



City of Perth

**Special Council Meeting  
Minutes**

**27 March 2018  
6.00pm**

**Council Chamber  
Level 9  
Council House**

**APPROVED FOR RELEASE**

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**MARTIN MILEHAM  
CHIEF EXECUTIVE OFFICER**



City of Perth

**Special Council Meeting  
Minutes**

**27 March 2018  
6.00pm**

**Council Chamber  
Level 9  
Council House**

**Present**

Chair of Commissioners Lumsden  
Commissioner McMath  
Commissioner Hammond

Minutes to be confirmed at the next Ordinary Council meeting.

**THESE MINUTES ARE HEREBY CERTIFIED AS  
CONFIRMED**

**PRESIDING MEMBER'S SIGNATURE**

**DATE:**

Minutes of the Special Meeting of the Council of the City of Perth held in the Council Chamber, Ninth Floor, Council House, 27 St Georges Terrace, Perth, on Tuesday, 27 March 2018.

**Presiding:** **Chair of Commissioners, Mr Eric Lumsden**

**Commissioners in Attendance:**

Commissioner McMath  
Commissioner Hammond

**Officers in Attendance:**

Mr Mileham	Chief Executive Officer
Ms Barrenger	Director Planning and Development
Mr Mianich	Director Corporate Services
Ms Battista	Director Economic Development and Activation
Mr Copeman	A/Director Construction and Maintenance
Mr Ridgwell	Manager Governance
Ms Smith	Manager Development Approvals
Ms Rippington	Acting Governance Coordinator
Ms Phillips	Acting Governance Officer

**Observers:**

Four members of the public.  
Two members of the press.  
Three members of staff.

**1. Prayer / Acknowledgment of Country**

The Chief Executive Officer read the prayer.

Commissioner Lumsden read the Acknowledgement of Country.

**2. Declaration of Opening**

**6.00pm** Commissioner Lumsden declared the meeting open.

**3. Apologies**

Nil

4. Question Time for the Public

4.1 Denyse McClements, 52A Wittenoom Street, East Perth WA 6004 (CM 76927/18).

<p><b>Question:</b></p>	<p>We were advised at 4pm today (Monday 26 March) of a special council meeting tomorrow (Tuesday 27 March) where a proposed renovation to our neighbouring property will be discussed.</p> <p>We have read the Recommendation and still have a number of concerns. This Recommendation is lacking the details we require to understand the impact of these changes on our property.</p> <p>We have not been given an opportunity to see any revised plans or to speak with the City Architect who has recommended these changes.</p> <p>At the Planning Committee meeting on Tuesday 6 February the development was approved with a number of conditions. These have subsequently changed and/or been removed following discussions between the owners and the City Architect. Some of these proposed changes were communicated to us by City of Perth staff in writing but these do not appear in the revised recommendation.</p> <p>We would appreciate the postponement of this decision until we have had an opportunity to fully understand these amendments. We feel that we have not been afforded the same opportunity as the property owners to discuss this with the relevant City of Perth staff. We hope you can understand that this renovation will have a major impact on our lifestyle.</p>
<p><b>Answer:</b></p>	<p>The City is aware of the concerns you have regarding the impact of the application for alterations and additions to the house at 52B Wittenoom Street on the amenity of your property. Your initial submission detailed your concerns and you also had the opportunity to make a deputation to the Planning Committee on 6 February 2018 at which you further explained how the development could impact on access to light and disturbance from noise from the operation of the proposed lift and use of the roof deck above the garage. The Planning Committee made its recommendation to the Council meeting of <b>13 February 2018</b>, incorporating an additional condition and advice note to specifically address your concerns. At the Council meeting the matter was referred back to the Planning Committee.</p> <p>As the Officer’s report explains, following the Council Meeting, the applicant and the City’s Officers discussed design options to address the matters that you and the Planning Committee had raised. The City’s Officers considered that, even though the proposed boundary wall complies with the relevant design guidelines, the concerns raised regarding natural light to your</p>

courtyard could be reasonably addressed by making two minor changes to the current design. The first is to reduce the height of the boundary wall to match the height of the new roof canopy. The second is to reduce the height of the lift-shaft so that it does not extend above the proposed boundary wall. The applicant did not agree with the options that were suggested and consequently the plans have not been amended from those that you previously viewed. Notwithstanding, the City's Officers considered these matters should be addressed as a condition of any approval. Therefore, condition one of the Officer's revised recommendation reads:-

