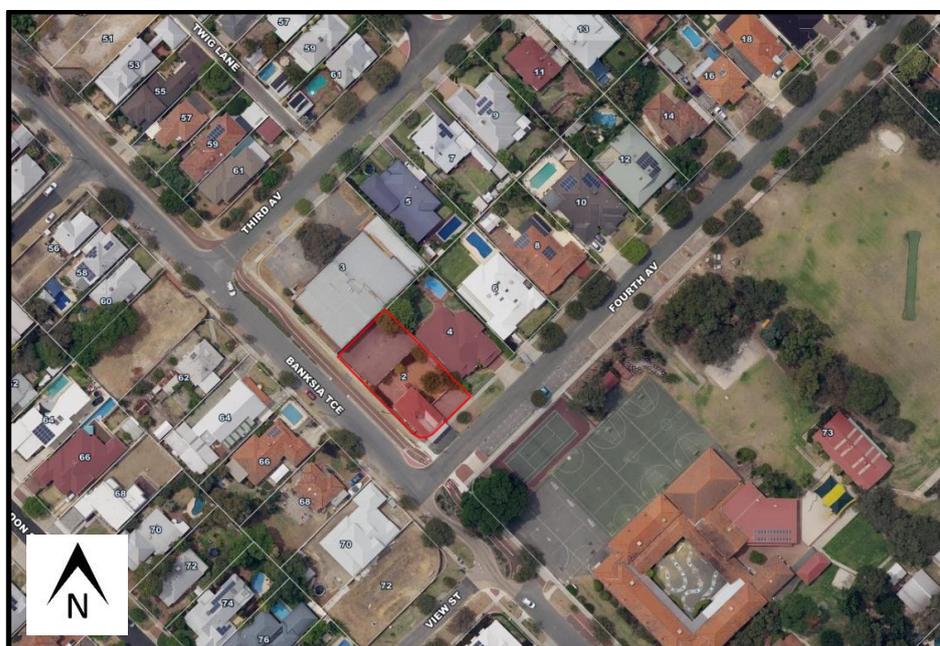


Figure 2: Aerial of Development Site

(c) Description of the Proposal

The proposal involves the conversion of a single level commercial building previously used as Consulting Rooms to a Child Day Care Centre. The application also encompasses additions and alterations to the premises in order to fit out the building for the use of a child day care centre, as depicted in the submitted plans at **Attachment (a)**.

The Child Day Care Centre is proposed to operate as follows:

- Opening hours from 7:00am – 6:00pm, Monday to Friday.
- The Montessori curriculum is proposed to operate 9.00am – 4.00pm Monday to Friday.
- Age of children is proposed to be between 2 and 5 years;
- Maximum of 24 children at any one time;
- Maximum of five (5) staff at any one time; and
- Vehicle parking proposed on the north-western aspect of the site adjacent to Banksia Terrace with a total of nine (9) spaces; and

- Outdoor playing area situated to the north-east and south-east sides of the property.

The following components of the proposed development require discretionary assessments against the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6) and Council Policy requirements:

- Discretionary land use; and
- Family Day Care and Child Day Care Centres Policy P307.

The proposal is considered to meet the relevant discretionary criteria of the Scheme and relevant Council policies. The various discretionary assessments are discussed in further detail below.

(d) Land Use

The proposed Use of 'Child Day Care Centre' is classified as a 'DC' (Discretionary with Consultation) land use within the Local Commercial Zone, as prescribed in Table 1 (Zoning - Land Use) of the Scheme. This particular land use therefore requires an assessment against clause 3.3 (5) of TPS6, which states the following:

In respect of a Discretionary Use or a Discretionary Use with Consultation, in exercising its discretion as to whether or not planning approval ought to be granted, the Council shall have regard to the Scheme objectives listed in clause 1.6 and to any objectives for the precinct as stated within the relevant Precinct Plan and to such matters referred to in clause 67 of the Deemed Provisions as Council considers to be relevant in the circumstances.

The various matters noted above are discussed further in the report.

Relevant Strategic Documents

Planning Bulletin 72 – Child Care Centres (ref. 72/2009)

The above document states the following in respect to the consideration of safety and amenity impacts as part of Child Day Care Centres:

“A child care centre should be approved only if it can be demonstrated that it will have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians or road users.”

It is considered that the proposal adequately meets this criterion as it responds to the relevant provisions of Local Planning Policy P307 and addresses the safety provisions and noise-mitigation measures of the policy. Further, the advice from Network Operations concludes that the impact on the traffic network would be acceptable and the advice from Environmental Health Services concludes that the acoustic report adequately addresses any noise amenity related issues with the provision of acoustic treatments to the side boundary fence adjoining the residential property to the north-east.

(e) **Child Day Care Centre Policy**

The City's *Policy P307 – Family Day Care and Child Day Care Centres* outlines planning considerations regarding the design, safety and functionality of child day care centres. In particular, one requirement of the policy relates to the play area(s) proposed being enclosed with a 1.8m high fence comprised of material(s) deemed satisfactory to the City. It is noted that fencing enclosing the play area on the north-eastern and south-eastern boundaries is to be constructed of either:

- brick; or
- 'Colorbond'.

The proposed fencing is a mix of 1.8 metre high brick fence fronting Fourth Avenue as required by Clause 1.(ii)(B) of the policy and a 2.0 metre double skinned Colorbond fence on the north-eastern side boundary as recommended in the Acoustic Report submitted with the application (**Attachment (c)**). No fencing details were provided between the outdoor play area and the car parking area to the rear however these are internal areas and will need to be fenced for security of the children as required by the *Child Care Act 2007*.

The material selected on the north-eastern side boundary is considered to be appropriate as recommended by the submitted Acoustic Report particularly as there is an existing Colorbond fence in the same location albeit that the proposed fencing will be 0.2 metres higher, this additional height will ensure the amenity of the adjoining residential property is not impacted. A condition has been recommended to ensure the recommendations of the Acoustic Report are complied with.

Aside from fencing materials, the proposal is considered to satisfy all other relevant provisions of Policy P307 in the following ways:

- The car parking area will be screened by the existing fencing setback from the Banksia Street frontage to accommodate a landscaping strip of approximately 0.5 metres;
- Outdoor play area adjacent to the street is screened by a 1.8 metre brick fence which is setback 3.0 metres from the Fourth Avenue street boundary of which that area can accommodate landscaping so that the fence is not visually dominant;
- Outdoor area is fully enclosed on the north-eastern side with a double skinned Colorbond fence and a 1.8m brick fence on the Fourth Avenue frontage. The building will satisfy enclosure requirements of the outdoor area on the south-western side and internal security fencing can be employed to demarcate the playing area from the car parking area.
- On the basis of the Traffic Engineering Letter and internal comments received from the City's Engineer, it is considered that the applicant has demonstrated how parking and access will be managed. Conditions of approval are also recommended to further address this.
- The noise report submitted by the applicant asserts that the noise penetration from internal play areas to neighbouring dwellings would be within acceptable levels; and

- The external play area with the provision of a 2.0 metre high double skinned Colorbond fence along the north-eastern side boundary (as recommended by the assessor) asserts that noise penetration from the outdoor play area to the neighbouring dwelling would be within acceptable levels also.

Based on the above, it has been demonstrated that the proposed Child Day Care Centre will not adversely impact on neighbouring properties which will be enforced with relevant conditions.

(f) Landscaping

Table 3 of TPS6 specifies the landscaping requirements for non-residential developments in non-residential zones. The minimum landscaped area prescribed for a local commercial zone in the Scheme is 10% of the site. The development proposes approximately 23% (199.95m²) of the site as landscaping, a surplus of 13%. The development therefore meets the minimum landscaping requirements of the Scheme.

Notwithstanding this TPS6 notes where development is required to provide a minimum area of landscaping, a landscaping plan shall be provided. A condition of approval will request this for the City's approval of which the approved landscaping will need to be maintained for the life of the development to the satisfaction of the City.

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

In considering an application for development approval the local government is to have due regard to matters listed in clause 67 of the Deemed Provisions to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application. The matters most relevant to the proposal, and the City's response to each consideration, are outlined in the table below:

Matter	Officer's Comment
<i>(m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;</i>	The existing commercial building and car parking area is being retained with the proposed Montessori Child Day Care Centre with additional landscaping being included to improve how the site presents to Fourth Avenue. As the building is being retained the compatibility of the development with its setting is being maintained.

Matter	Officer's Comment
<p><i>(n) the amenity of the locality including the following –</i></p> <p><i>(i) environmental impacts of the development;</i></p> <p><i>(ii) the character of the locality;</i></p> <p><i>(iii) social impacts of the development;</i></p>	<p>As outlined in report, the proposed development is not considered to have a significant impact on the amenity of the locality, and is not out of character with the surrounding area.</p>
<p><i>(s) the adequacy of –</i></p> <p><i>the proposed means of access to and egress from the site; and</i></p> <p><i>arrangements for the loading, unloading, manoeuvring and parking of vehicles.</i></p>	<p>In accordance with Table 6 of TPS6, a minimum of one car parking space is required for each staff member and one car parking space is required per 10 children permitted to receive care. As the centre will be limited to 24 children and ratio of staff to the ages of children is five, this would require a total of eight car parking spaces on site and nine car parking spaces have been provided.</p> <p>The City's Engineer has reviewed the access arrangements and vehicle parking proposed and is supportive of the configuration and that the inclusion of mirrors is acceptable to optimise pedestrian safety at the entry point. This is also backed up by the Traffic Engineer's Letter submitted by the applicant. The upgrading and widening of the crossover to 6.0 metres to match the isle width is a positive addition to the development.</p>
<p><i>(t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i></p>	<p>The City's Engineer has reviewed the impact on the surrounding road network and has confirmed that the traffic to be generated from the development can be accommodated by the surrounding road network.</p>

(i) 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;*
- (g) *Protect residential areas from the encroachment of inappropriate uses;*

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

(j) Relevant Strategic Documents

Planning Bulletin 72 – Child Care Centres (ref. 72/2009)

The above document states the following in respect to the consideration of safety and amenity impacts as part of Child Day Care Centres:

“A child care centre should be approved only if it can be demonstrated that it will have a minimal impact on the functionality and amenity of an area and will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians or road users.”

It is considered that the proposal adequately meets this criterion as it responds to the relevant provisions of Local Planning Policy P307 and addresses the safety provisions of the policy. Further, the advice from the City's Engineer concludes that the impact on the traffic network would be acceptable.

Consultation

(k) Neighbour Consultation

Public consultation was undertaken in September 2018 to the extent and in the manner required by Council Policy P301 'Community Engagement in Planning Proposals'. Under the 'Area 1' consultation method outlined in the aforementioned policy, individual property owners and occupiers were invited to inspect the plans and to submit comments during a minimum 14-day period.

A total of 23 consultation notices were sent and a total of two submissions being received both raising objection to the application. A range of concerns were raised by the submitters, with predominant and recurring themes outlined below, together with officer responses.

Submitters' Comments	Officer's Responses
<p>Noise</p> <p>Early morning/late afternoon noise from children playing outside.</p>	<p>The submitted acoustic report identified that with the inclusion of a suitable 2.0m high fence along the north-eastern boundary, either constructed of double skinned Colorbond, brick or corrugated fibre cement, noise from the outdoor playing area will be maintained within the limits permitted.</p>

	<p>The Acoustic Report was reviewed by the City's Environmental Health Officer who confirmed this was an appropriate method to mitigate noise to nearby sensitive receptors.</p> <p>The comment is NOTED.</p>
<p>Traffic</p> <p>It is recommended that a traffic management plan be prepared and adopted as part of the planning approval to ensure that all pick-up and drop-off points including waiting and parking bays associated with the child care facility be contained on-site in order to provide a safe and convenient access for the users of the proposed facility and the adjacent primary school and the general public.</p>	<p>There is a total of nine car parking spaces provided on site and the number of car parking spaces required by Table 6 of Town Planning Scheme No. 6 is eight car parking spaces, therefore there is sufficient car parking spaces on site to cater for the Child Day Care Centre.</p> <p>The comment is NOTED.</p>
<p>Parking</p> <p>Parking build-up starting even earlier than it does with the school and café and compounding the current congestion in the vicinity of the Banksia/Fourth Avenue intersection.</p>	<p>The parking layout and traffic generation has been reviewed by the City's Engineer who has confirmed that traffic to be generated from the development can be accommodated by the surrounding road network.</p> <p>The comment is NOTED.</p>

A summary of the submissions received as well as comments in response to these comments from the applicant is provided as **Attachment (d)**.

Where relevant, all submissions were considered in the recommendations for this proposal and many of the elements are discussed in sections of this report.

(l) **Internal Administration referrals**

Engineering Infrastructure

The application was referred to the City's Engineering Infrastructure department on two occasions, corresponding with one set of amended plans. The minor changes made in the second iteration were agreed by the City Engineer to be appropriate. Comments were received in respect to the car parking layout, vehicle access and the crossover location.

The main concern related to the upgrade of the verge infrastructure. This will involve:

- Widening of the crossover to 6.0 metres to match the isle width; and

- Mirrors provided either side of access point to maintain sight lines for pedestrian safety.

Conditions and advice notes have been recommended to satisfy a number of these matters.

Environmental Health

The application was referred to the City's Environmental Health department for comment on noise impacts, as well as other health requirements specific to child day care centres. The response from Environmental Health states that the findings of the acoustic report submitted by the applicant contained at **Attachment (c)** are accepted and endorsed. A recommended condition of approval relating to enforcement of recommendations of the acoustic assessment has been included to address matters raised by this department.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

This matter relates to 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:	Promote and facilitate contemporary sustainable buildings and land use

Sustainability Implications

Being a non-residential land use, it is considered that the development enhances sustainability by providing local business and employment opportunities.

Conclusion

Overall, the development is considered to appropriately respond to the planning framework relating to child day care centres by including measures to address parking, safety, functionality, and minimising the impact on the amenity of adjoining properties, as well as the surrounding area. The proposal is considered to be compatible within its setting, noting that child day care centres are commonly established within residential areas and near schools. The retention of the building will contribute to the streetscape and is a positive outcome from a sustainability point of view. As such, the City recommends that the application should be approved, subject to recommended conditions.

Attachments

- 10.3.2 (a):** Development Plans
- 10.3.2 (b):** Management Plan dated 14 February 2019
- 10.3.2 (c):** Acoustic Report
- 10.3.2 (d):** Applicant's Response to Submissions

10.3.3 Proposed Change of Use to 'Use Not Listed' (Holiday House) at Lot 352 (No. 7) Vista Street, Kensington

Location:	Lot 352 (No. 7) Vista Street, Kensington
Ward:	Moresby Ward
Applicant:	Ross Jutras-Minett
File Reference:	D-19-25522
DA Lodgement Date:	6 March 2019
Meeting Date:	26 March 2019
Author(s):	Scott Price, Statutory Planning Officer
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.2 Sustainable Built Form

Summary

The City received an application for development approval in September 2018 for a Change of Use to a 'Use Not Listed' (Holiday House) at Lot 352 (No. 7) Vista Street, Kensington. The application was refused by Council at the 27 November 2018 Ordinary Council Meeting. A full copy of the officer's report and the reasons for refusal imposed by the Council are detailed in the Minutes of 27 November 2018.

On 10 December 2018, the Applicant lodged an application for review at the State Administrative Tribunal (SAT) against the City of South Perth.

