



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

<p>19 APRIL 2011</p>

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 19 April 2011, commencing at 6.00pm.

1. (a) DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.00pm.

(b) ACKNOWLEDGEMENT OF COUNTRY STATEMENT

“We acknowledge that this land that we meet on today is part of the traditional land of the Nyoongar people. We acknowledge them as the traditional custodians of this land and pay our respects to the Elders; past, present and future”.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Burns – apology – arriving late due to work commitments.

Cr Harvey – apology – advised that she will be departing the meeting at approximately 7.50pm for personal reasons.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.02pm)
Cr Taryn Harvey	North Ward (from 6.02pm, until 7.46pm)
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

Anita Radici	Executive Assistant (Minutes Secretary)
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Recipient of the State Heritage Award

Tory Woodhouse	Co-ordinator – Strategic Planning (until approximately 6.20pm)
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Lauren Peden	Journalist – “ <i>The Guardian Express</i> ” (until approximately 8.55pm)
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11 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Steed Farrell – approved leave of absence due to work commitments.

3. (a) PUBLIC QUESTION TIME & RECEIVING OF PUBLIC SUBMISSIONS

The following submissions were made by persons in the Public Gallery:

1. Sam Vacca of 9 Fleet Street, Leederville – Petition 5.1. Stated the following:
 - He has previously spoken the Mayor and Manager Parks and Property Services various times regarding the tree and the problems it was causing.
 - The tree has caused many problems including:
 - the fence has a large split in it;
 - the roots of the tree are sticking out of the ground and if you wanted to lay lawn down, there is no way it would grow;
 - there are bugs in the tree;
 - there is a wire that goes across into 6 Fleet Street and if the tree gets struck this winter the tree will come down; and
 - the seeds of the tree get blown into houses (including his backyard pool) and three houses have grates and asked what happens if those fill up as the only way to get rid of the mess is to wash them away as they are too fine to collect.
 - Was advised by an Officer that when the tree breaks someone will come around and fix it up.
 - Asked for the tree to be removed – it is not that they do not want a tree there, just a different species.

Cr Burns and Cr Harvey entered the Chamber at 6.02pm.

2. Norelle O'Neill, Chair of the Mt Hawthorn Precinct Group (MHPG) of 1 Matlock Street, Mt Hawthorn – Item 9.4.7. Stated the following, particularly in relation to page 81, 3.2 – Focus Group Size and Composition:
 - Referred to the Consultants comment (3rd paragraph under clause 3.2) and the map and distribution of groups.
 - Questioned the rationale behind Group 3 being the whole of Mt Hawthorn and North Perth as there could be 10 from North Perth who know nothing about Mt Hawthorn or vice versa.
 - Requested that there be a more equitable distribution and referred to the distribution that the Consultants suggested in the first place, which she would prefer.
 - Queried how the Consultant is going to pick the representatives for each group – believes it is by telephone and, if that is the case, how are they going factor in:
 - silent numbers in the area;
 - people who have been registered not to be pestered by such surveys;
 - people who do not have landlines because most people have mobiles; and
 - people who are not at home or simply away during the recruitment period, therefore, would like to know what strategies are in place to conduct a random sample as has been suggested.
3. Damien Lebeck of 10 Fleet Street, Leederville – in support of Petition 5.1. Stated that one tree in particular has an electrical wire straight through the middle of it and he was lucky enough to meet the Director Technical Services on site six months ago to discuss this issue and, unfortunately nothing has been done about it at the moment. He is extremely concerned that given it is almost winter and they have had one tree fall in the street in the last 12 months, believes it is an imminent hazard for the residents.

There being no further speakers, Public Question Time closed at approx. 6.08pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND PRESENTATIONS

5.1 Petition received from Ms A. Ripani of Fleet Street, Leederville along with 14 signatures, in favour of having the tree removed from front of No. 6 Fleet Street, Leederville WA 6007.

The Chief Executive Officer recommended that this petition be received and referred to the Director Technical Services for investigation and report.

5.2 Petition received from Mr J. Vojkovich of Carr Place, Leederville along with 14 signatures, relating to Equitable Parking Strategies for the Town of Vincent's Activity Centres.

The Chief Executive Officer recommended that this petition be received and referred to the Director Development Services for investigation and report.

5.3 Petition received from Mr B. Miloseski of Leederville Laundrobar, 114 Oxford Street, Leederville along with 7 signatures, requesting that the Town install time restricted (15 minutes) "drop-off" and "pick-up" parking bays in front of the Leederville Laundrobar at No. 114 Oxford Street, Leederville.

The Chief Executive Officer recommended that this petition be received and referred to the Director Technical Services for investigation and report.

5.4 Petition received from Mr and Mrs Lee-Jones of Smith Street, Highgate along with 57 signatures, requesting that the Council reduce the volume of traffic in Curtis and Smith Streets during the morning peak hours by preventing non-local traffic from making turns from Walcott Street into Curtis Street.

The Chief Executive Officer recommended that this petition be received and referred to the Director Technical Services for investigation and report.

Moved Cr Topelberg, Seconded Cr McGrath

That the petitions be received as recommended.

CARRIED UNANIMOUSLY (8-0)

(Cr Farrell was on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 5 April 2011.

Moved Cr Topelberg, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held 5 April 2011 be confirmed as a true and correct record.

CARRIED UNANIMOUSLY (8-0)

(Cr Farrell was on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Western Australian Heritage Awards 2011

I am extremely delighted to announce that the Town's heritage practices have been recognised at the Heritage Council's 2011 Western Australian Heritage Awards.

At the presentation at Winthrop Hall on 14 April, the Town received a High Commendation in the Outstanding Heritage Practices by a Local Government category. This award recognises local governments that demonstrate an outstanding whole of agency approach to the commitment and promotion of cultural heritage and/or heritage-related work, services or programmes in Western Australia.

In presenting the commendation, the Heritage Council said:

"The Town of Vincent are commended for their 'grass roots' approach to heritage which encompasses community focus and consultation on heritage issues. The Town has good planning tools in place and has frequently been sought by other councils for best practice standards."

This is an outstanding achievement and recognises the excellent work that the Town of Vincent does with heritage. Congratulations to all on receiving this award, especially our dedicated Heritage Team, Tory Woodhouse, Susannah Kendall and Hoping Au, whose outstanding efforts have been acknowledged and applauded.

Tory Woodhouse, Co-ordinator – Strategic Planning accepted the Award on behalf of her Team, from the Mayor.

Received with Acclamation!

7.2 Angove Street Festival

I am pleased to announce that the 2011 Angove Street Festival held on 10 April 2011 was a huge success. The day was targeted towards the residents of the North Perth community and an estimated 20,000 people attended on the day - Angove Street was filled with festival goers from 10am until close!

The 2011 Festival was different from previously organised festivals as the festival strip was extended to Daphne Street to accommodate 55 upmarket stalls to complement the festival.

There was also a multicultural theme to the festival to celebrate the Town's Harmony day celebrations. This included multicultural roving performers from Bizircus; Alegrias Spanish Dance Ensemble; De Ness Sextet and Phily-Wack, our fantastic Indigenous performer for the festival.

The major sponsor was the North Perth Bendigo Community Bank.

The other sponsors were:

- Town of Vincent
- Lotterywest
- Paragon Property
- The Rosemount Hotel
- Danielle Campbell Jewellers
- Pal & Panther
- Juicebox

The feedback received was extremely positive and a fantastic atmosphere and community feel was reported from direct feedback or through the evaluation forms from the day. There were no reports about problems with parking, which meant that locals either walked into North Perth or utilised Public transport.

All stallholders and businesses received fantastic business and there is great support to do another festival in 2012!

On behalf of the Council, I would like to thank the Town's Community Development Section, in particular Manager Jacinta Anthony and Community Development Officers, Jamie Bennett and Belinda Grandoni, along with Stephen Catania who is the Secretary of the North Perth Community Bank and Chairman of the North Perth Group, for their great efforts in organising the Festival.

Well done to all!

Cr Harvey departed the Chamber at 6.15pm.

7.3 Grant Funding

I am pleased to advise that the Accessible Communities Grant from the Disability Services Commission has allocated \$6,715 for the installation of an adult change table at Beatty Park Leisure Centre. The installation of this facility will add to the current range of facilities to assist people with disabilities, who use the Centre.

This table is unique as it can be transported to the new development, but caters for the present needs.

7.4 Congratulations to the Town

The Town has received an email of appreciation from Mr Nathan Giles, resident of Kadina Street, North Perth. I feel that it is important that feedback such as this is brought to the attention of the Council. Mr Giles advises as follows;

"I would like to express my congratulations and sincere appreciation to the team and/or individuals responsible for the new pathway through the park on Albert Street, that connects with Smith Lake and through to Beatty Park.

Not only is the path useful and necessary, but the consideration given to existing surrounds and the natural landscape is a credit to the planning and installation team(s).

The Albert Street entrance is picturesque the way it is situated between two large Morten Bay trees and the way the path meanders through the natural landscape taking advantage of the beautiful trees is very clearly thought out and should be highly commended.

Whilst it is possible to achieve the basics of such a project - consideration for the natural landscape and existing surrounds is often overlooked or not considered at all.

I have just returned from the most beautiful walk through this area and was amazed by the respect and consideration given to this project. It is achievements such as these that will continue to profile the Town of Vincent as a premier place to live.

Please keep these wonderful projects coming."

I would like to thank our Technical Services - Parks & Property Services and Engineering Operations' teams for their efforts in undertaking this work.

Received with Acclamation!

7.5 Late Item

I have approved of a Late Item on tonight's Agenda as follows;

- Item No. 9.2.3 relating to the Weld Square Redevelopment Project – Progress Report No. 4.

This report was issued to Council Members on Friday 15 April 2011 and subject to Council approval will enable works to shortly commence.

7.6 Special Council Meetings

I have approved of the following Special Council Meetings commencing at 6.00pm in the Town of Vincent Administration & Civic Centre, 244 Vincent Street (cnr Loftus Street), Leederville:

Tuesday 3 May 2011

1. Draft Budget 2011/2012;
2. Beatty Park Leisure Centre Redevelopment.

Tuesday 17 May 2011

1. Draft Budget 2011/2012 (*if required*).

For information, the report relating to Beatty Park Leisure Centre is taking longer than expected to complete and now will not be ready in time for the Special Meeting which was originally indicated to be held on 27 April 2011.

Cr Harvey returned to the Chamber at 6.20pm.

7.7 Drains to Rivers Stencilling Project

The Launch of the "Drains to Rivers Stenciling Project" (formerly known as "Yellow Fish Roads") was held at Charles Veryard Reserve on Friday 15 April 2011 from 10.00am to 1.00pm. The Minister of the Environment, the Hon Bill Marmion MLA, attended and participated in a photo shoot.

The Swan River Guardians, Swan River Trust, Claise Brook Catchment Group and Volunteers participated on the day. Drains were stencilled at Smiths Lake, Charles Veryard and Beatty Park (starting from Charles Veryard).

This event highlights the Town of Vincent's commitment to keep the Swan River and local Wetlands clean for future generations.

Thank you to all who participated.

7.8 Anzac Day Ceremony 2011

On behalf of the Council, I wish to invite everyone to the Anzac Day Ceremony 2011, which will be held at Axford Park, Mount Hawthorn at 11.00am on Monday 25 April 2011.

Persons are most welcome to lay a wreath or flowers on the memorial and I look forward to seeing everyone on the day.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the Chairperson of the North Perth Community Bank, in which the Town has investment shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank, in which the Town has investment shares.
- 8.3 Cr Burns declared an Impartiality interest in Item 9.1.5 – Masterplan for North Perth Town Centre – Project Brief and Context Report. Cr Burns stated that she lives in a property near the boundary of the Proposed North Perth Town Centre, this is an interest in common with other residents in the area. Cr Burns stated that as a consequence, there may be a perception that her impartiality on the matter may be affected and declared that she will consider this matter on its merits and vote accordingly.
- 8.4 Cr Maier declared a Financial interest in Item 9.4.2 – Review and Adoption of Members Fees and Expenses 2011/2013. The extent of his interest being that his partner is the Deputy Mayor and receives a financial benefit from holding that position and, as such, there may be a perception that he may benefit from that.

The Chief Executive Officer advised that Section 5.63(c) of the Local Government Act 1995 does exempt some disclosures to be made and Council Members do not need to disclose a financial interest in matters relating to expenses and allowances.

- 8.5 Mayor Catania declared an Impartiality interest in Item 9.1.5 – Masterplan for North Perth Town Centre – Project Brief and Context Report. Mayor Catania stated that he leases an Office in the North Perth Town Centre. Mayor Catania stated that as a consequence, there may be a perception that his impartiality on the matter may be affected and declared that he will consider this matter on its merits and vote accordingly.

9. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil.

10. REPORTS

The Presiding Member, Mayor Nick Catania, requested that the Chief Executive Officer advise the meeting of:

- 10.1 **Items which are the subject of a question or comment from Members of the Public and the following was advised:**

Item 9.4.7.

- 10.2 **Items which require an Absolute Majority decision which have not already been the subject of a public question/comment and the following was advised:**

Items 9.4.2, 9.4.7 and 14.1.

- 10.3 **Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:**

Items 9.3.1 and 9.4.2.

Presiding Member, Mayor Nick Catania, requested Council Members to indicate:

10.4 Items which Council Members wish to discuss which have not already been the subject of a public question/comment or require an absolute majority decision and the following was advised:

Cr Topelberg	Nil.
Cr Buckels	Items 9.1.4, 9.1.5 and 9.1.6.
Cr McGrath	Item 9.2.1.
Cr Harvey	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.1.2 and 9.2.3.
Mayor Catania	Nil.

The Presiding Member, Mayor Nick Catania, requested that the Chief Executive Officer to advise the meeting of:

10.5 Unopposed items which will be moved "En Bloc" and the following was advised:

Items 9.1.1, 9.1.3, 9.1.7, 9.2.2, 9.3.2, 9.3.3, 9.4.1, 9.4.3, 9.4.4, 9.4.5 and 9.4.6.

10.6 Confidential Reports which will be considered behind closed doors and the following was advised:

Item 14.1.

New Order of Business:

The Chief Executive Officer advised the meeting of the New Order of business, in which the items will be considered, as follows:

(a) Unopposed items moved *En Bloc*;

Items 9.1.1, 9.1.3, 9.1.7, 9.2.2, 9.3.2, 9.3.3, 9.4.1, 9.4.3, 9.4.4, 9.4.5 and 9.4.6.

(b) Those being the subject of a question and/or comment by members of the public during "Question Time";

Item 9.4.7.

(c) Those items identified for discussion by Council Members;

The remaining Items identified for discussion were considered in numerical order in which they appeared in the Agenda.

ITEMS APPROVED "EN BLOC":

The following Items were approved unopposed and without discussion "*En Bloc*", as recommended:

Moved Cr Maier, Seconded Cr Harvey

That the following unopposed items be approved "En Bloc", as recommended;

Items 9.1.1, 9.1.3, 9.1.7, 9.2.2, 9.3.2, 9.3.3, 9.4.1, 9.4.3, 9.4.4, 9.4.5 and 9.4.6.

CARRIED UNANIMOUSLY (8-0)

(Cr Farrell was on approved leave of absence.)

9.1.1 Progress Report – Amendment No. 76 to Planning and Building Policies – Policy No. 3.5.2 relating to Signs and Advertising

Ward:	Both Wards	Date:	7 April 2011
Precinct:	All Precincts	File Ref:	PLA0188
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officers:	E Lebbos, Planning Officer (Strategic) S Kendall, Senior Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** the Progress Report relating to Amendment No. 76 to the Planning and Building Policies – Policy No. 3.5.2 relating to Signs and Advertising; and
- (ii) **NOTES** that a further report in relation to amendments to Policy No. 3.5.2 relating to Signs and Advertising will be submitted to the Council by no later than June 2011.

COUNCIL DECISION ITEM 9.1.1

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the current progress in relation to the incorporation of provisions relating to billboards into the Town’s Policy No. 3.5.2, relating to Signs and Advertising, in accordance with the Council resolution made at its Ordinary Meeting held on 14 September 2010.

The research undertaken to date, partially addresses the request for a review of the Town’s Signs and Advertising Policy No. 3.5.2, as outlined below and which is also outlined in Councillor Burns’ Notice of Motion adopted at the Ordinary Meeting of Council held on 5 April 2011.

BACKGROUND:

14 September 2010 The Council at its Ordinary Meeting refused an application for proposed signage (billboard) at Nos. 67-69 (Lot 35; D/P 67625) Scarborough Beach Road, North Perth (Item 9.1.7). At this meeting a subsequent motion was carried as follows:

“That the Town’s Administration advise the Council with a suggested scope for a review of its Policy No. 3.5.2 to Signs and Advertising, based on discussions (this evening).”

In particular, the following matters were raised by the Council Members for investigation during debate:

- the suitability of billboards in the Town;

- the possibility of incorporating site selection criteria in the Town's Policy No. 3.5.2, relating to Signs and Advertising, detailing where billboards are considered appropriate; and
- the incorporation of new Policy provisions relating to introducing a fee for billboards, similar to that outlined in the Town's Policy No. 3.5.13, relating to Percentage for Public Art.

5 April 2011

Councillor Burns' Notice of Motion, relating to a review of the Town's Signs and Advertising Policy No. 3.5.2, was adopted by the Council, as follows:

That the Council REQUESTS:

- “(i) *the Chief Executive Officer to review and prepare a report on the Town of Vincent Signs and Advertising Policy 3.5.2 The scope of the review should include (but not be limited to):*
- (a) *a more equitable way to manage signage and advertising in the Town (the focus being on signage);*
 - (b) *the efficacy of the current approach;*
 - (c) *research into the approaches taken by other similar Local Governments in managing signage and advertising, particularly in relation to billboard and window signs;*
 - (d) *the review to consider:*
 - *how much of the entire wall and/or windows are used for signage rather than each as a discrete consideration but still without allowing too much coverage;*
 - *the option to allow greater signage if the signs used are see through (i.e. like the signage used on car windows) so that there is still passive surveillance;*
 - *the Town's Policy stance in relation to the suitability of billboards within the Town's jurisdiction, the possibility of incorporating site selection criteria for where billboards are considered appropriate, the possible incorporation of new Policy provisions relating to introducing a fee for billboards, Policy provisions relating to fence signs, window signs, panel signs and movable signs;*
 - (e) *whether the current level of Delegated Authority is appropriate; and*
 - (f) *any other relevant matters; and*
- (ii) *a report be submitted to the Council no later than June 2011.”*

DETAILS:

The Town's Officers have explored the appropriateness of billboard signage within the Town, in line with the Council's subsequent motion made in relation to Item 9.1.7 at the Ordinary Meeting held on 14 September 2010.

The suitability of billboards in the Town

The Town's Policy No. 3.5.2 relating to Signs and Advertising does not contain a definition for Billboard Signage. In Western Australia, a definition of a billboard could not be found. A review further afield identified that the Australian Capital Territory's *Planning and Land Management Act 1988* defines a billboard as 'a sign erected for the purpose of advertising products/services which are not being offered on a site on which the sign is erected'. Currently, billboard signs are not permitted within the Town, under clause 3 (iii) of Policy No. 3.5.2, relating to Signs and Advertising.

The key objective of Policy No. 3.5.2, relating to the Signs and Advertising Policy, is to ensure that the display of advertisements on properties does not adversely impact upon the amenity of surrounding areas while providing appropriate exposure of activities or services. The Town aims to ensure that all advertising signs within the Town's jurisdiction achieve high quality visual standards that are designed and located in such a way as to:

- ensure the scale, type, design, location, materials, colour and style of any advertising sign is compatible with the design and character of the buildings and land to which it is related;
- reinforce the desired character and amenity of the locality within which it is located;
- be concise and efficient in communicating with the public, avoiding a proliferation of confusing and cluttered displays or a large number of advertisements unrelated to the products or services being on the site on which the sign is erected;
- not detrimentally affect residential offered amenity in residentially zoned areas; and
- integrate with the architectural form, style and colour of the surrounding buildings.

Rather than respecting and enhancing the desired character and amenity of an area in line with the abovementioned criteria, billboard signs are generally considered to be detrimental to the appearance of their surroundings. They generally form a negative dominant visual element on the streetscape in which they are located, impinging on views and vistas, creating visual clutter, and detracting from the amenity of an area. Therefore, it is considered inconsistent with the intent and objectives of the Town's Policy No. 3.5.2, relating to Signs and Advertising, and with best practice planning and urban design principles, to permit billboard signage within the Town.

It is acknowledged that there are a number of existing billboards in the Town and an investigation into these signs has been undertaken to ascertain the circumstances of their approval/installation. A full audit of the existing billboards within the Town's jurisdiction will be presented to the Council at a later date, outlining details relating to the size, approval history, and current status of the billboards.

Furthermore, a review of a number of Local Government Authorities within the inner-city suburbs of Perth, Melbourne, Adelaide and Sydney was undertaken to assess whether the Town's position on billboards was out-dated and/or unreasonable. The findings of the research for each of the States will also be presented to the Council at a later date. In summary however, Local Government Authorities within Western Australia generally do not permit the erection of billboards within their jurisdictions. Furthermore, with a few exceptions, the majority of Local Government Authorities interstate generally discourage the erection of billboards, with some only permitting them under special circumstances (for example, in an industrial area).

Policy provisions/criteria for billboard signs

The applicant for the billboard sign in question, Nos. 67-69 (Lot 35; D/P 67625) Scarborough Beach Road, North Perth, provided an email to the Town in support of the Town creating Policy provisions for billboard signage. The main points of the email are summarised below:

- The Town of Vincent should be a progressive and up to date council that keeps up with the rest of the world. Advertising is widely accepted in many countries of the world, such as in the United States of America, United Kingdom, Asia, Africa and Europe. Australia as a whole seems to be lagging well behind.

- Outdoor advertising is becoming more important to property owners and managers looking to value add to a property by generating additional income streams, that will also help pay for increasing costs to maintaining a commercial building and paying for rates and other expenses.
- The majority of people are receptive to well placed outdoor signage depicting interesting creative advertisements. It contributes to the town centre and gives a sense of arrival, and can even act as a gateway to the Town.

Whilst the Town's Officers are cognisant of the applicant's comments as outlined above, they are currently of the view that the Council should continue to take an approach in favour of protecting vistas and avoiding clutter in the Town, in preference to the economic and promotional rationale for billboard signs. By doing so, the Town will continue to be in line with the stringent stance on billboards of the majority of Local Government Authorities in Western Australia.

Furthermore, in his comments, the applicant has emphasised the importance of outdoor advertising. The Town's Policy No. 3.5.2, relating to Signs and Advertising, recognises this, and as such, provides opportunity for various types of outdoor advertising signs, so long as such signage does not advertise services or products not available on the lot. It is therefore not considered appropriate to include provisions in the Town's Policy No. 3.5.2 to permit billboards within the Town.

Notwithstanding the above, the Council does have the discretion to approve billboard signage according to clause 5 of the Signs and Advertising Policy No. 3.5.2, which relates to 'Variations of Standards'. Should the Council see the merit of a billboard proposal, they are able to approve such an application under this clause.

Notwithstanding the above, the Town's Officers will investigate certain provisions relating to existing billboards within the Town, in terms of dealing with these as non-conforming uses, and allowing improvements to the signs in line with current technology. Furthermore, the Town's Officers will examine the incorporation of provisions relating to the possible erection of billboards in certain appropriate locations within the Town's jurisdiction. It is noted that the vacant lot on the corner of Newcastle and Fitzgerald Streets, Perth, is currently under consideration for the possible incorporation of a billboard sign, because of the limited development opportunities of the site due to its location and size.

Fee for billboard signs

In accordance with the Council resolution made at its Ordinary Meeting held on 14 September 2010, consideration has been given to the incorporation of Policy provisions relating to introducing a fee for billboards, similar to that outlined in the Town's Policy No. 3.5.13, relating to Percentage for Public Art.

The Town's Policy No. 3.5.13 relating to Percent for Public Art, aims to develop and promote community identity by requiring commissioned public art works as part of public and private development projects within the Town. Specifically, the Policy requires proposals for commercial, non-residential, and/or mixed residential/commercial developments over the value of \$1,000,000, *'to set aside a minimum of one (1) per cent of the estimated total project cost for the development of public art works, which reflect the place, locality and/or community. This requirement is imposed as a condition of planning approval'*.

In addition, it is noted that the money requested goes directly towards the development of public art, which becomes a permanent fixture, directly displayed on the property for the immediate improvement of the amenity of the local area. The Percent for Public Art provisions allows the applicant/owner the authority to control how their money is spent/utilised and results in a tangible end product prior to the first occupation of the development. The introduction of similar provisions for the erection of billboards may be problematic, noting that there is limited scope to justify how the money would be spent/utilised to directly benefit the subject landowners and how the money would be spent in a timely manner. This will be further investigated by the Town's Officers.

Proposed changes to Policy No. 3.5.2

The above investigations revealed that ‘billboards’ did not have an associated definition. Accordingly, the Town’s Officers will present a definition of billboards to the Council at a later date, as part of the changes proposed to amend the Policy.

By incorporating a definition regarding billboard signage in the Town’s Policy No. 3.5.2, this will eliminate any ambiguity for applicants and the Town’s Officers in relation to identifying/classifying this sign type.

CONSULTATION/ADVERTISING:

The Draft Amended Policy No. 3.5.2, relating to Signs and Advertising, will be advertised for a period of twenty eight (28) days, in accordance with clause 47 of TPS No. 1.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town’s *Strategic Plan 2011-2016* (adopted in principle) states:

“Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.

1.1.2 Enhance and maintain the character and heritage of the Town.”

FINANCIAL/BUDGET IMPLICATIONS:

The current 2010-2011 Budget lists \$58,200 for Town Planning Scheme Amendments and Policies.

COMMENTS:

This Progress Report provides an overview of the research that the Town’s Officers have undertaken to date in relation to the suitability of billboards within the Town, Policy provisions/criteria for billboard signs, as well as the appropriateness of introducing a fee for billboard signs.

A further report will be presented to the Council at a subsequent Ordinary Meeting, which will present additional research that has been undertaken and outline proposed changes to the Signs and Advertising Policy No. 3.5.2, in line with the additional requests for review of the Town’s Signs and Advertising Policy as outlined in Councillor Burns’ Notice of Motion.

