

5.5.1 LATE ITEM: Motions from the Annual General Meeting of Electors held on 2 February 2016

Ward:	Both	Date:	26 February 2016
Precinct:	All	File Ref:	SC2048
Attachments:	Nil		
Tabled Items:	Nil		
Reporting Officer:	Len Kosova, Chief Executive Officer		
Responsible Officer:	Len Kosova, Chief Executive Officer		

OFFICER RECOMMENDATION:

That Council, having considered the Motions of the Annual General Meeting held on Tuesday 2 February 2016:

1. **NOTES** that Administration is currently reviewing the application of new technologies in the City's parking management practices and this will, in part, be considered through the review of the Parking Permits Policy, which is due to be presented to Council by May 2016;
2. **NOTES** that Administration will review the continued use of the "Street prostitution" web page, particularly in respect of its currency and continued relevance and appropriateness;
3. **NOTES** that Administration will raise the co-naming of Weld Square for consideration by the City's new and yet to be appointed Reconciliation Action Plan Working Group;
4. **NOTES** that Policy No. 4.2.7 – Council Members – Allowances, Fees and Reimbursement of Expenses is due to be reviewed this year and when doing so Council can review the amount of any allowances paid to Council Members and can consider whether there is any value in introducing any reporting of expenses paid from such allowances;
5. **NOTES** that the current Planning Policy review will consider the suggestions contained in AGM Motion No. 4.5 (for plot ratio to correspond with the proposed bonus sought) and Motion No. 4.8 (for additional greening standards to apply to development sites 1,500 square metres or more in area); and
6. **NOTES** that Administration will undertake a heritage assessment of the building at the corner of Newcastle Street and Charles Street, West Perth to consider the building for inclusion on the City's Municipal Heritage Inventory

PURPOSE OF REPORT:

To consider motions received at the Annual General Meeting of Electors (AGM), held on 2 February 2016.

BACKGROUND:

The Annual General Meeting of Electors of the City of Vincent was held on Tuesday 2 February 2016. The *Local Government Act 1995* requires that any decisions made at an Elector's Meeting are to be considered at the next Ordinary Council Meeting or, if that is not practicable, at the Council Meeting after that Meeting.

DETAILS:

At the AGM, 16 Motions were received and moved from the floor. All Motions (with numbering+ as per the AGM Minutes) are detailed below, along with Administration comment.

4.1 Debbie Saunders – 150 Oxford Street, Leederville

That Council make public the results of all community consultations and online surveys within a reasonable timeframe following the closing date of submissions.

Response by Chief Executive Officer:

The only way this AGM Motion could effectively be implemented is if all consultation “responses” (as opposed to “results” – which are not always clear or simple) were published verbatim immediately after the close of the consultation period. Administration does not support this approach for several reasons, including privacy and the nature of some written submissions, which are not appropriate for publication. Conversely, the intent of this Motion could be achieved if a superficial level of information were published immediately after the close of the consultation period – such as the number of responses received and whether those responses are for or against the particular proposal/issue.

If the consultation relates to an issue to be considered by Council, then the consultation results (usually summarised and grouped into key themes) are made public in the report to Council. This is the most appropriate time to do so because the consultation is an input to that decision-making process and the consultation outcomes should therefore be considered at the same time that a decision needs to be made. Furthermore, the administrative work involved in evaluating, summarising and sorting consultation responses can take considerable time and is not always concluded soon after the close of consultation.

Notwithstanding, the questions of why, how, when and to whom consultation responses should be publicised, are worthwhile questions for Council to consider in the context of a review of the City’s Consultation Policy, which Administration is endeavouring to undertake in 2016. The City’s new Community Engagement Panel could also be involved.

4.2 Colin Scott – 17 Deague Court, North Perth

That a small portion of Tamala Park revenue stream is quarantined for future environmental projects in the next plan.

Response by Director Technical Services:

The City is currently preparing Asset Management Plans to inform the Long Term Financial plan also currently being developed. Once the plan/s has been finalised and priorities determined based on maintaining the City’s current assets at an acceptable level of service, all revenue sources, including that from Tamala Park, will be used to fund priority projects including appropriate environmental projects.

4.3 Jake Schapper – 65 Harold Street, Highgate

That the City of Vincent no longer plants plane trees as a street tree and that those planted in the last two years be removed. Further to this, a street tree strategy be developed that takes into account three aspects equally – health, ecology and a sense of place with a priority going to native West Australian trees.

Response by Director Technical Services:

The City has a comprehensive policy and street tree management plan that outlines all aspects of street tree management and selection within the urban environment.

The City does encourage the use of native species and their increased use is evident throughout the many 'greening' projects that are undertaken each year however there is always much debate with regards to street tree selection.

Consultation with specific groups and advice from qualified arboriculturists has resulted in a preference at times for exotic species such as the Plane tree and in view of their hardiness and success there is no current intention to progressively remove this species from the streetscape.

4.5 Dudley Maier – 51 Chatsworth Road, Highgate

Character Retention Area Policy:

1. That the City recognises that adopted policy 7.5.15 (Character Retention Areas) is totally different to the draft policy that was advertised for public comment; and
2. Requests that the City advertise the currently adopted Character Retention Area policy seeking community input in order to ensure that the policy conforms with the spirit of Clause 47 of the Town Planning Scheme.

Response by Director Development Services:

The changes made to the Character Retention Area Policy following advertising did not alter the purpose or intent of the policy. The changes relate to changes in the format and layout, as community consultation responses indicated the advertised format was too cumbersome. The changes were reported in detail in the Council item.