Following mediation between the parties on 5 February 2019, the original proposal has been updated and modified. In short, there has been alterations to the Management Plan provided by the applicant which addresses and clarifies some of the issues surrounding car parking, noise, and visitors. The updated Management Plan has also been modified so that the site can only accommodate a maximum of six adults and two children during any booking.

SAT has issued an order inviting the Council to reconsider its decision under s31(1) of the SAT Act at its meeting on 26 March 2019.

Council is being asked to exercise discretion in relation to the following:

Element on which discretion is sought	Source of discretionary power
Land use ('DC' Use Not listed)	TPS6 Clause 3.3(7) and P350.18
Sight lines	Design Principles of Clause 5.2.5 of R-Codes WA

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That Council, pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, the provisions of the City of South Perth Town Planning Scheme No. 6 and the Metropolitan Region Scheme, reconsider its decision on 27 November 2018 by approving a Change of Use to 'Use not Listed' (Holiday House) at Lot 352 (No. 7) Vista Street, Kensington subject to the following conditions:

1. This approval pertains to the temporary approval of a 'Use Not Listed' (Holiday House) for the purposes of short-term accommodation.
2. A maximum of eight (8) temporary occupants of which a maximum of 6 can be adults (12 years and over) are permitted on site at any one time in relation to the 'Use Not Listed.'
3. The Management Plan dated 20 March 2019 (Version 3) forms part of this approval and must always be strictly adhered to.
4. The Management Plan is to be distributed to nearby landowners and occupiers for information purposes prior to the 'Use' commencing.
5. The approval of the 'Use Not Listed' for purposes of short-term accommodation is valid for a period of 12 months from the date of this determination. At the end of this period the building will revert to 'Single House.' A new development approval will be required to extend past this time.

Note: City officers will include relevant advice notes on the recommendation letter.

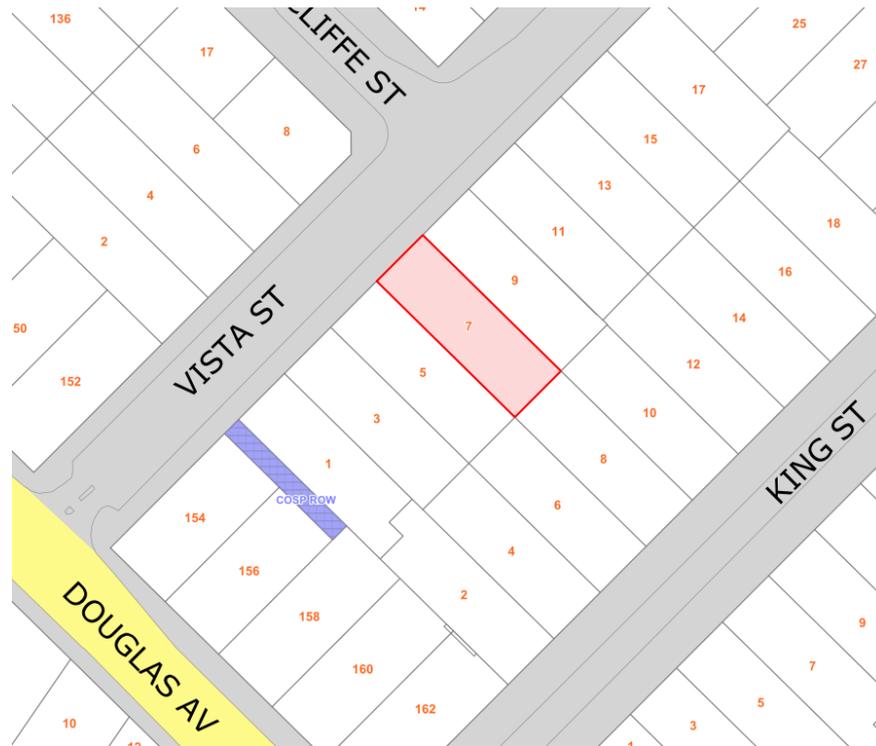
CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

The development site details are as follows:

Zoning	Residential
Density coding	R15
Lot area	442 sq. metres
Building height limit	7.0 metres
Development potential	One dwelling
Plot ratio limit	N/A

The location of the development site is shown below:



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

1. Specific Uses

Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the scheme.

2. Comment

(a) Background

In September 2018, the City received an application for the change of use from Single House to a Use Not Listed ('Holiday House) for short term accommodation at Lot 352 (No. 7) Vista Street, Kensington (the Site).

A previous application for the site in 2018 (11.2017.375.2) pertains to approval for a carport within the primary street setback area to service two vehicles. This approval has subsequently led to the demolition of the existing primary street fence, facilitating two car bays to be utilised for the purpose of the proposed 'Holiday House.'

The 'Holiday House' application was refused by the Council at its meeting held 27 November 2018 (Item 10.3.3) for the following reasons:

- a. The development is not located within 400 metres of any tourist features as listed in Council Policy 350.18 – Short-term Accommodation.*

b. The scale and intensity of the proposed use, with up to 8 temporary occupants being permitted on site, is not consistent with development in the surrounding area.

The Applicant then lodged an application for review at the SAT In December 2018 against the decision and prior to mediation the following issues were prepared for discussion:

1. Whether the proposal is in close proximity to an area considered to be of 'tourism significance' pursuant to the City of South Perth's Planning Policy P350.18 Short-term accommodation?
2. Whether a maximum occupancy of eight (8) occupants is of a scale and intensity consistent with the amenity of the locality?
3. Clarification on who is the manager and/or owner and how responsive they can be to complaints as per Section 4.0 of the Management Plan dated 16 August 2018. For example, what if the owner is overseas? Do they have any identified experience or expertise involving short-term accommodation?

The above items formed the basis of discussion at mediation on 5 February 2019. There was also extensive discussion about concerns raised by surrounding landowners in terms of possible amenity impacts associated with non-residents who seek short-term accommodation.

At the conclusion of mediation, the SAT issued an order for the Applicant to provide a revised Management Plan so that the Council could then further consider the proposal.

On 22 February 2019 the Applicant provided the following information:

1. A covering letter in response to the Orders [see **Attachment (a)**];
2. An updated management plan [see **Attachment (b)**];
3. An updated response to the Respondent's issues for mediation [see **Attachment (c)**].

The following sections of the report will respond to the revised proposal in more detail.

(b) Existing Development on the Subject Site

The existing development on the Site currently contains a contemporary single house.

(c) Description of the Surrounding Locality

The site has a frontage to Vista Street to the north, with Douglas Avenue to the west, King Street to the south and Collins Street to the east, as seen in Figure 1 below:

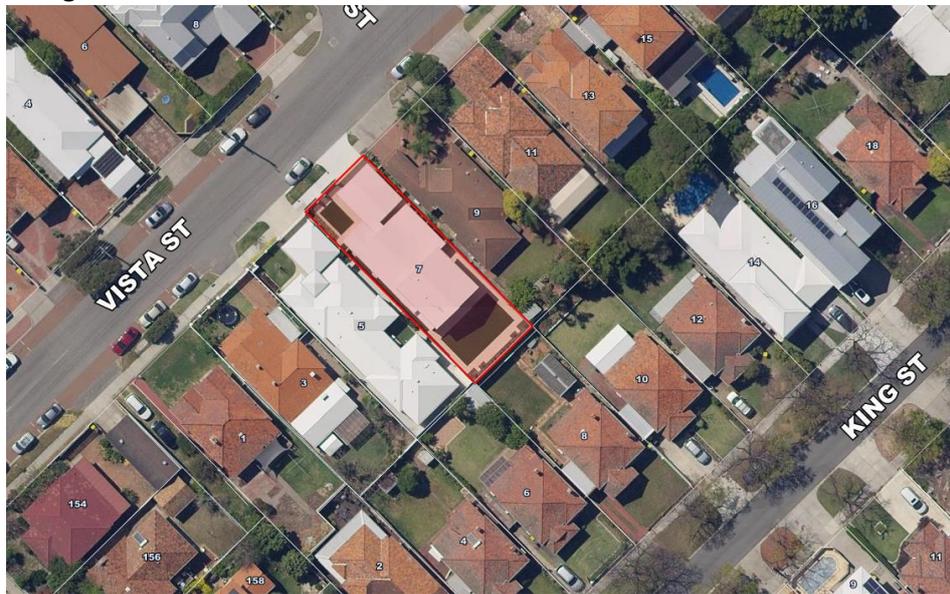


Figure 1: Aerial image of the subject site

In terms of the broader locality, the site is immediately next to and opposite other residential dwellings and is also located one street back from Canning Highway. The nearby intersection of Douglas Avenue and Canning Highway has a conglomeration of non-residential uses including a physiotherapy, a medical centre, fast food outlets and cafes.

(d) Description of the Proposal

The proposal seeks approval for the existing dwelling to be utilised as a 'Holiday House' (Use Not Listed) for the purposes of short-term accommodation. The updated management plan outlines the following rules for the proposed short term accommodation:

- Guests require a minimum of two nights stay at any one period;
- Maximum period in which it can be booked is three months;
- A maximum number of guests not to exceed eight people, this includes six adults (aged over 12) and two children;
- Check in is between 2pm and 9pm and check out at 11am;
- Noise should be minimal between the hours of 9pm and 7am Monday to Saturday, and 9pm and 9am on Sundays and public holidays;
- Guests are prohibited from having additional visitors;
- In accordance with the above, any activities including 'parties,' gatherings or functions are strictly prohibited;
- Pets are only permitted by permission of the property manager;
- Vehicle parking is restricted to two vehicles per booking and is to be contained on-site, and not on any verge; and
- Breach of the Code of Conduct will result in termination of booking and eviction immediately.

(e) Scheme and Policy Provisions

The following components of the proposal require a discretionary assessment against the City of South Perth Town Planning Scheme No. 6 (Scheme; TPS6) the Residential Design Codes WA (R-Codes) and/or Council Policy requirements:

- (i) Land use (TPS6 Cl 3.3 (7));
- (ii) Short-term accommodation policy requirements (P350.18); and
- (iii) Sight lines

(f) Land use

In accordance with the original report, the proposed use for the site as a 'Holiday House' is not considered to meet the definitions of any land use listed under TPS6. As per Cl 3.3 (7) of TPS6, a Use Not Listed in Table 1 and which cannot reasonably be determined as being included in the general terms of any of the Uses defined in Schedule 1 may only be approved if notice of the development is first given through Area 1 consultation of City Policy P301 – Community Engagement in Planning Proposals. Furthermore, the appropriateness of this use will be discussed in the assessment below as per Cl 3.3 (5) of TPS6, against the objectives of TPS6 and Cl 67 of the Deemed Provisions for Local Planning Schemes.

(g) Council Policy P350.18 – Short-Term Accommodation

In determining the outcome of the proposed 'Holiday House,' the use is to be assessed in accordance with Council Policy P350.18. The policy provides guidance in respect to the appropriateness of various forms of tourist accommodation facilities, as determined by the locality, the appropriateness of facilities and the scale of the proposal. In considering the application for a 'Holiday House,' the City will have regard to the following matters of Clause 2 in considering the development proposal:

- (a) The proximity of the development site to tourist features. The City will generally not support proposals located more than 400 metres walking distance from a site, feature or area considered to be of tourism significance, or located in isolated locations such as cul-de-sac streets or in rear grouped dwellings. Sites and features considered to be of tourism significance include Perth Zoo, regional foreshore reserves, activity centres and Curtin University.*
- (b) The proximity and accessibility to transport infrastructure, including railway station, high frequency bus services as well as cycling, taxi or ride-share infrastructure.*
- (c) The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area. The City may request a transport impact assessment for proposals likely to generate large volumes of vehicle traffic.*
- (d) The quality and appropriateness of facilities/communal areas available to occupants of the development, and,*
- (e) The scale of the proposed use compared to the scale and intensity of development in the area surrounding the development site.*

- (f) *Any proposed management controls by the operator that will be incorporated into the Management Plan required by clause 3.0, which mitigate potential adverse amenity impacts to nearby landowners and occupiers. In the cases where the operator is known, the City shall consider any identified experience or expertise of the applicant/operator in operating other uses involving short term accommodation.*
- (g) *If the application relates to a retrospective development application, whether previous valid complaints have been received relating to a loss of amenity to adjoining properties and whether or not these impacts can be addressed by appropriate management under an approved management plan (refer clause 3.0).*

The following response is provided to the above policy provisions:

- (a) In defining sites and features to be of 'tourism significance' in Policy P350.18, the Council policy has included examples such as Perth Zoo, regional foreshore reserves, activity centres and Curtin University. The Applicant has argued, consistent with the original officer report, that the stretch of development fronting Canning Highway between Douglas Avenue to the south and Dyson Street to the north, located approximately 200m to 400m from the site, is regarded to be an 'activity centre', with the cluster of commercial development consisting of two cafes, two restaurants and two fast food outlets.

The term 'activity centre' is not defined by the Policy P350.18 or TPS6. Taking guidance from State Planning Policy 4.2: Activity Centres for Perth and Peel (SPP4.2), it would be difficult to refute the Applicant's submission that within the broad definition provided, that the site is within a 400-metre walkable catchment of an 'activity centre'.

- (b) The proposed site is considered to be appropriately accessible from an occupancy perspective. In terms of the R-Codes, the subject site would be within 250m from a high frequency bus service that travels along Canning Highway during peak times providing access to Canning Bridge Train Station and Perth CBD;
- (c) The maximum number of guests on site at any one point in time is limited to a total of eight with the updated management plan stating that a maximum of six adults and two children under the age of 12 are allowed on site at any one time. In addition, the updated management plan states that parking is to be contained on-site, within the carport provided to accommodate for two vehicles, and that no vehicles are to park on the verge. Categorically, each individual booking does not allow for guests to have more than two vehicles. Accordingly, the resultant traffic volume would also be considered similar to the traffic volume generated by a regular two vehicle household.
- (d) The proposal will not offer additional facilities or communal areas outside of the existing dwelling and appurtenant open spaces.

- (e) The scale of the use in comparison with the intensity of development of the single dwellings in the broader locality is not considered too dissimilar. The street consists of Single houses and Grouped Dwellings. The number of guests has been revised in the updated management plan to a maximum of six adults and two children.
- (f) An updated Management Plan has been submitted outlining terms and conditions to limit impacts of noise, traffic and other unduly factors which may result in reduced amenity of the locality. The updated Management Plan is considered to outline more robust measures to handle issues such as antisocial behaviour, aberrant noise, limitation of guest numbers and vehicle parking management.
- (g) The updated Management Plan (Version 3 dated 20 March 2019) addresses the matters set out in Clause 3(a) of Policy P350.18 in the following ways:
 - Limits the minimum occupancy duration period to two nights; with check in between 2pm and 9 pm and check out between 7am at 11am;
 - Limits excessive noise to be contained between 7am and 9pm Monday to Saturdays, and 9am to 9pm on Sundays and public holidays plus an added notation that it is a 'quiet house' after 9pm;
 - Provides a compliance procedure which involves possible evictions for guests who do not adhere to the Management Plan;
 - Requires guests to adequately secure all openings of the dwelling when absent from the property, for purposes of security;
 - Guests are not permitted to have visitors without the express approval of the property manager so therefore the dwelling is explicitly not to be used for the purposes of parties, social gatherings or functions. Neighbours will also be given contact details of the property manager in the case that compliance with this requirement is not upheld; and
 - The updated Management Plan provides vehicle parking of two bays to the front of the property and prohibits parking outside of the lot and on the verge.
- With regard to the adjoining resident's current levels of amenity, the updated Management Plan submitted is an appropriate tool in limiting the impact of noise and antisocial behaviour. A compliance management procedure outlines immediate eviction and termination of contract, should the code of conduct be breached by guests. Furthermore, the contact details of the managing agent will be provided to neighbouring landowners to allow the ability to report any misbehaving actions contrary to that of the rules enforced upon guests of the site
- (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, the 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;
 (b) Safeguard and enhance the amenity of residential areas and ensure that new development is in harmony with the character and scale of existing residential development;
 (g) Protect residential areas from the encroachment of inappropriate uses;

In assessing the application against the objectives outlined in TPS6, the proposed 'Holiday House' is considered to address the criteria in the following ways:

- The site remains utilised for the purposes of human habitation, as per the existing Single house and therefore is considered to upkeep the predominant residential character of Vista Street and the immediate locality. The use of the dwelling for the activity of a holiday home, in which would consist of temporary visitation as opposed to permanency of residents, does not significantly alter the use of the site for human habitation if appropriately managed; and
- The proposal is considered satisfactory in relation to protecting the Residential zone from intensive and inappropriate uses.