9.1.3 Notice of Motion – Request to Review Derelict Buildings and Unkempt Vacant Land

Ward:	Both	Date:	6 April 2011
Precinct:	All	File Ref:	ENS0084
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	N Wellington, Development Compliance Officer; S Teymant, Acting Manager Health Services; T Woodhouse, Coordinator Strategic Planning		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

(i) **NOTES:**

- (a) *the current suite of statutory powers available to the Chief Executive Officer under delegated authority, to deal with derelict buildings and unkempt vacant land;*
- (b) *that the Town's Officers have been directed by the Chief Executive Officer to take a firmer approach against property owners that fail to meet the compliance deadlines stipulated in Notices addressing derelict buildings and unkempt vacant land; and*
- (c) *that the ability of the Town in managing amenity and aesthetic improvements to private property may be diminished, upon enactment of the Building Bill and Public Health Bill;*

(ii) **REQUESTS the Chief Executive Officer to:**

- (a) *prepare a further report to Council upon further investigating the issues of amenity and aesthetics from a statutory perspective, with the view of strengthening the powers of the Town to better deal with community expectations in this regard; and*
- (b) *write to the Western Australian Local Government Association; the Department of Planning; the Department of Health and the Building Commission, requesting information with respect of how the Town should manage the amenity and aesthetic improvement of derelict buildings and unkempt vacant land upon enactment of the Building Bill and Public Health Bill.*

COUNCIL DECISION ITEM 9.1.3

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The Council at its Ordinary Meeting held on 22 February 2011, considered a Notice of Motion from Councillor Sally Lake in relation to derelict buildings and resolved as follows:

“That the Council REQUESTS:

- (i) the Chief Executive Officer to prepare a report on reducing the negative impact of derelict buildings and unkempt vacant land in the Town including:
 - (a) the efficacy of the current approach;*
 - (b) whether additional powers are currently available which require further policy or local laws;*
 - (c) whether additional powers which are not currently available are required; and*
 - (d) seek the advice of WALGA on whether they consider that legislative changes are required to increase the powers of local government to address this issue; and**
- (ii) the report be submitted to the Council no later than 30 April 2011.”*

DETAILS:

- (a) “The efficacy of the current approach”*

The number of substandard buildings within the Town has reduced considerably since a major overhaul of the Town’s Substandard Buildings and Vacant Land Policy No. 3.8.5, which was approved by the Council at its Ordinary Meeting held on 10 February 2009.

The Policy was amended to focus on achieving better long term outcomes, by detailing and providing for the utilisation of all legislation other than the *Health Act 1911*. The previous reliance on the *Health Act 1911* and Environmental Health Officers, whilst beneficial in many cases, was too limited to deal with the multi-faceted nature of the issue – which ranged from aesthetics, to antisocial behaviour and squatting, buildings being in a dangerous condition, heritage listed buildings being neglected, to overgrown vegetation and dumped rubbish. By broadening the methods and ownership of enforcement across multiple disciplines, to tackle the issue of derelict buildings (and to a lesser extent, vacant land) better results have been achieved. Legal advice previously obtained in respect to the use of the *Health Act 1911* for dealing with matters such as neglected and derelict buildings, has resulted in the Town amending its practices to utilise the *Local Government (Miscellaneous Provisions) Act 1960 (WA)*, as it provides for the maximum protection and ease of use for the Town.

The statutory notices currently available to the Town are described below:

Statutory Notices

Section 403 *Local Government (Miscellaneous Provisions) Act 1960* – Dangerous Buildings

Section 403 allows a local government to issue a written notice to the owner or occupier of a building requiring the owner or occupier to take it down, secure or repair the building where the local government has received a certificate from a building surveyor or competent person certifying that the building is in a dangerous state.

If the owner or occupier does not comply with the notice, the Town may apply to the Magistrates Court, for an order for the owner or occupier to take down, repair, or otherwise secure to the dangerous building to the satisfaction of the local government. If the order is not complied with, within the time so fixed, the local government may cause the building, or so much of it as is in a dangerous condition, to be taken down, repaired or otherwise secured in such manner as is necessary, and an order so made is not subject to appeal.

Section 408 Local Government (Miscellaneous Provisions) Act 1960 – Neglected Buildings

The *Local Government (Miscellaneous Provisions) Act 1960* defines a “neglected building” as:

“neglected building” means a building which is ruinous, or so dilapidated as to be unfit for use or occupation, or which is from neglect or otherwise in a structural condition prejudicial to property in, or to inhabitants of, the neighbourhood in which it is situated.”

Where a local government is of the opinion that a building in its district is a neglected building, it may cause written notice to be served on the owner or occupier of the building requiring him immediately:

- (a) to put the building or part into such state of repair and good condition as is to the satisfaction of the local government; or
- (b) to take the building down.

If the owner or occupier does not comply with the notice, the Town may apply to the Magistrates Court, for an order for the owner or occupier to comply with the notice. If the order is not complied with, within the time so fixed, the local government may by its agents, servants, and workmen enter upon the neglected building or land on which it stands and execute the order.

Section 409 Local Government (Miscellaneous Provisions) Act 1960 – Power to compel renovation of dilapidated buildings

Where the local government is of opinion that a building in its district is so dilapidated in appearance as to be out of conformity with the general standard of appearance of the other buildings in the district or in the locality in which it is situated, it may cause written notice to be served on the owner or occupier of the building requiring him immediately to cause the appearance of the building to be brought into conformity with the general standard of appearance of the buildings either in the district or that locality.

If the owner or occupier does not comply with the notice, the Town may apply to the Magistrates Court, for an order for the owner or occupier to comply with the notice. If the order is not complied with, within the time so fixed, the local government may by its agents, servants, and workmen enter upon the neglected building or land on which it stands and execute the order.

Section 3.25, Schedule 3.1 (5) of the Local Government Act 1995 – Fencing of Unsightly Land

A notice issued under this section of the Act is suitable for applying to situations where property owners fail to take a reasonable level of responsibility for their vacant land. More specifically, the requirement is enforced when land owners fail to act upon standard written requests, to remove dumped rubbish or litter from the property, and/or overgrown/unkept vegetation. When Notice is issued under this section, requirements of the Notice generally require the following:

- Clean-up and disposal of all waste/litter and overgrown vegetation; and
- Installation of a minimum 1.8metre high cyclone, chain link fence with concrete anchored galvanised tube posts located at maximum intervals of 3.0metres – so as to impede the opportunity for further dumping of rubbish and accumulation of litter on the property.

Should the requirements of the Notice not be complied with within the designated timeframes, the Act permits the Town to arrange for works to be undertaken for the owner's account (in accordance with the Town's Purchasing Policy 1.2.3).

Notices issued under this section may also be applied to properties containing a building, in situations where the affected portion of the land is visible to adjoining properties. In most circumstances, it is not suitable for applying to out-of-sight areas of the property (for example, back yards).

This Section provides some power for the Town to manage some basic aesthetic and amenity issues.

Section 135 of the *Health Act 1911* – House Unfit for Human Habitation

Section 135 of the Health Act can be invoked when a building or portion of a building is unsuitable for human habitation. Notices under this section are usually applied to buildings that are lacking in the following areas:

- Structural integrity - deemed unsafe;
- Essential Services - lacking in one-or more essential services such as mains connection to potable water, electricity, plumbing, functional bathroom, toilet and/or laundry; and
- Hygiene and Sanitation - may also be imposed if a premise is so filthy or unhygienic due to a lack of cleaning or due to an infestation by pests.

The Health Act does provide some limited opportunity for the Town to manage aesthetics and amenity issues with private property ancillary to genuine health concerns. However, it should be noted that this section of the Act is intended to ensure that the health of the inhabitants is appropriately protected, not to manage aesthetic and broader public amenity issues.

Should the Notice requiring that no person inhabit the property not be complied with, an offence is committed and prosecution may proceed under section 361 of the Act.

Section 139 of the *Health Act 1911* – Owner required to Clean-up and Repair House

The primary focus of this section is to support section 135 of the Act. It ensures that a property deemed as being unfit for human habitation, under section 135 of the Act, is returned to a condition deemed by the Town to be suitable for human habitation.

Failure to comply with a Notice issued under this section is not a prosecutable offence, however does authorise the Town to undertake all of the necessary works detailed in the Notice, for the owner's account.

The focus of this section is not to render a building or property to be more aesthetically pleasing or to improve the amenity of the area.

Section 137 and 138 of the *Health Act 1911* – Condemned Building to be Amended or Removed

These sections provide the Town with the authority to condemn a building that has been deemed unfit for human habitation under section 135 of the Act. A building is only condemned when the property is in such a state of disrepair, ruin or sanitation that clean-up and/or repair of the property is not practicable.

Whilst the main purpose of this section is to remove a hazard to human/personal health, it can have a positive effect on amenity and aesthetics by removing an unkempt building.

- (b) “Whether additional powers are currently available which require further policy or local laws”

The Chief Executive Officer has recently instructed the Town’s Officers to “take a firmer line” with regard to enforcement of the Notices described above. Accordingly, the Officers are currently achieving satisfactory results in a number of longstanding matters utilising the current legislation.

The Town is yet to test the full enforcement powers of such Notices; however, the Town has recently lodged an application with the Magistrates Court for enforcement of a S408 Notice on No. 441 William Street, Perth.

- (c) “Whether additional powers are not currently available are required”

Public Health Bill 2008

It is important to acknowledge that the Health Act 1911 is expected to be replaced toward the end of 2011 with a new Public Health Act (currently the Public Health Bill 2008). This change will have some ramifications on Local Government Environmental Health Officers, particularly in relation to ‘Power of Entry’ provisions.

The current provisions give Environmental Health Officers strong powers in relation to entering private property for the purpose of investigating compliance under the Act. Unlike the Police, Environmental Health Officers do not require warrants for the purpose of entering a private property. However, under the proposed Act, this will change, with warrants being required to lawfully enter onto private property.

With this in mind, it will be considerably more difficult to justify undertaking internal and rear yard inspections of private property. As a result, the Town’s ability to take timely compliance action under the Act in relation to derelict buildings is likely to be considerably diminished.

Building Bill 2010

A new Building Act is being developed to replace the *Building Regulations 1989* and parts of the *Local Government (Miscellaneous Provisions) Act 1960* (including Part XV which includes the statutory Notices referred to above).

It is noted that the Building Bill 2010 limits the power of a permit authority to issue building orders when a building is unsafe or not fit to occupy – there is no provision to require an owner or occupier to improve the appearance of a building and bring it into conformity with the general standard in the locality, as Section 409 of the *Local Government (Miscellaneous Provisions) Act 1960*, currently provides.

The advice of the Building Commission in this respect indicates that the reason for the limitation in the Building Bill 2010 is because matters such as amenity and aesthetics are Planning related matters, and as such no longer have a place in the building legislation. In view of the proposed changes to health legislation, even greater pressure will be placed on local government to find alternate methods of dealing with amenity and aesthetic issues; which have for some time, been fortuitously managed under the guise of ‘building’ and/or ‘health’ provisions.

Planning and Development Act 2005 and Town of Vincent Town Planning Scheme No. 1

The Planning and Development Act 2005 or the Town's Town Planning Scheme No. 1, currently do not provide any powers to the Local Government to permit authority to require an owner or occupier to improve the appearance of a building and bring it into conformity with the general standard in the locality, as Section 409 of the *Local Government (Miscellaneous Provisions) Act 1960*, currently provides.

As outlined above, the Building Commission have advised that Section 409 of the *Local Government (Miscellaneous Provisions) Act 1960* is proposed to not be included in the Building Bill 2010, as it is a matter relating to planning, rather than building. With this being the case, should the Town wish to continue to have such powers on enactment of the Building Bill, planning legislation and associated provisions will need to be examined to determine how this existing practice can be incorporated into the Town's existing planning framework.

Similarly the Model Scheme Text, the appendix to the Town Planning Regulations 1967 that provides the template to prepare a Town Planning Schemes also does not include specific provisions to provide power to the Local Government to improve the appearance of a building and bring it into conformity with the general standard in the locality.

As detailed in the Officer Recommendation, steps will be taken to contact relevant State agencies to discuss options that may be available to the Town, and if necessary legal advice may be sought. Options may exist as follows:

- Create a Planning Policy pursuant to clause 47 of the Town's Town Planning Scheme No. 1;
- Incorporate a new clause within the Town's Town Planning Scheme No. 1;
- Incorporate a new clause in the proposed Town Planning Scheme No. 2; and/or
- Provide suggestions to the Department of Planning to incorporate amendments to the Model Scheme Text, which is currently being reviewed.

(d) *“Seek the advice of WALGA on whether they consider that legislative changes are required to increase the powers of local government to address the issue*

As outlined above, as this matter requires consideration to amend the Town's planning framework, contact will be made with WALGA regarding legislation to deal with issues of amenity and aesthetics; however, concurrently, contact will also be made with other relevant State Agencies such as the Department of Planning, the Department of Health and the Building Commission to seek direction on the matter. Legal advice may also be required.

CONSULTATION/ADVERTISING:

Not Applicable.

LEGAL/POLICY:

Health Act 1911 (as amended); Local Government (Miscellaneous Provisions) Act 1960; and Council Policy 3.8.5 – ‘Substandard Buildings and Vacant Land’.

RISK MANAGEMENT IMPLICATIONS:

Low: The Town has an obligation to ensure that the laws, over which it presides, are applied appropriately, and in accordance with the intention/spirit of the law, and principles of natural justice.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* (adopted in principle) states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.1 Minimise negative impacts on the community and environment.

(b) Implement and promote planning policies and guidelines to enhance sustainability, amenity, universal access, neighbourhood interaction and crime prevention.

Community Development and Wellbeing

Objective 3.1: Enhance and promote community development and wellbeing.

3.1.2 Promote and foster community safety and security."

SUSTAINABILITY IMPLICATIONS:

By eliminating the large number of uninhabitable dilapidated buildings within the Town, the amenity and safety of the area will be significantly improved. It is envisaged that this will have a flow-on effect, encouraging surrounding property owners to ensure a basic standard of maintenance, to regenerate existing properties and/or to maximise their development potential by developing these properties.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

It is therefore considered that the current suite of statutory powers available to the Town under delegated authority, to deal with derelict buildings and unkempt vacant land is satisfactory; however, upon enactment of the Building Bill and Public Health Bill, the Town's ability in managing issues of amenity and aesthetic improvements to private property may be diminished.

The Town's Officers, in liaison with WALGA, the Department of Planning, the Department of Health and the Building Commission, will further investigate the issues of amenity and aesthetics from a statutory perspective, and provide a further report to the Council of any findings.

9.1.7 Forrest Park – Discontinuation of Use as an Overflow Parking Area

Ward:	South	Date:	7 April 2011
Precinct:	Forrest, P14	File Ref:	RES0003; RES0022; RES0102
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	J Maclean, Manager Ranger and Community Safety Services		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council DOES NOT APPROVE the continued use of Forrest Park as an overflow parking area, when events are being held at nib Stadium, due to the low usage rate.

COUNCIL DECISION ITEM 9.1.7

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide an update on the proposal for the continued use of Forrest Park as a temporary overflow parking facility.

BACKGROUND:

The Council considered this matter at its Ordinary Meeting on held 1 December 2009. Further, the Council at its Ordinary Meeting held on 14 September 2010 considered a report (Item 9.1.9) recommending the continuation of the use of Forrest Park as a temporary overflow parking venue, to accommodate patrons and spectators of nib Stadium (formerly Members Equity Bank Stadium), on event days. The Council resolved “*That the item be DEFERRED for further information*”.

DETAILS:

At the Ordinary Meeting of Council held on 14 September 2010, some Council Members expressed concern that Forrest Park had been under-utilised as an overflow parking venue and requested further information on the need to use the facility. While the Town’s Officers agreed with this comment, it was thought that Forrest Park was an ideal facility that could accommodate a substantial number of vehicles, in the event that a large concert, or sporting game was held at nib Stadium. The basis for the original recommendation was based on the complaints from a number of highly vocal residents and the fact that, if drivers were encouraged to utilise a single facility, it would have the following effect:

- centralise the parking, at a distance from the venue;
- reduce the number of vehicles utilising kerb-side parking within the exclusion zone;
- reduce the number of vehicles circling and congesting the area looking for parking;
- reduce the number of noisy pedestrians in the exclusion zone, after the event; and
- ease the after-event traffic congestion, caused by attendees trying to get home.

However, there have been a number of large events held at nib Stadium, since the initial report was submitted and, while large numbers of people have attended the venue, the fact that Forrest Park has not been available for use, does not appear to have had a serious impact on the surrounding area.

Date of Event	Type of Event	No. of Vehicles Parked
12 February 2010	Rugby	51 vehicles
27 February 2010	Rugby	15 Vehicles
20 March 2010	Rugby	4 Vehicles
26 March 2010	Rugby	3 Vehicles
2 April 2010	Rugby	3 Vehicles
6 August 2010	Football	19 Vehicles

(It should be noted that Forrest Park was not advertised as being available for use as an overflow parking venue, so many people did not realise that it could be used).

As a result, given that there have been no formal requests to use Forrest Park as an overflow facility and there does not appear to have been any major impact on the area, there appears to be no need to continue to make use of Forrest Park as an overflow parking facility.

CONSULTATION/ADVERTISING:

There is no need to advertise the matter.

LEGAL/POLICY:

There are no legal implications, associated with this report.

RISK MANAGEMENT IMPLICATIONS:

Not Applicable.

STRATEGIC IMPLICATIONS:

The above is in keeping with the Town's *Strategic Plan 2011-2016* (adopted in principle), which states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.5 Take action to improve transport and parking in the Town and mitigate the effects of traffic."

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications, associated with this report.

COMMENTS:

Since the deferral of the original report on Forrest Park being used as an overflow parking facility, there have been a number of large events held at nib Stadium. However, while Forrest Park has not been used to accommodate vehicle parking, there has been little difference in the number of complaints from residents about illegal parking. It is acknowledged that there is a small increase in the number of Infringement Notices issued within the exclusion zone, when large events are held. However, no formal requests have been received from event organisers to use Forrest Park as an overflow parking facility.

As a result, it is suggested that there is no longer any need to proceed with the use of Forrest Park as an overflow parking facility and the Officer Recommendation is now that the Town does not proceed with the proposal.

9.2.2 Environmental Initiative – Switch Your Thinking Program – Progress Report

Ward:	Both	Date:	8 April 2011
Precinct:	All	File Ref:	TES0578
Attachments:	-		
Tabled Items:	-		
Reporting Officers:	C Chaudhry, Project Officer – Environment; A Gordon, Sustainability Officer		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ACCEPTS the recommendation of the Town’s Sustainability Advisory Group for the Town to join and participate in the “Switch Your Thinking” program, and recommends listing funding for implementation of Switch Your Thinking programs in the draft Budget 2011-2012;*
- (ii) *LISTS an amount of \$5,000 for consideration in the Town’s 2011-2012 draft Budget for the program annual licensing fee; and*
- (iii) *REQUESTS that a report be submitted to the Council after 12 months to ascertain the value of the program.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with further information about the Switch Your Thinking Program, and to advise the Council that the Sustainability Advisory Group supports the Town joining and participating in the Program.

BACKGROUND:

At its Ordinary Meeting of 21 December 2010, the Council considered a report regarding the Switch Your Thinking Program, and resolved as follows:

“That that the Council:

- (i) *CONSIDERS listing funding in the 2011/2012 draft budget for the Town to join the ‘Switch Your Thinking Program’ at a cost of \$5,000 per annum;*
- (ii) *NOTES the services provided by the ‘Switch Your Thinking Program’ (as shown in Appendix 9.2.7) and that the program offers rebates to council residents and commercial entities on Sustainable Technologies and works collaboratively at a Local, State and Commonwealth level, rather than competing with these sectors; and*
- (iii) *REQUESTS the Sustainability Advisory Group to review the Program and for a report to be submitted to the Council prior to the Budget process 2011/2012.”*

Pursuant to the Council's resolution, the Town's Officers arranged for the Project Coordinator for "Switch Your Thinking" to provide a presentation to the Sustainability Advisory Group at its meeting held on 21 February 2011.

DETAILS:

The Project Coordinator for "Switch Your Thinking" provided the following information regarding the program;

The "Switch Your Thinking" brand

The "Switch Your Thinking" (Syt!) brand was launched in 2002 by the Cities of Armadale, Gosnells, and Serpentine Jarrahdale Shire, working together as the South East Regional Energy Group (SEREG) with their communities to implement measures to save energy, water and operating costs, and reduce greenhouse gas emissions. The idea of developing the brand was to enable seemingly disparate sustainability projects to be delivered under a common brand, and to build community awareness of the brand. Since Syt! was launched, community recognition of the brand has been building.

The SEREG Councils were approached by other Councils in 2007 who wanted to join in, and as a result, the SEREG Councils developed an intellectual property licensing agreement. Councils who wish to join pay an annual licensing fee of \$5,000. Councils who have joined the Syt! program to date are Wanneroo, Joondalup, Stirling, Belmont, Victoria Park, and Cambridge.

Benefits for Councils who join Syt!

Councils who join Syt! can participate in projects that SEREG develops, or can run projects similar to Syt!'s and promote them under the Syt! brand name. Details of some of the programs currently run under the Syt! brand are provided below. Existing Council programs can also be run independently of Syt! – there is no requirement for them to be badged Syt!

One of the major benefits of joining Syt! is the Rebates for Residents program. SEREG recruits corporate sponsors such as Solahart, Synergy, the Water Corporation, the Examiner Newspaper, Stockland and Tint-a-Car, who provide goods or services at a discounted price for Syt! This allows Syt! to offer Rebates for Residents, which can be rolled out to participating Councils as soon as they join. Residents can obtain cheaper pool covers, photovoltaic systems and other sustainable technologies through the program.

SEREG provides support to councils who join the program, including by holding quarterly meetings. A major advantage of joining Syt! is being able to take advantage of economies of scale, and being able to share expertise across participating councils. The growing recognition of the Syt! brand is also of benefit.

SEREG also offers a Switched On Staff program for Council staff regarding sustainability awareness.

The current business plan for Syt! (available from www.switchyourthinking.com.au) provides useful information about the future direction of Syt!, and current/future programs.

Implication of joining Syt!

The Syt! program can mesh with the Town's existing program of sustainability initiatives – it is up to the Town to decide which Syt! programs to run, and the Town can continue with its existing initiatives without re-branding them as Syt!, if it wishes to. The Syt! program can fit into, and help deliver, the Town's Sustainable Environment Strategy.

Discussion:

The SAG members discussed the Syt! program further and noted there would be significant benefits to the Town in terms of funding, economies of scale. It was generally considered that it would be worth the \$5,000 licence fee just to access the rebates for residents and it was noted that the Town should retain its own “branding” also as not all programs should be branded Syt! (e.g. the Town’s garden awards).

The Sustainability Advisory Group supported the Town joining and participating in the Switch Your Thinking program, including listing funding for implementation of Syt! programs in the draft Budget 2011-2012.

The group also thought that consideration be given to what an appropriate implementation budget would be, and this should be included in the further report requested by the Council regarding the SAG’s consideration of the Syt! program.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town’s *Strategic Plan 2011-2016* (adopted in principle) states:

“Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.3 Take action to reduce the Town’s environmental impacts and provide leadership on environmental matters.”

SUSTAINABILITY IMPLICATIONS:

- Reduction and offsetting of corporate, commercial and community carbon emissions.
- Increased environmental awareness within the Town’s community.
- Increased sustainability of residential dwellings within the Town.
- Increased take up of sustainable technology validity through discount pathways.
- Local air shed improvements.
- Local land and water improvements.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the Town implementing and supporting Syt! initiatives is estimated to be no more than \$5,000 per annum. This money will support the core program actions that come about from the directive and the Town’s Sustainable Environment Strategy. The \$5,000 will need to be considered for inclusion in the Budget for 2011-2012.

COMMENTS:

The Town of Vincent would benefit from joining the Syt! program in most aspects of sustainability. It would aid in promoting and making sustainable technologies more affordable for the Town’s Community. Many Cities and Towns have joined the Syt! program and have benefited greatly from being a member at both a service and community level.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 March 2011

Ward:	Both	Date:	4 April 2011
Precinct:	All	File Ref:	FIN0032
Attachments:	001 – Creditors Report		
Tabled Items:	Vouchers, supporting invoices and other relevant documentation		
Reporting Officers:	K Ball, Finance Officer – Accounts Payable; B Tan, Manager Financial Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 March – 31 March 2011 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

paid under Delegated Authority in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence.)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To present to the Council the expenditure and list of accounts approved by the Chief Executive Officer under Delegated Authority for the period 1 March to 31 March 2011.

BACKGROUND:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1 the exercise of its power to make payments from the Town's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to the Council, where such delegation is made.

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Regulation 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment, cover the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	069761- 069850	\$108,182.20
Transfer of Creditors by EFT Batch	1198, 1200-1203, 1205-1208,1210-1211	\$3,229,277.16
Transfer of PAYG Tax by EFT	March 2011	\$317,241.60
Transfer of GST by EFT	March 2011	
Transfer of Child Support by EFT	March 2011	\$1,630.62
Transfer of Superannuation by EFT:		
• City of Perth	March 2011	
• Local Government	March 2011	
Total		\$3,656,331.58
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$6,015.12
Lease Fees		806.82
Corporate Master Cards		\$11,439.10
Loan Repayment		\$56,737.45
Rejection Fees		\$17.50
Total Bank Charges & Other Direct Debits		\$75,015.99
Less GST effect on Advance Account		0.00
Total Payments		\$3,731,347.57

LEGAL POLICY:

The Council has delegated to the Chief Executive Officer (Delegation No. 3.1) the power to make payments from the municipal and trust funds pursuant to the Local Government (Financial Management) Regulations 1996. Therefore, in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is prepared each month showing each account paid since the last list was prepared.

RISK MANAGEMENT IMPLICATIONS:

In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

- “4.1 Provide good strategic decision-making, governance, leadership and professional management:*
- 4.1.2 Manage the organisation in a responsible, efficient and accountable manner;*
- (a) Continue to adopt best practice to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”*

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

All expenditure from the municipal fund was included in the Annual Budget adopted by the Council.

COMMENT:

All municipal fund expenditure included in the list of payments is in accordance with the Council's adopted Annual Budget or has been authorised in advance by the Council where applicable.

Vouchers, supporting invoices and other relevant documentation are available for inspection at any time following the date of payment and are tabled.

9.3.3 Financial Statements as at 31 March 2011

Ward:	Both	Date:	6 April 2011
Precinct:	All	File Ref:	FIN0026
Attachments:	001 – Financial Reports		
Tabled Items:	Nil		
Reporting Officer:	B Wong, Accountant		
Responsible Officer:	M. Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 March 2011 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the Financial Statements for the period ended 31 March 2011.

BACKGROUND:

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period; and
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented to the Council at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next Ordinary Meeting of Council after that meeting.

In addition to the above, under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 March 2011:

- Income Statement;
- Summary of Programmes/Activities (pages 1-17);
- Income Statement by Nature or Type Report (page 18);
- Capital Works Schedule (pages 19-25);
- Statement of Financial Position (page 26);
- Statement of Changes in Equity (page 27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (pages 34-39); and
- Monthly Financial Positions Graph (pages 40-42).

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities**Net Result**

The net result is Operating Revenue less Operating Expenses plus Capital Revenue and Profit/(Loss) of Disposal of Assets.