- 1. *the boundary wall on the eastern elevation being reduced in height to match the height of the roof canopy on the eastern boundary and the height of the lift shaft being reduced to match the height of the new eastern boundary wall to achieve improved light penetration into the courtyard of the adjoining dwelling at 52A Wittenoom Street;***

This condition also replaces the need for the advice note that the Planning Committee previously added. The remaining conditions reflect the Planning Committee's previous recommendation, including condition two that the Committee added that states:-

- 2. *the new lift being designed and located to ensure no that there is no transmission of noise or vibration to the adjacent property at 52A Wittenoom Street;***

The Commissioners have now replaced the Council. A Special Council meeting has been arranged for tonight, 27 March 2018, to deal with some of the more urgent matters that had not been determined by the Council prior to its suspension.

As explained, there are no revised plans to view. The plans are still as originally submitted, however, if granted approval, the plans will have to be modified as per the proposed conditions and the details of these amendments will have to be cleared by the City prior to the development being constructed.

## 5. Disclosures of Members' Interests

Nil

## 6. Matters for which the Meeting may be Closed

The Chief Executive Officer advised that in accordance with Section 5.23(2) of the *Local Government Act 1995*, should a Commissioner wish to discuss the content of the confidential attachment/s listed below, it is recommended that Council resolve to close the meeting to the public prior to discussion of the following:

Attachment No.	Item No. and Title	Reason
Confidential Attachment 7.3A & 7.3B	Item 7.3 - Tender No. 092-17/18 – Fibre Optic, Data & Communication Services	s 5.23(2)(e) (ii)
Confidential Attachment 7.4A	Item 7.4 - Tender 087-1718 - Waterproofing Stage 1 – Perth Concert Hall	s 5.23(2)(e) (ii)
Confidential Attachment 7.5A	Item 7.5 - New Lease - Shop 1, Pier Street Car Park, 88-96 Murray Street, Perth - SFA Pty Ltd (Trading as Seoul Korean BBQ)	s 5.23(2)(e) (ii)
Confidential Attachment 7.6A & 7.6B	Item 7.6 - Tender 106-17/18 – Marble Façade and Concrete Repairs – Council House	s 5.23(2)(e) (ii)
Confidential Attachment 7.8A - 7.8D	Item 7.8 - Tender 085-17/18 Tree Growing, Supply and Installation	s 5.23(2)(e) (ii)

## 7. Reports

**DEPUTATION: Item 7.1 – 52B (Lot 115) Wittenoom Street, East Perth – Renovations to an Existing Two Level Dwelling Including an Addition of a Third Level and a Deck Above the Existing Garage**

The Presiding Member approved a Deputation from Ms Tina Lewis and Mr Anastasis Papas (CM 72947/18).

**6.08pm** Ms Lewis commenced the deputation and provided an overview of the proposed application and sought the approval of the Council. Mr Papas did not comment.