Clause 4(a) of Council Policy P350.18 enables the City to grant approval for a 'Use Not Listed' on a temporary basis for a period of 12 months under Clause 72 of the Deemed Provisions. Given the proposal of a 'holiday home' has capacity to be a concern to the amenity of neighbouring properties, it is considered appropriate to limit the approval for 12 months. This will enable the City to review the operator's adherence to the Management Plan together with any concerns raised by neighbours.

At the conclusion of the 12-month period, the approval shall lapse and be of no further effect unless the City resolves to grant approval to a new development application, amend the original approval to delete the condition(s) limiting the time of approval, or extends the term of the approval under Clause 77 of the Deemed Provisions.

(i) **Sight Lines**

Element	Deemed-to-comply	Proposed
Sight lines	Walls, fences and other structures truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls, fences, other structures adjoin vehicle access points where a driveway meets a public street and where 2 streets intersect	Primary street fence proposed to 1.8 metres in height within the prescribed 1.5 metre truncation area
<p><i>Design Principles:</i> P5: Unobstructed sight lines provided at vehicle access points to ensure safety and visibility along vehicle access ways, streets, right of ways, communal streets, crossovers and footpaths.</p>		

The sight lines variation is considered to satisfy the Design Principles of the R-Codes for the same reasons provided in the original officer report:

- The primary street fence proposes an 80% visual permeability above 0.75 metres in the design. The visual permeability aspect is considered to be largely unobscured and provides a satisfactory level of sight and awareness for the driver of a vehicle when reversing, as well as pedestrians using the footpath.
- The proposed portion of visual permeability is at a greater level than that prescribed within the City's 'Street Walls and Fences Policy' P350.07, which stipulates a requirement for visual permeability above 1.2 metres in height, as opposed to above 0.75 metres in height.
- Furthermore, whilst the fence proposes visual permeability above 0.75 metres in height, the sliding vehicle gate proposes its entire design with 80% permeability up to the maximum height of 1.8 metres. This is considered to be of a similar level of visibility or greater to that of the compliant sight lines figure, which states solid material within the truncation area up to a maximum height of 0.75 metres.

(j) 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. An assessment of the proposal against Clause 67 is considered through the planning assessment above. The matters most relevant to the proposal, and the City's response to each consideration, are outlined in the table below:

Matter	Officer's Comment
(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;	The proposal is now considered to be consistent with the relevant provisions of TPS6 and Policy P350.18.
(n) the amenity of the locality including the following – (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development;	The updated Management Plan is considered an appropriate measure to safeguard the amenity of neighbours, as well as limit any significant changes to the character of the area and social impacts of the Holiday House.
(y) any submissions received on the application;	The submissions received on the original application were noted and subsequently, the application will only be granted a temporary approval until it is determined whether the updated Management Plan is adequate and will be consistently adhered to.

Consultation

(a) Neighbour Consultation

Neighbour consultation was previously undertaken for this proposal to the extent and in the manner required by Council Policy P301 'Consultation for Planning Proposals'. Under the 'Area 1' consultation method, a total of 25 consultation notices were sent, with relevant property owners, occupiers and/or strata bodies invited to inspect the plans and to submit comments during a minimum 14-day period.

During the advertisement period, a total of three submissions were received, all of which were against the proposal. The comments from the submitters, together with a response are summarised in table below.

It should be noted that the SAT mediation and reconsideration does not allow for additional re-advertising, particularly as no additional discretion was sought as a result of the new additional information. Therefore, the Council needs to make its own judgement as to whether the original concerns raised have been appropriately addressed.

Submitters' Comments	Officer's Responses
The proposal is contrary to the family friendly neighbourhood in which Kensington provides.	With a correct management regime in place, the proposed 'holiday home' is still considered to utilise the site for purposes of human habitation and would not be contrary to the family friendly neighbourhood. The comment is NOT UPHELD .
The 2-storey dwelling directly overlooks the adjoining lot's property and has an impact on visual privacy.	The dwelling on the subject site was previously approved in accordance with the relevant legislation at the time of planning approval. The comment is NOT UPHELD .
Noise levels will increase as a result of parties and social gatherings.	The updated Management Plan strictly prohibits guests from having visitors (without prior approval) and therefore restricts parties and gatherings, with any guests participating in these activities or of a similar antisocial behaviour are to be evicted. The temporary approval will give the City 12 months to review the extent in which the Management Plan and compliance procedures

	limits noise and the effectiveness of its implementation, before determining whether the use is suitable for a permanent approval. The comment is NOT UPHELD .
The short-term accommodation poses a security threat.	The 'holiday home' caters for a variety of guests, however it would be considered unreasonable to suggest that this service produces a greater level of security risk to neighbouring properties any more so than permanent residents. The comment is NOT UPHELD .
On street parking on Vista Street is already somewhat limited by workers and clients of nearby commercial businesses.	The updated Management Plan restricts guests to having only two vehicles at any one time during a booking. It also states that both vehicles must be parked on the property as a double carport and driveway will be provided and vehicles are prohibited from parking on any verge. The comment is NOTED .
The Management Plan will not be enforced.	The temporary approval will allow the City to review the applicant's ability to adhere and adequately enforce the updated Management Plan, particularly in relation to concerns of noise, antisocial behaviour and parking. This will allow the City the option to refuse the applicant's request for a permanent approval once this initial period lapses and the City can determine the appropriateness of the use in its locality. The comment is NOT UPHELD .

(b) Environmental Health comments

Comments on the original application were invited from the Environmental Health section of the City's administration. The Environmental Health section provided comments with respect to the proposed use and Management Plan. No objections were raised and there was no recommendation for further advice or conditions to be attached to any approval.

Policy and Legislative Implications

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

Financial Implications

This determination has no financial implications.

Strategic Implications

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

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

Conclusion

In its revised and updated form, it is considered that the proposal meets all of the relevant Scheme and/or Council Policy objectives and provisions. It is considered that the approval for a 'Holiday House' (Use Not Listed) for short-term accommodation at this Site can now be supported.

Following mediation which included discussions that highlighted concerns raised by neighbours in terms of amenity impacts, a number of improvements were made to the Management Plan. In summary, the updated Management Plan is clearer and more robust in respect to guidelines and requirements for guests, and importantly, what action can and will be taken when such requirements are not met. An additional condition of approval has been recommended which expressly references adherence to the Management Plan during the term of the approval.

In terms of compliance with the relevant planning framework, one of the issues raised during mediation was whether the site is located in an area of tourism significance or within proximity to an activity centre. Council Policy P350.18 is not clear on what is an 'activity centre' and in then taking guidance from SPP4.2, the proposal is arguably within an acceptable catchment. Should the Council be of the opinion that this approach is too broad and too easily met, it should review the policy in this regard. Ideally, such a policy review should result in a plan that clearly demarcates whether any particular property is within an area of tourism significance or proximity to an 'activity centre'.

Finally, the amenity impact concerns previously raised by neighbours are again acknowledged and therefore it is considered appropriate to recommend a temporary approval for a period of 12 months to enable Council to review the use and its appropriateness within the locality, as well as applicant's ability to properly enforce the Management Plan and compliance procedures. Accordingly, it is considered that the application should be approved subject to appropriate conditions.

Attachments

- 10.3.3 (a): Attachment A - Revised Plan for Reconsideration - No. 7 Vista Street, Kensington
- 10.3.3 (b): Updated Management Plan 7 Vista Street (V3)
- 10.3.3 (c): Attachment C - Applicant Response to Objections - No. 7 Vista Street, Kensington

10.3.4 RFT 14/2018 - Provision of Graffiti Removal and High Pressure Cleaning

Location:	City of South Perth
Ward:	All
Applicant:	City of South Perth
File Reference:	D-19-25559
Meeting Date:	26 March 2019
Author(s):	Shirley King Ching, Building and Assets Coordinator
Reporting Officer(s):	Mark Taylor, Director Infrastructure Services
Strategic Direction:	Environment (built and natural): Sustainable urban neighbourhoods
Council Strategy:	3.3 Enhanced Environment & Open Spaces

Summary

This report considers submissions received from the advertising of Tender 14/2018 for the Provision of Graffiti Removal and High Pressure Cleaning Services.

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

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That Council approves the award:

- a. of the tender submitted by The Pressure King for the Provision of Graffiti Removal and High Pressure Cleaning Service in accordance with Tender Number 14/2018 for the period of three (3) years with the option to extend for an additional two (2) years; and
- b. at the tender price included in **Confidential Attachment (a)**, of \$239,100 excluding GST.

CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

A Request for Tender (RFT) 14/2018 for the “Provision of Graffiti Removal and High Pressure Cleaning Services” was advertised in the West Australian newspaper on 13 October 2018 and closed at 5pm on 30 October 2018.

Tenders were invited as a Schedule of Rates Contract. The RFT is for the “Provision of Graffiti Removal and High Pressure Cleaning Services”. The contract as stated in the specification is for a period of three (3) years with the option to extend for an additional two (2) years.

The provision of graffiti removal and high pressure cleaning services within the City facilitates the continued maintenance of public infrastructure ensuring the prompt and effective removal of graffiti and the cleaning of equipment which assists in presenting an attractive and well managed City.

Funding to accommodate graffiti removal and cleaning of facilities is provided within the City's Infrastructure Operations budget.

The City typically incurs costs to the approximate value of \$50,000 annually in association with the procurement of these services. The estimated value of the contract over a three year period is approximately \$150,000 and therefore requires the establishment of a service supply contract via public tender in compliance with the City's Management Practice M605 Procurement, Purchasing and Invoice Approval.

Comment

An initial review of the tender submissions was undertaken in November 2018, and a Council Report was included within the December 2018 Council Briefing Agenda. The Report was subsequently withdrawn from the December Ordinary Council Meeting agenda to accommodate a review of the initial tender assessment. The review has been completed and an amended report is submitted for Council's consideration. The review has not resulted in any change in relation to the previous recommended outcome as proposed in the December 2018 Council Briefing Agenda Report.

At the close of the tender advertising period four (4) submissions had been received, all four submissions are listed in the table below:

TABLE A – Tender Submission

Tender Submission
1. Kleenit Pty Ltd
2. The Pressure King
3. Westralian
4. Workzone

During the initial tender compliance check, one tender was assessed as non-conforming and consequently did not proceed to qualitative assessment. The conforming Tenders were subsequently assessed by an Evaluation Panel in accord with the qualitative criteria detailed in the RFT. The qualitative criteria and relative weighting are described in Table B below.

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
1. Relative Experience	40%
2. Key Personnel, Skills and Resources	20%
3. Demonstrated Understanding	40%
Total	100%

Relative costs for the delivery of a defined quantum of services was calculated utilising the pricing submitted in the tender submissions, but was considered separately, as the qualitative criteria was not cost weighted.

Based on the assessment of all submissions received for Tender 14/2018 *Provision of Graffiti Removal and High Pressure Cleaning*, it is recommended that the tender submission from The Pressure King be approved by Council as the most advantageous offer.

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

Consultation

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

Policy and Legislative Implications

Section 3.57 of the *Local Government Act 1995* 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

Funding to facilitate the delivery of the works provided via this service contract are included in the Infrastructure Services 2018/2019 Operating Budget within the Parks, Works, Buildings and Waste management areas. Similar funding is anticipated for the period of the contract.

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: Enhanced environment and open spaces

Strategy: Improve the amenity value and sustainable uses of our streetscapes, public open spaces and foreshores

Attachments

10.3.4 (a): Final Evaluation Report - RFT 14-2018 Graffiti and High Pressure
(Confidential)

10.3.5 Parking Restriction Signs in Stone, Stirling and Scott Streets

Location:	South Perth Peninsula
Ward:	Mill Point Ward
Applicant:	City of South Perth
File Ref:	D-19-25525
Meeting Date:	26 March 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:	3.1 Connected & Accessible City

Summary

This report provides comment in respect to a Notice of Motion presented by Cr Ken Manolas to the February 2019 Council meeting about amending recently introduced parking restrictions in Stone, Stirling and Scott Streets, South Perth, due to resident complaints.

COUNCIL DECISION

Moved: Councillor Travis Burrows
Seconded: Councillor Colin Cala

That the item relating to Item 10.3.5 Parking Restriction Signs in Stone, Stirling and Scott Streets be deferred to the Council Meeting to be held in April 2019 to allow further consideration.

CARRIED (7/1)

Officer Recommendation

That the existing parking restrictions in Stone, Stirling and Scott Streets, South Perth, remain in place.

Background

Cr Manolas raised the matter of existing parking restrictions in Stone, Stirling and Scott Streets as a Notice of Motion (NoM) at the February 2019 Council meeting.

The reasons for the NoM are as follows:

"I have emails from residents living in the peninsular concerned that 4 hour parking restrictions have been imposed and they have nowhere to park their car during the day and have been receiving parking infringements.

This applies whether they own their residence or are leasing (on a 12 month lease).

These people have not been even given any grace period to try to organise alternative arrangements. Many of the older units have only one car bay, with two people living in the unit with two cars and one car being parked on the street.

There are no financial implications as these streets do not have paid parking.

This is to give the people living in these streets a grace period to make other arrangements.”

At its meeting held 26 February 2019, Council resolved as follows:

That the Item relating to Notice of Motion – Councillor Ken Manolas – Parking Restriction Signs on Stone, Stirling and Scott Streets, South Perth be deferred to the March Council meeting to allow a further report to be submitted detailing the costs of installing new parking restriction signs in Stone, Stirling and Scott Streets stating ‘Starting 1st July 2019 4P 8am-6pm Monday to Friday parking restrictions will apply’

Comment

The comment provided on behalf of the Chief Executive Officer in response to the Notice of Motion is provided below:

The City has provided extensive communication and stakeholder management with residents, businesses and the greater community related to parking over a four year period commencing in February 2015. Communication commenced prior to and in conjunction with the ‘Luxmoore Parking and Safety’ report of the 12 May 2016 on the City of South Perth Parking Strategy. This was followed by the ‘Cardno’ Parking Management Action Plan of the 10 February 2017, which was adopted by Council on 17 October 2017. More recently and prior to the change to parking in the South Perth precinct a Review and Parking Strategy Workshop of Councillors was conducted on 8 October 2018.

In addition, extensive communication and consultation has been conducted throughout the South Perth area over a number of months prior to the installation of the parking changes in general, and the installation of parking ticket machines.

These changes have been given an extensive grace period, and the City has worked with residents on only a handful of complaints. It is pleasing to report that the change has been fairly well received, and now it is only individuals who may not have taken the time to be informed and to make alternative arrangements. It is difficult to justify a further delay when more than adequate time has been given to individuals.