YTD Actual	-	\$6.4 million
YTD Budget	-	\$7.3 million
Variance	-	-\$0.9 million
Full Year Budget	-	\$10.6 million

Summary Comments:

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions.

Operating Revenue

YTD Actual	-	\$34.6 million
YTD Budget	-	\$34.9 million
YTD Variance	-	-\$0.3 million
Full Year Budget	-	\$38.4 million

Summary Comments:

The total operating revenue is currently 99.31% of the year to date Budget estimate.

Major variances are to be found in the following programmes:

Governance – 32% over budget;

Law Order and Public Safety – 33% below budget;

Health – 14% below budget;

Education and Welfare – 14% below budget;

Other Property and Services – 12% over budget;

Administration General – 380% over budget.

More details variance comments are included on the page 34 – 39 of this report.

Operating Expenditure

YTD Actual	-	\$29.0 million
YTD Budget	-	\$31.1 million
YTD Variance	-	-\$2.1 million
Full Year Budget	-	\$40.3 million

Summary Comments:

The operating expenditure is currently 6.31% below budget.

The major variance for expenditure is located in the following programmes:

Health – 14% below budget;
 Education and Welfare – 14% below budget;
 Community Amenities – 16% below budget;
 Economic Services – 15% over budget;
 Administration General – 81% below budget.

Detailed variance comments are included on the page 34 – 39 of this report.

Income Statement by Nature and Type Report

This income statement shows operating revenue and expenditure are classified by nature and type.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2010/11 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 March 2011 of \$5,291,403 which represents 36% of the revised budget of \$14,558,713.

	Budget	Revised Budget	Actual to Date	%
			(Include commitment)	
Furniture & Equipment	\$214,900	\$217,400	\$134,670	62%
Plant & Equipment	\$2,662,600	\$1,908,250	\$1,846,792	97%
Land & Building	\$12,125,150	\$3,750,480	\$587,640	16%
Infrastructure	\$10,843,834	\$8,682,583	\$2,722,301	31%
Total	\$25,846,484	\$14,558,713	\$5,291,403	36%

Statement of Financial Position and Statement of Changes in Equity

The statement shows the current assets of \$22,397,978 and non current assets of \$142,183,606 for total assets of \$164,581,584.

The current liabilities amount to \$8,559,125 and non current liabilities of \$13,506,350 for the total liabilities of \$22,065,475. The net asset of the Town or Equity is \$142,516,109.

Restricted Cash Reserves

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

The balance as at 31 March 2011 is \$9.1m. The balance as at 30 June 2010 was \$9.1m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$524,450.11 is outstanding at the end of March 2011.

Out of the total debt, \$164,680 (31.4%) relates to debts outstanding for over 60 days, which is related to Cash in Lieu Parking and \$181,003 (34.5%) relates to the storm damage claim from FESA which is yet to be finalised.

The Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

Rate Debtors

The notices for rates and charges levied for 2010/11 were issued on the 19 July 2010.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

First Instalment	23 August 2010
Second Instalment	25 October 2010
Third Instalment	5 January 2011
Fourth Instalment	9 March 2011

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge (to apply to second, third, and fourth instalment)	\$8.00
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the Town for rate concessions do not incur the above interest or charge.

Rates outstanding as at 31 March 2011 including deferred rates was \$677,469 which represents 3.16% of the outstanding collectable income compared to 3.27% at the same time last year.

Statement of Financial Activity

The closing balance carry forward for the year to date 31 March 2011 was \$5,834,654.

Net Current Asset Position

The net current asset position as at 31 March 2011 is \$14,920,788.

Beatty Park – Financial Position Report

As at 31 March 2011 the operating deficit for the Centre was \$347,620 in comparison to the year to date budgeted deficit of \$230,347.

The cash position showed a current cash deficit of \$15,894 in comparison year to date budget estimate of a cash surplus of \$135,856. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepared, each month, a statement of financial activity reporting on the source and application of funds as set out in the adopted Annual Budget.

RISK MANAGEMENT IMPLICATIONS:

Low: In accordance with Section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority decision of the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2011-2016:

“4.1 Provide good strategic decision-making, governance, leadership and professional management:

4.1.2 Manage the organisation in a responsible, efficient and accountable manner;

(a) Continue to adopt best practice to ensure the financial resources and assets of the Town are responsibly managed and the quality of services, performance procedures and processes is improved and enhanced.”

SUSTAINABILITY IMPLICATIONS:

Expenditure has been incurred in accordance with the adopted Budget which has been structured on financial viability and sustainability principles.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENT:

All expenditure included in the Financial Statements are incurred in accordance with the Council’s adopted Annual Budget or has been authorised in advance by the Council where applicable.

9.4.1 Audit Committee – Receiving of Unconfirmed Minutes – 7 April 2011

Ward:	-	Date:	8 April 2011
Precinct:	-	File Ref:	FIN0106
Attachments:	001 – Audit Committee Unconfirmed Minutes		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Audit Committee Unconfirmed Minutes dated 7 April 2011, as shown in Appendix 9.4.1.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence.)

ADDITIONAL INFORMATION:

It is advised that the apology referred to at Item 4.3 in the Audit Committee Meeting Unconfirmed Minutes was received on Thursday 14 April 2011. Accordingly, this matter is now satisfactorily finalised and no further action is required.

PURPOSE OF REPORT:

The purpose of this report is for the Council to receive the unconfirmed minutes of the Audit Committee held on 7 April 2011.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 August 2003, the Council considered the matter of its Audit Committee and resolved inter alia as follows;

"That the Council;

- (i) *APPROVES of amending the Audit Committee Terms of Reference to be as follows:*
- (a) *the process of selecting the Auditor;*
 - (b) *recommending to Council on the Auditor;*
 - (c) *managing the Audit Process;*
 - (d) *monitoring Administrations actions on, and responses to, any significant matters raised by the Auditor;*
 - (e) *submitting an Annual Report on the audit function to the Council and the Department of Local Government;*
 - (f) *consideration of the completed Statutory Compliance Return and monitoring administrations corrective action on matters on non-compliance;*
 - (g) *to oversee Risk Management and Accountability considerations; and*
 - (h) *to oversee Internal Audit/Accountability functions;"*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act (Financial Management) Regulations 1996, Regulations 5 and 6 prescribe the duties of the Chief Executive Officer in respect to financial management and independent performance reviews (including internal and external Audits).

RISK MANAGEMENT IMPLICATIONS:

High: Failure to consider and review the Audit Committee Minutes would be a breach of Section 7.12A of the Local Government Act 1995.

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2011-2016 lists the following objectives:

"4.1.2 Manage the organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The reporting of the Town's internal Audit Committee minutes to the Council Meeting is a legal requirement of the Local Government Act 1995 and regulations and in keeping with the Audit Charter.

9.4.3 National General Assembly of Local Government 2011

Ward:	-	Date:	6 April 2011
Precinct:	-	File Ref:	ADM0031
Attachments:	001 - National General Assembly Program 2011		
Tabled Items:	Nil		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That APPROVAL be granted for the Mayor and Chief Executive Officer to attend the 2011 National General Assembly of Local Government to be held in Canberra from Sunday 19 June 2011 to Wednesday 22 June 2011, at an estimated cost of \$2,965 each.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY "EN BLOC" (8-0)

(Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Mayor and Chief Executive Officer's attendance at the 2011 National General Assembly to be held at the National Convention Centre in Canberra from Sunday 19 June 2011 to Wednesday 22 June 2011.

BACKGROUND:

The National General Assembly of Local Government (NGA) is the largest and most important event on the local government calendar and typically attracts more than 700 Mayors, Councillors and Senior Officers from local governments across Australia. It is convened by the Australian Local Government Association (ALGA) for local governments across Australia to develop and express a united voice on the core issues affecting local government and their communities.

The NGA provides an important platform to showcase local government to influential decision-makers of the federal government, at both the political and departmental levels.

National General Assembly

The theme for this year's Assembly is "*Growing with our Community*:"

- *Place - How can we improve policies and programs to better meet the needs of our regions?*
- *Position - How could funding be allocated to improve the balance between central government priorities and local communities:*
- *Partnerships - How can the partnership between local government and the Australian Government be expanded to deliver mutually agreed outcomes to local communities?"*

A letter was recently received from the President of the Australian Local Government Association, Councillor Genia McCaffrey, advising as follows:

"This year's National General Assembly will address the pressing issues for local government under the theme "Growing with our Community - Place, Position, Partnership".

Local government in Australia has proven itself to be resilient in the face of severe challenges. Councils are well-known for their ability and commitment to support and foster resilient local and regional communities.

Local government has proven itself in the wake of severe natural disasters, in the delivery of projects and programs under the national stimulus package, and in responding to, and representing the needs of, our local communities when uniting at forums such as the National General Assembly (NGA) and through bodies such as local government associations to provide a clear and concise message to the Australian Government.

For more than 15 years, the NGA has been critically important in driving the local government agenda at the national level and influencing federal government policy. This year we have secured the participation of the Prime Minister, key Commonwealth Ministers, Shadow Ministers and cross benchers. Not only does this give us a chance to hear their positions on a range of issues relevant to local government, it is also an important opportunity for us to influence their policy agenda and speak directly to them."

The National General Assembly provides Councils with an opportunity to contribute to the development of national local government policy.

Over recent years, Local Government has significantly increased its level of engagement with the Australian Government. With this has come an increased ability for Local Government to constructively influence Government policies and programs in the interests of our local communities.

A copy of the Conference Registration Brochure is attached.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL POLICY:

Council's Policy 4.1.15 – "*Conferences & Training – Attendance, Representation, Travel and Accommodation Expenses and Related Matters*"- Clause 1.1 states that up to a maximum of one Council Member and one officer may attend conferences.

Previous Attendances

Clause 1.3 of the Policy requires details of previous attendances of the Conference to be included into the report.

Chief Executive Officer's Comment:

Previous attendance at the National General Assembly has been as follows;

<u>Year*</u>	<u>Attendees</u>
1998	Chief Executive Officer, John Giorgi and former Mayor John Hyde (in his capacity as President of the Local Government Association)
2002	Mayor Nick Catania and Chief Executive Officer, John Giorgi
2003	Mayor Nick Catania, Chief Executive Officer, John Giorgi and Councillor Steed Farrell**
2005	Mayor Nick Catania (7-8/11/05 only) and Deputy Mayor, Cr Steed Farrell (7-10/11/05)
2007	Cr Helen Doran-Wu (representing Mayor Nick Catania) and Chief Executive Officer, John Giorgi
2008	Mayor Nick Catania and Chief Executive Officer, John Giorgi
2009	Mayor Nick Catania and Chief Executive Officer, John Giorgi
2010	Mayor Nick Catania#
*	Nil attendance 1995, 1996, 1997, 1999, 2000, 2001, 2004 and 2006
**	Councillor Farrell was already in Canberra on work matters and therefore only a Day Registration for the Conference was paid (at a cost of \$400).
#	Chief Executive Officer, John Giorgi, did not attend, due to heavy work commitments.

STRATEGIC IMPLICATIONS:

In keeping with the Town’s Strategic Plan 2011-2016 – Objective 4.1 - “Provide good strategic decision making, governance, leadership and professional management”.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

	Costs
Early Bird Registration (payment by 29 April 2011)	\$880.00
Accommodation (at \$290 per night x 3 nights)*	\$870.00
Airfare (economy class) - indicative cost	\$750.00
Expenses allowance (4 days @ \$115.88 per day)**	\$465.00
	\$2,965.00

* As per Council Policy No. 4.1.15

** Rounded off.

COMMENT:

It is requested that approval be granted for the Mayor and Chief Executive Officer to attend the 2011 National General Assembly to be held in Canberra.

The Assembly is a great opportunity to hear from senior politicians and interesting key note speakers and is an unparalleled networking opportunity within the local government sector.

9.4.4 Approval of the Methodology to Value the Mindarie Regional Council to be used for the Exit of the City of Stirling from the Mindarie Regional Council (MRC) and Progress Report No. 6

Ward:	-	Date:	11 April 2011
Precinct:	-	File Ref:	ORG0087
Attachments:	001 – PwC Stage 1 Consultancy Report		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) **RECEIVES** the Report of Price Waterhouse Coopers as shown in Appendix 9.4.4;
- (ii) **APPROVES** of the recommended methodology of valuing the Mindarie Regional Council (MRC) by reference to the Discounted Cash Flow method, subject to this being cross checked to alternative valuations methods including both the Net Assets Approach and the Future Maintainable Earnings Approach, enabling Price Waterhouse Coopers to proceed to Stage 2 of the valuation process;
- (iii) **ADVISES** the MRC and other Member Councils that it reserves the right to not accept the final figures of the adjustment of the assets and liabilities;
- (iv) **REQUESTS** that Price Waterhouse Coopers, in valuing the waste business, to consider and address the following:
 - (a) in assessing future cash flows, includes whether the MRC will continue to accept non Member waste in future years;
 - (b) whether the current Member Fee accurately reflects the “cost recovery” intention of the pricing of Member tipping fees;
 - (c) clarification that the land upon which the MRC operates (Tamala Park), which is owned by the Member Councils, but leased to the MRC, is to be sold/given up by the City of Stirling; and
 - (d) identify how the Consultant intends to value the residual liability that may occur should pollutants occur in future years, post closure, or to factor in future legislative requirements which may impact on the cost of remediation of the Tamala Park site, or any other such landholdings associated with the MRC;
- (v) **AGREES** to vary the Supreme Court Action CIV 1620 of 2010 Heads of Agreement and **AUTHORISES** the Chief Executive Officer to:
 - (a) negotiate beyond 30 April 2011 to 30 September 2011 subject to:
 - 1. the MRC and all Member Councils jointly continuing to participate in negotiations in good faith beyond 30 April 2011;
 - 2. the City of Stirling giving an undertaking that it will not recommence legal action in the Supreme Court during the extended period referred to in clause (v)(a); and
 - 3. advising the Council of the progress as soon as practicable after 30 June 2011;
 - (b) write to the MRC and Member Councils to advise of the Council’s decision; and

(vi) *NOTES that:*

- (a) *the Member Councils are considering a new Establishment Agreement for the MRC, to be used after the City of Stirling has exited the MRC and AUTHORISES the Chief Executive Officer to negotiate the draft Establishment Agreement, subject to the final approval of the Council; and*
 - (b) *a further report will be presented to the Council concerning Stage 2 of the Consultancy.*
-

COUNCIL DECISION ITEM 9.4.4

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a report to the Council on the process of valuing the share of the Mindarie Regional Council attributable to the City of Stirling. This is part of the process whereby the City of Stirling intends to exit from the MRC.

BACKGROUND:

City of Stirling Supreme Court Action

As previously reported to the Council, as a result of the Supreme Court initiated by the City of Stirling in mid 2010 and mediation in August 2010, the City of Stirling applied to exit the MRC. Prior to formalising the exit, the MRC is required to determine the assets and liabilities of the MRC.

Previous Reports to Council

This matter was previously reported to the Council on 24 August 2010, 10 August 2010, 22 June 2010, 8 June 2010 and 11 May 2010.

At the Ordinary Meeting of Council held on 24 August 2010 the Council resolved as follows:

“That the Council NOTES that:

- (i) *all the Mindarie Regional Council (MRC) Member Councils have CONSENTED to the withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with and agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;*
- (ii) *the MRC has resolved to pay its own costs of the Courts proceedings in the City of Stirling Supreme Court action CIV 1620 of 2010 against the MRC and other Member Councils;*

- (iii) *the Chief Executive Officers of the MRC and Member Councils met on Tuesday 17 August 2010 to prepare a strategy and Implementation Plan to facilitate the withdrawal of the City of Stirling from the MRC; and*
- (iv) *further reports will be submitted to the Council as the matter is progressed.”*

At the Ordinary Meeting of Council held on 10 August 2010 the Council resolved as follows:

“That the Council;

- (i) *NOTES:*
 - (a) *the progress of the City of Stirling Supreme Court action CIV 1620 of 2010 against the Mindarie Regional Council (MRC) and other Member Councils as detailed in this report;*
 - (b) *the outcome of the compulsory Mediation Conference held on 3 August 2010, as detailed in this report;*
 - (c) *that this resolution is not intended to and does not take effect unless the MRC and each Participant in the MRC pass the resolutions required by the Heads of Agreement, as shown in Appendix 14.1, on or before 12 August 2010; and*
 - (d) *the decision passed by the City of Stirling at its Special Meeting of Council held on 5 August 2010, as detailed in this report;*
- (ii) *AGREES to settle Supreme Court action CIV 1620 of 2010 commenced by the City of Stirling against the MRC and Ors (Proceedings) on the basis that each party pay its own costs of the Proceedings and otherwise on the basis set out in the Heads of Agreement dated 3 August 2010 signed by the Chief Executive Officers of the respective Parties;*
- (iii) *CONSENTS to the proposed withdrawal of the City of Stirling from the MRC subject to, and conditional upon, compliance with and agreement on, those matters required by the Mindarie Regional Council Establishment Agreement (as amended) and Section 699(3) of the Local Government Act 1960;*
- (iv) *NEGOTIATES in good faith with the City of Stirling, the MRC and the other participants in the MRC during the period until 30 April 2011, as to the adjustment of Assets and Liabilities of the MRC, consequent upon the City of Stirling withdrawing from the MRC;*
- (v) *AUTHORISES the Chief Executive Officer to negotiate with the MRC and other participants in the MRC as to the adjustment of the Assets and Liabilities of the MRC (as specified in clause (iv) above) and provide a further report for the consideration of the Council; and*
- (vi) *ADVISES the MRC and other Member Councils of its decision.”*

DETAILS

In accordance with clause (v) of the Council decision of the Ordinary Meeting of Council held on 10 August 2010 as referred to above, Price Waterhouse Coopers (PwC) were appointed by the MRC in December 2010 to assist the MRC and its Members in the calculation of the worth of the City of Stirling's share of the MRC.

The valuation exercise is to be undertaken in two stages as follows:

Stage 1

Preparation of a Preliminary Report for the identification of a preferred method of valuation with a detailed description of the various methods concerned and the rationale for the preferred choice. The brief required that MRC and the Member Councils agree to this methodology prior to the commencement of Stage 2.

Stage 2

Preparation of a Final Report based on the methodology from Stage 1 containing a valuation of the current and future rights and obligations, including assets and liabilities of the MRC and a financial assessment containing recommendations concerning the necessary financial adjustments.

Each Member Council has been requested to seek individual Council endorsement of the methodology proposed by the PwC Consultants before commencement of Stage 2 – being the actual valuation.

Preliminary Report

The PwC Consultant's Report (**Attachment 001**) provides the preferred valuation method to be undertaken, and the Members of the MRC via their individual Councils are to give approval or otherwise to the methodology outlined, to enable stage 2 of the consultancy to proceed.

The PwC has examined three commercially used valuation techniques and these are outlined below by way of an extract from the Consultant's Report. Additionally the Consultant explored the possibility of a comparison to sales of actual Waste Operations businesses, but these appear to have been of limited relevance to the MRC.

1. Discounted Cash Flow ("DCF") Approach

This method indicates the value of a business based on the present value of the cash flows that the business expects to generate in the future. Such cash flows are discounted at a discount rate (the cost of capital) which reflects the time value of money and the risks associated with the generation and timing of the future cash flows.

The DCF approach comprises the following steps:

- estimating future cash flows for a certain discrete projection period. In the case of the MRC, the cash flows for the waste disposal operations including rehabilitation liabilities would be evaluated over the expected economic life of the waste disposal operations;
- discounting those cash flows to present value at a rate of return that reflects the relative risk of achieving the cash flows and the time value of money;
- estimating the residual value of cash flows (if any) subsequent to the discrete projection period. In the case of the MRC, this might include the royalty stream received from LGP; and
- combining the value of the residual cash flows with the discrete projection period cash flow to indicate the market value of the business.

2. Capitalisation of Maintainable Earnings

The capitalisation of maintainable earnings approach to a valuation of a business requires the assessment of the following components:

- the future maintainable earnings (“FME”) of the business. This is usually based on earnings before interest, tax, depreciation and amortisation (“EBITDA”) or earnings before interest and tax (“EBIT”); and
- an appropriate earnings multiple with which to capitalise the FME.

The FME represents the assessment of expected earnings that can be derived from the business on an ongoing basis. The earnings multiple reflects the risks in achieving these earnings, the potential growth and the time value of money.

The capitalisation of maintainable earnings methodology is generally used to value established, profitable businesses with stable earnings and an indefinite economic life.

3. Net Assets Approach

The net assets (NA) approach indicates the “fair market value” of the business by adjusting the asset and liability balances on the balance sheet to their fair market value equivalents. The net assets approach is based on the summation of the individual piecemeal values of the underlying assets. The market value of the business is then represented by the sum of the market value of the assets less the market value of the liabilities.

This approach is performed in two steps:

- the value of each of the component assets and liabilities are estimated; and
- the net asset value of the business is calculated by subtracting the value of the liabilities from the value of the assets.

The major deficiency with this approach is that it does not allow for the identification and valuation of intangible assets which may form part of the business subject to valuation. In the case of the MRC, these intangible assets could include the value of the:

- airspace which is not specifically identified or valued on the balance sheet of the MRC;
- lease of the Tamala Park landfill site; and
- licence to operate the business.

Each method of valuing an entity has its advantages and disadvantages however the Consultant (who has extensive experience in valuations) has recommended using the Discounted Cash Flow (DCF) method for reasons explained in detail on page 21 of their Report (**Attachment 001**). Essentially the DCF method is forward looking and therefore would not be influenced by the previous and current results which of course include the City of Stirling. Furthermore the DCF approach is appropriate for assets with a finite life, such as a landfill site. The DCF approach will implicitly incorporate the value of the assets and liabilities, including the intangibles of airspace and remediation.

As a cross check, the Consultant is also proposing to compare the results achieved through DCF with the other methods and additionally to compare to the value of “airspace”, should they be able to identify any public company acquisitions of a landfill.

Chief Executive Officer’s Comments – Analysis of Methodology:

The Town’s Administration concurs with the Consultant that the DCF method is considered the most appropriate, especially given the level of cross checking that will apply. Some elements of the methodology have been queried by other Member Councils and the actual methodology will be tailored further to include addressing their specific aspects, if relevant (as detailed in the Officer Recommendation).

The matter has also been discussed with the Town's Auditors who have advised that it is important that whatever method is used, that it also be cross-checked by other recognised methods e.g. Net Assets Approach, Future Maintainable Earnings Approach. The matter will be further discussed with the Auditors, if required.

This will ensure that the amounts determined by each of the methodology used are appropriate and relevant.

Action Taken Since 24 August 2010

1. The Supreme Court proceedings have been adjourned as per the Heads of Agreement, pending the outcome of finalising the exit Agreement for City of Stirling.
2. The Chief Executive Officer's of the MRC and Member Council's have continued to meet on a regular basis to prepare a strategy and Implementation Plan to facilitate the withdrawal of the City of Stirling from the MRC.
3. The Member Councils Chief Executive Officer's (excluding the City of Stirling) agreed that:
 - (a) it was preferable that a new Establishment Agreement be drafted (as opposed to a variation to the current Constitution) – this is to be progressed concurrently during 2011;
 - (b) Minter Ellison Solicitors will be retained to provide legal advice as required, on a cost share basis (as they have considerable background knowledge); and
 - (c) regular meetings will be held to progress the matter.

The View of Other Member Councils

Indications are that most of the Member Councils are supporting the DCF methodology proposed by PwC, with some clarification. The Town is not aware of the City of Stirling's and Town of Victoria Park views, who are yet to consider their position at the time of writing this report. The Town of Cambridge has advised as follows:

"PwC presented to the Town of Cambridge Committee Meeting on 11 April 2011, whereby the Committee adopted the following:

"COMMITTEE RECOMMENDATION:

That:-

- (i) *the Stage 1 Preliminary Report prepared by PriceWaterhouseCoopers outlining the Discounted Cash Flow method as the preferred valuation technique for adjusting the assets and liabilities of the Mindarie Regional Council be noted;*
- (ii) *the Mindarie Regional Council and all member Councils be advised that:*
 - (a) *the Town's preferred valuation technique is the Adjusted Book Value method outlined in this report;*
 - (b) *the Town does not accept the Discounted Cash Flow method as an appropriate method of valuing the City of Stirling's interest in Mindarie Regional Council.*

Carried: 5/0"

The Town of Cambridge Council will consider the matter at their meeting to be held on 19 April 2011.”

Chief Executive Officer’s Comments:

In the event that the Town of Cambridge Council adopts its Committee Recommendation not to support the Discounted Cash Flow Method, this may jeopardise the valuation methodology consultancy proceeding to Stage 2. At the time of writing this report, the legal ramifications have not been explored. Once all Member Council decisions are known, legal advice will be obtained if required.

If the Town or any other Council was not to agree to the proposed methodology, no further work would be undertaken with respect to determining the valuation of the MRC. The Mediation proposal agreed by the Town required all parties to negotiate in good faith. If the negotiations were to fail at this point, it would be available to the City of Stirling to recommence the Supreme Court action or alternatively, to seek further mediation.

In order to allow the process to be progressed, it is proposed that the Town support the DCF methodology recommended by PwC, however consent to the valuation process being finalised on the basis that the Town reserves its right to not accept the final assessed valuation.

If, after the valuation is completed and Members cannot come to an agreement, either:

1. the City of Stirling has the option to recommence the Supreme Court action or mediation; or
2. the Minister for Local Government, after following the processes under Section 699 of the Local Government Act 1960, can recommend to the Governor to make an order which adjusts the assets and liabilities between the withdrawing Council and the Regional Council. The independent financial assessment prepared by PwC will be a key reference document referred to by the Minister in arriving at this recommendation to Governor.

CONSULTATION/ADVERTISING:

Chief Executive Officers and other executives of the Member Councils were given a briefing by the Consultant at the offices of the Town of Cambridge on Tuesday 8 March 2011, whereby questions were asked of the Consultants on their Draft Report as presented. A revised Final Report, as per Attachment 001, was provided post this meeting following feedback by attendees at the meeting.

The matter was presented by PwC to the April Forum on 12 April 2011.

LEGAL/POLICY:

The procedure for a Member to exit a Regional Council is to follow the process outlined in Section 699 of the Local Government Act 1960 prescribed. It is for each Member of the Regional Council to accept or reject the procedure.