**6.15pm** The deputation concluded.

**Item 7.1 52B (Lot 115) Wittenoom Street, East Perth – Renovations to an Existing Two Level Dwelling Including an Addition of a Third Level and a Deck Above the Existing Garage**

*Moved Commissioner Lumsden, Seconded Commissioner Hammond*

*That, in accordance with the provisions of the City Planning Scheme No. 2, Local Planning Scheme No. 26 and the Metropolitan Region Scheme, Council APPROVES BY AN ABSOLUTE MAJORITY the application for renovations to an existing two level dwelling including addition of a third level and a deck above the existing garage at 52B (Lot 115) Wittenoom Street, East Perth as indicated on the Metropolitan Region Scheme Form One dated 14 November 2017 and as shown on the plans received on 16 November 2017 subject to:*

- 1. the boundary wall on the eastern elevation being reduced in height to match the height of the roof canopy on the eastern boundary and the height of the lift shaft being reduced to match the height of the new eastern boundary wall to achieve improved light penetration into the courtyard of the adjoining dwelling at 52A Wittenoom Street;*
- 2. the new lift being designed and located to ensure no that there is no transmission of noise or vibration to the adjacent property at 52A Wittenoom Street;*
- 3. any proposed external building plant, piping, ducting and air conditioning units being located so as to minimise any visual and noise impact on the adjacent developments, and being screened from view, with details of the location and screening of any proposed external building plant being submitted for approval by the City prior to applying for a building permit;*
- 4. the glass balustrading on the garage roof deck area to be obscure or translucent glazing; and*
- 5. a construction management plan for the proposal being submitted for approval by the City prior to applying for a building permit, detailing how it is proposed to manage:*
  - a. delivery of materials and equipment to the site;*
  - b. storage of materials and equipment on the site;*
  - c. obtaining access over adjoining sites to complete construction and finishes on the side elevation;*
  - d. parking arrangements for the contractors and subcontractors;*
  - e. maintaining access through the rear laneway throughout construction; and any other matters likely to impact on the surrounding properties.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, McMath and Hammond

**Against:** Nil

**Item 7.2 Proposed Street Name for Driveway Access to the Westin Hotel at 480 Hay Street, Perth - 'Hibernian Lane'**

*Moved Commissioner Hammond, Seconded Commissioner McMath*

*That Council ADVISES the Geographic Names Committee that it supports the use of the name 'Hibernian Lane' for the private driveway situated adjacent to the eastern boundary of the hotel site at 480 Hay Street, Perth, connecting Murray and Hay Streets.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, McMath and Hammond

**Against:** Nil

**Meeting Note:** The Chair of Commissioners noted that suitable Delegated Authority should be considered for such matter and for this to be explored

**Item 7.3 Tender No. 092-17/18 – Fibre Optic, Data & Communication Services**

*Moved Commissioner McMath, Seconded Commissioner Hammond*

*That Council ACCEPTS the most suitable tender being that submitted by Lightspeed Communication Australia Pty Ltd for Fibre Optic Data and Communication Services (Tender 092-17/18) in accordance with the submitted Schedule of Rates in Confidential Attachment 7.3A for a period of three years with two options of up to one year each, in accordance with adopted budgets.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, McMath and Hammond

**Against:** Nil

**Item 7.4 Tender 087-1718 - Waterproofing Stage 1 – Perth Concert Hall**

*Moved Commissioner McMath, seconded Commissioner Hammond*

*That Council ACCEPTS the most suitable tender, being that submitted by Duratec Australia Pty Ltd Pty Ltd Stage 1 Waterproofing (Tender 087-17/18) for a lump sum cost of \$1,415,732.33 (excluding GST).*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, McMath and Hammond

**Against:** Nil

**Item 7.5 New Lease - Shop 1, Pier Street Car Park, 88-96 Murray Street, Perth - SFA Pty Ltd (Trading as Seoul Korean BBQ)**

*Moved Commissioner Lumsden, seconded Commissioner McMath*

*That Council:*

- 1. APPROVES a new lease over Shop 1, 88-96 Murray Street, Perth under the terms and conditions detailed in Confidential Attachment 7.5A – Proposed Lease Terms;*
- 2. APPROVES the advertising under section 3.58 of the Local Government Act 1995, of the proposed new lease;*
- 3. APPROVES by AN ABSOLUTE MAJORITY for the Chief Executive Officer to be granted delegated authority to enter into a new lease subject to the following:*
  - 3.1. In the event an objecting submission is received this delegation does not apply and the proposal is presented to Council for consideration; and*
- 4. AUTHORISES the Chair of Commissioners and Chief Executive Officer to sign and affix the Common Seal to any necessary documentation required to affect the lease.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, McMath and Hammond