With regard to Stone, Stirling and Scott Streets, commuter parking was competing with residential parking needs however with the introduction of 4P parking in conjunction with marked dedicated bays it has now reduced commuter parking, lessened congestion and made parking for residents more available and in a safer environment.

In addition to the CEO comment provided above, the City considers the current 4P 8.00am-6.00pm Monday to Friday restrictions for Stone, Stirling and Scott Streets provides sufficient flexibility for local residents to manage their cars, for the following reasons:

- Residents are able to park their cars in these streets all morning up until midday and then again from 2.00pm in the afternoon;

10.3.5 Parking Restriction Signs in Stone, Stirling and Scott Streets

- Residents can also park their cars in these streets all weekend with no restriction;
- Available parking in these streets is not taken up by commuters allowing more availability for residents.

In conclusion, the City does not recommend amending the existing parking restrictions in Stone, Stirling and Scott Streets, even for a short period of time.

Consultation

Nil.

Policy and Legislative Implications

City of South Perth Parking Local Law 2017

City of South Perth - Parking Strategy 2016 – (Luxmoore Parking and Safety)

City of South Perth - Parking Management Action Plan 2017 (Cardno)

Financial Implications

If Council resolves to amend the parking controls in Stone, Stirling and Scott Streets, there are 25 parking signs that will require replacement. 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 \$1,250.

If Council, resolved to undertake the change for a set period of time and the pre-existing signs are to be reinstalled upon its expiry, then 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

Attachments

Nil

10.4 STRATEGIC DIRECTION 4: LEADERSHIP

10.4.1 Listing of Payments - February 2019

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-19-25526
Meeting Date:	26 March 2019
Author(s):	Andre Brandis, 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 February 2019 and 28 February 2019 for information. During the reporting period, the City made the following payments:

EFT Payments to Creditors	(505)	\$3,583,358.20
Cheque Payment to Creditors	(14)	\$17,175.69
Total Monthly Payments to Creditors	(519)	\$3,600,533.89
Cheque Payments to Non-Creditors	(53)	\$59,365.17
Total EFT & Cheque Payments	(572)	\$3,659,899.06
Credit Card Payments (February 2019)	(7)	\$18,952.61
Total February Payments	(579)	\$3,678,851.67

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

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

CARRIED BY EXCEPTION RESOLUTION (8/0)

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 Policy P605 - Purchasing and Invoice Approval and Delegation DM605 sets the authorised purchasing approval limits.

After an invoice is approved for payment by an authorised officer, payment to the relevant party must be made and the transaction recorded in the City's financial records. 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 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.

The report records payments classified as:

- **Creditor Payments**

These include payments by both Cheque and EFT that are regular suppliers with whom the City transacts business. Cheque payments show both the unique Cheque Number assigned to each one and the assigned Creditor Number. EFT payments show both the EFT Batch Number in which the payment was made and also the assigned Creditor Number.

- **Non Creditor Payments**

The payments are one-off payments to individuals / suppliers who are not listed as regular suppliers. These payment listing reflects only the unique Cheque Number and the Payee Name - as there is no permanent creditor address / business details held.

- **Credit Card Payments**

Credit Card Payments are not processed in Authority Finance System as a Creditor Payment or Non-Creditor Payment per above. The direct debiting of the bank account results in Credit Card Payment being excluded from the Payment Listing provided.

Details of payments made by direct credit to employee bank accounts in accordance with contracts of employment are not provided in this report for privacy reasons nor are payments of bank fees such as merchant service fees which are direct debited from the City's bank account in accordance with the agreed fee schedules under the contract for provision of banking services.

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.

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 - February 2019

10.4.2 Monthly Financial Statements - February 2019

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-19-25527
Meeting Date:	26 March 2019
Author(s):	Andre Brandis, 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 have been reformatted and incorporated in one package (**Attachments (a)–(i)**). High level analysis is contained in the comments of this report.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That Council note the Financial Statements and Report for the month ended 28 February 2019.

CARRIED BY EXCEPTION RESOLUTION (8/0)

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 2018/19 Budget, adopted on 26 June 2018, adopts a variance analysis for significant amount of \$10,000 or 10% for the 2018/19 financial year.

Each Financial Management Report contains the Original Budget and the Annual Budget, allowing a quick comparison between the adopted budget and any budget adjustments approved by Council.

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. 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. The Statement of Financial Activity has commentary provided on variances in accordance with the Regulations.

Actual income from operating activities for February year-to-date (YTD) is \$53.41m in comparison to budget of \$54.29m. Actual expenditure from operating activities for February is \$40.02m in comparison to budget of \$41.28m. The February net operating position was \$0.38m favourable with lower actual expenditure against budget of \$1.26m partially offset against lower revenue of \$0.88m than planned.

Actual Capital Revenue YTD is \$0.870m in comparison to the budget of \$0.758m. Actual Capital Expenditure YTD is \$6.500m in comparison to the budget of \$12.256m.

Cash and Investments balance is \$62.93m. February Cash is reducing; following Rates Revenue being mostly received early in the year, reduced non-rates income for the remainder of the year, and continued operating and capital costs being incurred until year-end. Declining Cash balances are normal at this time of the financial year cycle and are expected to continue declining until year end.

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 51.22% of its investments in institutions that do not provide fossil fuel lending. The Summary of Cash Investments, **Attachment (h)**, illustrates the percentage invested in each of the Non-Fossil Fuel institutions and the Short Term Credit Rating 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):** Statement of Operating Revenue & Expenditure
- 10.4.2 (e):** Capital Summary
- 10.4.2 (f):** Significant Variance Analysis by Business Operating
- 10.4.2 (g):** Statement of All Council Funds
- 10.4.2 (h):** Statement of Cash Investments
- 10.4.2 (i):** Statement of Major Debtor Categories

10.4.3 Budget Amendments - 28 February 2019

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-19-25528
Meeting Date:	26 March 2019
Author(s):	Andre Brandis, 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

Council adopted the Mid-Year Review Budget Amendments on 26 February 2019, following a comprehensive review of the 2018/2019 Adopted Budget for the period to 31 December 2018.

Significant late financial transactions have been identified since reviewing the 31 December 2018 Budget Adjustments, which were not included in the February Budget Adjustment adopted. The additional budget adjustments are separately provided in this report.

The additional budget amendments in this report have been factored into a revised Budgeted Statement of Financial Activity. The Budgeted Statement of Financial Activity illustrates high level financial movements of these amendments.

Impact on the Financial Ratios is negligible as these adjustments only affect Capital Revenue and Capital Expenditure, offsetting each other, with a net capital expenditure reduction of \$135,000. These amendments do not impact the Operating Budgeted Result.

The Budget Review details adjustments, as an increase or decrease to the estimated Net Capital Budget, illustrated by an arrow. The net Capital Adjustment is a further improved budget outcome of \$135,000 for the current year. Wherever possible, areas seeking additional funds have been encouraged to generate funding or savings in their own areas.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That Council adopt the Budget Amendments as detailed in **Attachments (a) and (b)** to this Agenda:

ABSOLUTE MAJORITY VOTE REQUIRED
CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

Under the *Local Government Act 1995* and the Local Government (Financial Management) Regulations, Council is required to review the Adopted Budget and assess actual values against budgeted values for the period at least once a year, ending no later than 31 December in that financial year. The results of the Mid-Year Budget Review were adopted by Council on 26 February 2019, and have been forwarded to the Department of Local Government, Sport and Cultural Industries.

Subsequent to the Mid-Year Budget Review, the following, significant late Capital Budget Adjustments have been identified;

1. Safe Communities Grant Funding Round 3 – Capital Revenue;
2. Karawara CCTV project – Capital Expenditure;
3. Optic Fibre and electrical conduit – Capital Expenditure;
4. Civic Centre Office Refurbishment – Capital Expenditure and
5. Salter Point Foreshore Boardwalk – Capital Expenditure.

Safe Communities Grant Funding Round 3 (Capital Revenue Increase)

The City has been successful in receiving a \$500,000 grant from the Federal Government under the Safer Communities Fund. Anticipated grant receipts for the 2018/2019 year are \$233,000, with the final instalment of \$267,000 expected to be received in 2019/2020. This funding will contribute towards funding CCTV and Hostile Vehicle Mitigation Systems to increase safety for the community, with the first undertaking, being CCTV in Karawara.

Karawara CCTV project (Capital Expenditure Increase)

CCTV Expenditure in Karawara will be undertaken prior to 30 June 2019, as is sourced as a partial funding contribution from the Safe Communities Grant Funding Round 3.

Optic Fibre and electrical conduit (Capital Expenditure Increase)

Optic Fibre will connect the Operations Centre, Collier Park Golf Course (CPGC), Golf Course Workshop, GBLC and Manning Hub to replace the leased network connections for these buildings. Connection of the Collier Park Village (CPV) to the City's data and voice network via the network will also be affected. These connections are required to carry voice data, Wi-Fi and CCTV services, with 10GB throughput, ten times faster than the fastest link provided by a carrier.

Current monthly costs from our carrier is \$4,700 per month for 100MB services. The contract expired in Oct 2018, and now operating from a casual monthly contract at the same price for the same bandwidth. Further ongoing operating costs annual saving will be approximately \$28,000 per year with the laying of optic fibre and electrical conduit between CPGC and CPV.

Civic Centre Office Refurbishment (Capital Expenditure Deferral)

Approved capital expenditure in the Original Budget adopted for the 2018/2019 year included the Civic Building Reception Refurbishment. The undertaking has been delayed in the course of the year, with only minimal expenditure being incurred prior to 30 June 2019. Substantial capital expenditure of approximately \$400,000 has been identified for deferral, and inclusion in the 2019/2020 Capital Budget.

Salter Point Foreshore Boardwalk (Capital Expenditure Increase)

The Salter Point Foreshore Boardwalk consists of approximately 60 meters of raised timber walkway which has previously linked the walking path from Salters Point Parade to the stairs which descend from the Redman Reserve at Redmond Street, Salter Point.

In late 2018 during a foreshore asset condition inspection, it was identified the steel piles which carry the boardwalk deck were severely corroded at the tidal interface and that the boardwalk was at risk of failure. In view of the potential safety risk, it was immediately closed and signage attached warning the public the structure is currently unsafe and out of service.

The boardwalk is part of a very popular river walking route used by the general community and also school groups accessing the Salter Point Rowing Club, the Redmond Reserve stairs and the foreshore generally. The City has received numerous complaints and enquires in relation to the closure of the boardwalk all seeking assurance that access will be reinstated.

Subsequent investigation of the overall condition of the boardwalk together with consideration of possible methodologies for the replacement of the boardwalk piles confirmed that it was both feasible and financially responsible to pursue the replacement of the piles. The replacement of the piles will result in the useful life of the boardwalk being extended for 10 years.

The works are subject to the issue of an approval from Department of Biodiversity Conservation and Attractions. It is anticipated the project will be completed by the end of May 2019, during autumn low tides before the onset of winter. A budget amendment of \$80,000 is requested to complete this project.

Consultation

No external consultation has occurred.

Policy and Legislative Implications

Local Government Act 1995 and Regulations.

Financial Implications

An amended Budgeted Statement of Financial Activity is included, illustrating the high level additional adjustments contained in this Report. **Attachment (a)**.

Amended Ratios have not been included, as the amended Budget does not impact Operating Results and the net Capital position is only marginally adjusted, favourably, by \$135,000.

	Capital Activity	Item Type		Existing Adopted Budget (\$)	Budget Adjustment (\$)	Amended Budget (\$)
1	Safe Communities Grant Funding Round 3	Revenue	↑	-	233,000	233,000
2	Karawara CCTV project	Expense	↑	-	(170,000)	(170,000)
3	Optic Fibre and electrical conduit	Expense	↑	-	(248,000)	(248,000)
4	Civic Centre Office Refurbishment	Expense	↓	(465,000)	400,000	(65,000)
5	Salter Point Foreshore Boardwalk	Expense	↑	-	(80,000)	(80,000)
	Net Capital Budget Amendments			(465,000)	135,000	(330,000)

Strategic Implications

This report is aligned to the 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

10.4.3 (a): Budgeted Statement of Financial Activity - February 2019

10.7 MATTERS REFERRED FROM COMMITTEE MEETINGS

10.7.1 2017/18 Office of the Auditor General final report

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-19-25531
Meeting Date:	26 March 2019
Author(s):	Vanessa Loncar, Manager Organisational Planning & Performance
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 recommends that the Audit, Risks and Governance Committee and Council note the Office of the Auditor General Final Management Letter and Audit Findings for the 2017/18 Financial Year.

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

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

1. Note the Office of the Auditor General Final Management Letter to the CEO and Mayor for the 2017/18 Financial Year **Attachment (a)**,
2. Note the Office of the Auditor General Audit Findings for the 2017/18 Financial Year **Confidential Attachment (b)**, and
3. Accept all recommendations in the Audit Findings **Confidential Attachment (b)** and include these items in the audit register.

CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

The 2017/18 Financial Statements provides our community with an open and accountable insight into how we have progressed our vision and strategic objectives outlined in our Strategic Community Plan 2017-2027, including our main achievements and challenges, our financial performance, and our key targets for the year ahead.

At the November 2018 Audit, Risk and Governance Committee (Committee) Meeting the Committee were presented with the 2017/18 Financial Statements Report along with the following attachments:

- 7.2 (a): Financial Statements;
- 7.2 (b): Draft Auditors Report; and
- 7.2 (c): Financial Management Letter.

Comment

Since the last committee meeting attachment 7.2 (b) Draft Auditors Report has been finalised, this has been included in this report as **Attachment (a)** Final Management letter to the CEO and Mayor for the 2017/18 Financial Year. The City has also received the accompanying audit findings. This has been included in this report as **Attachment (b)** Audit Findings for the 2017/18 Financial Year.

A summary of the audit findings are included below:

INDEX OF FINDINGS	RATING		
	Significant	Moderate	Minor
1. Infrastructure	x		
2. Change Management		x	
3. Disaster Recovery and Business Continuity Plan		x	
4. Information Technology Policy, Procedures and Security		x	
5. Technology Allowance			x
6. Collier Park departing resident refund			x

Officers recommend all the recommendations 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, 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

Section 5.53(1) of the *Local Government Act 1995* requires a local government to prepare an annual report for each financial year. Section 5.53(2) of the *Local Government Act 1995* specifies that the Annual Report is to contain the financial report and auditor's statement for that financial year.

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

- 10.7.1 (a):** Final Management Letter to CEO and Mayor for the 2017/18 Financial Year
- 10.7.1 (b):** Audit Findings for the 2017/18 Financial Year (*Confidential*)

10.7.2 Strategic Internal Audit Plan review

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-19-25533
Meeting Date:	26 March 2019
Author(s):	Vanessa Loncar, Manager Organisational Planning & Performance
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 has been prepared for the Committee to consider progress against the Strategic Internal Audit Plan, review the Plan and make alterations, where necessary. The updated Strategic Internal Audit Plan will assist in establishing the annual work plans and annual budget.

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That the Audit, Risk and Governance Committee recommend that Council adopt the Strategic Internal Audit Plan: 2018/2019 to 2022/23.

CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

Internal audit should help reduce risk (where appropriate), improve the business, and provide assurance that appropriate governance, risk management and control arrangements are in place and working effectively. The Strategic Internal Audit Plan: 2017/18 to 2021/2022 (SIAP) was adopted by Council at its meeting held 26 June 2018.