Supreme Court Action – Heads of Agreement

At the Ordinary Meeting of Council held on 10 August 2010 the Council considered this matter and noted the Heads of Agreement reached in the Supreme Court Proceedings as follows:

“That Council:

1. *agree to settle Supreme Court action CIV 1620 of 2010 commenced by the City of Stirling (**Proceedings**) on the basis that each party pay its own costs of the Proceedings and otherwise on the basis set out in the Heads of Agreement dated 3 August 2010 signed by [name of signing] and others;*

2. *consent to the proposed withdrawal of the City of Stirling from the Mindarie Regional Council subject to and conditional upon compliance with, and agreement on those matters required by, the Mindarie Regional Council Establishment Agreement (as amended) and s699(3) of the Local Government Act 1960;*
3. *during the period until 30 April 2011, negotiate in good faith with the City of Stirling, the Mindarie Regional Council and the other participants in the Mindarie Regional Council as to the adjustment of assets and liabilities of the Mindarie Regional Council between consequent upon City of Stirling withdrawing from the Mindarie Regional Council;*
4. *note that this resolution is not intended to and does not take effect unless the Mindarie Regional Council and each Participant in the Mindarie Regional Council pass the resolutions required by the Heads of Agreement on or before 12 August 2010."*

It is obvious that agreement between the Member Councils will not be reached by 30 April 2011 and it is doubtful (given the current rate of progress) that settlement will be reached by 30 June 2011. Advice was jointly obtained by the Member Councils from Minter Ellison Solicitors as follows:

"Relevantly the Heads of Agreement operates on the following timelines:

1. *by 12 August 2010 all councils were required to pass a resolution consenting to Stirling withdrawing from the MRC and, for the period up to 30 April 2011, agree to negotiate in good faith for an adjustment of MRC's assets - this occurred;*
2. *if:*
 - (a) *by 30 April 2011 the Councils have not executed an agreement regarding the adjustment of MRC's assets following Stirling's withdrawal and all other consequential matters Stirling may recommence its Supreme Court proceedings against the MRC and Councils; or*
 - (b) *if an agreement is reached by the Councils by 30 April 2011 but by 30 June 2011 the Governor has not consented with Stirling's withdrawal from the MRC then Stirling still may recommence its Supreme Court proceedings against the MRC and Councils.*

Accordingly, the impact, from the perspective of the Cities of Wanneroo, Joondalup and Perth and Towns of Cambridge, Vincent and Victoria Park, if no agreement on the adjustment of MRC's assets is reached by 30 April 2011 is:

1. *each Council is no longer obliged, by the terms of the Heads of Agreement, to negotiate with Stirling in good faith; and*
2. *Stirling may, if it chooses, may recommence its Supreme Court proceedings.*

*The Heads of Agreement does not expressly require any action by the parties to the Heads of Agreement if they wish to continue with the negotiations regarding the Stirling's withdrawal from the MRC after either 30 April 2011 or 30 June 2011. The parties could, without express agreement, simply continue to negotiate for Stirling's withdrawal despite the passing of 30 April 2011 or 30 June 2011. However, given time and money will be incurred if negotiations continue **I recommend that each party expressly agree in writing to continue to negotiate in good faith for a further specified period of time and that during this further period the Stirling agrees that it will not recommence its Supreme Court proceedings. This***

recommendation is based upon an assumption that each of the Councils wish to continue with attempts to reach an agreement with the Stirling for its withdrawal. If the Councils do not wish to continue with negotiations they are required to continue to negotiate up to 30 April 2011 but not after this date.”

Chief Executive Officer’s Comments:

As progress to date has been slow, it is recommended that approval be granted to the Chief Executive Officer to negotiate up until **30 September 2011**. This will allow 3 months for the consultants to complete their work – which is considered sufficient time.

Town of Vincent Exemption from MRC

On 30 October 2007, the MRC wrote to the Town to advise as follows:

“This is to advise that the Mindarie Regional Council, at its Ordinary Council Meeting on 11 October 2007 resolved as follows:

That Council:

- (i) Approve the request from the Town of Vincent for exemption from disposal of all or part of its waste at Mindarie Regional Council facilities, should the Town of Vincent identify an alternative option for disposal of its waste;*
- (ii) Expresses disappointment at this request from the Town of Vincent at this late stage of the project.”*

Withdrawing from the MRC - Legal Matters

The matter is summarised as follows;

1. The first step for a Participant wishing to withdraw is for that Participant to give a request to the Minister and to the other Participants and to the MRC.
2. In the 12 month period following the giving of the request, the Minister can only make a recommendation to the Governor for a withdrawal Order if:
 - (a) the MRC and the Participant (which wishes to withdraw) have entered into an agreement about the adjustment of assets and liabilities (in the event that withdrawal is ordered); and
 - (b) the continuing Participants have entered into an agreement to vary the establishment agreement with respect to financial contributions and the number of regional councillors (in the event that withdrawal is ordered); and
 - (c) the two agreements are considered satisfactory by the Minister and are approved by the Minister.
3. The adjustment of assets and liabilities is a matter for agreement between the participant and the MRC. There is no “formula” for the adjustment, rather it is a matter for agreement.
4. In the event that, after the 12 month period, either or both of the required agreements is not entered into or either agreement is not considered satisfactory by the Minister, then the Minister can take one of the alternative courses of action referred to above.

New Establishment Agreement

Each of the Member Councils recognise that the current Regional Council Constitution is complex and cumbersome and that a new Establishment Agreement is necessary. Although this matter has been raised in previous years, very little progress has been made, as the matter has not been deemed a priority. However, since the City of Stirling legal action, there have been a number of meetings held concerning a new Establishment Agreement and accordingly, it is appropriate that the Council authorise the Chief Executive Officer to negotiate on behalf of the Town of Vincent, subject to final approval from the Council. The new Establishment Agreement will include (but not limited to) the following clauses:

- Purpose and Objectives;
- Definitions;
- Appointment of Members;
- Contributions to a Budget Deficit;
- Dealing with a Surplus of Funds;
- Winding Up Procedures;
- Withdrawal of a Participant;
- Meetings;
- Borrowings;
- Obligation to Deliver Waste;
- Exemptions; and
- Dispute Resolution Procedures.

RISK MANAGEMENT IMPLICATIONS:

Very High: The formal agreement to allow the City of Stirling to exit the MRC requires all six Member Councils to agree upon the adjustment of the assets and liabilities of the MRC. The matter is complex and there is little precedent, which can be used as a guide. It is most unlikely that the agreed date of 30 April 2011 will be achieved, as prescribed in the Supreme Court Heads of Agreement and it is doubtful that agreement by 30 June 2011 will also occur. The risk of the recommencement of the Supreme Court Action remains a reality.

STRATEGIC IMPLICATIONS:

The proposal is in accordance with the following objective of the Town's Strategic Plan 2011-2016 Key Result Area 1.1.3: *"Take action to reduce the Town's environmental impacts and provide leadership on environmental matters"*; (g): *"Create, promote and facilitate more efficient management of waste"*.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications relate to the impact of the potential change in ownership of the MRC. The net assets of the MRC at 30 June 2010 were approximately \$28 million. The projected position as at 30 June 2011 is not known at this stage. Based on a direct equity share of the net assets, the City of Stirling's nominal interest in MRC is approximately \$9 million with the Town's proportional interest at approximately \$2.3 million. This assumes all assets and liabilities are recorded at their fair value, but this has not been established at this point in time.

If the City of Stirling it to withdraw from the MRC, they will be entitled to receive its proportional share of the assessed value of the Regional Council.

Possible implications include indirect impacts due to the change in ownership and usage of the MRC (Landfill and RRF facilities); quantum unknown at this stage.

Legal Costs to Date

The Town's legal costs have not changed since August 2010 and to date are \$50,931 for the period June 2010 – 30 March 2011.

PwC Consultancy

There are no specific funds allocated to engage a consultancy firm to progress the adjustment of assets and liabilities of the MRC. PwC has successfully tendered for the consultancy, which will cost the MRC \$90,000. This was approved at the Special Meeting of Council of the MRC on 16 December 2010. Therefore, there will be no cost to the Member Councils.

COMMENTS:

The Consultants are well known and credentialed providers of Corporate Valuation Advisory Services. Their recommendation follows normal accounting and valuation practices. The Consultant considered a number of possible valuation methods including:

- Present value of future cash flows generated (DCF);
- Capitalisation of future maintainable earnings (FME) based on EBITDA (earnings before interest, tax, depreciation and amortisation) or EBIT; and
- Net Assets at Fair Market Value approach (NA).

For the various reasons stated, the Consultants recommend and the Town's Administration concur, that the most practical method would be the DCF, but cross checked with reference to the NA and FME methods and also with reference to the value of air space implied by the acquisition of other Landfill operations by publicly listed corporations.

The Town's Administration recommends that the approval to the methodology (if given) be qualified as follows:

That the Consultant, in valuing the waste business considers the following:

- In assessing future cash flows, whether the MRC will continue to accept non Member waste in future years;
- Whether the current Member fees are accurately reflecting the "cost recovery" intention of the pricing of Member tipping fees;
- Clarification that the land upon which the MRC operates (Tamala Park), which is owned by the Member councils but leased to the MRC, is included in the calculation; and
- Identifying how the Consultant intends to value the residual liability that may occur should pollutants escape in future years, post closure or to factor in future legislative requirements which may impact on the cost or remediation.

As previously reported, it is disappointing that the City of Stirling has chosen to withdraw from the MRC. However, now that decisions have been made to facilitate the withdrawal, it is incumbent on all parties to continue work in "good faith" to ensure the process is completed as soon as is practicable.

To fulfil the Town's obligation to negotiate in good faith it is proposed that the Town advise the other participants and MRC that the Town supports the proposed DCF methodology, however the Town reserves its right not to accept the financial assessed valuation.

9.4.5 Memorandum of Understanding (MOU) Between WA Police and the Town of Vincent for Implementation and Support of Graffiti Clean-up Referral Program – Approval

Ward:	All	Date:	8 April 2011
Precinct:	All	File Ref:	ENS0046
Attachments:	001 – Memorandum of Understanding (MOU) between WA Police and Town of Vincent for the Graffiti Clean-up Referral Program		
Tabled Items:	Nil		
Reporting Officers:	J MacLean, Manager Ranger and Community Safety Services M Wood, Co-ordinator Safer Vincent		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES of the Town of Vincent’s participation in the WA Police Services Graffiti Clean-up Referral Program;*
- (ii) *AUTHORISES the Chief Executive Officer to sign the Memorandum of Understanding (MOU) between Western Australia Police and Town of Vincent for the implementation and support of a Graffiti Clean-up Referral Program; and*
- (iii) *NOTES that a report will be submitted to the Council after 12 months, to ascertain the value of the program.*

COUNCIL DECISION ITEM 9.4.5

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council and seek approval to enter into a Memorandum of Understanding (MOU) for the implementation and support of a graffiti clean-up referral program.

BACKGROUND:

The Town has a long and well established history of working proactively on safety and crime prevention matters to ensure a safer community, including a cooperative and close working relationship with WA Police. The Town, through its Safer Vincent Crime Prevention Partnership (SVCPP), has received a request from the State Government, Office of Crime Prevention, to enter into a MOU for the implementation and support of a graffiti clean-up referral program. The MOU proposal was presented to the SVCPP on 2 February 2011 and the Partnership has referred the proposal to the Town’s administration for consideration of the merits of the proposed program.

DETAILS:

The Memorandum of Understanding (MOU) between Western Australia Police and Town of Vincent for the support and implementation of a graffiti clean-up referral program is summarised as follows:

- The proposed program has minimal impact on the resources of the Town. The implementation of the program would involve the Coordinator Safer Vincent who will liaise with the Manager of Parks and Property Services and advise WA Police of appropriate cleanup sites on Town of Vincent property;
- The Graffiti Cleanup Referral Program will work with the juvenile offenders, with all insurance costs and supervision borne by Juvenile Justice Team of the Department for Corrective Services and the WA Police contracted service provider;
- The contracted service provider will conduct a risk assessment of each site prior to commencing a cleanup activity, with the Town being notified that such an assessment has been conducted;
- The graffiti clean up will involve 'painting out' of graffiti on surfaces only and will not involve any chemical removal of graffiti or removal by any other means;
- The contracted service provider will comply with any of the Town's administrative requirements, relating to 'painting out' graffiti vandalism on buildings and other infrastructure, including colour of paint used and any specific site management issues; and
- The MOU proposes an appropriate supervision mechanism for graffiti offenders to become more actively involved in the clean-up of graffiti.

Many strategies in tackling graffiti have focussed on clean-up or punitive measures. Engaging graffiti offenders, a much more difficult challenge, is another way of deterring recidivism, in the longer term. This program proposes a tangible way to engage graffiti offenders in an appropriate, fully supervised and responsible way

Participation in this program is another initiative for the Town to add to its existing range of comprehensive anti graffiti, safety strategies and Crime Prevention strategies.

CONSULTATION/ADVERTISING:

Not applicable.

The MOU was submitted to the Safer Vincent Crime Prevention Partnership (SVCPP) on 2 February 2011.

LEGAL/POLICY:

As the proposed MOU is effectively a 'statement of parties intentions' there is no legal obligations or implications. The Town will re-assess the programme at the end of a 12 month period, to confirm that it is operating as expected and will have the opportunity, at that time, to withdraw from it.

RISK MANAGEMENT IMPLICATIONS:

Low: Risk management implications will be assumed by the contracted service provider to WA Police who, as per the MOU stipulations, will comply with all Occupation Safety and Health and Duty of Care requirements, where directed by Department of Corrective Services, or the Town of Vincent.

STRATEGIC IMPLICATIONS:

The Town's recently adopted (in principle) *Strategic Plan 2011-2016* states:

"Natural and Built Environment"

Objective 1.1 Improve and maintain the natural and built environment and infrastructure

1.1.5 Enhance and maintain the Town's infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.

Community Development and Wellbeing

Objective 3.1: Enhance and promote community development and wellbeing

3.1.2 Promote and foster community safety and security.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budgetary implications for the Town. All costs including paint, materials and supervising staff are the responsibility of contracted service provider, WA Police and the WA State Government. The Town's Officers time is already included in the Town's Operating Budget.

COMMENTS:

Noting the merits of entering the proposed MOU and the importance of engaging Juvenile Graffiti offenders in a positive way deter recidivism. The recommendation to enter into the MOU is recommended for approval.

9.4.6 Information Bulletin

Ward:	-	Date:	8 April 2011
Precinct:	-	File Ref:	-
Attachments:	001 – Information Bulletin		
Tabled Items:	Nil		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 19 April 2011, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

CARRIED UNANIMOUSLY “EN BLOC” (8-0)

(Cr Farrell was on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 19 April 2011 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the Hon Terry Redman MLA, Minister for Agriculture and Food; Forestry; Corrective Services regarding European Wasp Program
IB02	Letter from WALGA regarding Proposed Local Government Act Amendments
IB03	Letter from the Building Commission regarding Transition Arrangements for the New Building Act and 6 Star Provisions
IB04	Letter from the Hon Julie Bishop regarding Constitutional Recognition of Local Government
IB05	Email of Appreciation regarding Children’s Librarian
IB06	Letter to Mr C. Cafarelli of Chelmsford Road, North Perth in response to Question Taken on Notice at the Ordinary Meeting of Council held on 5 April 2011
IB07	Summary Minutes of the State Council Meeting held on 6 April 2011
IB08	Forum Notes – 29 March 2011

The Chief Executive Officer advised the meeting that the first Item in new Order of Business was Item 9.4.7.

Various Councillors advised that they did not have a copy of Item 9.4.7 (emailed out Wednesday 13 April 2011). The Chief Executive Officer advised that the Item had been emailed to the Council Members last Wednesday. The Chief Executive Officer and Minutes Secretary departed the Chamber at approximately 6.30pm to obtain copies of Item 9.4.7.

The Presiding Member, Mayor Nick Catania advised that he would consider the next Item, Item 9.1.2 whilst copies of Item 9.4.7 were being obtained.

9.1.2 Nos. 5 - 7 (Lots 1 & 2; D/P: 71729) Robinson Avenue, Perth - Proposed Change of Use from Unlisted Use (Backpackers Hostel) to Consulting Rooms (Medical) and Associated Alterations and Additions

Ward:	South	Date:	6 April 2011
Precinct:	Beaufort; P13	File Ref:	PRO0600; 5.2010.649.2
Attachments:	001 – Property Information Report, Development Application and Plans		
Tabled Items	Nil		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Silver Thomas Hanley on behalf of the owner TCM Enterprises Pty Ltd for proposed Change of Use from Unlisted Use (Backpackers Hostel) to Consulting Rooms (Medical) and Associated Alterations and Additions, at Nos. 5-7 (Lots 1& 2: D/P: 71729) Robinson Avenue, Perth, and as shown on amended plans stamp-dated 10 March 2011, subject to the following conditions:

(i) **Building**

- (a) *all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Robinson Avenue; and*
- (b) *doors, windows and adjacent floor areas of the consulting rooms fronting Robinson Avenue shall maintain an active and interactive relationship with this street;*

(ii) **Use**

- (a) *this approval is for Consulting Rooms (Medical) uses only, and any change of use from Consulting Rooms (Medical) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*

- (b) *the hours of operation for the proposed Consulting Rooms (Medical) shall be limited to the following times: 8am to 5pm weekdays;*
- (c) *shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*

(iii) **Signage**

All signage that does not comply with the Town's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;

(iv) **Fencing**

Any new street/front wall, fence and gate within the Robinson Avenue setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;

- (v) **PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:**

(a) **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:

- (1) *public safety, amenity and site security;*
- (2) *contact details of essential site personnel;*
- (3) *construction operating hours;*
- (4) *noise control and vibration management;*
- (5) *Dilapidation Reports of nearby properties;*
- (6) *air and dust management;*
- (7) *waste management and materials re-use;*
- (8) *parking arrangements for contractors and subcontractors;*
- (9) *Consultation Plan with nearby properties; and*
- (10) *any other matters deemed appropriate by the Town;*

(b) **Amalgamation of Lots**

The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

(c) **Refuse and Recycling Management**

Bin numbers, collection and stores shall meet with the Town's minimum service provision; and

(d) Schedule of External Finishes

A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to the Town for approval; and

(vi) **PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the Town:**

(a) Bicycle Parking Facilities

One (1) Class 1 or 2 and One (1) Class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to installation of such facilities.

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Topelberg

That a new clause (ii)(d) be inserted as follows:

“(ii)(d) this approval shall be limited to a maximum of four (4) medical consulting rooms at the property. Any increase in the number of consulting rooms shall require Planning Approval to be applied for and obtained from the Town;”

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Farrell was on approved leave of absence.)

Debate ensued.

The Chief Executive Officer and Minutes Secretary returned to the Chamber at 6.33pm.

Copies of Item 9.4.7 were distributed to Council Members.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-2)

For: Mayor Catania, Cr Burns, Cr Harvey, Cr Lake, Cr McGrath, Cr Topelberg

Against: Cr Buckels, Cr Maier

(Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.2

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Silver Thomas Hanley on behalf of the owner TCM Enterprises Pty Ltd for proposed Change of Use from Unlisted Use (Backpackers Hostel) to Consulting Rooms (Medical) and Associated Alterations and Additions, at Nos. 5-7 (Lots 1& 2: D/P: 71729) Robinson Avenue, Perth, and as shown on amended plans stamp-dated 10 March 2011, subject to the following conditions:

(i) Building

- (a) all new external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive from Robinson Avenue; and*
- (b) doors, windows and adjacent floor areas of the consulting rooms fronting Robinson Avenue shall maintain an active and interactive relationship with this street;*

(ii) Use

- (a) this approval is for Consulting Rooms (Medical) uses only, and any change of use from Consulting Rooms (Medical) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (b) the hours of operation for the proposed Consulting Rooms (Medical) shall be limited to the following times: 8am to 5pm weekdays;*
- (c) shall not be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (d) this approval shall be limited to a maximum of four (4) medical consulting rooms at the property. Any increase in the number of consulting rooms shall require Planning Approval to be applied for and obtained from the Town;*

(iii) Signage

All signage that does not comply with the Town's Policy No. 3.5.2 relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted to and approved by the Town prior to the erection of the signage;

(iv) Fencing

Any new street/front wall, fence and gate within the Robinson Avenue setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;

(v) ***PRIOR TO THE ISSUE OF A BUILDING LICENCE, the following shall be submitted to and approved by the Town:***

(a) **Construction Management Plan**

A Construction Management Plan shall be submitted to and approved by the Town, addressing the following issues:

- (1) *public safety, amenity and site security;*
- (2) *contact details of essential site personnel;*
- (3) *construction operating hours;*
- (4) *noise control and vibration management;*
- (5) *Dilapidation Reports of nearby properties;*
- (6) *air and dust management;*
- (7) *waste management and materials re-use;*
- (8) *parking arrangements for contractors and subcontractors;*
- (9) *Consultation Plan with nearby properties; and*
- (10) *any other matters deemed appropriate by the Town;*

(b) **Amalgamation of Lots**

The subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);

(c) **Refuse and Recycling Management**

Bin numbers, collection and stores shall meet with the Town's minimum service provision; and

(d) **Schedule of External Finishes**

A detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted to the Town for approval; and

(vi) ***PRIOR TO THE FIRST OCCUPATION OF THE DEVELOPMENT, the following shall be submitted to and approved by the Town:***

(a) **Bicycle Parking Facilities**

One (1) Class 1 or 2 and One (1) Class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted to and approved by the Town prior to installation of such facilities.

Landowner:	TCM Enterprises Pty Ltd
Applicant:	Silver Thomas Hanley
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Unlisted Use (Backpackers Hostel)
Use Class:	Consulting Rooms (Medical)
Use Classification:	"SA"
Lot Area:	439 square metres
Access to Right of Way	Not Applicable

PURPOSE OF REPORT:

This proposal requires referral to the Council for determination given it cannot be considered under Delegated Authority.

BACKGROUND:

11 April 2000 The Council at its Ordinary Meeting approved an application for Change of Use from Residential to Lodging House and Additions and Alterations to Existing Single Houses.

DETAILS:

The proposal involves a change of use from the existing Unlisted Use (backpackers hostel) to Consulting Rooms (Medical) and Associated Alterations and Additions to the building. The existing Backpackers Hostel is proposed to be converted to a Medical Clinic to accommodate 4 medical specialists. The proposed building works comprise primarily the removal and modification of existing walls and ceilings to facilitate medical consulting, installation of medical equipment and disabled access. The new works include the installation of a lift and associated shaft, upgraded finishes and external areas.

The proposed users of the building will include four medical specialists including a dermatologist, an urologist, a paediatrician and a speech therapist. The users will have access to shared treatment rooms with the remaining area including a reception, meeting room, practice manager, visitor and staff amenities.

The proposed hours of operation are 8am – 5pm Monday to Friday with a maximum number of staff of four (4). There is proposed to be no noise generating equipment to be installed with the new equipment which is to include procedure lights, tables, sterilizers and other medical aids.

COMPLIANCE:

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Non-Compliant Requirement: Beaufort Street Precinct Policy	Commercial Uses are not to be developed independently of residential uses. To contain a residential component of no less than 66 per cent of the existing floor space.	Use is entirely commercial. No residential component.
<i>Officer Comments:</i>		
Supported. The existing use of the property is a backpacker’s hostel (Lodging House). It is considered the general area surrounding the subject combines a mix of Office/Hotel and Residential uses together with the immediate William Street commercial precinct, with the proposed Medical Consulting Rooms deemed to not impact the adjoining Residential properties. Furthermore, the applicant is not proposing to alter the existing look or feel of the building and thereby maintain its residential appearance. The hours of operation for the medical consulting rooms are from 8am -5pm Monday to Friday, which will effectively limit the impact of a commercial property on the residential properties and is consistent with the policy relating to Consulting Rooms.		

NON-COMPLIANT REQUIREMENTS		
REQUIREMENTS	REQUIRED	PROPOSED
Bicycle Parking	Class 1 or 2: 1 bicycle bays	Nil
	Class 3: 1 bicycle racks	Nil
<i>Officer Comments:</i>		
Supported- If this application is supported, a condition of planning approval will be imposed to comply with the number of bicycle bays.		

The above Officer Comments are provided pursuant to Clause 38(5) of Town Planning Scheme No. 1

Consultation Submissions		
Item	Comments Received	Officer Comments
Support: 3	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Noted
Objection: 1	<ul style="list-style-type: none"> • Change of Use in direct contradiction to Beaufort Precinct Policy and will have negative impact on residents. • Proposal uses existing variations to standards allowing for reduced parking standards. • Reduced number of bays for the proposal would normally require 3 parking bays per consulting room (a minimum of 12 bays). • Proposal does not consider parking requirements for clientele with limited mobility. 	<ul style="list-style-type: none"> • Not supported. The present use of the premises is for Backpackers Hostel. It is considered the area combines a mix of hotel (All Seasons Hotel), office (located to the East and behind the subject property and residential uses), with the proposed Medical Consulting Rooms deemed to not impact on the adjoining residential properties. Furthermore, the applicant is not proposing to alter the existing look or feel of the building from the street and thereby maintain its existing residential appearance. • Noted. The Town has however; previously supported a shortfall of ten (10) bays for the Backpackers Hostel and, therefore, it can be applied to any subsequent proposal. • Noted. • Noted. The proposal provides adequate access for disabled persons in terms of accessing the property from the road via a ramp and ramps available in two separate areas to access the property.

Consultation Submissions		
Item	Comments Received	Officer Comments
	<ul style="list-style-type: none"> On street parking, paid parking in Beaufort Street and the three very compact parking bays included in the proposal will not meet parking requirements of the mobility restricted clientele. Sufficient onsite parking is of concern and its affect on the area. 	<ul style="list-style-type: none"> Noted. The applicant can request that a disabled bay be provided along the street subject to the Town's Technical Services approval. Noted. See Above.

Car Parking	
Car parking requirement (nearest whole number) - 4 Consulting Rooms (3 Bays Required for Each)	= 12 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of one of more existing public car parking places with in excess of a total of 75 car parking spaces) 	(0.7225) = 8.67 car bays
Minus the car parking provided on-site.	Nil car bays
Minus the most recently approved on-site car parking shortfall. (Approved at OMC – 11 April 2000 – Change of Use from Residential to Backpackers) – 14 x 0.7225	10.12 car bays
Resultant surplus	1.45 car bays

Bicycle Parking		
Bicycle Parking	Consulting Rooms – Class 1 or 2: 1 space per 8 practitioners (1 required)	Nil
	Class 3: 1 space per 4 practitioners (1 required)	Nil

Other Implications	
Legal/Policy	TPS 1 and associated Policies and Residential Design Codes (R Codes).
Strategic	Draft Local Planning Strategy
Sustainability	Nil.
Financial/Budget	Nil.
Risk Management Implications	Not applicable.

COMMENTS:

The present use of the premises is a Backpackers establishment, which has utilised the premises for over 10 years. The Robinson Avenue precinct comprises a variety of different uses including Hotel (All Seasons Hotel), Offices (located to the East and behind the subject property and along Robinson Street) as well as Residential uses. A number of these uses operate independently of each other along Robinson Street and the adjacent Monger and Lindsay Street(s) with no other Residential uses within the premises. Given this, it is considered the proposed Medical Consulting Rooms will not impact the adjoining Residential properties and integrate with the existing built form of the area. Furthermore, the applicant is not proposing to alter the existing look or feel of the building from the street and thereby maintain its existing residential appearance.