**Against:** Nil

**Item 7.6 Tender 106-17/18 – Marble Façade and Concrete Repairs – Council House**

*Moved Commissioner Lumsden, seconded Commissioner Hammond*

*That Council:*

1. ***APPROVES by AN ABSOLUTE MAJORITY an additional \$240,000.00 budget allocation to be transferred from the following account:***
  - 1.1. ***\$240,000.00 from Capital Works Project CW2234 – Pavement Screed and Waterproofing, Council House;***  
  
***to CW2239 Marble Façade and Concrete Repairs; and***
2. ***ACCEPTS the most suitable tender from Duratec Australia Pty Ltd to undertake marble façade and concrete repairs to the Eastern, Western and Southern elevations of the elevated plaza of Council House.***

***The motion was put and carried***

The votes were recorded as follows:

**For:** Commissioners Lumsden, McMath and Hammond

**Against:** Nil

**Item 7.7 Compliance Audit Return 2017****MOVED WITH AMENDMENT**

*Moved Commissioner Hammond, seconded Commissioner McMath*

*That Council **ADOPTS** the completed 2017 Compliance Audit Return as detailed in Attachment 7.7A for certification by the Chair Commissioner and the Chief Executive Officer in accordance with Regulation 15(2) of the Local Government (Audit) Regulations 1996 subject to the following qualifications.*

- 1. The City of Perth car parking operations are not covered by a duly approved and Council endorsed business plan as is required by Section 3.59 of the Local Government Act 1995.*
- 2. The City of Perth does not have the functional or integrated asset management strategy that carries the level of financial detail necessary to accurately inform its medium and long term financial planning functions.*

**PRIMARY MOTION AS AMENDED**

*That Council **ADOPTS** the completed 2017 Compliance Audit Return as detailed in Attachment 7.7A for certification by the Chair Commissioner and the Chief Executive Officer in accordance with Regulation 15(2) of the Local Government (Audit) Regulations 1996 subject to the following qualifications.*

- 1. The City of Perth car parking operations are not covered by a duly approved and Council endorsed business plan as is required by Section 3.59 of the Local Government Act 1995.*
- 2. The City of Perth does not have the functional or integrated asset management strategy that carries the level of financial detail necessary to accurately inform its medium and long term financial planning functions.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, McMath and Hammond

**Against:** Nil

**Reason:** Although these matters are currently being attended to by the administration, for the purposes of accountability and disclosure, these qualifications are considered necessary given the role of Commissioners as members of the Audit and Risk Committee.

### **Item 7.8 Tender 085-17/18 Tree Growing, Supply and Installation**

*Moved Commissioner Lumsden, seconded Commissioner Hammond*

*That Council **ACCEPTS** the following Tenders as the most suitable offers to cover two of the categories included in Tender 085-17/18 'Tree Growing, Supply and Installation':*

#### **Category A – Contract Tree Growing**

- **Ellenby Tree Farm Pty Ltd**

#### **Category B – Tree Supply and Installation**

- **A.L. Baldock & J. Baldock Pty Ltd T/A Psycosand**

*for a period of three years with the option of two single year extensions, exercisable at the sole discretion of the City as per the Schedule of Rates detailed in Confidential Attachment 7.8A and 7.8B, with annual CPI increases.*

*The motion was put and carried*

The votes were recorded as follows:

**For:** Commissioners Lumsden, McMath and Hammond

**Against:** Nil

### **8. Closure**

**6.39pm** Commissioner Lumsden declared the meeting closed.