Internal Audit, undertaken by Paxon is different to the External (Financial Statements) Audit undertaken by the Office of the Auditor General (OAG). The External Audit attests the values contained in the Annual Financial Statements and Notes, to a materiality level, for an external audience (the general public). However, given good systems and processes are required to produce Financial Statements, the OAG will consider the findings, improvements and reporting by the Internal Auditor (Paxon) as part of their analysis when undertaking their External (Financial Statements) Audit.

Although the SIAP is less than a year old, it is an appropriate time to undertake an Annual Review, to help facilitate the work plans and allocate the appropriate funds in the upcoming (2019/20) Budget.

10.7.2 Strategic Internal Audit Plan review

In considering any changes to the adopted SIAP, the Committee should give consideration to the Internal Audits that have been completed and the amendments to subsidiary legislation; the Local Government (Financial Management) Regulations 1996 and the Local Government (Audit) Regulations 1996, that came into effect on 27 June 2018.

The original SIAP: 2017/18 to 2021/2022 as well as an updated SIAP 2018/19 to 2022/2023 is included as an attachment.

Comment

The SIAP comprises three main components:

- Link between the Strategic Direction, Strategies, Key Risks and Proposed Audits
- Summary of the Strategic Internal Audit Plan
- Details of the Strategic Internal Audit Plan

In developing the plan, as well as this review, Management and Paxon Group have considered our financial constraints, various project timeframes (i.e. 1System project), organisational capacity to support the Internal Audit work, as well as developing and implementing the Audit findings/recommendations.

On 24 August 2017, amendments were passed by State Parliament to enable the WA Auditor General to be responsible for External (Financial Statements), Performance and other Special Local Government Audits.

Regulations supporting the legislative changes were also amended, effective 27 June 2018. One positive change was the harmonisation of Local Government (Audit) Regulations 1996: 17(2); with Local Government (Financial Management) Regulations 1996: 5(2)(c). Essentially these parts require the CEO to undertake a review of the appropriateness and effectiveness of the financial management systems and procedures every **three years**. Prior to 27 June 2018, the Audit Regulations required a similar exercise to be undertaken every two calendar years, with the Financial Management Regulations once every four financial years. These changes have been considered in preparing the recommended SIAP.

The updated draft SIAP includes the Internal Audits completed in 2018/19, as well as the remaining scheduled for 2018/19. As it is good practice to have a rolling 5 year program, an additional year (2022/23) has been added for consideration.

In reviewing the SIAP, the Committee/Council may wish to have a greater emphasis placed on certain areas, or wish to alter the year in which an area will have an Internal Audit. In addition, the SIAP may be amended to allow for changes in circumstances or priorities. As described above, alterations to a plan should be mindful of financial constraints, various project timeframes and the organisational capacity to support the undertaking of Internal Audits and then develop/implement the Audit recommendations.

The updated Strategic Internal Audit Plan: 2018/19 to 2022/23 is provided for consideration.

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 the Local Government (Financial Management) Regulations 5 (CEO's duties as to financial management) and the Local Government (Audit) Regulations 17 (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. In addition to the payments to Paxon Group, there is a significant cost (officer time) in assisting the Auditors during the Audit, then designing/implementing recommendations and regular reporting of the progress against the plan.

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): Draft Strategic Internal Audit Plan

10.7.3 Internal Audit - Review of Procurement Transactions

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	Council
File Ref:	D-19-25535
Meeting Date:	26 March 2019
Author(s):	Vanessa Loncar, Manager Organisational Planning & Performance
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 Internal Audit report relating to the Review of Procurement Transactions. This report includes details relating to the Procurement Audit, presented to the Committee in September 2018, as well as information contained in Auditor General's Report – Local Government, released in October 2018. Whilst the City was not included in the Auditor General's Report, it is good practice to consider these findings in relation to the City of South Perth.

The Review of Procurement Transactions report contains findings with similar themes, therefore these have been grouped into four separate items, as described in Part 5.5 - Combined Management Comments.

The audit includes strengths, weaknesses, rating, issues, 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.

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

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

1. Note the Internal Audit – Review of Procurement Transactions report contained in **Confidential Attachment (a)**, and
2. Accept all recommendations contained in Section 5.1 to 5.4 in the Internal Audit – Review of Procurement Transactions, noting that four separate items, as described in Part 5.5 - Combined Management Comments, be added to the Audit Register.

CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

The five year Strategic Internal Audit Plan was approved by Council in February 2018 and Internal Audits commenced in March 2018. The first Internal Audit Report – Rates, was presented to the Committee for consideration in June 2018. The Internal Audit Report – Review of Procurement Transactions is presented for consideration.

Comment

The Internal Audit Report – Review of Procurement Transactions, is a confidential report to be used for internal purposes to assist in improving business processes and systems. The report includes the strengths, weaknesses, rating, issues, risk ratings, recommendations and management comments.

Paxon were finalising their report when the Auditor General's (AG) released a report on Local Government Procurement (October 2018). The AG audited the Procurement of the Shire/Town/City of Bassendean, Dalwallinu, Fremantle, Greater Geraldton, Harvey, Kalgoorlie/Boulder, Karratha and Stirling. Although South Perth was not included in this audit, it is considered good practice to consider these findings in relation to the City of South Perth. Officers requested Paxon undertake this review when finalising the Review of Procurement Transactions. Paxon's review of the AG report is contained within Section 6 (attached) of their report.

This Paxon Report is very detailed, building on from the higher level report titled Procurement Audit, presented to the Committee in September 2018. The Review of Procurement Transactions Audit Report contains findings with similar themes, therefore these have been grouped into four separate items, as described in Part 5.5 - Combined Management Comments. It is recommended that these four items be added to 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, 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.

Included in this Agenda is the Compliance Audit Return for the 2018 calendar year, that includes questions regarding Tenders for Providing Goods and Services, relating to compliance of the *Local Government Act 1995* and Regulations. This Internal Audit Report – Review of Procurement Transactions has findings over multiple years, however the findings in relation to Tenders are prior to 2018. There are findings for 2018, however these relate to the amounts lower than a Tender (Quotations), compliance relating to Policy and Management Practice, rather than the Act and Regulations.

Consultation

No external consultation has been undertaken.

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 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

10.7.3 (a): Internal Audit Report - Procurement (*Confidential*)

10.7.4 Audit Register - Progress Report

Location: City of South Perth
Ward: Not Applicable
Applicant: Council
File Ref: D-19-25539
Meeting Date: 26 March 2019
Author(s): Vanessa Loncar, Manager Organisational Planning & Performance
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 Colin Cala
Seconded: Councillor Travis Burrows

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

1. Note the progress recorded against each item within the Audit Register in **Confidential Attachment (a)**; and
2. Approve all items marked as Completed (100%) in the Audit Register, to be registered as closed and no longer reported.

CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

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

Comment

A summary of the audit register is as follows:

Status	Number	Range
Not yet commenced	4	9%
Progressed	18	10% to 95%
Completed	5	100%
Total	27	

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.

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

10.7.4 (a): City of South Perth Audit Register (*Confidential*)

10.7.5 Annual Review of Council Delegations

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-25540
Meeting Date:	26 March 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 Delegations each financial year. The Terms of Reference of the Audit Risk and Governance Committee include responsibility for reviewing the City's delegations.

A review of the Council Delegations has been completed and is now presented for consideration of the Committee and referral to Council for adoption.

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

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

1. Accept the new and amended delegations contained in **Attachment (a)**.
2. Revoke Delegation 664A, 664B, 664C, 665A, 665B, 665C.

**ABSOLUTE MAJORITY REQUIRED
CARRIED BY EXCEPTION RESOLUTION (8/0)**

Background

Section 5.42 of the *Local Government Act 1995* (the Act) provides that a council may delegate to the Chief Executive Officer the exercise of any of its powers or the discharge of any of its duties under the Act, other than those referred to in section 5.43.

The purpose of this review is to consider the operational effectiveness of the current delegations, whether they remain relevant and appropriate and whether legislative amendments or organisational changes necessitate any revisions to the text.

Comment

All Delegations have been reviewed. The following Delegations require minor amendments, such as formatting for consistency and clearly referencing the power to delegate under the associated Act:

- DC370 Approve or Refuse Granting of a Building Permit
- DC371 Approve or Refuse Granting of a Demolition Permit
- DC115 Granting Fee Waiver – City Reserves and Facilities
- DC373 Approve or Refuse an Extension of the Duration for Occupancy Permits or Building Approval Certificates
- DC374 Appoint Authorised Officers for the purpose of the Building Act 2011
- DC372 Grant or Refuse to Grant Occupancy Permits or Building Approval
- DC511 Partial Closure of a Thoroughfare for Repair or Maintenance
- DC601 Preparation of Long Term Financial Plan, Annual Budget & Annual Financial Report
- DC375 Issue or Revoke Building Orders
- DC607 Acceptance of Tenders/E-Quotes/Common Use Agreements
- DC607B Non Acceptance of Tenders
- DC603 Investment of Surplus Funds
- DC609 Leases and Licences
- DC612 Disposal of Surplus Property
- DC608 Acceptance of Contract Variations Relating to Tenders Approved by Council
- DC616 Write off Debts
- DC642 Appointment of Acting CEO
- DC685 Inviting Tenders or Expressions of Interest
- DC686 Granting Fee Concessions – Development Applications
- DC679 Administer the City's Local Laws
- DC690 Town Planning Scheme 6

The following Delegations require major changes. A small summary explaining the changes has been provided below:

DC664A Dogs – Limitation as to numbers

DC664B Dogs – Dangerous Dog Declaration

DC664C Dogs – Registration

These three delegations have been combined into one Delegation – **DC664 Dog Act**, and references the ability to perform any power or duty of the local government under the *Dog Act 1976*. This one Delegation will make it easier for referencing and reviewing.

DC665A Cats – Registration

DC665B Cats – Approval to Breed Cats

DC665C Cats – Recover Costs

These three delegations have been combined into one Delegation – **DC665 Cat Act**, and references the ability to perform any power or duty of the local government under the *Cat Act 2011*. This one Delegation will make it easier for referencing and reviewing.

DC678 Appointment of Authorised Officers

This Delegation has been amended to remove reference to the *Dog Act 1976* and the *Cat Act 2011* as these are contained in the new delegations mentioned above. Reference to the *Bush Fires Act 1954* has been removed and a separate delegation provided. Reference to the *Control of Vehicles (Off Road Areas) Act 1978* and the *Caravan Parks and Camping Grounds Act 1995* has been removed and will be the subject of a separate report to the Audit, Risk and Governance Committee.

New Delegation - DC684 Sealed Documents

The City of South Perth Standing Orders Local Law 2002 gave the CEO, or an employee authorised by the CEO, the ability to affix the Common Seal to any document that needed the Common Seal to be legally effective and to sign the Sealed Document on behalf of the City. Section 9.49A(4) of the *Local Government Act 1995* provides that a local government may, by resolution, authorise the CEO to execute Sealed Documents. In accordance with this section, it is more appropriate to have a delegation for this function rather than it be contained within a local law.

New Delegation – DC677 Bush Fires Act

As mentioned in DC678 above, it is recommended that the delegation for performing the functions of the local government under the *Bush Fires Act 1954* be a separate delegation. This is because the power to delegate is contained within the *Bush Fires Act 1954*, whereas the delegation for DC678 has the delegation power under the *Local Government Act 1995*. Therefore, it is considered more appropriate to properly reference the statutory reference and powers and duties in a separate delegation.

New Delegation – DC401 Graffiti Vandalism Act

The *Graffiti Vandalism Act 2016* deals with graffiti vandalism on public property and regulates the cleaning of graffiti, immunity when entering land and removing graffiti, and local government powers. These powers include the ability to issue a notice requiring the removal of graffiti and the other additional powers when a notice is given. It is recommended that a Delegation be given to the Chief Executive Officer to perform any power or duty of the 'local government' under the *Graffiti Vandalism Act 2016* so that issues involving graffiti can be resolved quickly.

The proposed new Delegations and the amended Delegation can be viewed in **Attachment (a)**.

Consultation

Consultation has occurred with officers of each of the relevant Departments.

Policy and Legislative Implications

Section 5.46(2) of the *Local Government Act 1995* requires all delegations to be reviewed at least once each financial year.

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

10.7.5 (a): Council Delegations

10.7.6 Appointment of Authorised Persons

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-25543
Meeting Date:	26 March 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 under the *Control of Vehicles (Off-road Areas) Act 1978* and the *Caravan Parks and Camping Grounds Act 1995* rather than via a delegation.

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

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

1. the following classes of persons be appointed for the purpose of section 38 of the *Control of Vehicles (Off-road Areas) Act 1978*:
 - Coordinator Ranger Services
 - Senior Ranger
 - Ranger
2. the following classes of persons be appointed for the purpose of section 17 and 23 of the *Caravan Parks and Camping Grounds Act 1995*:
 - Coordinator Environmental Health
 - Environmental Health Officer
 - Coordinator Rangers
 - Senior Ranger
 - Rangers

CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

The *Control of Vehicles (Off-road Areas) Act 1978* prohibits the use of vehicles in certain places and controls the use of vehicles in off-road areas. The *Caravan Parks and Camping Grounds Act 1995* regulates caravanning and camping within the District.

10.7.6 Appointment of Authorised Persons

A review of the City's delegations has determined that the *Control of Vehicles (Off-road Areas) Act 1978* and the *Caravan Parks and Camping Grounds Act 1995* are not delegations, but rather authorisations. Under both legislation, the 'authorised person' or class of person must be appointed by Council.

Comment

The appointment of authorised officers or classes of officers under the *Control of Vehicles (Off-road Areas) Act 1978* will ensure the designation of persons specified will be authorised to perform their role in a timely manner under the Act. Authorising designations of persons will also remove the need to seek a Council decision each time a new person is employed.

Additionally, the appointment of authorised officers or classes of officers under section 17 and 23 of the *Caravan Parks and Camping Grounds Act 1995* will ensure the day to day operations of the Act can be carried out and infringements issued.

Consultation

Rangers and Environmental Health Officers were consulted.

Policy and Legislative Implications

Section 38 of the *Control of Vehicles (Off-road Areas) Act 1978*.
Section 17 and 23 of the *Caravan Parks and Camping Grounds Act 1995*.

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

10.7.7 Annual Policy Review

Location:	City of South Perth
Ward:	Not Applicable
Applicant:	City of South Perth
File Ref:	D-19-25547
Meeting Date:	26 March 2019
Author(s):	Christine Lovett, Governance Officer
Reporting Officer(s):	Bernadine Tucker, Manager Governance 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.

The annual review of the following Council Policies held within the Environment (Built and Natural) and Leadership strategic directions are now presented for the consideration of the Committee and referral to Council for adoption.

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

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

1. Notes that the following policies having been reviewed with 'no changes' being proposed:
 - P204 Chemical Use
 - P205 Tree Preservation
 - P206 Urban Forest
 - P207 Natural Areas
 - P209 Shade Structures
 - P210 Street Verges
 - P211 Water Sensitive Urban Design
 - P213 Phytophthora Management
 - P357 Right of Way (ROW) Maintenance and Development
 - P401 Graffiti Management
2. Adopts the following revised policy:
 - P203 Ground Water Management
3. Adopts the following new policy
 - P624 Media Communications
4. Revokes Policy P662 Advertising on Banner Poles

CARRIED BY EXCEPTION RESOLUTION (8/0)

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

Minor Changes

The Policies listed below are considered to have only minor administrative changes and no change to content needed therefore they are not included as attachments.