It is on this basis that the proposed change of use is supported and recommended for approval subject to the above mentioned conditions.

9.4.7 Community Perceptions Survey – Strategies and Actions – Further Report

Ward:	Both	Date:	13 April 2011
Precinct:	-	File Ref:	CVC0024
Attachments:	-		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$20,000 plus GST for a Consultant to carry out Community Perception Focus Groups, as detailed in this report and for this to be funded a funding source to be determined by the Chief Executive Officer; and*
- (ii) *NOTES that various strategies and initiatives as outlined in the report are progressively being implemented.*

Moved Cr Maier, Seconded Cr Harvey

That the recommendation be adopted.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Buckels

That the clause (i) be amended to read as follows:

- “(i) *APPROVES BY AN ABSOLUTE MAJORITY to reallocate ~~\$20,000~~ \$25,000 plus GST for a Consultant to carry out Community Perception Focus Groups, as detailed in this report and for this to be funded a funding source to be determined by the Chief Executive Officer subject to the Mt Hawthorn and North Perth areas being treated as separate groups; and*”

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendment in two parts, Part 1 relating to the amount of \$25,000 and Part 2 relating to the proposed areas.

Debate ensued.

AMENDMENT NO 1 (PART 1) PUT AND LOST (3-5)

For: Cr Harvey, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Lake, Cr Topelberg

(Cr Farrell was on approved leave of absence.)

AMENDMENT NO 1 (PART 2)
PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Farrell was on approved leave of absence.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Buckels

That new clauses (iii) and (iv) be inserted as follows:

“(iii) NOTES that from 1 January 2011 a follow-up survey form is being sent to all planning and building applicants following the completion of their planning approval process; and

(iv) REQUESTS that a similar follow-up survey be sent to those neighbours who were consulted for the applications mentioned in clause (iii).”

Debate ensued.

The Presiding Member, Mayor Nick Catania ruled that he would consider and vote on the amendment in two parts.

Debate ensued.

AMENDMENT NO 2 CLAUSE (iii) PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr Lake, Cr Maier, Cr Topelberg

Against: Cr McGrath

(Cr Farrell was on approved leave of absence.)

AMENDMENT NO 2 CLAUSE (iv) PUT AND LOST (1-7)

For: Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr Lake, Cr McGrath,
Cr Topelberg

(Cr Farrell was on approved leave of absence.)

AMENDMENT NO 3

Moved Cr Maier, Seconded Cr Buckels

That new clauses (iv) be inserted as follows:

“(iv) REQUESTS that the Chief Executive Officer provide a further report on the impacts of providing a similar follow-up survey to be sent to all neighbours who were consulted on the applications.”

Debate ensued.

Considerable debate ensued and several Councillors suggested revised wording of the Proposed Amendment No 3 – however, consensus could not be reached and none were formally moved.

Cr Topelberg departed the Chamber at 6.24pm.

Debate ensued.

The Mover, Cr Maier advised that he wished to withdraw his Proposed Amendment.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.4.7

That the Council:

- (i) ***APPROVES BY AN ABSOLUTE MAJORITY to reallocate \$20,000 plus GST for a Consultant to carry out Community Perception Focus Groups, as detailed in this report and for this to be funded a funding source to be determined by the Chief Executive Officer subject to the Mt Hawthorn and North Perth areas being treated as separate groups; and***
 - (ii) ***NOTES that***
 - (a) ***various strategies and initiatives as outlined in the report are progressively being implemented; and***
 - (b) ***from 1 January 2011 a follow-up survey form is being sent to all planning and building applicants following the completion of their planning approval process.***
-

FURTHER REPORT:

As requested by the Council, the Manager of Catalyse Pty Ltd (who conducted the previous Community Perceptions Survey) attended the Council Member Forum held on 12 April 2011 and made a Powerpoint presentation and provided information concerning the process of conducting Focus Groups and the benefits which will be obtained.

The Chief Executive Officer considers that Focus Groups will assist the Town and the Council in this matter and accordingly the Officer Recommendation remains unchanged.

BACKGROUND:

At the Ordinary Meeting of Council held on 5 April 2011 the Council considered this matter and resolved as follows:

“That the item be DEFERRED to the Council Forum on 12 April 2011 and the Consultant be requested to present to the Forum.”

The following is the verbatim report of the Item considered at the Ordinary Meeting of Council held on 5 April 2011:

PURPOSE OF REPORT:

The purpose of the report is to obtain the Council’s approval to reallocate funds for the purpose of appointing a Consultant to carry out Community Perception Focus Groups.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 March 2011 the Council considered this matter and resolved as follows:

“That the Council;

- (i) ***RECEIVES the report relating to strategies concerning the Community Perceptions Survey 2010;***

- (ii) *REQUESTS the Town's:*
- (a) *Local Area Traffic Management Advisory Group to review "the management and control of traffic on roads" and provide recommendations to the Council; and*
 - (b) *Safer Vincent Crime Prevention Partnership to review "the control of graffiti, vandalism and anti-social behaviour" and provide recommendations to the Council;*
- (iii) *NOTES that the various strategies and initiatives will be progressively implemented during 2011; and*
- (iv) *REQUESTS the Chief Executive Officer to prepare a report for the Ordinary Meeting of Council on 5 April 2011 which identifies the costs, benefits and timeframe for holding scoping meetings and workshops with Directors and Managers; and conducting focus group based research and any other methods to identify the reasons for dissatisfaction within the community and identify possible actions and strategies to address the areas of concern."*

At the Ordinary Meeting of Council held on 22 February 2011 the Council received information concerning the Community Perceptions Survey 2010 and resolved in part as follows:

"That the Council;

...(iii) considers listing an amount of \$25,000 on the 2011/2012 Draft Budget to conduct another Community Perception Survey in 2011/2012."

Following the Council's Decision, the Chief Executive Officer has had several discussions with its Survey Consultants (Catalyse) and they have provided the following information about Community Focus Groups:

"Exploring reasons for dissatisfaction in the Town of Vincent Introduction

In the most recent Community Perceptions Survey conducted for the Town of Vincent, the community expressed concerns with some service areas. The main concerns were related to planning and building approvals, accessibility and safety and security, however, there seemed to be a general level of discontent across the community. Council would like to explore reasons for these concerns further.

1. Strategic Intent

*The strategic purpose of this study is to understand the **underlying drivers of dissatisfaction** in the Town of Vincent, and to obtain suggestions for improving performance.*

2. Information Objectives

The groups would seek to explore:

- *Overall perceptions of quality of life in the Town of Vincent*
- *What contributes positively to quality of life*
- *What negatively affects quality of life*

- *Overall perceptions of the Town of Vincent*
- *The Town's perceived strengths and weaknesses*
- *Reasons for dissatisfaction with high priority areas identified in the recent survey (such as safety, accessibility and planning)*
- *Suggestions for improvement*
- *Level of support for various ideas and concepts proposed by the Town of Vincent to address concerns*

Chief Executive Officer's Comments:

The Information Objectives appear comprehensive and acceptable.

3. Research Approach

As the study is exploratory in nature, seeking to understand values, attitudes and behaviour, we suggest the use of focus group research.

3.1 Scoping Meeting

We suggest the study commences with a scoping meeting to review and agree on the research approach, timing, budget and deliverables.

Chief Executive Officer's Comments:

The Chief Executive Officer, Directors and relevant Officers will meet with the Consultant concerning this matter.

3.2 Focus Group Size & Composition

Budget permitting, we recommend running four focus groups with residents from the following areas:

Group 1 – North Perth

Group 2 – Highgate and Mt Lawley

Group 3 – Leederville and Mt Hawthorn

Group 4 – East Perth, Perth City and West Perth

We feel it is very important to get a sense of how people are feeling at the neighbourhood level. The broader we make the geographic reach in each group, the more difficult it is to get a sense of how people are feeling at a local level, and how views vary by location.

Understanding that budget constraints do exist, the fall back option is to conduct two focus groups (with the composition of each group to be discussed).

For each group, we will recruit a representative mix of residents by age, gender, lifestage and location.

In line with best practice, our aim is to have eight people participate in each group. To account for people who, for whatever life event or reason, are unable to attend on the night of the focus group, we recruit ten people for each group.

Chief Executive Officer's Comments:

The number of Focus Groups was discussed in detail with the Consultant and it is accepted that four (4) will provide the Town with a comprehensive feedback as per the objectives. The Chief Executive Officer does not concur that the Focus Groups should be based on Suburbs and believes it is more appropriate to carry out four (4) as per Precinct breakdowns as outlined in the Economic Development Strategy – as shown below with the groupings of:

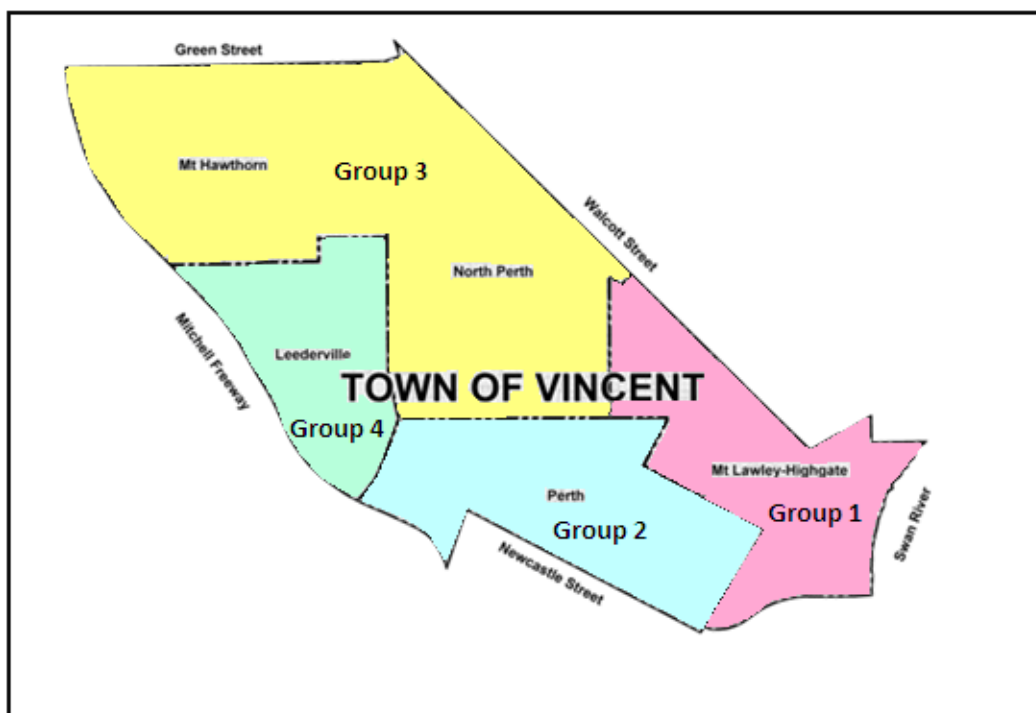
Group 1 – Highgate and Mt Lawley

Group 2 – Perth City and West Perth

Group 3 – North Perth and Mt Hawthorn

Group 4 – Leederville

The Consultant concurs with the Chief Executive Officer's rational concerning the revised grouping.



3.3 Recruitment

We recognise the influence we have on building and shaping perceptions of our client's brand when conducting research. Each time we talk to customers and mention that we are working on behalf of the Town of Vincent we shape and influence how they regard your organisation. For this reason, we take great care to employ recruitment specialists who act in a friendly, courteous and professional manner to best represent Council.

We demonstrate respect and consideration for focus group participants by:

- *giving them sufficient notice of focus groups typically aiming to recruit them at least one to two weeks in advance of the group;*
- *following-up on the initial recruitment phone call with a letter outlining the purpose of the research, reassuring them of the ease of participation, giving them detailed instructions of where the meeting will take place (including a map), and providing them with contact details for the research consultant so that they may phone them personally if they have any questions before the group; and,*
- *phoning each participant within 48 hours of the focus group to confirm their attendance and see if they have any questions.*

Working in partnership with the ECU Survey Research Centre, we will randomly select households and invite occupants to take part in a focus group.

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the Recruitment.

3.4 Venue & Refreshments

Another way in which we demonstrate care and understanding of our participants' needs is through the choice of venue. We aim to find suitable and familiar venues that are centrally located and easily accessible. In addition to reducing the barriers for participation (such as time, distance and having to go to an unfamiliar places) this helps participants to feel more comfortable and relaxed as they enter the focus group meeting, helping them to open up and engage in discussions more readily once the group commences.

For this study we suggest using Council facilities. The Town will be responsible for arranging a venue and providing light refreshments (such as tea, coffee, juice, water and finger food).

Chief Executive Officer's Comments:

The Town will be responsible for all hire of venues and refreshments as this will be a cost saving to the Town.

3.5 Incentives

In recognition of the valuable contribution participants make, by providing their time and ideas, we recommend that all participants receive a gift valued at \$50 (this may be cash or a gift voucher). Incentives will be arranged by CATALYSE®.

Chief Executive Officer's Comments:

The Chief Executive Officer concurs that incentive should be provided to each of the participants and instead of a cash gift a membership voucher to Beatty Park Leisure Centre is deemed more appropriate.

3.6 Discussion Guide

During the group discussion we follow a discussion guide that has been developed and agreed with the Project Team. The discussion guide will address each of the information objectives agreed in the scoping meeting.

This guide may employ a range of projective and enabling research techniques that involve and engage participants in discussion to address the information objectives. Some of these techniques include:

- *Word association*
- *Visual and verbal prompts (such as words, pictures and video-clips)*
- *Sentence completion*
- *Brand mapping*
- *Projective questions*
- *Thought and speech bubbles*

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the Discussion Guide.

3.7 Recording

All group discussions are digitally recorded using advanced audio technology (with permission from participants). Recordings are used for use by the researcher only, in order to capture and record verbatim comments.

To protect respondent privacy and confidentiality, recordings will not be released to the Town of Vincent or any other third parties.

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the recording, as this is the responsibility of the Consultant.

3.8 Focus Group Duration

Each focus group will last for around 90 minutes.

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the duration, as this is the responsibility of the Consultant.

3.9 Analysis and Reporting

Following the groups, we strategically review and analyse the content of discussions. We search for common themes, note dialogue and language, and consider tone and range of expressions.

Reports are concise and insightful, drawing the readers' attention to areas of importance and significance. They are provided electronically in Microsoft PowerPoint.

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the analysis and reporting, as this is the responsibility of the Consultant.

3.10 Presentation Workshop

We will facilitate two x one-hour presentation workshops to discuss the key findings. We have allowed one presentation to the project team and a second to Council.

Chief Executive Officer's Comments:

The Chief Executive Officer does not have any objection to the presentation of the Workshop, as this is the responsibility of the Consultant however, it is requested that the report be provided in a Word format suitable to the Town.

4. Timing

A proposed timing plan is provided below.

		6-Apr-11	6-Apr-11	11-Apr-11	18-Apr-11	25-Apr-11	2-May-11	9-May-11	16-May-11	23-May-11	30-May-11	6-June-11
Commission project	Town of Vincent	■										
Scoping Meeting	Town of Vincent/ CATALYSE®		■									
Agree and book venue for focus groups	Town of Vincent			■								
Agree recruitment questionnaire and sample quotas	Town of Vincent/ CATALYSE®			■								
<i>Easter school holidays</i>					■	■	■					
Recruit participants	CATALYSE®						■	■				
Develop and agree discussion guide	CATALYSE®			■	■	■						
Provide refreshments	Town of Vincent								■			
Facilitate focus groups and provide incentives	CATALYSE®								■			
Analysis and reporting	CATALYSE®									■	■	
Presentation workshop	CATALYSE®											■

Chief Executive Officer's Comments:

The Chief Executive Officer notes that the timing of the Focus Groups is longer than originally stated however, this is the responsibility of the Consultant.

5. Fees

Fees would be \$5,000 plus GST per focus group.

This includes project management, participant recruitment, participant incentives, discussion guide design, facilitation, detailed analysis and reporting.

Fees do not include venue hire or refreshments. If arranged by CATALYSE®, fees for these items would be invoiced at cost plus 20 percent handling fee.

6. Personnel

For this project, a team of specialists have been selected to meet the Town of Vincent's requirements."

Action/Strategies

The matter was further discussed with the Town's Executive Management Team on several occasions and also with the Town's Consultant – Catalyse who provided the following information:

"In relation to the general drop in overall satisfaction, we'd suggest consideration of the following approach:

- 1. Scoping meetings and workshops – we suggest a meeting with Directors/Managers to review the research findings, and develop hypotheses (based on their current understanding) as to why satisfaction has dropped in some areas. We would also work with staff to develop concepts/solutions that can be tested in a series of focus groups.*
- 2. Benchmarking – We'd suggest a review of Councils that have been achieving higher levels of performance to find out what is working in these Councils. These concepts/solutions may also be presented to focus group participants for consideration.*
- 3. Focus Group Research – we suggest running a series of focus groups (around 4) to explore the reasons for dissatisfaction and discuss possible actions/strategies to address areas of concern. The groups would begin with a general discussion about how they regard the area (what they like/dislike), then focus on key areas of concern (such as safety, accessibility, etc) to better understand their concerns and develop/test some solutions. We'd suggest structuring the groups by location, and inviting a representative cross-section of residents to each group. We'd work with you to develop a more detailed discussion guide. We'd be responsible for recruitment, facilitation and reporting. The Town would provide a venue and refreshments."*

Chief Executive Officer's Comments:

Scoping Meetings and Workshops

This strategy has been commenced and will continue during 2011. A further meeting with Catalyse will also be arranged.

Benchmarking

This strategy has already been commenced. Copies of Surveys have been obtained from several other local governments. It is interesting to note that none have conducted a "hard copy" survey.

Follow-up meetings will be carried out to discuss what actions they currently perform.

Focus Group Research

This action is subject to the Council decision.

In addition to the above, it is suggested that the following actions have commenced:

1. Follow-up Survey Form – Planning and Building Applications

A Survey Form will be sent to all applicants following the completion of their planning approval process, from 1 January 2011 onwards. This Survey Form will be prepared with professional assistance and will be conducted in house by the Town's Public Relations Officer. Feedback provided will then be reviewed by the Chief Executive Officer and Director and will then be provided to the planning and building Officers. The Survey Form will be posted in early April 2011.

2. *Mystery Shopper Survey*

This form of survey is relatively inexpensive and can be carried out for various service areas. This will be further explored and will be mainly used to test customer service throughout the organisation. Costs are currently being investigated.

3. *Review of Complaint/Requests Databases*

All Section Managers have been requested to review the Complaints/Requests Databases, for their area of responsibility to identify any "trends" and common themes. This information will be analysed.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

RISK MANAGEMENT IMPLICATIONS:

Low: *Monitoring levels of customer satisfaction with services provided by the Town is considered most beneficial as it provides feedback to the Town's Administration and the Council.*

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2009-2014, Key Result Area 4.1.2 – "Manage the organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Customer satisfaction or perception is a measure of an organisations performance at a given point in time. Responses received assist an organisation in the provision of efficient and effective services. The Community Focus Groups will provide information and will assist the Town of Vincent.

FINANCIAL/BUDGET IMPLICATIONS:

There are no further funds on the 2010/2011 Budget to carry out any further surveys or focus groups. As such, an absolute majority decision of the Council will be required to reallocate funds.

COMMENT:

Feedback from the proposed Focus Groups will provide information which is beneficial to the Town. Accordingly, the recommendation of the Consultant is considered acceptable and is recommended for the Council's approval.

9.1.4 Leederville Town Centre Masterplan and Built Form Guidelines – Endorsement of Independent Design Review and Peer Review Workshop Reports

Ward:	Both	Date:	6 April 2011
Precinct:	All	File Ref:	PLA0147
Attachments:	001 – Independent Design Review Report 002 – Peer Review Workshop Report		
Tabled Items:	Nil		
Reporting Officer:	E Lebbos, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the following documents to inform amendments to the Leederville Town Centre Masterplan and Built Form Guidelines, as well as the Town's approach to the Leederville Masterplan more generally:*
 - (a) *the Leederville Town Centre Masterplan and Built Form Guidelines Independent Design Review Report as shown in Appendix 9.1.4; and*
 - (b) *the Leederville Town Centre Masterplan and Built Form Guidelines Peer Review Workshop Report as shown in Attachment 002;*
- (ii) *AUTHORISES the Chief Executive Officer to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines, in line with the recommendations outlined in the above Reports, and as shown in Appendix 9.1.4, including developing a new building envelope model, and urban design and planning amendments to the documents; and*
- (iii) *NOTES that a further report will be submitted to the Council by no later than August 2011, presenting the amended Leederville Town Centre Masterplan and Built Form Guidelines for consideration.*

Cr Topelberg returned to Chamber at 7.23pm.

Moved Cr Buckels, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Burns departed the Chamber at 7.26pm.

Debate ensued.

Cr Burns returned to the Chamber 7.29pm.

Debate ensued.

AMENDMENT

Moved Cr McGrath, Seconded Cr Topelberg

That clause (ii) be amended to read as follows:

*“(ii) **AUTHORISES the Chief Executive Officer to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines, in line with the recommendations outlined in the above Reports, and as shown in Appendix 9.1.4, including developing a new building envelope model, a meeting with Council Members to decide on those items identified by the Peer Review for reconsideration of the Masterplan and Built Form Guidelines, and urban design and planning amendments to the documents; and”***

AMENDMENT PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Farrell was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (8-0)

(Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.4

That the Council;

- (i) **ENDORSES the following documents to inform amendments to the Leederville Town Centre Masterplan and Built Form Guidelines, as well as the Town’s approach to the Leederville Masterplan more generally:***
 - (a) **the Leederville Town Centre Masterplan and Built Form Guidelines Independent Design Review Report as shown in Appendix 9.1.4; and***
 - (b) **the Leederville Town Centre Masterplan and Built Form Guidelines Peer Review Workshop Report as shown in Attachment 002;***
- (ii) **AUTHORISES the Chief Executive Officer to call for quotations for the appointment of a consultant to amend the Leederville Town Centre Masterplan and Built Form Guidelines, in line with the recommendations outlined in the above Reports, and as shown in Appendix 9.1.4, including developing a new building envelope model, a meeting with Council Members to decide on those items identified by the Peer Review for reconsideration of the Masterplan and Built Form Guidelines, and urban design and planning amendments to the documents; and***
- (iii) **NOTES that a further report will be submitted to the Council by no later than August 2011, presenting the amended Leederville Town Centre Masterplan and Built Form Guidelines for consideration.***

PURPOSE OF REPORT:

The purpose of this report is to seek the Council’s endorsement of the Final Reports relating to the Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines, and the Peer Review Workshop, and to seek the Council’s approval to amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of both Reports.

BACKGROUND:

- 18 March 2008 The Consultants JCY presented their progress and draft Built Form Guidelines to a Council Forum along with the first presentation relating to the West Perth Regeneration Project.
- 19 November 2008 A community workshop regarding the Leederville Masterplan and Draft Built Form Guidelines was held at the Town's Administration and Civic Centre.
- 22 December 2008 The Town's Officers held a Council Member Forum to present a summary of the outcomes of the community consultation period and the community workshop to the Council Members.
- 16 March 2009 At its Special Meeting, the Council adopted the Leederville Town Centre Masterplan Built Form Guidelines with amendments.
- 23 February 2010 The Council considered a Progress Report relating to the Leederville Masterplan. At this meeting, the final amended version of the Leederville Town Centre Masterplan Built Form Guidelines were adopted by the Council and have become known as Appendix 19 to the Town's Planning and Building Policy Manual.
- 25 May 2010 The Council at its Ordinary Meeting adopted the final amended version of the Town's Policy No. 3.4.1 relating to the Oxford Centre Precinct, which has been amended to remove development standards that apply to the area that falls within the Leederville Masterplan Built Form Guidelines.
- 28 September 2010 The Council considered a progress report on the Leederville Masterplan, and resolved in part to defer the matter regarding amending the Leederville Town Centre Masterplan and Built Form Guidelines and advertising the amended document, in order to conduct a Peer Review and a Stakeholder Workshop. The Council also resolved to enter into a joint study with the Town of Cambridge in relation to the Leederville Station Link.
- 12 October 2010 The Council resolved to call quotations from suitably qualified consultants to carry out an Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines and approved to host a Peer Review Workshop on the Leederville Masterplan.
- 21 December 2010 The Council resolved to appoint Mackay Urbandesign as the preferred consultants to undertake the Independent Design Review of the Leederville Town Centre Masterplan and Built Form Guidelines, and Estill and Associates as the preferred facilitator to undertake the Peer Review Workshop.
- 15 February 2011 Mackay Urbandesign presented a summary of their findings regarding the Independent Design Review at a Council Member Forum.
- 24 February 2011 The Peer Review Workshop was held at the Town's Administration and Civic Centre.

DETAILS:

The Town of Vincent's Leederville Town Centre Masterplan and Built Form Guidelines were adopted by the Council at its Special Meeting held on 16 March 2009. To further progress the Leederville Masterplan however, the Council, at its Ordinary Meeting held on 12 October 2010, resolved to undertake an Independent Design Review and Peer Review Workshop of the Leederville Town Centre Masterplan and Built Form Guidelines, in order to determine whether the key objectives of the Guidelines are in keeping with, and continue to facilitate the Town's vision for, the Leederville Masterplan area.

The Independent Design Review was undertaken by Mackay Urbandesign, and reviewed the existing Leederville Town Centre Masterplan and Built Form Guidelines against the objectives which were set for the project and other current Planning Principles.

Among other things, the Independent Design Review addressed the following matters:

- how the Objectives of the Leederville Masterplan have been met by the Leederville Town Centre Masterplan and Built Form Design Guidelines;
- how the Objectives of the Leederville Masterplan have been met by the Water Corporation's proposed mixed use development;
- whether the Town of Cambridge's West Leederville Masterplan is congruous to the Leederville Masterplan;
- whether the Leederville Station Link identified in the West Leederville Masterplan (as released for public comment on 3 September 2010), will facilitate the better integration of the Leederville Masterplan and West Leederville Masterplan areas;
- whether the Town of Vincent's West Perth Regeneration Masterplan is congruous to the Leederville Masterplan;
- how the provisions of the Leederville Masterplan will ensure outstanding contemporary urban design and sustainable built form;
- how the Leederville Masterplan compares against a review of available literature; planning consultant feedback from Council Members; the Executive Management staff and Peter Hobbs; and
- recommendations to progress the project to ensure a greater synergy between the Leederville Masterplan and the dot points above.

The Peer Review Workshop, facilitated by Estill and Associates, was held in the Town's Administration and Civic Centre on Thursday 24 February 2011, and involved interested persons/organisations providing comment on the existing Leederville Town Centre Masterplan and Built Form Guidelines, particularly in relation to the practicality of the document.

Discussion and comment for the Peer Review Workshop was invited in relation to the following seven key areas of interest, which were based on the main themes identified in the Independent Design Review:

- Consistency with best practice and State and Local Government policy;
- Relationship to context;
- Quality of outcome;
- Equity of benefit;
- Current proposals;
- Effectiveness of the document; and
- Implementation.

Leederville Station Link Project

To progress this matter, a Project Brief has been prepared for a Feasibility and Design Study of the Leederville Station Link, and invitations to quote were sent out to an extensive list of consultants on 18 March 2011, with the closing date for submissions being 8 April 2011.

In addition, the Town's Officers have placed a request for quotation on the Town's website, and advertisements in the *Guardian Express* newspaper, in the *Subiaco Post* newspaper, and in *The West Australian* newspaper, inviting quotations for the Feasibility and Design Study, with the closing date also being 8 April 2011. This is a joint initiative between the Town of Cambridge and the Town of Vincent.

CONSULTATION/ADVERTISING:

Once the Leederville Town Centre Masterplan and Built Form Guidelines are amended in line with the recommendations outlined in the Independent Design Review Report and the Peer Review Workshop Report, and the Council authorise the advertisement of the amended document in accordance with Clause 47(3) of the Town's Town Planning Scheme No. 1, the document will be advertised for public comment for a period of twenty-eight (28) days, inviting written submissions from the public.

LEGAL/POLICY:

Town Planning Scheme No. 1 and Associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* (adopted in principle) states:

"Economic Development:

Objective 2.1: Progress economic development with adequate financial resources.

- 2.1.1 Promote business development and the Town of Vincent as a place for investment appropriate to the vision for the Town.*
- 2.1.2 Develop and promote partnerships and alliances with key stakeholders.*
- 2.1.4 Implement the Leederville Masterplan and West Perth Regeneration Project."*

SUSTAINABILITY IMPLICATIONS:

It is considered that the Leederville Town Centre Masterplan and Built Form Guidelines will direct future development to occur in a manner that meets the community's changing needs through the provision of a range of housing types and employment choices consistent with transit-oriented design principles and green building design.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 Budget contains an amount of \$100,000 for the Leederville Masterplan – Consultants Fees.

The Town's Officers note that given the range and complexity of recommendations outlined in the Independent Design Review, the process of amending the Leederville Town Centre Masterplan and Built Form Guidelines will have to be outsourced. The recommendations effectively require experienced graphic design skills to develop a new building envelope model, as well as additional urban design expertise to amend the provisions of the document.

COMMENTS:

It is envisaged that the Independent Design Review and Peer Review Workshop of the Leederville Town Centre Masterplan and Built Form Guidelines will provide valuable assistance in amending the documents in order to ensure that the key objectives of the Guidelines are in keeping with, and continue to facilitate the Town's vision for the Leederville Masterplan area as an invigorated, robust and vibrant Transit Oriented Town area that is well-integrated with its immediate surrounds, and that is a desirable place in metropolitan Perth to live, work and do business.

In light of the above, it is recommended that the Council endorse the Independent Design Review Report and Peer Review Workshop Report, and authorise the Chief Executive Officer to engage consultants to amend the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of both Reports, in accordance with the Officer Recommendation.

9.1.5 Masterplan for North Perth Town Centre – Project Brief and Context Report

Ward:	Both	Date:	7 April 2011
Precinct:	North Perth Centre (P9) and Smith's Lake (P6)	File Ref:	PLA0229
Attachments:	001 – Project Brief		
Tabled Items:	North Perth Masterplan Context Report		
Reporting Officer:	R Marie, Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the Project Brief relating to a Masterplan for the North Perth Town Centre, as shown in Attachment 001; and*
- (ii) *AUTHORISES the Chief Executive Officer to call for quotations for the appointment of a consultant for the preparation of a Masterplan for the North Perth Town Centre.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Harvey departed the meeting at 7.46pm and did not return.

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to approve the Project Brief for the preparation of a North Perth Masterplan and to authorise the Chief Executive Officer to call for quotations from suitable qualified consultants to prepare a Masterplan for the North Perth Town Centre.

BACKGROUND:

Given the budget allocation for the preparation of a Masterplan for North Perth, a Project Brief has been prepared (as shown in Appendix 9.1.5). In addition, the Town's Officers have prepared a Context Report of the area (as Tabled), which illustrates that whilst there have been significant works to improve the streetscape amenity of the North Perth Town Centre, the Centre faces many challenges largely related to regional through traffic, a lack of vibrancy, and that existing development in many cases exhibits a poor interface with the street and other businesses.

Notwithstanding the above, there are significant opportunities for the centre in the future, particularly in respect of recent discussions with the Department of Transport who have noted:

“The Department of Transport, working under the guidance of an independent panel of experts, has finalised a public transport network plan that will guide the development of public transport infrastructure over the next 20 years and beyond. ...

The Public Transport Authority has previously identified the Alexander Drive corridor as a key public transport corridor in Perth. The Public Transport Plan is likely to recognise this and identify the Alexander Drive/Fitzgerald Street corridor as requiring a particular transit solution, taking into account the Town’s desire to protect and enhance the North Perth Town Centre. Planning is underway to develop a concept for a transit solution along the corridor.”

CONSULTATION/ADVERTISING:

Following the Council’s endorsement of the Project Brief, invitations to quote will be sent out to an extensive list of consultants. In addition, the Town’s Officers will place an advertisement on the Town’s website and in the community newspaper, inviting quotations for the Project.

It is anticipated that a timeframe of three (3) weeks will be provided for consultants to submit a quotation document to the Town.

LEGAL/POLICY:

Town Planning Scheme No. 1 and Associated Policies.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town’s *Strategic Plan 2011-2016* (adopted in principle) states:

“Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.1 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.

1.1.2 Enhance and maintain the character and heritage of the Town.”

1.1.4 Enhance and maintain the town’s infrastructure, assets and community facilities to provide a safe, sustainable and functional environment.”

In addition to the above, the preparation of a Masterplan for the North Perth Town Centre is also consistent with the recommendations of the Town’s Draft Local Planning Strategy, which is currently undergoing a peer review process. The draft Local Planning Strategy reinforces the significance of the study area of the Masterplan by noting that, ‘*The [North Perth] Town Centre is envisaged as a historical precinct village centre with opportunities for casual encounters, good shopping and community facilities and also considers the potential growth and improvements which can be made to the functionality of the town centre*’.

This strategic direction detailed in the draft Local Planning Strategy, is also being considered in the review of the Town Planning Scheme No. 1, in which the proposed new Town Planning Scheme No. 2 and associated North Perth Precinct Policy provide a framework to realise this strategic direction for the North Perth Town Centre.

SUSTAINABILITY IMPLICATIONS:

It is considered that the North Perth Masterplan will direct future development to occur in a manner that meets the community's changing needs through the provision of a range of urban design opportunities, housing types and employment choices consistent with transit oriented design principles and green building design.

FINANCIAL/BUDGET IMPLICATIONS:

The 2010/2011 Budget contains an amount of \$40,000 for the North Perth Masterplan.

COMMENTS:

It is recommended that the Council support the Officer Recommendation by endorsing the Project Brief relating to the North Perth Masterplan, and authorising the Chief Executive Officer to call for quotations for the preparation of a North Perth Masterplan as outlined in the report above.

9.1.6 Cities as Water Supply Catchments Research Program – Request for Funding

Ward:	Both	Date:	6 April 2011
Precinct:	All	File Ref:	PLA0096
Attachments:	001 – Letter from UWA to WALGA Members inviting participation in the Research Program, and attached details of the Program 002 – Invitation for Western Australia to participate in the Program		
Tabled Items:	Nil		
Reporting Officer:	A Gordon, Project Officer – Sustainability		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES IN PRINCIPLE the Town’s participation in the three (3) year Cities as Water Supply Catchments Research Program with the Town’s contribution to be \$10,000 per annum over three years; and*
- (ii) *LISTS an amount of \$10,000 for consideration in the draft 2011-2012 Budget, as the Town’s contribution to the Research Program for the financial year 2011-2012.*

COUNCIL DECISION ITEM 9.1.6

Moved Cr McGrath, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Burns

That a new clause (iii) be inserted as follows:

“(iii) INDICATES that it believes that the Department of Water should be the dominate contributor and fund at minimum 1.5 times the total of local government contributions.”

Debate ensued.

The Mover, Cr Buckels advised that he wished to reword his amendment as follows:

“(iii) INDICATES that it believes that the Department of Water should be the dominate contributor from the government sector and fund at minimum 1.5 times the total of local government contributions.”

The Seconder, Cr Burns agreed.

Debate ensued.

AMENDMENT PUT AND LOST (3-4)

For: Mayor Catania, Cr Burns, Cr McGrath

Against: Cr Buckels, Cr Lake, Cr Maier, Cr Topelberg

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

PURPOSE OF REPORT:

To advise the Council of the Cities as Water Supply Catchments Research Program and to seek approval of the Town's proposed participation in the Program, at a cost of \$10,000.

BACKGROUND:

The Town recently received an invitation from the University of Western Australia (UWA) to participate in the National Cities as Water Supply Catchments Research Program by contributing to funding to establish a WA Research Node at UWA to link into the existing Research Program (launched in February 2010 in the eastern states) and address WA-specific research requirements.

Along with other WA Local Governments, the Town has been asked to commit to funding of between \$10,000 and \$50,000 per annum for the three financial years 2011-12, 2012-13 and 2013-14 to support the WA Research Node.

DETAILS:

The Cities as Water Supplies Research Program

The "Cities as Water Supply Catchments" Research Program is a national, \$20 million, five- year program that is researching ways to better manage water in a water sensitive city, to overcome water shortages, reduce urban temperatures, improve waterway health, and improve urban landscapes.

The Research Program has 30 project partners across New South Wales, Victoria, South Australia and Queensland, including local governments and regulatory agencies at all levels of government, water service providers, urban designers and land developers. It was launched by the Victorian Minister for Water in February 2010.

Western Australia has been invited to participate in the Research Program. To do this, it is proposed to establish a WA research node at UWA that is linked to the research team in the eastern states and co-ordinates the research for WA. The node is intended to operate from 1 July 2011 to 30 June 2014. To enable the creation of a WA research node, it is proposed that Western Australian organisations form a consortium to provide the necessary funding.

Detailed information about the Research Program is provided in Appendices 9.1.5.

Commitment sought

An annual investment of \$1.6million per annum over a three year period from 1 July 2011 to 30 June 2014 is required from the WA consortium to support the WA Research Node. Funding has already been committed by the Department of Water (\$150,000 per annum), and UWA (\$900,000 per annum, cash and in-kind), and UWA is in the process of seeking funding from other State organisations such as the Water Corporation, Landcorp, the Department of Environment and Conservation and the Swan River Trust.

WA Local Governments are being invited to join the consortium by committing to providing funding of between \$10,000 and \$50,000 per annum for the three financial years 2011-12, 2012-13 and 2013-14 to support the WA Research Node.

The Town's Officers have been advised that most of the other WA Local Governments that have indicated they will support the program have committed to funding of \$10,000. Apparently several other local governments are supportive of joining the Program and are currently going through their internal processes to obtain approval for funding.

If the Town commits to joining the WA consortium, a Funding Agreement would be entered into between Monash University (the lead agency for the national Research Program), UWA, and the Town, which would outline the cash arrangements. The Town can request an opt-out clause that would allow the Town to discontinue participation if the Council were to decide in the future to not provide funding beyond 2011-12.

Benefits of participation in the Research Program

The benefits of joining the consortium to fund the WA Research Node and thus participating in the Research Program are set out in Appendix 9.1.5 (see pages 3-4).

Of particular note for the Town, involvement in the Research Program will:

- Demonstrate the Town's environmental, community and social leadership and commitment to water supply and catchment issues;
- Provide the Town with representation on the State Management Committee to help guide the research and influence the scope of research projects to have particular relevance for the Town;
- Provide the Town with the opportunity to attend workshops and other forums that will be held to communicate research outcomes and develop the work plan for future research; and
- Assist the Town to achieve environmental sustainability objectives regarding water management as set out in the Town's draft Strategic Plan 2011-16 and draft Sustainable Environment Strategy 2011-16.

As part of the Program, there is scope for a demonstration project comprising the proposed treatment swale to be constructed at Hyde Park. While the Town will not receive funding for implementing the swale through the Program, the Town would have access through the Program to expertise which would benefit the design of the swale.

The Town's catchment issues

As is recognised in the Town's draft Sustainable Environment Strategy 2011-16 (adopted in principle at the Council's Ordinary Meeting held on 22 March 2011), urban water management issues are an increasing concern for the Town. The intended outcomes of the Research Program will assist the Town to address some of these issues. The Town's draft Sustainable Environment Strategy outlines some of the Town's water management issues:

"Water quality

Surface water catchments across the Town drain to the Swan River via the Mounts Bay Main Drain, the Claisebrook Main Drain and Walters Brook, impacting on water quality in the Swan River and local lakes and wetlands.

Urbanisation of the catchments in combination with Perth's sandy soils and high groundwater table have resulted in contaminants and excessive nutrients entering the rivers. Stormwater and groundwater carried in drains and tributaries often contain high levels of nutrients (phosphorus and nitrogen), contaminants (heavy metals and hydrocarbons), organic matter, sediment and litter. Pollutants tend to get trapped in Mounts Bay which is poorly flushed by tides or river flow.

With the likely increased incidence of extreme weather events due to climate change, the proper management of storm water is also a significant issue. The Town aims to reduce the likelihood of flooding in the Town from intense rainfall periods, and to improve the quality of storm water entering the drainage system and ultimately discharging into the Swan River. Currently, high levels of nutrients in the surface and groundwater supplies are contributing to poor water quality in the Town's local areas such as Hyde Park and Smith's Lake, and ultimately the Swan River.

Water sensitive urban design

Water sensitive urban design is an approach to the planning and design of urban environments that supports healthy ecosystems, lifestyles and livelihoods through smart management of all our waters. Water sensitive urban design is based on the idea that when land is developed for urban uses, natural hydrologic processes and features should be incorporated wherever possible.

As an older and built-up local government area, the Town was not initially designed with water sensitive urban design principles in mind. However, promoting water sensitive urban design in new development, and retrofitting improvements in existing development, is a key means for the Town to reduce the likelihood of flooding in the Town, and improve the quality of water entering our drainage system and recharging our groundwater sources.”

These issues will be addressed through the intended deliverables of the Research Program.

Intended deliverables of the Research Program

As detailed in Appendix 9.1.5 (see pages 4-5), the establishment of a WA Research Node will result in the following 9 projects, which are directly relevant to WA conditions, being undertaken by Eastern States and WA research teams:

- Impact of Perth climate scenarios on stormwater management practice;
- Mitigation of urban heat for south-west WA conditions to improve human health and the liveability and amenity of urban areas;
- Characterising Perth and coastal plain urban catchments, particularly improving understanding of areas with significant surface water – groundwater interaction;
- Impact of stormwater management on the health of receiving environments in south-west WA;
- Performance of stormwater management systems under WA conditions;
- Characterising WA institutional regimes of importance to stormwater management;
- Developing a framework for economic valuation of stormwater management solutions;
- Development of predictive modelling capacity to improve urban planning and the efficiency of catchment management; and
- Capacity building activities and demonstration sites at different scales and urban contexts to encourage the adoption of research outcomes.

These intended deliverables will all offer significant benefit to the Town in terms of its future urban water management practices.

Community support for addressing catchment issues

It is important to note that there is strong community concern about the Town's catchment issues, and support for addressing these issues. This is evident through the continuing work of the Claise Brook Catchment Group (CBCG), a community-based environmental group which works to restore wetlands and improve the quality of water flowing into the Swan River from Perth city and inner city (including the Town).

The CBCG has been operating since 1997, and meets on a monthly basis. The Group holds regular working bees and community plantings to provide habitat and improve water quality in local wetlands and the Swan River. The Town holds Local Plant sales in conjunction with the CBCG, to raise awareness about how everyone can help to improve the health of our catchments and waterways. These plant sales are always well-attended by the community.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

RISK MANAGEMENT IMPLICATIONS:

Not applicable.

STRATEGIC IMPLICATIONS:

The Town's recently adopted (in principle) *Strategic Plan 2011-2016* places a strong emphasis on promoting environmental sustainability, and specifically recognises the importance of effectively and efficiently managing water, and protecting and improving the quality of surface and groundwater resources within the Town.

The Town's *Strategic Plan 2011-2016* states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.3 Take action to reduce the Town's environmental impacts and provide leadership on environmental matters.

1.1.6 Enhance and maintain the Town's parks, landscaping and natural environment."

The outcomes that the Research Program aims to achieve will assist the Town to meet these strategic objectives.

SUSTAINABILITY IMPLICATIONS:

With a growing population and reduced rainfall putting increasing pressure on water supplies, research specific to WA and Perth is necessary to identify steps that can be taken to ensure the sustainability of our water supplies.

The proposed WA Research Node aims to develop solutions particularly applicable to Perth's conditions and environment. By supporting the WA Research Node, the Town will be contributing to ensuring the sustainability of Perth's water supplies, and will be able to apply outcomes from the Research Program to improve the quality of water in the Town's catchment. The Town will be demonstrating leadership in this area by funding the Research Node, and will have input into the Research Program to ensure that issues relevant to the Town are considered and addressed.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$10,000 is proposed for inclusion in the Town's Draft 2011-12 Budget for funding for the program.

The Town cannot commit at this time to providing funding for the 2012-13 and 2013-14 financial years. While the Town can offer in principle support for the Research Program, provision for funding for 2012-13 and 2013-14 will need to be considered at the time of preparing the Budgets for each of those years.

COMMENTS:

In light of the significant catchment issues that the Town currently faces, strong support in the Town's community for addressing catchment issues (as evidenced by the Claise Brook Catchment Group's active operation in the Town for more than 10 years), and the priority that the Town places on effectively managing and protecting water supplies, it is recommended that the Town commit to supporting the Cities as Water Supply Catchments Research Program.

9.2.1 Hyde Park Lakes Restoration Project - Progress Report No. 9

Ward:	South	Date:	6 April 2011
Precinct:	Hyde Park – P12	File Ref:	RES0042
Attachments:	001 – Draft Timeline		
Tabled Items:	-		
Reporting Officers:	R Lotznicker, Director Technical Services; J van den Bok, Manager Parks & Property Services; C Chaudhry – Project Officer Environment		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES progress report No. 9 as at 8 April 2011 on the Hyde Park Lakes Restoration and receives further progress reports as additional relevant information becomes available;*

(ii) **NOTES:**

(a) *the letter received from the Assistant Secretary Urban Water Security Branch of the Australian Government’s Department of Sustainability, Environment, Water, Population and Communities shown in Appendix 9.2.1 and the officers comments regarding the letter contained in the report;*

(b) *the Urban Water Security Branch has been advised that as soon as the Town receives a formal response from the Department of Environment and Conservation regarding the Detailed Site Investigation, and a way forward has been determined by the Council, a revised implementation timetable with updated milestones will be forwarded to the Urban Water Security Branch of the Australian Government’s Department of Sustainability, Environment, Water, Population and Communities;*

(c) *the progress to date and the issues confronted by the Town in progressing the project, as outlined in the report; and*

(d) *that a Hyde Park Lakes Restoration Working Group meeting will be convened followed by a further progress report to the Council as soon as a formal response has been received regarding the Detailed Site Investigation findings/recommendations from the Department of Environment and Conservation (and the Department of Water); and*

(ii) *ADVISES the Assistant Secretary Urban Water Security Branch of the Australian Government’s Department of Sustainability, Environment, Water, Population and Communities of its decision.*

Cr Buckels departed the Chamber at 7.55pm.

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Buckels returned to the Chamber at 7.56pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr McGrath, Seconded Cr Buckels

That a new clause (iv) be inserted as follows:

“(iv) REQUESTS the Chief Executive Officer to provide advice in the next progress report in regard to whether the current Option 2A design approved by Council for the lakes restoration project is the most appropriate plan to proceed with on the basis of agency advice and results of the DSI as compared to Option 1 (Integrated Wetland option) originally presented by Syrinx Environmental Pty Ltd and adopted by Council “in principle” in February 2009.”

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Topelberg, Seconded Cr McGrath

That a new clause (v) be inserted as follows:

“(v) AUTHORISES the Mayor, Chief Executive Officer, Director Technical Services and interested Councillors to meet with the Minister for Environment and Water.”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

The Presiding Member, Mayor Nick Catania asked Councillors to advise the Chief Executive Officer if they wished to attend the meeting.

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.1

That the Council;

(i) RECEIVES progress report No. 9 as at 8 April 2011 on the Hyde Park Lakes Restoration and receives further progress reports as additional relevant information becomes available;

(ii) **NOTES:**

- (a) *the letter received from the Assistant Secretary Urban Water Security Branch of the Australian Government's Department of Sustainability, Environment, Water, Population and Communities shown in Appendix 9.2.1 and the officers comments regarding the letter contained in the report;*
 - (b) *the Urban Water Security Branch has been advised that as soon as the Town receives a formal response from the Department of Environment and Conservation regarding the Detailed Site Investigation, and a way forward has been determined by the Council, a revised implementation timetable with updated milestones will be forwarded to the Urban Water Security Branch of the Australian Government's Department of Sustainability, Environment, Water, Population and Communities;*
 - (c) *the progress to date and the issues confronted by the Town in progressing the project, as outlined in the report; and*
 - (d) *that a Hyde Park Lakes Restoration Working Group meeting will be convened followed by a further progress report to the Council as soon as a formal response has been received regarding the Detailed Site Investigation findings/recommendations from the Department of Environment and Conservation (and the Department of Water);*
- (iii) **ADVISES** *the Assistant Secretary Urban Water Security Branch of the Australian Government's Department of Sustainability, Environment, Water, Population and Communities of its decision;*
- (iv) **REQUESTS** *the Chief Executive Officer to provide advice in the next progress report in regard to whether the current Option 2A design approved by Council for the lakes restoration project is the most appropriate plan to proceed with on the basis of agency advice and results of the DSI as compared to Option 1 (Integrated Wetland option) originally presented by Syrinx Environmental Pty Ltd and adopted by Council "in principle" in February 2009; and*
- (v) **AUTHORISES** *the Mayor, Chief Executive Officer, Director Technical Services and interested Councillors to meet with the Minister for Environment and Water.*
-

PURPOSE OF REPORT:

The purpose of this report is to provide a further progress report to the Council on the Hyde Park Lakes Restoration Project.

BACKGROUND:

At its Ordinary Meeting held on 9 March 2010 the Council considered progress Report No. 8 in relation to the Hyde Park Lakes Masterplan, and made the following decision:

"That the Council;

- (i) *RECEIVES* *progress report No 8 as at 2 March 2010 on the Hyde Park Lakes Restoration and receives further progress reports as additional relevant information becomes available;*

- (ii) *REQUESTS the Town's Hyde Park Lakes Restoration Working Group TO meet monthly, (or as required), to consider relevant matters concerning the restoration project; and*
- (iii) *NOTES that:*
- (a) *the Federal Minister for Climate Change, Energy Efficiency and Water, the Senator the Honourable Penny Wong announced as part of the Australian Government's National Water Security Plan for Cities and Town's Program on 3 March 2010 funding of \$2 million for the Restoration of the Hyde Park Lakes, as shown in Appendix 9.2.1; and*
 - (b) *the Working Group Unconfirmed Minutes will be submitted to the Council as soon as practicable following each meeting".*

DETAILS:

History of Recent events:

Detailed Site Investigation (August 2009 – December 2009)

As a condition of the Department of Environment and Conservation (DEC) a Detailed Site investigation (DSI) was required to be undertaken. Golder Associates were appointed by the Town to undertake the DSI and this commenced in August 2009 and was supposed to be completed by October 2009 however this was not completed and reviewed until September 2010.

Initial meeting with Auditor: (February 2010)

In August/September 2009 the Town appointed a Principal Scientist with GHD as the Contaminated Sites auditor for the proposed development/upgrading of the Hyde Park Lakes.

The Town's officers and Consultant met with the Auditor who had received the draft DSI report and had made some suggested changes/updates and requested that additional sampling of the sediments be undertaken.

Additional Testing: (March 2010 – August 2010)

Golder's were commissioned to undertake the additional sampling and the Report was originally due on the 14 July 2010, however there were numerous delays including the review of the initial report etc. The further draft DSI report was not completed until late August 2010 and was delivered to the Auditor.

Meeting with Auditor – DEC also in attendance: (May 2010)

At this meeting the DEC raised concerns regarding the removal of the sediments and indicated that they should remain 'insitu' and covered with a skim of water. It was also suggested that the walls could be increased in height to ensure that should the lakes be lined an adequate depth of water would remain in the lakes.

The Auditor requested that Golder reissue a copy of the DSI directly to him with the suggested changes and the design changes once completed and a follow up meeting with DEC be arranged to confirm the proposed scope of construction works, presentation of Golder's findings, and Auditor's comments and recommendations. The updated draft DSI report was finally submitted to the Auditor on 21 September 2010.

Further request for meeting with Auditor/DEC – (September – October 2010)

The Town's Officers requested an urgent follow up meeting with the Auditor and the DEC and were advised that the Auditor was on leave and would not be returning until late September 2010 and a meeting would be arranged for early October 2010. In early November 2010 the Town was advised that the Auditor had a very serious illness and as he was the appointed Auditor his office was seeking advice as to whether this task could be delegated to another person/auditor in his absence. The Town's officers were subsequently advised that the auditor had tragically passed away after a short and sudden illness.

Hyde Park Lakes meeting with New Auditor and DEC (15 December 2010)

The meeting was attended by DEC, Town's Officers, Golders' the Auditor's assistant and the new Auditor (via telephone link). There was little progress made at this meeting.

Following the meeting the Director of Technical Services indicated that it was disappointing that a clear way forward on the project had still not been determined some 15 months after commencing the DSI process. There were conflicting views on lining verses not lining. The contamination in the sediments was not considered serious and given the use of the park he questioned who is going to provide the Town with a clear way forward.

He further indicated that by the end of January 2011 the project should be able to progress to the detailed design and documentation stage.

Meeting with Stake holders – 25 February 2011:

This meeting was arranged by the Director Technical Services in an attempt to 'move the project forward' given the 'very' slow progress and uncertainty of a 'way forward' given the differing views amongst some stakeholders and the differing views on how the lakes should be remediated.

A meeting to discuss the Hyde Park Lakes Restoration project was held on 25 February 2011 at Department of Environment and Conservation in Booragoon. Attendees included the Town's officers including representatives from the Department of Environment and Conservation (DEC), Golder's, Department of Water (DOW) Swan River Trust (SRT).

At the meeting the stakeholders were advised as follows:

Background

The stakeholders were advised that the Council had previously adopted a proposal for the Hyde Park Lakes to be lined, dredged, water levels maintained and the lakes restored to keep its open water recreational value. The proposal also comprised the re-vegetation of the islands, construction of a treatment swale and construction of new walls approx 5 metres into the lakes.