Strategic Direction – Environment

P204	Chemical Use
P205	Tree Preservation
P206	Urban Forest
P207	Natural Areas
P209	Shade Structures
P210	Street Verges
P211	Water Sensitive Urban Design
P213	Phytophthora Management
P357	Right of Way (ROW) Maintenance and Development
P401	Graffiti Management

Major Changes

The policy listed below and at **Attachment (a)** is considered to have major changes to content. The content changes have been highlighted in red. A small summary explaining the changes has been provided.

Strategic Direction – Environment

P203 Ground Water Management

This policy has been amended to further enhance the protection of groundwater in the superficial aquifer as a result of applications for development.

Development applications incorporating basement construction are required to submit:

- Dewatering and Acid Sulphate Soils (ASS) management plans and

- An independent review of water quality preservation plans by a competent groundwater professional

In addition, infiltration of dewatering water is not encouraged because of the high likelihood of deleterious impacts, unless the proponent can demonstrate that infiltration will pose no risk.

New Policy

The policy listed below and at **Attachment (b)** is a new policy, a small summary explaining the policy has been provided.

Strategic Direction – Leadership

P624 Media Communications

The City of South Perth (the City) is committed to open and transparent communication and to being fully accountable. We aim to communicate with our community and provide the media with information about projects and initiatives in a timely manner.

The objectives of this policy are to:

- Provide guidance to the Mayor, Councillors and the City's administration for a coordinated approach to communicating with the media in a consistent, accurate and professional manner to enable fair and accurate reporting of City business
- Promote a positive and professional image of the City
- Keep the community informed about City business through the various media channels
- Ensure that all communication is consistent, accurate and in the best interests of the City
- Provide guidance on speaking with and responding to the media.

Revoke Policy

The policy listed below and at **Attachment (c)** is to be revoked. A small summary explaining the reason has been provided.

Strategic Direction – Leadership

P642 Advertising on Banner Poles

This policy is to be revoked as advertising by commercial or community organisations is no longer in practice on City Banner Poles.

Consultation

Consultation has occurred with Officers of each of the relevant City Departments.

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

10.7.7 (a): Major Change
10.7.7 (b): New Policy
10.7.7 (c): Policy to be revoked

10.7.8 2018 Compliance Audit Return

Location:	Not Applicable
Ward:	All
Applicant:	Not Applicable
File Ref:	D-19-25549
Meeting Date:	26 March 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 provides the City's response to the Department of Local Government, Sport and Cultural Industries 2018 Compliance Audit Return.

Committee Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

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

1. Adopt the attached Department of Local Government, Sport and Cultural Industries Compliance Audit Return for the period 1 January 2018 to 31 December 2018.
2. Authorise the certification to be jointly completed by the Mayor and Chief Executive Officer in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996.

CARRIED BY EXCEPTION RESOLUTION (8/0)

Background

The City is required to carry out an annual audit of statutory compliance in accordance with Regulation 14 of the Local Government (Audit) Regulations 1996. The Department of Local Government, Sport and Cultural Industries distributed a Compliance Compliance Audit Return for the period 1 January 2018 to 31 December 2018 which focused on those areas considered high risk in accordance with the *Local Government Act 1995* and associated regulations.

Comment

The 2018 Compliance Audit Return contained the following compliance categories:

- Commercial Enterprises by Local Governments;
- Delegation of Power/Duty;
- Disclosure of Interest;
- Disposal of Property;
- Finance;
- Integrated Planning and Reporting;
- Local Government Employees;

10.7.8 2018 Compliance Audit Return

- Official Conduct; and
- Tenders for Providing Goods and Services.

Each section of the 2018 Compliance Audit Return was completed by the relevant business unit.

Consultation

The 2018 Compliance Audit Return was circulated to the relevant Business Unit Managers.

Policy and Legislative Implications

In accordance with Regulation 14 of the Local Government (Audit) Regulations 1996 the completed 2018 Compliance Audit Return is to be reviewed and the results presented to Council. Following Council's adoption, the 2018 Compliance Audit Return must be submitted to the Department of Local Government, Sport and Cultural Industries by 31 March 2019.

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

10.7.8 (a): 2018 Compliance Audit Return

11. APPLICATIONS FOR LEAVE OF ABSENCE

- Councillor Glenn Cridland requested a leave of absence for the period 19 April 2019 to 27 April 2019, inclusive.
- Councillor Ken Manolas requested a leave of absence for the period 16 April 2019 to 18 April 2019, inclusive.

MOTION TO APPROVE LEAVE OF ABSENCE APPLICATION AND COUNCIL DECISION

Moved: Councillor Sue Doherty

Seconded: Councillor Travis Burrows

1. That Council approve the Leave of Absence application received from Councillor Glenn Cridland for the period 19 April 2019 to 27 April 2019, inclusive.
2. That Council approve the Leave of Absence application received from Councillor Ken Manolas for the period 16 April 2019 to 18 April 2019, inclusive.

CARRIED (8/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12.1 NOTICE OF MOTION - COUNCILLOR TRAVIS BURROWS - CIVIC MIXED USE DEVELOPMENT

At the Council Agenda Briefing held 19 March 2019 Councillor Travis Burrows gave notice that at the 26 March 2019 Ordinary Council Meeting he would move the following Motion in relation to the application for development approval for the Mixed Use Development on the Civic Site as follows:

Property Location:	Lot 2 (97), Lot 3 (99), Lot 464 (101) and Lot 432 Mill Point Road and Lot 1 (12), Lot 1 (18) Labouchere Road and Lot 2 (3), Lot 500 (1) and Lot 88 Mends Street, South Perth and Crown land ("Civic Triangle" – Proposed Lot 688, No. 1 Mends Street, South Perth)
Application Details:	Mixed Use Residential and commercial development (39 & 22 storey towers), modifications to the existing post office and former police station buildings and works within the surrounding road reserves
Applicant:	Element Advisory Pty Ltd
Owner:	South Perth Civic Triangle Pty Ltd

MOTION AND COUNCIL DECISION

Moved: Councillor Travis Burrows
Seconded: Councillor Tracie McDougall

1. That a Briefing Session be held for Councillors with the City's Design Review Panel (DRP) members in order to inform Councillors of the process that the DRP undertook in forming their advice on Element 9 (Design Quality) of Schedule 13 Provision 5 of Town Planning Scheme No. 6. The Briefing session is to occur at a suitable time prior to the Joint Development Assessment Panel's consideration of the application.
2. The CEO be authorised to write to the Office of the Government Architect (OGA) requesting that they carry out a peer review of the City's Design Review Panel's advice on Element 9 (Design Quality) of Schedule 13 Provision 5 of Town Planning Scheme No. 6. Any advice received from the OGA is to be given to the Joint Development Assessment Panel.

CARRIED (8/0)

Reasons for the Motion

This property is the Landmark Site within the South Perth Activity Centre and therefore the architectural design of the development must be exemplary, sensitive and sophisticated and contribute to the high quality of the inner urban environment being promoted in the locality. Council want to ensure that there is a robust assessment of design of this proposal.

12.1 Notice of Motion – Councillor Travis Burrows – Civic Mixed Use Development

Due diligence is important to ensuring that Council can be confident this development is exemplary and sets the benchmark for the Peninsula as it is at the gateway into the City.

CEO Comment

1. Briefing Session be held for Councillors with the City’s Design Review Panel (DRP) members in order to inform Councillors of the process that the DRP undertook in forming their advice.

This action is entirely appropriate and will give the Council a good understanding of the process and advice of the Design Review Panel. Furthermore Council should feel comfortable asking the panel to brief them on any relevant matter, not just this development application.

2. Office of the Government Architect (OGA) carry out of peer review of the City’s Design Review Panel’s advice.

The Town Planning Scheme requirements for this development site are contained in Schedule 13 Element 9 of the Town Planning Scheme. Clause 9.3(b) of Element 9 states that there should be due regard to *the advice of the relevant nominated Design Review Panel, or other suitably qualified consultant(s) appointed by the local government for the purpose of providing advice on architectural design quality.*

The references to the ‘Design Review Panel’ and ‘other suitable qualified consultant’ in the provisions of Element 9 of schedule 13, is informed by reference to the Design WA Design Review Guide referred to in clause 9.2. This Review Guide is one of a suite of Design WA documents which are due to begin operation on 24 May 2019.

Under the Review Guide provision is made for the formation and use of Design Review Panels in determining development applications. The City has established a Design Review Panel and it has considered and given advice on the design of the Civic Triangle development proposal, both before and following lodgement of the current development application.

The Review Guide provides for local governments to engage suitably qualified consultants to provide design advice in relation to a development proposal when a full design review panel is not required or when there is no opportunity to refer the matter to the Design Review Panel.

To date the involvement of the City’s Design Review Panel has been entirely consistent with the above scheme requirements.

The Notice of Motion proposes that the City seek comments from another source in the form of a ‘peer review’. It is important that Council appreciates that the ‘peer review’ can be used by the Council to inform its position and as a submission to the JDAP separate to the RAR. This is because Council in this application is not the decision maker and can engage a consultant to provide it with any advice it seeks. However, it is not certain that this advice can then be considered by the JDAP in the RAR . There may be a legal question for the JDAP as to whether it can have regard to separate design consultant’s advice additional to the Design Review Panel given that their advice has been provided in accord with the above scheme provision.

12.1 Notice of Motion – Councillor Travis Burrows – Civic Mixed Use Development

Council should also be aware that given the stage that this application is at, that the receipt and use of any additional ‘peer review’ advice is contingent upon the practicality of arranging for and receiving any such advice prior to the as yet unconfirmed date of the JDAP meeting to determine the application. Under the DAP regulations, the City’s officers cannot extend the timeframe for a DAP application without the agreement of the applicant and also the Presiding Member of the DAP. For this reason, it cannot be guaranteed that a ‘peer review’ would be provided before the scheduling of the JDAP meeting to consider the application. The current requirement for the City to provide the RAR is Thursday 28 March 2019. That may be delayed, but cannot be guaranteed.

Assuming the resolution is passed, however, the City will undertake its best endeavours to deliver against the Notice of Motion.

Town Planning Scheme No.6, Schedule 13 Element 9: Design Quality is included below for information.

Element 9: Design Quality

- 9.1 *The architectural design of any proposed comprehensive new development must be exemplary, sensitive and sophisticated and contribute to the high quality of the inner urban environment being promoted in the locality, as defined by any policy or guidelines of the Commission relating to architectural design quality.*
- 9.2 *In determining whether Development Requirement 9.1 is satisfied, the nominated Design Review Panel must have due regard to any policy or guidelines of the Commission relating to architectural design quality, and is to undertake its assessment in accordance with any policy or guidelines of the Commission relating to design review principles and practices, eg Design WA Design Review Guide (as amended).*
- 9.3 *In determining whether Development Requirement 9.1 is satisfied, the local government or other responsible authority must:*
 - (a) *have due regard to any policy or guidelines of the Commission relating to architectural design quality.*
 - (b) *have due regard to the advice of the relevant nominated Design Review Panel, or other suitably qualified consultant(s) appointed by the local government for the purpose of providing advice on architectural design quality; and*
 - (c) *be satisfied that the proposed comprehensive new development provides a high level of amenity within the public realm by:*
 - (i) *being of a scale along the street frontage which is conducive to creating a comfortable pedestrian environment; and*
 - (ii) *minimising adverse wind impacts; and*
 - (iii) *allows for appropriate levels of sunlight penetration into key pedestrian and public spaces; and,*
 - (iv) *contributing to an attractive skyline and outlook from the public realm within the immediate locality and surrounding vantage points; and*

12.1 Notice of Motion – Councillor Travis Burrows – Civic Mixed Use Development

- (d) *be satisfied that the proposed comprehensive new development provides a high level of internal amenity within the development itself by providing for appropriate natural light access, natural ventilation, privacy and outlook.*

12.2 NOTICE OF MOTION - COUNCILLOR GLENN CRIDLAND - DAP MEETINGS

At the Council Agenda Briefing held 19 March 2019 Councillor Glenn Cridland gave notice that at the 26 March 2019 Ordinary Council Meeting he would move the following Motion:

MOTION AND COUNCIL DECISION

Moved: Councillor Glenn Cridland

Seconded: Councillor Tracie McDougall

I move that Council request the CEO write to the Director General of the Department of Planning, Lands and Heritage, DAP Secretariat and Presiding Member of the Metro Central JDAP and request those persons conduct a review of DAP meeting setting arrangements with a view to having meetings organised:-

1. At times that are most likely to allow the attendance of members of the community affected by development applications to be considered at meetings (in particular submitters on applications); and
2. By reference to the availability and convenience of elected member representatives of the JDAP rather than the presiding member only.

CARRIED (8/0)

Reasons for the Motion

Metro Central JDAP meetings are currently arranged:

- a. for normal business hours which precludes many members of local community (including submitters) who are employed from attending the meetings and making a presentation to the JDAP on proposed developments that affect them, and
- b. by reference to the availability and convenience of the presiding member and without any consideration of, or concern for, the availability of the elected members from the affected local government.

If the principal planning decision making body for major developments is to have, and give the appearance of having considered, local input from elected representatives and affected local residents then the internal JDAP rules for the setting of meeting dates and times needs to be radically overhauled to facilitate, and no longer obstruct, the attendance of the local community and elected JDAP members.

CEO Comment

The City understand that its JDAP meetings are generally scheduled to be held at either 9.00am or 4.00pm. This is intended to give the opportunity for most of the public to attend. Across the Metro area all JDAP meetings are held typically between business hours usually starting no later than 4.00pm.

There is no objection to the proposed motion.

12.3 NOTICE OF MOTION - COUNCILLOR GLENN CRIDLAND - MOUNT HENRY ESTATE ENTRY STATEMENT

At the Council Agenda Briefing held 19 March 2019 Councillor Glenn Cridland gave notice that at the 26 March 2019 Ordinary Council Meeting he would move the following Motion:

MOTION AND COUNCIL DECISION

Moved: Councillor Glenn Cridland
Seconded: Councillor Travis Burrows

I move that Council request the CEO to arrange for a report to be prepared for the May 2019 Ordinary Council Meeting in respect of:

1. The facts surrounding the removal of the western side entry statement (including aboriginal artwork / design) to the Mount Henry Estate including consultation and planning approvals (if any); and
2. Options for requiring or facilitation the restoration of the western side entry statement (including aboriginal public artwork / design) to the Mount Henry Estate.

CARRIED (8/0)

Reasons for the Motion

From its opening until recently, the Mount Henry Estate had a striking entry statement including aboriginal public art / design work on both the eastern and western sides of the entry at Kenneally Circuit (corner with Gentilli Way) on the external walls of two residences.

The striking entry statement / aboriginal artwork lead visitors / residents on to Jandoo Park and the echidna / fountain and shady trees. The entry statement / artwork and echidna / fountain had attractive elements of aboriginal design and depicted fauna significant to the original local people. The public artwork was significant to, and appreciated by, current residents and visitors.

The western entry statement and public art / design work has been removed to the dismay of local residents and detriment of the local streetscape.

The factual circumstances of the removal of the art are not known to the local community or Council. The Council does not understand what the opportunities are to have this significant public art restored. The report would deal with these lacunae.

CEO Comment

Subject to Council endorsement a report will be prepared for the April 2019 Ordinary Council Meeting, detailing the circumstances relevant to the design and installation of the Mount Henry Estate entry statement signage by Land Corp at subdivision.