It was indicated that the Hyde Park Lakes were classified as contaminated. Remediation required by DEC after the consultant, Syrinx Environmental, conducted a preliminary site investigation (PSI), which indicated the presence of contaminated sediments in particular lead that exceeded the "Interim Sediment Quality Guidelines-High" and Health Based investigation Levels for Parks and recreational open space as published in "Assessment Levels of Soil, Sediment and Water".

In addition Acid Sulphate Soils were also detected in the lakes. DEC recommended a water cover over the lake sediments where ever possible to prevent acid sulfate soil oxidation events as the lakes have been artificially maintained from a local superficial bore.

Further the stakeholders were advised that Golders were engaged by the Town to undertake a detailed site investigation (DSI) which confirmed the potential PASS and revealed that the lakes were also contaminated with lead above the ANZECC Water Quality Standards in places.

Finally the stakeholders were advised that the Hyde Park Lakes Restoration project was being part funded by the Commonwealth Government and it was of urgency that the project moved forward to the implementation stages to avoid any risk of loss of this financial assistance.

Discussion:

Golders outlined the PSI/DSI of Hyde Park Lakes and what was found through these investigations. General discussion then took place with the stakeholders providing various inputs as to what was achievable for lakes in a realistic manner and possible way's forward.

The WC highlighted that the Hyde Park Lakes comprised a Water Corporation compensation basin and formed part of the Water Corporation 'Hyde Park main drain' with a primary purpose to retain water during storm events. Bringing the walls in by 5 metres and reducing the area of the lakes by 25% was approved by the WC as being suitable to retain the hydraulic function of the lakes.

The DEC considered that the use of a liner was considered a possible solution to prevent Acid Sulfate Soils exposure to oxidation, but may lead to the lake becoming an ornamental lake that required groundwater recharge to maintain water levels in the future as it would become hydrologically disconnected from the local groundwater system.

It was indicated that the purpose of the proposed liner was to retain water in the lakes and to prevent Acid Sulfate Soil oxidation. However if the lakes sediments were dredged and Acid Sulfate soils treated then the only reason for the liner would be to maintain the water level for visual amenity.

The DOW indicated that, from a hydrological function aspect, the retention of water was not always necessary if the lakes operated as an 'ephemeral lake system' and should the lining option ultimately 'not be' supported by the relevant approving authority i.e. DEC and/or DoW the Council would need to review its position.

DEC indicated that approval for the Hyde Park Lakes Restoration Project could not be provided without a copy of the DSI which, it was advised by DEC, was still being audited (at the time of the meeting). The DEC further indicated that the use of a liner would be the most unobtrusive action to prevent Acid Sulfate Soil oxidation, however the dredged material (to maintain a reasonable depth in the lakes) even after treatment may still require to be disposed off site as it was likely to still be contaminated. This would however need to be examined further in line with the chosen remediation option.

The DOW indicated that a hydrological model of lakes 'may' need to be conducted to determine how the surface and ground water interacts within the system. It was also noted that topping up of the lakes from a bore could interfere with the calibration of the model.

In addition it was suggested that the issue of longer term sediment loading in the lakes could reoccur if not managed correctly and this would need to be addressed by WC and the Town cooperatively. It was also mentioned that the mobilisation and bio-availability of metals in the sediment would need to be determined as a way forward to manage the contamination issue and this would need to be established as a key component.

Agreed Actions:

The following agreed action resulted from the meeting:

- (i) Golders' check with the auditor regarding progress with the DSI.

Officers Comments:

The 'new' Auditor has completed a final audit of the DSI – Completed.

- (ii) Golders' to provide Stakeholders with a copy of the DSI to DEC, DOW and WC once audited.

Officers Comments:

Stakeholders were provided with a copy of the DSI on 25 March 2011 – Completed.

- (iii) Golders' to conduct a Hydraulic Model on the Lakes and submit both the DSI and model to DEC and DoW.

Officer's Comments

This was suggested at the meeting by the DOW however after reviewing the justification for a Hydraulic Model the Town's officers advised both the DOW and DEC of the following:

- *The time taken to conduct a model would delay the project significantly and may place the Town's Federal Funding at risk – this project is now well behind schedule and we have not even undertaken milestone 1.*
- *Even if the model was conducted the validity would be limited due to the effect pumping already has on the system.*
- *Turning off the bore to conduct this modelling would most likely lead to an oxidation event and further contamination to the Lakes, putting public safety at risk.*
- *Conducting a Hydrological model over such a short period of time would not be scientifically sound and not representative of the actual situation.*
- *It is considered that the outcome of undertaking a model of this type will have limited benefit as the system would more than likely still need to be dredged and lined regardless of the Hydrological modelling.*
- *The cost of \$60,000 for the model is excessive and has not been budgeted for. This item would have to be taken back to the Council and the Director Technical Services is extremely concerned that this requirement will further delay the implementation of this project, which is now seriously behind schedule.*
- *A water balance model was completed (although not reliable as measured data was not available) as part of Rockwater's Hydro geological report and this has been forwarded to both the DOW & DEC for their information. It should also be noted that this water balance model was completed prior to the proposal to reduce the lakes in area by around 25%.*

At the time of writing this report no formal response had been received from the DOW or DEC.

- (iv) Golders' to conduct Bio-availability testing on the lakes Acid Sulfate Soils and these results are provided to DEC.

Officers Comments:

This was conducted as part of the DSI – Completed

- (v) The Town of Vincent formally request feedback from all stakeholders based on the Hyde Park Project and DSI.

Officers Comments:

Stakeholders provided feedback - Completed

- (vi) DoW to provide advice on impacts on the water resource and management of the Lakes for the lined and unlined options

Officers Comments:

DOW provided with a copy of the DSI – awaiting a formal response.

Letter from the Assistant Secretary Urban Water Security Branch of the Australian Government’s Department of Sustainability, Environment, Water, Population and Communities:

A letter dated 31 March 2011 was received by the Town on 5 April 2011 requesting that the Town provide an update on the progress of the outstanding issues including a revised timetable for project implementation.

Following receipt of the letter the Director Technical Services (DTS) contacted the agency and had a lengthy discussion with their new contact officer and provided a detailed update on the project. The officer advised that the letter was a standard letter sent to a number of Local Governments and other organizations throughout Australia who are having similar issues to us.

The officer advised that as long as the Town continued to keep them fully informed of progress the funding would not be in jeopardy.

The DTS further advised the officer that as soon as the Town had received a formal response from the DEC and DOW and a way forward has been determined, a revised implementation timetable with updated milestones would be forwarded to the Urban Water Security Branch.

Indicative Timeline:

The updated ‘timeline’ showing the actions for the progression of implementing option 2A is attached at appendix 9.2.1.

CONSULTATION/ADVERTISING:

Ongoing consultation with the various stake holders continuing.

LEGAL/POLICY:

Hyde Park is included on the Heritage Council of Western Australia's Register of Heritage Places. The place has significant scientific and historic importance as a remnant of the former chain of wetlands that extended north of Perth and is valued as an important source of aesthetic and recreational enjoyment for the community. In accordance with the Heritage of Western Australia Act 1990, any proposed alteration or development to Hyde Park would be required to be referred to and approved by the Heritage Council of Western Australia prior to the commencement of works.

Hyde Park Lakes has been identified and recorded, and will need to be managed and remediated in accordance with the Contaminated Sites Act 2003 and Contaminated Sites Regulations 2006.

In addition, the proposed restoration works will impact registered Department of Indigenous Affairs (DIA) site 3792 and will require a Site Identification Survey. The survey will need to be conducted to Section 18 standards in accordance with the *Aboriginal Heritage Act 1972*.

RISK MANAGEMENT IMPLICATIONS:

Medium – High: The Lakes have been listed as contaminated requiring remediation however they do not pose any serious risk to human health. The proposal is more one of improving the aesthetics and amenity of the park and at the same time addressing the contamination issues which if left untreated 'may' cause longer term water quality issues.

The lack of progress for remediation has resulted in continuing adverse comments from the Community.

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2011-2016 (adopted in principle) states:

"Natural and Built Environment

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.3 Enhance and maintain the Town's parks, landscaping and the natural environment."

SUSTAINABILITY IMPLICATIONS:

The Town is committed to the principles of environmental, social and economic sustainability and is dedicated to achieving and promoting sustainable outcomes throughout its everyday functions and responsibilities.

As part of the Town's Sustainable Environment Plan 2007-2012, the Town has identified a number of objectives and the Hyde Park Lakes Restoration Project will be required to address most of the objectives listed below on various levels;

- reduce water use (reduce the size of the Lakes – Option 2A);
- use natural systems to improve water quality (construction of swale);
- encourage the planting of native species (Islands to be replanted);
- re-establish native fringing vegetation as bird habitat areas (may be possible in some locations between existing and new walling).

FINANCIAL/BUDGET IMPLICATIONS:

At the Special Council Meeting held on 13 October 2009 the Council approved of the following:

Project Budget	Amount
Stage 1 – Essential Works	\$4,000,000
Stage 2 – Future Staged Works	\$555,000
TOTAL	\$4,555,000

COMMENTS:

The completion of the DSI and sign off by the DEC and DOW is crucial in progressing this project. Once the DSI has been signed off, a detailed Construction Management Plan and ASS Management Plan will be prepared which will determine how the identified contaminants will be treated/neutralised and what methodology will be adopted to implement this as part of the construction phase.

The DSI was submitted to the DEC, DOW and WC on 25 March 2011 and the Town is expecting a reply at the end of April or early May 2011 when a further progress report will be presented to the Council.

9.2.3 LATE ITEM: Weld Square Redevelopment Project – Progress Report No. 4

Ward:	South	Date:	15 April 2011
Precinct:	Forrest; P14	File Ref:	RES0102
Attachments:	001 – Plan No. 2647-LS-01H 002 – Plan No. 2647-LS-01J		
Tabled items:	-		
Reporting Officers:	J van den Bok; Manager Parks & Property Services R Lotznicker; Director Technical Services T Woodhouse; Coordinator Strategic Planning		
Responsible Officer:	R Lotznicker; Director Technical Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES of the construction of the paths ‘only’ estimated cost of \$98,000 as shown on revised Plan No 2647-LS-01J (in accordance with EPRA conditions) and places all other works ‘on hold’ pending the outcome of the TAFE design development; and*
- (ii) **NOTES:**
 - (a) *the actions taken to date by the Town’s Administration, as detailed in the report;*
 - (b) *that a further report will be submitted to the Council in July/August 2011 once TAFE have submitted their proposal to the Town; and*
 - (c) *that TAFE will be advised of the Council decision.*

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Topelberg

That the Council:

- “(i) *APPROVES of the construction of the paths ‘~~only~~’, soil mounding, planting and mulching, and reticulation at an estimated cost of \$173,000 ~~\$98,000~~ as shown on the revised Plan No. 2647-LS-01J (in accordance with EPRA conditions) and places all other works ‘on hold’ pending the outcome of the TAFE design development; and”*

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

AMENDMENT NO 2

Moved Cr Burns, Seconded Cr Lake

That a new clause (iii) be inserted as follows:

“(iii) REQUESTS the Chief Executive Officer to investigate and improve the current lighting.”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 9.2.3

That the Council;

- (i) *APPROVES of the construction of the paths, soil mounding, planting and mulching, and reticulation at an estimated cost of \$173,000 as shown on the revised Plan No. 2647-LS-01J (in accordance with EPRA conditions) and places all other works 'on hold' pending the outcome of the TAFE design development;*
 - (ii) *NOTES:*
 - (a) *the actions taken to date by the Town's Administration, as detailed in the report;*
 - (b) *that a further report will be submitted to the Council in July/August 2011 once TAFE have submitted their proposal to the Town; and*
 - (c) *that TAFE will be advised of the Council decision; and*
 - (iii) *REQUESTS the Chief Executive Officer to investigate and improve the current lighting.*
-

PURPOSE OF REPORT:

The purpose of this report is to update the Council on progress regarding the proposed Weld Square redevelopment and obtain approval to construct the paths on the park.

BACKGROUND

At the Ordinary Meeting of Council held on 21 December 2010, Progress Report No. 3 was presented to the Council in relation to Weld Square Redevelopment project where the following decision was made:

“That the Council;

- (i) *CONSIDERS the submissions received during the consultation period as outlined in Appendix 9.2.1;*

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY of a staged Redevelopment of Weld Square, as shown in the Revised Plan No. 2647-01H, at an estimated cost of \$650,000, to be implemented over three (3) financial years as follows:*

<i>STAGE</i>	<i>YEAR</i>	<i>AMOUNT</i>	<i>ESTIMATED COST</i>
<i>1</i>	<i>2010-2011</i>		
	<i>Paths</i>	<i>98,000</i>	
	<i>Lighting</i>	<i>67,000</i>	
	<i>Benches and bins</i>	<i>28,000</i>	<i>193,000</i>
<i>2</i>	<i>2011-2012</i>		
	<i>New self cleaning toilet</i>	<i>140,000</i>	
	<i>Soil mounding</i>	<i>35,000</i>	
	<i>Planting and mulching</i>	<i>25,000</i>	
	<i>Demolish old toilet</i>	<i>15,000</i>	
	<i>Reticulation</i>	<i>15,000</i>	
	<i>Cost escalation</i>	<i>7,000</i>	<i>237,000</i>
<i>3</i>	<i>2012-2013</i>		
	<i>Playground equipment</i>	<i>55,000</i>	
	<i>Exercise equipment</i>	<i>40,000</i>	
	<i>Gazebo</i>	<i>28,000</i>	
	<i>Tables and shelters</i>	<i>26,000</i>	
	<i>Outdoor table tennis table</i>	<i>18,000</i>	
	<i>Shade sails</i>	<i>18,000</i>	
	<i>Electric BBQ</i>	<i>15,000</i>	
	<i>Cost escalation</i>	<i>13,000</i>	
	<i>Drinking fountains</i>	<i>7,000</i>	<i>220,000</i>
	<i>TOTAL</i>		<i>\$650,000</i>

- (iii) *NOTES that:*

- (a) *the East Perth Redevelopment Authority (EPRA) have indicated that they are unable to provide a financial contribution from the EPRA public art fund, however will consider an alternative contribution when provided with a detailed cost breakdown for the project;*
- (b) *support has been given by the Department of Indigenous Affairs and from the South West Aboriginal Land and Sea Council, to Co-Name Weld Square and this matter is currently being investigated by the Town's Officers and a report will be submitted to the Council;*
- (c) *the Minister for Planning has approved the commencement of Stage 1B normalisation process of the New Northbridge Project (including Weld Square) with the view of planning authority being transferred for this area from EPRA to the Town of Vincent by mid 2011;*
- (d) *funding is to be listed for consideration, in future draft budgets to enable the Redevelopment of Weld Square to be staged over three (3) financial years, as outlined in the report; and*
- (e) *Central Institute of Technology students have indicated a willingness to be involved in designing the furniture and artwork within the park;*

- (iv) *ENDORSES the request to base the vegetation selection and placement to reflect the six seasons as recognised by the Aboriginal community;*
- (v) *SUBMITS development approval for the project to EPRA in accordance with Part 5.5 of the East Perth Redevelopment Scheme 2;*
- (vi) *AUTHORISES the Chief Executive Officer to make minor amendments to the Concept Plan, if issues arise during construction/implementation of the project;*
- (vii) *ADVISES all respondents and Main Roads Western Australia of its decision; and*
- (viii) *REQUESTS the:*
 - (a) *Safer Vincent Crime Prevention Partnership to comment on the proposal of having a gazebo in the park and make suggestions as to criteria that should be included in a Management Plan for the park; and*
 - (b) *Chief Executive Officer to advise the Council on how community input can be sought into the design of the gazebo.”*

DETAILS:

Progress on matters relating to the Council decision are outlined below:

Co-Naming Weld Square:

As previously reported to Council it was proposed that the Town's Heritage Officers undertake research into the Aboriginal history and the area, and liaise with the South West Aboriginal Sea and Land Council to assist with consultation with relevant parties.

It was also proposed that the Town's existing Policy No. 4.1.18 'Relating to Naming of Reserves and Buildings' be amended to include information relating to Dual Naming.

To date, contact has been made with the Department of Indigenous Affairs, who advised that in terms of deciding upon an Aboriginal name for Weld Square it was recommended to engage the Town's Heritage Consultants, Australian Interaction Consultants to seek suggestions from the Aboriginal people recognised as cultural custodians for the area and to provide a short list of names for the consideration of the Council.

In terms of the process of co-naming, the Department of Indigenous Affairs advised that there is no formal process involved in dual naming, however recommended that the Council would first need to endorse a proposed name to present to the Geographic Naming Committee.

Contact has also been made with the South West Aboriginal Land and Sea Council (SWALSC), who have advised that the Town write to the SWALSC Metropolitan Working Party, which comprises members who have links to the original custodians of the land, requesting the matter to be tabled at one of their meetings, at which the Town could provide a presentation. It was also noted that a name may not necessarily be proposed on the date and further consultation may be involved, at no additional fee. A letter has been prepared and is to be forwarded to the SWALSC Metropolitan Working Group shortly.

In terms of the process in re-naming Weld Square, the following extract from the Geographic Names Committee's *Principles, Guidelines and Procedures (May 2009)*, serves to provide a the guide in this respect.

'Renaming of Parks and Reserves

1. *Names chosen for parks and reserves are expected to be permanent, and renaming is discouraged. If renaming is proposed because of some exceptional circumstance, the general guidelines will apply.*
2. *Evidence of substantial community support for a change of name must be provided.'*

'DUAL NAMING GUIDELINES

- *Dual naming is not considered preferable to one name, and in each case the proposal should be investigated to establish if the Indigenous name would have enough community support to replace the European name.*
- *Temporary dual naming is a useful process to assist in changing from a European name to an Indigenous name.*
- *Dual naming is not to be considered for addressable localities, road names or physical structures associated with roads, such as bridges.*
- *Dual naming should apply to physical features, such as mountains, lakes etc.*
- *Dual naming is to give recognition to existing traditional Indigenous names, where evidence exists, preferably historic in written form or oral tradition, that a feature has two names.*
- *Dual naming proposals should have significant support from local Indigenous communities.*
- *Dual naming proposals should preferably have the support of the relevant local government.*
- *Depiction of Dual Names.'*

In addition to the above, Appendix B to the Geographic Names Committee's *Principles, Guidelines and Procedures (May 2009)*, relates to the recording and use of Aboriginal and Torres Strait Islander Place Names. These guidelines provide the opportunity to adopt a set of national standards for the collection and use of Aboriginal and Torres Strait Islander names. It is noted that the Policy states '*...it must be recognised that the right to decide the use of names rests always with the indigenous people whose language or place names are being used for official naming purposes.*'

In light of the above, the Town's Officers will continue to liaise with the South West Aboriginal Land and Sea Council with the view of establishing an agreed Aboriginal name for Weld Square, prior to endorsement by the Council and referral to the Geographic Names Committee for consideration. Following this, it is proposed that the process implemented to re-name Weld Square will be incorporated into the Town's existing Policy No. 4.1.18 relating to Naming of Reserves and Buildings.

Stage 1B normalisation process of the New Northbridge Project (including Weld Square)

The Town received a letter dated 6 December 2010, advising that the Minister for Planning has approved the commencement of Stage 1A and 1B of the normalisation of the New Northbridge Project.

Under Stage 1B Normalisation of New Northbridge, EPRA will return planning authority for approximately 30 percent of the New Northbridge Project Area back to the Town. The proposed normalisation advertising closed on 7 February 2011 and the matter was considered at the Ordinary Meeting of Council held on 8 February 2011, following which the minutes of this Agenda Item were forwarded to the East Perth Redevelopment Authority for consideration.

At the time of writing this report, the Town had not received any further correspondence from the East Perth Redevelopment Authority relating to this matter.

Central Institute of Technology involvement in designing the furniture and artwork within the park:

Officers initially met with the, Director Facilities & Infrastructure of TAFE and provided copies of the plans to be distributed within their facility. TAFE students were in favour of the development proposal and indicated that they would like to become further involved in the design and construction of furniture within the park.

A further meeting with TAFE Applied Design lecturers was held on 30 March 2011. At the meeting TAFE indicated they were very keen in having students undertake a project within their first semester and develop designs for furniture within Weld Square.

They also indicated that, as a separate project TAFE students may be asked to develop their own design plans for the Redevelopment of Weld Square.

The submissions from TAFE are expected to be submitted prior to 30 June 2011.

Vegetation selection and placement to reflect the six seasons as recognised by the Aboriginal community:

As previously reported to the Council, the six (6) seasons planting concept is an excellent idea and this is currently being further progressed with Peedac staff. It is also proposed that Peedac will be engaged to assist with the planting throughout the park and then further to undertake ongoing maintenance of the grounds on a weekly basis.

Peedac specialise in youth training in the environmental area, their staff are sent out to various areas under supervision and have been involved in various planting and restoration projects with other local governments throughout the metropolitan area.

EPRA Development Approval

In a letter dated 1 April 2011 the East Perth Redevelopment Authority issued conditional approval to the Town to undertake development to Lots 1271 & 1272 (No. 18) Beaufort Street, Perth for the Redevelopment and Landscaping of Public Open Space. The following conditions were detailed in the approval notice:

- *The development is to be undertaken generally in accordance with the approved plans and documents attached to the approval, details of which are to be provided at compliance package stage.*
- *A compliance package detailing compliance with the plans and conditions of this approval is to be submitted to and approved by the Authority prior to commencement of works.*
- *Documentation and certifications from a qualified engineer confirming that the development does not impact upon the Graham Farmer Freeway Tunnel is to be submitted to and endorsed by the Authority, in consultation with Main Roads WA, at the workings drawings stage to the satisfaction of the Authority.*
- *Details of materials, finishes and colours of all hard landscaping, including shade structures, furniture, equipment, lighting and any other proposed treatments, are to be submitted at compliance package stage, to the satisfaction of the Authority.*
- *A Construction Management Plan is to be submitted at compliance package stage, to the satisfaction of the Authority.*

Safer Vincent Crime Prevention Partnership Comments:

The matter was referred to the Safer Vincent Crime Prevention Partnership who met on 2 March 2011 to discuss possible minor changes to the proposal and incorporate Crime Prevention through Environmental Design (CPTED);

The main comments from the meeting are listed below:

- That the landscaping beds on Newcastle Street end be kept as low as possible to natural ground (suggest around 300mm), with suitable landscaping- maybe some desert garden sparse vegetation, so as to encourage clear sightlines and passive surveillance of site.
- That sightlines be maintained from all road and sight vantages (including overlooking apartments and shops), especially though garden beds and in vulnerable group areas such as children's playground and public toilets. It was suggested that passer by traffic of vehicle vantages be maximised with possible gaps in raised garden beds proposed on Newcastle Street end to facilitate further natural surveillance.
- That no retaining walls be used to diminish possibility of people using them as seating.
- That the Gazebo roof be made permeable and anti vandal to discourage longer term use, whilst at the same time affording some shade to users.
- The maintaining of sufficient space and width of path around gazebo was discussed (similar to path and gazebo in Russell Square) to allow alternate safer path for persons walking through or around the gazebo and to ensure that the path is not blocked.
- That any possible seating at the gazebo be anti vandal and designed in a way that will discourage long term use (i.e. possible arms, sloped etc).

Chief Executive Officer authorisation to make Minor amendments to the Concept Plan:

Plan No. 2647-LS-01H has been amended to include the following:

- That the landscaping beds to be kept as low as possible to natural ground and suitable landscaping to maintain clear sightlines and passive surveillance of site in line with the proposed six (6) seasons planting concept.
- Sightlines to be maintained from all road and sight vantages though garden beds and in vulnerable group areas such as children's playground and public toilets with gaps in raised garden beds to facilitate further natural surveillance.
- Width of path from the edge of the proposed gazebo is proposed to be 5.0m.
- That the Gazebo roof will be made permeable and vandal proof to discourage longer term use. (TAFE to further develop).
- Seating at the gazebo will be vandal proof and designed to discourage long term use (TAFE to develop).
- The proposed self cleaning toilet location has been changed (from Beaufort Street to Parry Street) following discussion with adjoining residents.
- Only one outdoor table tennis table is now shown.
- Possible midsize or half basket ball court is shown. Location to be further investigated (TAFE to develop).

Comments:

The Council previously approved of a staged Redevelopment of Weld Square, as shown in the Revised Plan No. 2647-LS-01H, at an estimated cost of \$650,000, to be implemented over three (3) financial years with \$193,000 allocated in the current financial year for the following:

Paths	\$98,000
Lighting	\$67,000
Benches and bins	\$28,000

Given that TAFE students are developing a project within their first semester for designs of furniture within Weld Square it is considered that the lighting and parks furniture be placed on hold.

TAFE are also looking at a gazebo design, in line with the Safer Vincent Crime Prevention Partnership Comments and therefore the parks furniture, gazebo possible lighting will all be linked with a common design thread.

It is however considered that the paths 'only' at an estimated cost of \$98,000 (as shown on revised plan No 2647-LS-01J, should be constructed in the current financial year and all other works be placed on hold pending the outcome of the TAFE design development.

CONSULTATION/ADVERTISING:

Not applicable

LEGAL/POLICY:

In accordance with Section 18 of the Aboriginal Heritage Act 1972, consent to use an Aboriginal Registered Site is required from the Minister for Health; Indigenous Affairs. Failure to receive consent is likely to result in a breach of Section 17 of the Aboriginal Heritage Act 1972.

In accordance with Section 18 of the Aboriginal Heritage Act 1972, the Town, as the owner of the land, submitted a Section 18 Notice dated 15 April 2010. In accordance with Section 18 (3) of the Aboriginal Heritage Act 1972 and following consideration and recommendations of the Aboriginal Cultural Material Committee (ACMC), the Minister for Health; Indigenous Affairs granted approval for the Town to use the land for the purpose outlined in the Notice, subject to a series of conditions detailed in the copy of letter dated 22 June 2010 attached.

Weld Square is not listed on the State Register of Heritage Places, and therefore the Heritage Act of Western Australia 1990 does not apply.

Also refer to Council Policy No. 4.1.18 – Naming of Reserves and Buildings.

RISK MANAGEMENT IMPLICATIONS:

Low: No impact if this project does not proceed.

STRATEGIC IMPLICATIONS:

The Town's *Strategic Plan 2011-2016* (adopted in principle) states:

"Natural and Built Environment"

Objective 1.1: Improve and maintain the natural and built environment and infrastructure

1.1.6 Enhance and maintain the Town's parks, landscaping and the natural environment".

SUSTAINABILITY IMPLICATIONS:

As indicated in previous reports to Council, during the consultation with the Indigenous groups, it was indicated that all proposed plantings within the redeveloped parkland will consist of native species and specifically local native species where these can be sourced.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$193,000 remains in the Town's 2010/2011 budget for the Redevelopment of Weld Square as Stage 1 of a three (3) stage development. Stage 1 includes the following:

STAGE	YEAR	ESTIMATED COST
1	2010-2011	
	Paths	\$98,000
	Lighting*	\$67,000
	Parks Furniture*	\$28,000
	TOTAL	\$193,000

Note:* On hold pending TAFE proposal/s.

COMMENTS:

The Council previously approved of a staged Redevelopment of Weld Square and EPRA have given conditional approval.

TAFE students are developing a project in their first semester for designs of furniture within Weld Square and are also looking at a gazebo design, in line with the Safer Vincent Crime Prevention Partnership Comments for the parks furniture, gazebo possible lighting to be linked with a common design thread.

It is considered that the paths 'only' at an estimated cost of \$98,000 should be constructed in the current financial year and all other works be placed on hold pending the outcome of the TAFE design development when the matter will be further considered by the Council.

The Chief Executive Officer advised that Mayor Catania and Cr Burns had declared a financial interest in Item 9.3.1. They departed the Chamber at 8.15pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 8.15pm.

9.3.1 Investment Report as at 31 March 2011

Ward:	Both	Date:	4 April 2011
Precinct:	All	File Ref:	FIN0033
Attachments:	001 – Investment Report		
Tabled Items:	Nil		
Reporting Officers:	B Wong, Acting Manager Financial Services; N Makwana, Acting Accountant		
Responsible Officer:	M Rootsey, Director Corporate Services		

Disclosure of Financial Interest:

Mayor Nick Catania and Cr Anka Burns have disclosed a financial interest in this item.

OFFICER RECOMMENDATION:

That the Council NOTES the Investment Report for the month ended 31 March 2011 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY (5-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter. (Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

Mayor Catania and Cr Burns returned to the Chamber at 8.16pm. Mayor Catania, assumed the Chair. The Chief Executive Officer advised that the item was carried.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of investment funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 March 2011 were \$17,635,510 compared with \$18,335,510 at 28 February 2011. At 31 March 2010, \$15,774,304 was invested.

Investment comparison table:

	2009-2010	2010-2011
July	\$12,782,999	\$11,109,646
August	\$21,773,889	\$22,184,829
September	\$21,773,889	\$20,084,829
October	\$21,273,889	\$20,084,829
November	\$20,274,076	\$21,086,506
December	\$18,774,076	\$19,585,155
January	\$17,274,076	\$19,335,155
February	\$15,774,304	\$18,335,510
March	\$15,774,304	\$17,635,510

Total accrued interest earned on Investments as at 31 March 2011:

	Annual Budget	Budget Year to Date	Actual Year to Date	%
Municipal	\$454,000	\$403,200	\$484,287	106.67
Reserve	\$403,000	\$302,247	\$329,934	91.87

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Funds are invested in accordance with the Town's Investment Policy 1.2.4.

RISK MANAGEMENT IMPLICATIONS:

High: Section 6.14 of the Local Government Act 1995, section 1, states:

“(1) Subject to the regulations, money held in the municipal fund or the trust fund of a local government that is not, for the time being, required by the local government for any other purpose may be invested in accordance with Part III of the Trustees Act 1962.”

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

Limited investment funds have been required to be drawn during this month. The investment interest income received is over budget due to a few investments were invested for longer term at a better interest rates.

Loan funds for the parking ticket machines received in early March have been invested short term until the invoices are due.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested; and
- Graphs.

The Presiding Member, Mayor Nick Catania advised that Cr Maier had declared a financial interest in Item 9.2.3. Cr Maier departed the Chamber at 8.16pm and did not speak or vote on this matter.

9.4.2 Review and Adoption of Members Fees and Expenses 2011/2013

Ward:	Both	Date:	8 April 2011
Precinct:	All	File Ref:	ADM0051
Attachments:	001 – Amended Draft Policy No. 4.2.7		
Tabled Items:	Nil		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy 4.2.7 – “Council Member - Allowances, Fees and Re-imburement of Expenses” (as shown in Appendix 9.4.2), for the period 1 July 2011-30 June 2013.

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Topelberg, Seconded Cr McGrath

That the Officer Recommendation be amended to read as follows:

“That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy 4.2.7 – “Council Member - Allowances, Fees and Re-imburement of Expenses” (as shown in Appendix 9.4.2), for the period 1 July 2011-30 June 2013, subject to Policy 4.2.7 being amended to read as follows:

1.3 Deputy Mayoral Allowance

The Deputy Mayor shall be entitled to an annual local government allowance of \$11,820 ~~equivalent to 25% of the Mayoral Allowance.~~ (Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996).”

Debate ensued.

The Seconder, Cr McGrath suggested that Clause 1.3 be reworded as follows:

“1.3 Deputy Mayoral Allowance

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to ~~25%~~ 20% of the Mayoral Allowance. (Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996).”

The Mover, Cr Topelberg agreed.

The Chief Executive Officer advised the meeting that 20% would amount to \$12,000.

Debate ensued.

For: Mayor Catania, Cr Burns, Cr Lake, Cr McGrath, Cr Topelberg
Against: Cr Buckels

AMENDMENT PUT AND CARRIED (5-1)

(Cr Maier was absent from the Chamber and did not vote on this matter. Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (6-0)**

(Cr Maier was absent from the Chamber and did not vote on this matter. Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

Cr Maier returned to the Chamber at 8.29pm. The Presiding Member, Mayor Nick Catania advised that the item was carried, with one amendment.

COUNCIL DECISION ITEM 9.4.2

That the Council APPROVES BY AN ABSOLUTE MAJORITY the financial support that will be provided to Council Members through the payment of allowances, fees and reimbursement of expenses incurred and insurance cover while performing their official functions and duties of office, as detailed in the amended draft Policy 4.2.7 – “Council Member - Allowances, Fees and Re-imburement of Expenses” (as shown in Appendix 9.4.2), for the period 1 July 2011-30 June 2013, subject to Policy 4.2.7 being amended to read as follows:

1.3 Deputy Mayoral Allowance

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to ~~25%~~ 20% of the Mayoral Allowance. (Section 5.98A, Regulation 33A of Local Government (Administration) Regulations 1996).”

ADDITIONAL INFORMATION:

Additional information has been requested concerning the allowance paid to the Mayor and Deputy Mayor. This is shown in the tables below.

History

The amounts paid to the Town’s Mayor and Deputy Mayor are as follows:

Year	Mayoral Allowance	Deputy Mayor Allowance
2010-2011 (Sept-YTD)	\$60,000*	\$15,000*
2010-2011 (July-28 Sept)	\$47,280	\$11,820
2009-2010	\$47,280	\$11,820
2008-2009	\$47,280	\$11,820
2007-2008	\$44,000	\$11,300
2006-2007	\$41,500	\$10,900
2005-2006	\$41,500	\$10,900

Year	Mayoral Allowance	Deputy Mayor Allowance
2004-2005	\$40,690	\$10,175
2003-2004	\$38,920	\$9,560
2002-2003	\$36,000	\$9,000
2001-2002	\$36,000	\$4,500
2000-2001	\$25,000	Nil
1999-2000	\$6,000	Nil
1998-1999	\$6,000	Nil
1997-1998	\$6,000	Nil
1996-1997	\$6,000	Nil
1995-1996	\$5,000	Nil
1994-1995	Nil	Nil

* Amended at OMC 28 September 2010 – Council Vehicle no longer provided for Office of Mayor.

Comparison with Similar Local Governments

Council	Population	No. of Electors	No. of Dwellings	Total Revenue (millions)	Mayoral Allowance	Deputy Mayoral Allowance
Belmont	34,466	20,832	16,348	\$43.980	\$48,334#	\$12,083
Busselton	31,175	20,080	12,863	\$61.966	\$51,000	\$12,750
Cambridge	25,942	17,271	10,463	\$40.502	\$60,000	\$6,000
Kwinana	30,000	15,003	11,000	\$76.000	\$54,000	\$15,000
Nedlands	22,404	14,318	8,367	\$25.517	\$39,730	\$9,930
South Perth	43,000	25,421	22,482	\$45.137	\$50,000	\$12,500
Subiaco	18,625	11,333	8,718	\$33.376	\$12,000	\$3,000
Victoria Park	32,256	17,678	15,848	\$33.352	\$60,000	\$15,000
Vincent	26,904	19,462	16,432	\$36.031	\$60,000*	\$15,000*
Vincent	26,904	19,462	16,432	\$36.031	\$47,280	\$11,820

Includes \$5,500 for Council Vehicle

* Amended at OMC 28 September 2010 – Council Vehicle no longer provided for Office of Mayor.

ADDITIONAL INFORMATION – Training and Education:

Cr McGrath has requested that consideration be given to set a limit for the education and training allowance over the four year term for each Council Member, instead of an annual basis and for increasing the resultant total amount to allow for Council Members to receive training and qualifications recommended (and provided) by WALGA.

WALGA provides a Diploma in Local Government (Elected Member), which has been developed by their own Registered Training Organisation to meet a need in developing Councillors' Capabilities.

WALGA: *“Our Diploma is a nationally recognised qualification for Elected Members and covers subject areas which address the competencies that are required to best fulfil the Elected Members’ role as decision makers and policy setters within their communities. The Diploma consists of ten units, within five blocks, and contains face-to-face training as well as post course assignments and activities”.* The units are as follows:

1. Councillor Roles and Responsibilities;

2. Ethics and Conduct of an Elected Member;
3. Strategic Planning;
4. Financial Reports and Budgets;
5. Changed Management;
6. Policy Development;
7. Land Use Planning;
8. Sustainable Asset Management;
9. CEO Performance Appraisals; and
10. Manage Conflict.

The Town has been advised that the costs for this training is \$395 per unit for course material and training, plus \$225 per unit for examination (i.e. \$620 per unit). Council members can undertake this Diploma in a couple of intensive weeks in a single year or over a number of weekends/weekdays over a couple of years. The total cost for completing the Diploma would be \$6,200.

In view of the above, it is appropriate to delete the proposed new Clause 6.1(c) and insert a new Clause 6.1(c) as follows:

- (c) A maximum cost of **\$6,200** (Indexed by CPI on 1 July of each year) per Member per four year term is set for the cost under 6.1(b) above, including fees, reference books and the like.

Chief Executive Officer Comment:

The Chief Executive Officer supports the above and accordingly, the proposed draft Policy has been amended.

PURPOSE OF REPORT:

The purpose of this report is to review and adopt the fees and expenses applicable to Council Members for the period 1 July 2011-30 June 2013, as required by the Local Government Act 1995.

BACKGROUND:

At the Ordinary Meeting of the Council held on 5 June 2007, the Council approved the Policy - Council Members Allowance, Fees and Re-imburement of Expenses, Policy No. 4.2.7. The Policy was reviewed and amended at the Ordinary Meeting of Council held on 12 May 2009 and 28 September 2010.

DETAILS:

The following changes to the Policy are recommended:

Recommended Changes

1. Clause 3.3 – Telecommunication Expenses

The Policy currently allows an amount of \$18,000 per annum for Council Member reimbursement of telecommunication expenses. Since the Town changed its telecommunications supplier, costs have significantly reduced and the amount of \$18,000 was in fact reduced to \$12,000 in the 2010/2011 Budget and is no longer relevant. Reimbursements for the previous 12 months were approximately \$3,500 (year to date) and, therefore, an amount of \$7,000 is considered appropriate.

2. Clause 4.1 – Travel Expenses

In this report it will be recommended that Council Members be reimbursed for expenses associated with “education and training purposes” relating to their role. Accordingly, reimbursement of travel expenses to and from the education institution is appropriate.

3. Clause 6 – Education, Training, Conferences and Seminars

It is recommended that the current Policy be amended to allow for reimbursement of costs for “Education and Training”. At present, any Council Member wishing to attend a training course relevant to their role contacts the Chief Executive Officer’s Office and after approval by the Chief Executive Officer, arrangements are made by the Chief Executive Officer’s Personal Assistant.

To avoid doubt, it is recommended that this informal procedure be formalised and included into the Policy, summarised as follows:

- (a) The Chief Executive Officer is authorised to arrange, at the Town’s cost, Council Member requests for education and training.
- (b) The training is to be conducted by a Western Australian University, tertiary educational institution or registered training organisation and considered by the Chief Executive Officer to be directly relevant to the performance for the Town of its functions including; but not limited to; planning, financial management, corporate governance and social infrastructure.
- (c) A maximum cost of **\$1,000** (Indexed by CPI on 1 July of each year – includes 2010 increase) per Member per annum is set for the costs including; institution fees, reference books, materials and the like.
- (d) The Council Member will not be entitled to any subsidy where a course of study is subsidised through other means.
- (e) Council Members will be required to reimburse any payments made in accordance with the Policy, in the event that they do not successfully complete the relevant course of study.
- (f) Any requests for attendance at a training, education, conference or seminar event that falls within the last six months of a Council Members’ term of office will be referred to the Council for approval. To avoid confusion the date for which this shall take effect shall be taken from the date for which the Unit of study commences or the conference/training event starts.

CONSULTATION/ADVERTISING:

The Council's Policy relating to Council Member Fees and Expenses was previously advertised for public comment in May 2003.

As there are only minor changes to the Policy which do not impact on the community, it is recommended that the amended Policy not be advertised separately for public comment.

LEGAL/POLICY:

The Local Government Act provides that a Member has a legal right to be reimbursed for rental on one telephone line and one facsimile line and in addition, can claim child care costs incurred whilst attending to Council business.

The Local Government (Administration) Regulations also provide:

"The extent to which an expense ...can be reimbursed is the actual amount, verified by sufficient information".

The above criteria must be met before any reimbursement can be made. That is:

- the Council must first approve the types of expenses which can be reimbursed (and may set limits to these);
- the expense must be incurred in performing a function as a council member;
- reimbursement is limited to the actual expense incurred; and
- the expense must be verified by sufficient information.

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

This matter is in keeping with the Strategic Plan 2011 – 2016 Objective 4.1.1 *"Develop leadership skills, behaviours and culture that enhance the public image of the Town"*; *"(b) Maintain high standards of Council Member induction, training and knowledge"*.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with this Policy are included in the Annual Budget 2010/2011. No additional funds will be required.

COMMENTS:

The reimbursement of expenses and allowances approved by the Town of Vincent are comparable with other local governments of a similar size and budget to the Town of Vincent. The Policy has been most satisfactory over the preceding years and only minor changes are recommended to the Policy. Approval of the Officer Recommendation is requested.

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10.1 Notice of Motion – Cr Dudley Maier – Request to investigate Local Laws with the view of introducing speed restrictions for bicycle riders within the Town's Parks and Reserves
--

That the Council REQUESTS:

- (i) *that the Chief Executive Officer investigate and prepare a report on the potential use of the Town's Local Government Property Local Law (2008) [particularly clauses 2.7 (1) and 2.7 (2) to define different classes of bicycle use] or any other appropriate Local Law, with the view of introducing speed restrictions for bicycle riders within the Town's parks and reserves. The report should include but not be limited to:*
 - (a) *including obtaining external legal advice;*
 - (b) *seeking advice from government departments and other agencies, including the Western Australian Local Government Association, Department of Transport, Bikewest, Western Australian Police and Main Roads WA;*
 - (c) *potential criteria as to where such restrictions could apply (e.g. adjacent to playgrounds);*
 - (d) *issues of enforcement, including the need to determine the speed at which a cyclist is riding; and*
 - (e) *any other approach which improves pedestrian safety without unnecessarily discouraging recreational cycling; and*
- (ii) *a report be submitted to the Council no later than 30 June 2011.*

Cr McGrath departed the Chamber at 8.29pm.

COUNCIL DECISION ITEM 10.1

Moved Cr Maier, Seconded Cr Burns

That the motion be adopted.

Debate ensued.

Cr McGrath returned to the Chamber at 8.31pm.

Debate ensued.

MOTION PUT AND CARRIED (5-2)

For: Cr Buckels, Cr Burns, Cr Lake, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Topelberg

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 Department of Planning Nominations - Local Government Development Assessment Panel Members and Alternative Members

Ward:	-	Date:	8 April 2011
Precinct:	-	File Ref:	LEG0060
Attachments:	001 - Development Assessment Panels: Update on Implementation 002 - Metro West JDAP		
Tabled Items:	003 - Planning and Development (Development Assessment Panels) Regulations 2011		
Reporting Officer:	M McKahey, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That;

- (i) _____ *and* _____ *be nominated as the Local Government Development Assessment Panel (DAP) Members;*
- (ii) _____ *be nominated as the Local Government Development Assessment Panel (DAP) first Alternate Member; and*
- (iii) _____ *be nominated as the Local Government Development Assessment Panel (DAP) second Alternate Member.*

The Presiding Member, Mayor Nick Catania called for nominations.

Mayor Catania and Cr Maier nominated for clause (i);

Cr Topelberg nominated for clause (ii); and

Cr McGrath nominated for clause (iii).

No further nominations were received.

Moved Cr Maier, Seconded Cr Burns

That the motion, together with the nominations be approved.

MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

COUNCIL DECISION ITEM 12.1

That;

- (i) *Mayor Nick Catania and Cr Dudley Maier be nominated as the Local Government Development Assessment Panel (DAP) Members;*
 - (ii) *Cr Joshua Topelberg be nominated as the Local Government Development Assessment Panel (DAP) first Alternate Member; and*
 - (iii) *Cr Warren McGrath be nominated as the Local Government Development Assessment Panel (DAP) second Alternate Member.*
-

BACKGROUND:

From 1 July 2011, 15 DAPs will commence operation throughout Western Australia.

DAPs will be responsible for determining development applications where the likely cost of the development exceeds a specified dollar value. For the Town of Vincent, any proposal over \$7 million in value would be determined by the DAP. An applicant may also elect for a development with a value of between \$3 million and \$7 million to be determined by the DAP.

The DAPs will be formally established by the Minister for Planning on 2 May 2011, but applications will not start being considered until 60 days after this establishment date.

Development Assessment Panels will consist of the following:

- three members with specialist knowledge in the areas of town planning, architecture, or other related disciplines;
- two Council Members from a local government authority.

Each DAP will cover a region of Western Australia. The Town of Vincent has been included in the Metro West DAP, which also includes:

- Towns of Cambridge, Claremont, Cottesloe and Mosman Park;
- Cities of Nedlands and Subiaco; and
- Shire of Peppermint Grove.

Refer to Appendix 12.1 (electronic attachment 002).

The three specialist DAP members will assess applications for all local governments covered by the relevant DAP, however, the local government members will only assess applications on the DAP for items relevant to their own local government locality.

Specialist members are currently being appointed to DAPs, with these names set to be announced in early/mid April 2011. As such, the DoP has now requested that local government authorities nominate two Council Members to represent the Town as members on the DAPs and two Elected Members to act as first alternate member (deputy) and second alternate member (deputy).

Training of local government DAP members will then commence in May 2011, starting with what the DoP refer to as 'priority' local governments.

DETAILS:

The DoP has requested that local government authorities begin the process of nominating Council Members to sit on DAPs which would determine development applications within the Town of Vincent.

As outlined above, DAPs will determine all applications with a value of \$7 million or greater, and may determine applications of a value between \$3 million and \$7 million, if the applicant chooses that this be the case.

The Minister for Planning will formally request these nominations on 2 May 2011, and local government authorities will have a maximum of 40 days from that time in which to nominate Council Members. However, the DoP has expressed a preference for these nominations to be received sooner, where possible.

Local government nominations will officially close on 13 June 2011.

Local government members of the DAP may only fill this role whilst they are a Council Member of the relevant local government, and for a maximum period of two years. The term of appointment will be set out in the Instrument of Appointment.

DAP members will receive training and cannot sit on the DAP until this training has been completed.

A range of manuals will also be available for local government DAP members and applicants.

Issues and options considered:

Council is required to nominate two Council Members to represent the Town as members on the DAPs and two Council Members to act as first alternate member (deputy) and second alternate member (deputy).

LEGAL/POLICY:

Legislation: Planning and Development Act 2005; and
Planning and Development (Development Assessment Panels) Regulations 2011.

On 24 March 2011, Part 11A of the *Planning and Development Act 2005* commenced operation. This part contains the Heads of Powers required to introduce DAPs in Western Australia, through the making of regulations by the Governor.

The *Planning and Development (Development Assessment Panels) Regulations 2011* also became effective on this date, which set out provisions including the operation of DAPs and membership of DAPs.

In particular, the following regulations are of importance:

23. LDAP members

(1) *The members of a LDAP are:*

- (a) *2 persons appointed to the LDAP as local government members; and*
- (b) *3 persons appointed to the LDAP as specialist members.*

- (2) *The members must be appointed in writing by the Minister.*
- (3) *Regulation 24 applies to the appointment of local government members.*
- (4) *Regulation 37 applies to the appointment of specialist members.*

24. Local government members of LDAP

- (1) *Whenever it is necessary to make an appointment under regulation 23(1)(a), the Minister must:*
 - (a) *in writing, request the local government of the district for which the DAP is established to nominate a member of the council of the local government for appointment; and*
 - (b) *unless subregulation (2) applies, appoint the person so nominated.*
- (2) *If, within 40 days after the date on which the Minister makes a request to a local government under subregulation (1) or such longer period as the Minister may allow, the local government fails to nominate a person for appointment in accordance with the request, the Minister may appoint under regulation 23(1)(a) a person who:*
 - (a) *is an eligible voter of the district for which the LDAP is established; and*
 - (b) *the Minister considers has relevant knowledge or experience that will enable that person to represent the interests of the local community of that district.*
- (3) *For the purposes of subregulation (2)(a) a person is an eligible voter of a district if that person is eligible under the Local Government Act 1995 section 4.29 or 4.30 to be enrolled to vote at elections for the district.*

28. Alternate members

- (1) *The Minister may, in writing, appoint:*
 - (a) *an alternate member for any person appointed under regulation 23(1)(a); and*
 - (b) *an alternate member for any person included on the local government register under regulation 26; and*
 - (c) *such number of persons eligible to be appointed as specialist members as the Minister considers necessary to form a pool of alternate members for specialist members.*
- (2) *Regulation 24 applies in relation to an appointment under subregulation (1)(a).*
- (3) *Regulation 26 applies in relation to an appointment under subregulation (1)(b).*
- (4) *An alternate member for a local government member of a DAP may act in the place of the local government member if the local government member is unable to perform the functions of the member by reason of illness, absence or other cause.*
- (5) *If a specialist member other than the presiding member is unable to perform the functions of the member by reason of illness, absence or other cause, an alternate member from the pool referred to in subregulation (1)(c) may, on the request of the presiding member, act in the place of the specialist member.*

- (6) *A person cannot act in the place of a specialist member of a DAP if the person is:*
- (a) *employed under the Local Government Act 1995 section 5.36 by the local government of a district for which the DAP is established; or*
 - (b) *a member of the council of the local government of a district for which the DAP is established.*
- (7) *An alternate member acting under this regulation may despite anything in these regulations, continue to act, after the occasion for so acting has ceased, for the purpose of completing any determination of a DAP application.*
- (8) *An alternate member, while acting in the place of a DAP member, has the same functions and protection from liability as a DAP member.*
- (9) *No act or omission of a person acting in place of another under this regulation is to be questioned on the ground that the occasion for so acting had not arisen or had ceased.*

29. Term of office

- (1) *A DAP member holds office for the term specified in the member's instrument of appointment.*
- (2) *The term of office specified in an instrument of appointment must not exceed 2 years.*
- (3) *A person's eligibility for reappointment as a DAP member or the term for which a person may be reappointed is not affected by an earlier appointment.*

RISK MANAGEMENT IMPLICATIONS:

Low: Similar to applications determined by Council, the proponent will hold a right of review against the DAPs decision, or any conditions included therein, in accordance with the *State Administrative Tribunal Act 2004* and the *Planning and Development Act 2005*. The DAP, as the decision maker, will defend the decision at the State Administrative Tribunal (SAT).

If Council does not nominate Council Members to sit on the DAP on or before 13 June 2011, the Minister for Planning may, as set out above, appoint a person who is an eligible voter within the district, who the Minister feels will adequately represent the views of the community.

FINANCIAL/BUDGET IMPLICATIONS:

DAP members, including local government members are to be paid \$400 per sitting of the DAP, with the presiding member (one of the specialist members) receiving a payment of \$500 per sitting of the DAP.

Any DAP member who successfully completes training is also entitled to the payment of \$400 from the DoP.

The Town will be responsible for receiving the DAP application fees from the applicant and forwarding these to the DAP secretariat. The Town may also incur other minor costs which will be reimbursed by the DAP secretariat. The Town will still receive application fees to assess and report on applicants.

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 8.55pm Moved Cr Burns, Seconded Cr Topelberg

That Council proceed “behind closed doors” to consider confidential item 14.1, as this matter concerns the personal affairs of a person and legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

There were no members of the public present. There was one (1) journalist present (Lauren Peden), who departed the Chamber at 8.55pm.

PRESENT:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.1 Confidential Report: Request for Review of a Public Liability Insurance Claim No. 615110

Ward:	North	Date:	8 April 2011
Precinct:	-	File Ref:	FIN0197
Attachments:	Confidential		
Tabled Items:	-		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council;

(i) *NOTES;*

(a) *the advice of its Insurer, Local Government Insurance Services (LGIS), dated 13 January 2011 and 30 March 2011, whereby they have denied liability on behalf of the Town of Vincent in respect to Public Liability Claim No. 615110; and*

(b) *the Chief Executive Officer has investigated the complaint against the Town's Insurer and this is not supported;*

(ii) *APPROVES BY AN ABSOLUTE MAJORITY to endorse the recommendation of the Chief Executive Officer as detailed in this confidential report, subject to;*

(a) *the Town not admitting any liability;*

(b) *an ex-gratia payment of \$* (as a gesture of goodwill), as detailed in this report; and*

(c) *a Legal Agreement – Deed of Release and a Confidentiality Agreement between the Claimant and the Town;*

(iii) *subject to clause (ii) above being approved, AUTHORISES the Chief Executive Officer to finalise the settlement and legal documentation; and*

(iv) *REQUESTS that this matter remain strictly confidential.*

(amount confidential)*

COUNCIL DECISION ITEM 14.1

Moved Cr Burns, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION PUT AND CARRIED UNANIMOUSLY
BY AN ABSOLUTE MAJORITY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains information concerning:

- the personal affairs of a person; and
- legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.14 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.

The confidential report was provided separately to Council Members, the Chief Executive Officer and Directors.

In accordance with the legislation and Council decision, the report is to be kept strictly confidential until determined by the Council to be released for public information.

PROCEDURAL MOTION

At 9.15pm Moved Cr Buckels, Seconded Cr Topelberg

That Council resume an “open meeting”.

PROCEDURAL MOTION PUT AND CARRIED UNANIMOUSLY (7-0)

(Cr Harvey had departed the meeting. Cr Farrell was on approved leave of absence.)

15. CLOSURE

There being no further business, the Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.15pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 19 April 2011.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2011