12.3 Notice of Motion – Councillor Glenn Cridland – Mount Henry Estate Entry Statement

The report will seek to establish when the signage was removed, by whom and what if any authority the City of South Perth has to require or facilitate its replacement in the same location. Council might note that the signage was originally attached to a private lot boundary wall which is the private property of the Lot owner.

12.4 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - LISTING OF PAYMENTS

At the Council Agenda Briefing held 19 March 2019 Councillor Ken Manolas gave notice that at the 26 March 2019 Ordinary Council Meeting he would move the following Motion:

Moved: Councillor Ken Manolas

Seconded: Councillor Greg Milner

The City's payment listing report to council meetings is to revert back to what was done in the past showing a description column.

AMENDMENT

Moved: Councillor Glenn Cridland

Seconded: Councillor Sue Doherty

That the words '*once the 1System accounting reporting facility is live and functioning*' be added after the word '*column*'.

LOST (2/6)

MOTION AND COUNCIL DECISION

Moved: Councillor Ken Manolas

Seconded: Councillor Greg Milner

The City's payment listing report to Council meetings is to revert back to what was done in the past showing a description column.

CARRIED (7/1)

Reasons for the Motion

The previous practice was to have a column with a description of each transaction. This no longer exists. Councillors should be able to identify the transaction not only by a reference number (which is meaningless by itself) before council accepts the payments.

How can we accept the payments when we do not have enough information to identify the transactions and what services and goods are supplied with each transaction?

I have provided an example of what was previously shown and what now is shown in the payment listing without the description as an attachment.

I have also attached copies from the City of Victoria Park, City of Melville, City of Canning, City of Kalamunda and City of Belmont which have **descriptions** of payments in their listing of payments.

The Local Government (Financial Management) Regulations 1996

Part 2 general financial management – s6.10

12.4 Notice of Motion – Councillor Ken Manolas – Listing of Payments

Regulation 13 states:

Payments from municipal fund or trust fund by CEO,

Part (d) states:

(d) Sufficient information to identify the transaction

By removing the description, I am no longer certain the payment listing now complies with regulation part (d) being *Sufficient information to identify the transaction*.

Without a description we do not know what each payment relates to and what services or goods are provided, we only have a reference number. We can't provide an oversight of the payments that as councillors we are supposed to perform. Without asking administration what each reference number represents, we do not know what services or goods were provided.

CEO Comment

At the Ordinary Council Meeting (OCM) held Tuesday 28 August 2018, the Payments Listing was changed to remove the description. The rationale for removing the description was that this description was misleading due to human and system limitations. Firstly, the current system uses text that has been entered by employees, when a Purchase Order (PO) is entered into the system. This text is free form, with no standard protocols and is used to provide enough description for the user, rather than a consistent standard of usable information for an external audience (Council and the Public). Secondly, a payment may include multiple POs, each with multiple items (lines) of goods and services, yet only the first item description will be included in the report to Council. This therefore renders the description meaningless and potentially misleading.

Before undertaking such a change, Officers undertook a review of the *Local Government Act 1995* and the Local Government (Financial Management) Regulations 1996, as well as other Local Government Authorities reports to Council(s). Included in the report to the August 2018 OCM, was the statement that Officers considered the revised Payments Listing conformed to the Act and Regulations. That remains the case and Officers are of the view that the current Payment Listing complies with the Act and Regulations, as the Reference Number facilitates payment details with all purchase orders and invoice information, as well as the supporting documentation.

It should also be noted, that Regulation 13 (3) of the Local Government (Financial Management) Regulations 1996 requires the CEO to only present the payment list to the next OCM. Council do not approve payments. Approval has already occurred through Council's delegated authority to the CEO. In addition, Council have adopted the Budget authorising the CEO to commence a work or service.

In order to revert back to the previous practice this would require in the body of the report a disclaimer to clarify that the information listed may include partial information, or may be misleading as the description only relates to the first item within the whole payment.

Alternatively to provide information that would not require a disclaimer would require an Officer to undertake a full analysis and produce a report outside of the system. This would require an Officer to review every vendor payment, all invoices

12.4 Notice of Motion – Councillor Ken Manolas – Listing of Payments

for that payment, and all purchase orders relating to that payment along with the cost centre/job where the transactions are posted to. Following this analysis, a written summary would be prepared sufficient for the Council/public to comprehend.

On average, 1,000 invoices are paid per month, it is anticipated this would likely take an Officer more than a week per month to be confident in the accuracy of the information. This would require additional staffing and in addition to this, a detailed review would be required, as a document has been created by human intervention, outside of the system.

Given the above, it is recommended that the current practice remain in place.

12.5 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - PARKING MANAGEMENT ACTION PLAN IN THE SOUTH PERTH STATION PRECINCT

At the Council Agenda Briefing held 19 March 2019 Councillor Ken Manolas gave notice that at the 26 March 2019 Ordinary Council Meeting he would move the following Motion:

COUNCIL DECISION

Moved: Councillor Ken Manolas
Seconded: Councillor Blake D'Souza

That the City reports and reviews at the May Ordinary Council Meeting on how the current Parking Management Plan can be improved before implementation in the South Perth Station Precinct.

CARRIED (8/0)

Reasons for the Motion

As the current Parking Management Plan is being implemented, it is causing problems throughout the peninsular area.

1. Paid parking in Angelo and Onslow streets adjoining the zoo: This was implemented to give certainty to the staff at the zoo. In the mornings around 10am, the paid parking streets are virtually empty and the zoo staff appear to be parking further afield in smaller residential streets where there is no time limit or paid parking.
2. Under the present Parking Management Action Plan, parking restrictions in streets like Hopetoun, Clarence and York Streets, it was recently changed to 4 hours Monday to Friday 8am to 6pm in lieu of 2 hours, 7 days a week 8am to 6pm. to provide the least inconvenience to residents.
3. South Perth Esplanade under the Traffic Management Plan is now \$3 an hour 24 hours a day 7 days a week. The result of this implementation is a street virtually deserted at all times and residents have nowhere to park, day or night.
4. Conversion of grassed area of Melville Parade North for contractors to park at a parking fee of \$8 per day, which is more expensive than the zoo all day parking at \$6.
5. In the Parking Management Plan the City has not considered or approved private unused vacant land for parking.

For the above reasons, the City should review the Parking Management Action Plan, taking into consideration the implementation of 2 hour parking restrictions, paid parking in residential streets to alleviate zoo staff parking and overall review of the 24 hours 7 days a week paid parking.

12.5 Notice of Motion – Councillor Ken Manolas – Parking Management Action Plan in the South Perth Station Precinct

The community that are affected by the parking changes should be notified of the changes in advance prior to any implementation of any plan. Currently, we have a situation wherein, residential streets have had the Parking Management Plan implemented, without any reasonable prior notice to the resident allowing them time to make adjustments to their parking arrangements.

CEO Comment

As described in the Parking Management Action Plan and during the briefing of Councillors on 8 October 2018 all changes implemented will be revisited as part of an annual review process. In particular, paid parking implementation and modifications will be related to ongoing occupancy and utilisation of parking within each sub-precinct, street block and car park.

The City will undertake a review as requested and will provide a report to Council with suggested amendments by the May 2019 Council meeting.

12.6 NOTICE OF MOTION - COUNCILLOR KEN MANOLAS - PAID PARKING AT THE END OF MENDS STREET SPE3 AND SPE4 CARPARKS

At the Council Agenda Briefing held 19 March 2019 Councillor Ken Manolas gave notice that at the 26 March 2019 Ordinary Council Meeting he would move the following Motion:

MOTION AND COUNCIL DECISION

Moved: Councillor Ken Manolas

Seconded: Councillor Greg Milner

The period designated for Paid Parking at the end of Mends Street for SPE3 and SPE4 Carparks be changed to 8am - 6 pm Monday to Sunday, in-lieu of 24 hours 7days a week, which currently exists starting as soon as practical.

CARRIED (6/2)

Reasons for the Motion

Businesses in the area have been affected by the changes that have taken place recently, which are listed below:

1. The paid parking in these carparks is presently 24 hours, 7 days a week. The restaurants, in particular CoCo's , Mr. Walker, La Rambla, Gelare, Mends Street Café, Thai restaurant and the Kebab shop together with other businesses in the area, are adversely affected by the paid parking in the evenings.
2. The businesses in the area are further adversely affected by stopping the southbound traffic down Mends Street, restricting the road access to businesses.
3. There has also been a loss of car bays in both of the carparks, SPE3 and SPE4 due to construction. At the moment, it appears that there has been a greater loss of car bays during the construction period. When Connect South is completed there will be a loss of 13 car bays.
4. The aesthetics in the area. The corner of the Esplanade and Mends Street looks like a construction zone and not community friendly to visit.
5. There have been complaints from businesses of construction noise, making it unpleasant for restaurant patrons to be in the area.

For these reasons, the City should be assisting the businesses in the area every way they can during a difficult period, by changing the current paid parking hours to allow free parking in the evenings after 6pm.

12.6 Notice of Motion – Councillor Ken Manolas – Paid Parking at the end of Mends Street SPE3 and SPE4 Carparks

CEO Comment

As described in the Parking Management Action Plan and during the briefing of Councillors on 8 October 2018 all changes implemented with the Precinct will be revisited as part of an annual review process. In particular, paid parking implementation and modifications will be related to ongoing occupancy and utilisation of parking within each sub-precinct, street block and car park.

The City will undertake a review as requested and will provide a report to Council with suggested amendments by the May 2019 Council meeting.

Councillor Tracie McDougall left the meeting at 8.21pm during consideration of Item 12.7 and returned to the meeting at 8.24pm.

12.7 NOTICE OF MOTION - COUNCILLOR GREG MILNER - LOCAL GOVERNMENT ACT REVIEW

At the Council Agenda Briefing held 19 March 2019 Councillor Greg Milner gave notice that at the 26 March 2019 Ordinary Council Meeting he would move the following Motion:

MOTION AND COUNCIL DECISION

Moved: Councillor Greg Milner

Seconded: Councillor Ken Manolas

The City notes that the composition of the current policy reference group for the reform of the *Local Government Act 1995* (WA) appears to be dominated by parties having some connection to the practical administration of local government (as compared to ratepayers, residents and electors and Councillors). The City:

- (a) Requests that the Minister allow:
 - (i) Councillors not nominated by WALGA; and
 - (ii) Members of the public, to become involved at that level; and
- (b) When the current process is finalised and the proposed new legislation is drafted, that it be referred to a Parliamentary Committee to allow public hearings and input in the proposed Act.

CARRIED (5/3)

Reasons for the Motion

1. The *Local Government Act 1995* (WA) (**Act**) is presently under review.
2. It is likely that the Act will not be reviewed again for decades following the conclusion of the current review.
3. The Minister has formed a reference group (**Reference Group**) that will be considering the submissions on the Act and other review matters going forward.
4. The groups represented on the Reference Group are set out in the email dated 12 March 2019 and **attached** to this Motion.
5. Most (if not all) of these groups have some connection to the practical administration of local government.

6. The review process would likely be improved by the inclusion on the Reference Group of parties advocating purely in the interests of ratepayers, residents and electors, to balance those parties responsible for the practical administration of local government.
7. For the avoidance of doubt, I do not suggest that those parties responsible for the practical administration of local government would approach the review with anything other than the utmost good faith. I simply suggest that the review process would likely be improved (and more readily accepted by the public) by having a Reference Group with a more diverse range of perspectives.
8. Having a Reference Group with a more diverse range of perspectives will also likely reduce the possibility of unintended consequences.
9. To provide a recent example, the City has already differed from WALGA's proposed position, as illustrated by the City's recent submission to WALGA following the February 2019 Ordinary Council Meeting. Further points of difference are likely to be uncovered as the review of the Act progresses.
10. Following the review process by the Reference Group, the proposed recommendations should be referred to a Parliamentary Committee, to allow public hearings and input into the proposed new Act. This will help to ensure that the new Act has as broad a public acceptance as is reasonably practicable.

CEO Comment

In March 2019, WALGA wrote to Councillors across the State providing an update on the Local Government Act Review being undertaken by the Minister for Local Government. WALGA encouraged all Elected Members to provide either an individual submission or contribute to their own local government submission.

WALGA requested local governments provide a response to them on the Review so that it could be presented to the March 2019 State Council Meeting. The City subsequently endorsed a submission to WALGA at the 26 February 2019 Council Meeting.

The proposed Notice of Motion reflects a Town of Cambridge media release dated 11 March 2019 following a forum organised by the Town. The media release has since been widely circulated across the local government sector.

The views of WALGA as the sectors representative advocacy body were sought and they have provided the following response:

The Minister for Local Government has formed a reference group and appointed representatives that will be considering the submissions and Act review matters going forward. The Group has no powers and is a further consultation group for the Minister in addition to the current process.

The following are the groups represented on the Ministers reference group:

- *Mr David Michael MLA, Member for Balcatta - Chair*
- *WACOSS*

- *WA Electoral Commission*
- *Regional Chamber of Commerce and Industry*
- *Chamber of Commerce and Industry*
- *WA Rangers Association*
- *Australian Services Union WA*
- *Association of Mining and Exploration Companies*
- *Multicultural Advisory Group*
- *Local Government Professionals WA (4 representatives)*
- *WALGA (4 representatives)*
- *Office of the Minister for Local Government*
- *Department of Local Government, Sport and Cultural Industries (DLGSC)*

In respect to WALGA's representation, WALGA has two (2) Elected Members, of which one is the WALGA President and the other is the Chairperson of the Governance Policy Team, plus two (2) senior staff (for technical expertise) on the group. In addition WALGA's Elected Members are supported by a further five (5) Elected Members from the Governance Policy Team (Metropolitan and Country representation) that also provide input via the WALGA delegates.

WALGA's Elected Member representatives are appointed by their Local Governments to represent them at WALGA Zone meetings, and are then elected by their Zone to form WALGA's State Council. As a consequence, WALGA's representatives put forward information based on our consultation with all Elected Members.

The 2 officers from WALGA have extensive experience in Local Government in both metropolitan and regional Local Governments and advocate on sector views on issues following consultation processes.

As at 6 March 2019, the Department of Local Government has received 1590 submissions. 45% of submissions are from the community, 31% from Local Government staff and 15% from Elected Members, the remaining 8% is from various organisations including Councils. WALGA President, Cr Lynne Craigie recently emailed all Elected Members encouraging submissions prior to the deadline and to encourage Councils to put forward their submissions.

WALGA has been regularly communicating with the sector on the Act review. WALGA and the Department collaborated to facilitate 19 forums across the State in October/November 2018 and also held a Future of Local Government Forum on 30 January 2019 where 230 Local Government representatives attended.

Following this current consultation process, The Department of Local Government in-conjunction with the State Solicitors office will prepare a new draft Local Government Act. The draft (Green Bill) will come back to the sector for consultation as per the State/Local Government Partnership Agreement. Consultation on the draft bill would be expected in 2020.

With respect to the first part of the motion it would require consideration as to how or by what fair process Councillors who are not nominated by WALGA could be chosen to be representative in the review process. The same principle would also

apply to any chosen members of the general public. Alternatively their input or any other individuals views could be made as part of any subsequent public consultation process that will occur on the draft Bill. Additionally the rationale for any further inclusion of membership of the reference group, at this time, would need to be further developed and then strongly put.

Based on the comments from WALGA they indicate that they are satisfied that through its structures that a representative voice, balanced with those having relevant experience and knowledge, already forms an appropriate membership of the reference group.

With respect to the second part of the motion where the City requests the draft Bill be referred to a Parliamentary Committee it is understood that following the second reading stage of a Bill that Parliament may decide for it to be referred to a Committee for consideration. However, Parliament needs to vote to appoint a Committee. The Committee's role is to usually debate complex issues proposed in a Bill and report back to Parliament. This may take some time depending upon the complexity of the issue. Not all Bills progress through to a Committee and most are debated in both Houses of Parliament before assent.

The extent to which this suggested approach will be able to influence the Parliament to form such a Committee is probably limited.

PROPOSED NOTICE OF MOTIONS

- Councillor Travis Burrows in relation to how submissions for Amendment 61 are reported and recorded.
- Mayor Sue Doherty in relation to the release of design WA by the Minister for Planning that will become operational on the 24 of May 2019, the City is to review Policy P303 Design Review Panel including the Terms of Reference by August 2019.

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

These are available as an Appendix to these Minutes.

13.2 QUESTIONS FROM MEMBERS

- Councillor Glenn Cridland - these questions were taken on notice and responses will be provided in the April 2019 Ordinary Council Meeting Agenda.

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

Nil.

15. MEETING CLOSED TO THE PUBLIC

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Appointment of New Members to the City's Design Review Panel

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

15.1.1 Appointment of New Members to the City's Design Review Panel

*This item is considered **confidential** in accordance with the Local Government Act 1995 section 5.23(2) (b) as it contains information relating to "the personal affairs of any person"*

Location:	Not Applicable
Ward:	Not Applicable
Applicant:	Not Applicable
File Ref:	D-19-25552
Meeting Date:	26 March 2019
Author(s):	Vicki Lummer, Director Development and Community Services
Reporting Officer(s):	Vicki Lummer, Director Development and Community Services
Strategic Direction:	Leadership: A visionary and influential local government
Council Strategy:	4.3 Good Governance

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor Colin Cala
Seconded: Councillor Travis Burrows

That Council endorse the applicant recommended in this report for appointment to the Design Review Panel in accordance with Policy P303.

CARRIED BY EXCEPTION RESOLUTION (8/0)

16. CLOSURE

The Presiding Member thanked everyone for their attendance and closed the meeting at 8.35pm.

RECORD OF VOTING

7.1.1 Ordinary Council Meeting Held: 26/02/2019

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

7.1.2 Special Council Meeting Held: 6/03/2019

For: Mayor Sue Doherty; Councillor Ken Manolas; 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 - 19 March 2019

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

7.2.2 Concept Briefings and Workshops

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

10.1.1 Assessment of Community Sport and Recreation Facility Fund (CSRFF) Applications for 2019

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

10.3.1 Modified Local Planning Policy P350.03 - Setback of Garages and Carports, Garage Width, Design of Car Parking spaces and vehicle access - Final adoption

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

10.3.2 Proposed Change of Use from Consulting Rooms to Child Day Care Centre at Lot 91 (No. 2) Fourth Avenue, Kensington

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

10.3.3 Proposed Change of Use to 'Use Not Listed' (Holiday House) at Lot 352 (No. 7) Vista Street, Kensington

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

10.3.4 RFT 14/2018 - Provision of Graffiti Removal and High Pressure Cleaning

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

10.3.5 Parking Restriction Signs in Stone, Stirling and Scott Streets

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Glenn Cridland; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

Against: Councillor Blake D'Souza.

10.4.1 Listing of Payments - February 2019

For: Mayor Sue Doherty; Councillor Ken Manolas; 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 - February 2019

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

10.4.3 Budget Amendments - 28 February 2019

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

10.7.1 2017/18 Office of the Auditor General final report

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

10.7.2 Strategic Internal Audit Plan review

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

10.7.3 Internal Audit - Review of Procurement Transactions

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

10.7.4 Audit Register - Progress Report

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

10.7.5 Annual Review of Council Delegations

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

10.7.6 Appointment of Authorised Persons

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

10.7.7 Annual Policy Review

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

10.7.8 2018 Compliance Audit Return

For: Mayor Sue Doherty; Councillor Ken Manolas; 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 Travis Burrows - Civic Mixed Use Development

For: Mayor Sue Doherty; Councillor Ken Manolas; 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 Glenn Cridland - DAP Meetings

For: Mayor Sue Doherty; Councillor Ken Manolas; 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 Glenn Cridland - Mount Henry Estate Entry Statement

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

12.4 Notice of Motion - Councillor Ken Manolas - Listing of Payments

Amended Motion

For: Mayor Sue Doherty; Councillor Glenn Cridland.

Against: Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Tracie McDougall; Councillor Greg Milner; Councillor Travis Burrows.

Substantive Motion

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

Against: Mayor Sue Doherty.

12.5 Notice of Motion - Councillor Ken Manolas - Parking Management Action Plan in the South Perth Station Precinct

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

12.6 Notice of Motion - Councillor Ken Manolas - Paid Parking at the end of Mends Street SPE3 and SPE4 Carparks

For: Mayor Sue Doherty; Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Greg Milner; Councillor Travis Burrows.

Against: Councillor Glenn Cridland; Councillor Tracie McDougall.

12.7 Notice of Motion - Councillor Greg Milner - Local Government Act Review

For: Councillor Ken Manolas; Councillor Colin Cala; Councillor Blake D'Souza; Councillor Greg Milner; Councillor Travis Burrows.

Against: Mayor Sue Doherty; Councillor Glenn Cridland; Councillor Tracie McDougall.

15.1.1 Appointment of New Members to the City's Design Review Panel

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

APPENDIX

PUBLIC QUESTION TIME

<p>1. Carol Roe, 16 Abjornson Street, Manning Received: 25 March 2019</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p><i>[Preamble]</i></p> <p><i>Developer Sirona Capital referred to the critical importance of housing affordability for future generations in The West Australian on 20 Mar 2019. Building new luxury apartments, it says, makes housing affordable through a process known as filtering. As buyers or renters of more expensive homes move up the property ladder they release their former cheaper homes to the market. However, if new properties are bought as second homes or by overseas investors, for example, then there is no previous property to filter down. Also cheaper homes are demolished horizontally or vertically to provide sites on which to build high rise luxury apartments.</i></p>	
<p>1. Has the City considered that using housing diversity as a proxy for housing affordability is the weakest option of four proposed in a Discussion Paper by the Department of Planning titled Planning Provisions for Affordable Housing? https://www.dplh.wa.gov.au/getmedia/b6408f68-482d-44f1-9d99-2556e7c28942/STM-Planning_for_Affordable_Housing_Discussion_Paper</p>	<p>The Local Planning Strategy considers adopted policies, development control policies and legislation of the State Government. It does not consider generic position papers of the State Government, unless that document has a specific impact on planning within the City of South Perth. Planning for housing diversity and affordability is one of many planning considerations.</p> <p>One of the objectives of the Local Planning Strategy is to ‘ensure housing is provided for people of all ages, family structures and incomes’. The Strategy seeks to achieve this by providing for a</p>

	<p>diversity of housing types, including increasing the number of one and two bedroom dwellings within the City and by incentivising new developments to provide dwellings suitable for people to ‘age-in-place’.</p> <p>The Planning Provisions for Affordable Housing (2013) position paper was prepared to inform further community consultation on how to provide more affordable housing across the State. It would be inappropriate for the City of South Perth to consider the paper in any significant way given this process appears incomplete or possibly abandoned.</p> <p>The position paper notes that local governments implementing affordability policies on an individual, ad-hoc basis carries risks of inconsistent scheme provisions additional time, cost and uncertainty to the planning and development process, and that a unified approach is needed.</p>
<p>2. Is the City aware that http://www.housing.wa.gov.au/HousingDocuments/Affordable_Housing_Action_Plan_2017_2018_2019_2020.pdf calls on local governments to develop housing strategies to protect existing low-cost housing stock and thus should it be given more emphasis in the Draft Local Planning Strategy?</p>	<p>The <i>Affordable Housing Action Plan</i> outlines a range of actions aimed at broadening opportunities for social and affordable housing. The action plan does not set out any specific requirements of local governments in protecting older, lower-cost housing stock. It identifies that the Department of Planning, Lands and Heritage should prepare a toolkit for local governments to incentivise the development of affordable</p>



	<p>housing in their local areas. No toolkit has been prepared to date.</p> <p>Nonetheless, the Local Planning Strategy includes a number of actions aimed at improving the diversity of housing stock within the City including increasing the number of one and two bedroom dwellings within the City and by incentivising new developments to provide dwellings suitable for people to ‘age-in-place’. The City applies a range of density codings through its current planning scheme and in some instances, such as in the Activity Centre Plan for South Perth, provides minimum dwelling diversity standards to help ensure housing stock is available to a range of ages, family structures and incomes.</p>
<p>2. Paul Ruthven, 5/24 Charles Street, South Perth Received: 26 March 2019</p>	<p>Response provided by: Vicki Lummer, Director Development and Community Services</p>
<p>1. During the analysis of submissions on Amendment 25 to TPS6, was any increased weighting given to those submissions that came from within the area covered by the amendment, as compared to submissions that came from outside the area.</p>	<p>In both May 2011 and May 2012 reports on submissions attached to the Council reports, general street location of submissions is noted, however no weighting is given by submission location.</p>
<p>2. During the analysis of the FIRST round of submissions for Amendment 46, was any increased weighting given to those submissions that came from within the area covered by the amendment, as compared to submissions that came from outside the area.</p> <p>Note: That this question is specifically asking about the FIRST round of submissions, for which there were 41 submitters. It is NOT asking about the</p>	<p>The August 2015, report on submissions attached to the Council report provided information pertaining to the location of submitters, however no weighting is given by submissions location.</p>

<p>SECOND round of submissions, for which there were 882 submitters. It would be appreciated if you could answer the question that has been asked.</p>	
<p>3. Which City of South Perth Policy document describes the manner in which submissions relating to proposed Town Planning Scheme amendments shall be considered and dealt with by City Officers?</p>	<p>Feedback received during consultation and or engagement is only one consideration, or input, in formulating any planning document. Feedback must be considered alongside:</p> <ul style="list-style-type: none"> - Overarching state policy; - The evidence and information of what we need to plan for; and - Balancing the needs of current and future residents. <p>Part 6.3 of P301 'Community Engagement in planning proposals' describes the manner in which submissions are considered.</p>
<p>3. Vicki Redden, 14/63 Mill Point Road, South Perth Received: 26 March 2019 at the Meeting</p>	<p>Question 1 and 2 - Response provided by: Vicki Lummer, Director Development and Community Services</p> <p>Question 3 – Response provided by Bernadine Tucker, Manager Governance</p>
<p><i>[Preamble to Question 1]</i></p> <p><i>As has been acknowledged many times over the years – it is imperative that normal people reviewing the LPS and the ACP need to be able to clearly see what the future build out will look like. I have been criticised by staff for producing our own in the absence of anything from the department. Without these clear images you are hiding the true vision of these plans.</i></p> <p><i>“Even though they will scare the pants off the community.” – quote by Maldempgy.</i></p>	
<p>1. When is the city going to produce 3d images showing the true full build out of the LPS and the ACP?</p>	<p>Question taken on notice.</p>

[Preamble to Question 2]

Last week representatives from some SP community groups met with David Caddy the Chair of the WAPC and John Carey former mayor of Vincent and now Secretary to Planning Minister, Rita Saffioti seeking clarification of many of the critical issues we have been raising here in this chamber over the past months. Of note we were told in no uncertain terms by Mr Caddy that he did not pressure the council to approve the ACP 2 weeks ago and were reassured that the decision was always the democratic right of councillors to make, independently. I might add Mr Caddy also remarked that he could not comment on the ACP – as he had not read it.

That leaves only the Minister who could intervene IF there was an unusual delay and that is not possible, as the ACP is way ahead of schedule.

2. So, did councillors believe that if they had no approved the ACP for comment that it was in jeopardy of being removed from the city's control? If this was the case – where exactly did that threat come from and in what form?

Question taken on notice.

[Preamble to Question 3]

It is noted that Cr Milner will move a motion later to change the composition of the reference group for the Local Government Review. Currently the reference group consists of self-concerned employees and those who benefit from the status quo – akin to the foxes in charge of security on the henhouse.

The CEO has made comments, repeating the WALGA statements which reiterate that there are NO elected member representatives and no members of community groups on this reference group and this is acceptable!!??

3. Can the CEO please tell us when and what input the city has sought from the South Perth Community for this very important review? Can the CEO please explain why he supports the contention that ratepayer and residents input is unnecessary and irrelevant in a review of the government body which affect their daily lives more than any?

Question taken on notice.

<p>4. Craig Dermer, 14/63 Mill Point Road, South Perth Received: 26 March 2019 at the Meeting</p>	<p>Question 1 - Response provided by: Vicki Lummer, Director Development and Community Services Question 2 – Response provided by: Colin Cameron, Director Corporate Services</p>
<p><i>[Preamble to Question 1]</i></p> <p><i>I have sent a number (~25) questions concerning the content of the GTA Civic Triangle Transport Impact Assessment – you all received a copy. It beggars belief that a document with so many alleged mis-directions, errors and omissions was accepted as input to the DA.</i></p> <p><i>But it seems to follow a pattern of traffic studies which ebb and flo with each DA. The Flyt report in the ACP relied on some of these past journalistic expressions – but still came to the conclusion that the one saving grace for traffic chaos would be that there would be so much ‘Inconvenience’ that people won’t want to venture out – and so the worst case may not actually arise. ‘Hoping’ is far from good planning.</i></p> <p><i>Planners have eagerly documented astounding increased in population and density growth for the ACP, but have totally omitted the estimate of corresponding Vehicle Movement growth.</i></p>	
<p>1. When will council commission a study which will incorporate not just a few buildings, but the expected build-out for the 4800 new resident enumerated in the ACP, so that there can be more meaningful discussion and decision-making with more realistic Vehicle Movement issues available?</p>	<p>Question taken on notice.</p>
<p><i>[Preamble to Question 2]</i></p> <p><i>Listing of Payments as per Motion by Cr Manolas</i></p> <p><i>It was noted that with some dismay and scepticism that council, perhaps coincidentally, reacted to some of our questions around the accounts by removing the descriptions.</i></p> <p><i>Clearly the fact that there are poor descriptions at time is a process issue which could be ameliorated without avoiding scrutiny, and the very few issues that arise from poor descriptions can be handled on an as required basis.</i></p>	

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| <p>2. When the payments are posted in council accounts – a description must be included – is it the now ‘hidden’ description?</p> <ul style="list-style-type: none">a. If so, why can’t they be made available to the councillors and public?b. If not, what descriptions will be used in the accounts postings?c. If council is to continue to hide descriptions, why not display the description referred to by the reference number? | <p>Question taken on notice.</p> |
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ELECTED MEMBER QUESTIONS

Cr Glenn Cridland

[Preamble] I refer to my previous questions regarding the Como Bowls Club.

1. If the City is going to require the Como Bowls Club to make good breakages to gas fixtures, will the City also require the Como Bowls Club to repair the floor or the ceiling if that falls in? Or the water pipes if they explode? Or will the City take some responsibility for the condition of the fixtures in the Como Bowls Club building?
2. Noting that the removal of the Como Bowls Club from the EJ Master Plan had a linkage with a proposal to move the croquet club into a facility with the Bowls Club, noting that Croquet Club will now not be moving, will there be a revisiting of a City recommendation to take the Bowls Club out of the EJ Master Plan?

These questions will be taken on notice and will be included in the April 2019 Agenda.

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 23 April 2019.

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