While Clause 47 has now been superseded by the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, both clause 47 and replacement clause 4(3) allows Council to adopt a local planning policy with or without amendments, following the advertising period and without the need for further advertising.

Timely production of Council Minutes:

That the Chief Executive Office be requested to make public the draft minutes of all Council and Committee meetings within three business days of the meeting, rather than the current practice of releasing them at the latest time allowed for in the Act.

Response by Chief Executive Officer:

In accordance with Regulation 13 of the *Local Government (Administration) Regulations 1996*, the (unconfirmed) minutes of a Council Meeting are to be published within 10 business days of the meeting.

Administration makes every effort to compile and publish the unconfirmed minutes of each Council Meeting in fewer than 10 business days, although this is not always possible and varies according to the nature and complexity of each meeting and the current operational need for the Chief Executive Officer to check and authorise the Minutes. The timeliness of producing the Minutes will be greatly enhanced by the commencement of the City's new Manager Governance and Risk, in April 2016.

Parking Permit Technology:

1. That the City investigate the use of Radio Frequency ID (RFID) technology and Automatic Number Plate Recognition technology in the management of resident parking permits and visitor parking permits in order to provide a better service to residents and improve efficiency; and
2. The default duration of validity of Resident Parking Permits be set at 3 years in accordance with clause 10 (a) of policy 3.9.3 (Parking Permits).

Response by A/Director Community Services:

The City is currently looking into a range of solutions involving innovative technology to better manage car parking. The City is also reviewing the Parking Permits Policy and this request will be considered as part of that review.

Ex-Gratia Payments – Seniors Reserve:

In recognition of the fact that the transfer of funds from the Aged Persons and Senior Citizens Reserve which was approved in November 2014 was not valid, the City make ex-gratia payments to cover any verified legal costs that were incurred by members of the public in relation to the transfer of funds.

Response by Director Corporate Services:

The City has not received any request for reimbursement of legal costs from any member of public. In any event, this issue was identified as a direct result of Administration's subsequent review into the City's role in and management of Leederville Gardens, not in response to any third party legal argument.

Review use of Street Prostitution web page:

That the City review the continued use of its "Street prostitution" web page.

Response by A/Director Community Services:

It is acknowledged that this web page has not been updated recently. This request has merit and will be further investigated.

Weld Square Co-naming:

1. Notes that the proposal to co-name Weld Square was never referred to the Aboriginal Liaison and Reconciliation Advisory Group as required by the Council decision of 12 July 2012; and
2. That the City recommence the initiative to place a name, which is acceptable to the Aboriginal community, at Weld Square.

Response by A/Director Community Services:

It will be appropriate for this matter to be considered by the City's own Reconciliation Action Plan Working Group. Draft Terms of Reference for that Group are presented in this Council Agenda.

Clarifying Discretion Policy:

That the City, as a matter of urgency, and as an interim measure until the planning policy review is complete, amend policy 7.5.11 (Exercise of Discretion) to make it clear that where a bonus is contemplated, the deemed to comply plot ratio will be modified in line with the proposed bonus (e.g. where a bonus is sought to allow an additional storey in an area with a prescribed height of three storeys, the deemed to comply plot ratio will be increased by 33%).

Response by Director Development Services:

Commencing any change to this Policy now is likely to be overtaken by the process of completing the current Planning Policy review. This suggestion will be considered as part of the finalisation of the new suite of Planning Policies.

Disability Access and Inclusion:

1. That the Council notes that the Oxford Street Park development did not meet universal access requirements and needed subsequent modification at an estimated cost of \$18,000;
2. That the City's adopted Disability Access and Inclusion Plan (DAIP) states that infrastructure design will incorporate enhanced, as opposed to minimum, access standards, and therefore the omission of appropriate access was contrary to the DAIP; and
3. Requests the Chief Executive Officer to provide details of the steps that were taken, and when they were taken, to ensure that this problem does not happen again, therefore demonstrating the City's commitment to the DAIP.

Response by Director Technical Services:

1. While funding was allocated in the 2015/2016 budget to provide an accessible ramp to one of the raised grassed areas, this project is still being reviewed to ascertain if the funding is sufficient and if in fact the ramp is required. The City has engaged a building certifier and assessor to conduct an access audit of the park.

In addition, Members of the Leederville Town Centre Working Group including the Project Landscape Architect, who developed the final design, were confident that the overall park design catered for universal access through the site however, as above it may be unreasonable to provide universal access to all areas.

The Building Code of Australia (BCA) (Section D – Access and Egress) requires *“the provision of safe, equitable and dignified access to a building and its services, as far as is reasonable”*.

It also explains the following:

“As far as is reasonable” – There may be occasions when the application of a rule is “unreasonable”. Use of the phrase “as far as is reasonable” indicates that the BCA provisions are not absolute.

“Equitable” – The concept of “equitable” does not necessarily mean that everybody should be able to access all parts of a structure.

2. The City has been actively implementing the recommendations of the Disability Access and Inclusion Plan (DAIP) with many of its buildings and facilities being improved over successive financial years.
3. This will be addressed on a case-by-case basis, informed by specialist consultant advice, through the progressive implementation of a Project Management Framework at the City.

IT Allowance:

1. In keeping with the City's commitment to openness, accountability and transparency, Policy 4.2.7 (Allowances, Fees and Re-imbursment of expense) be amended to require elected members to provide, in a timely manner, the details of how the IT Allowance has been spent;
2. That elected members be required to provide details of how they spent the allowances they have received in the past; and
3. That the City review the above policy with a view to the City providing the required infrastructure, or to identifying the level of support that is deemed reasonable.

Response by Chief Executive Officer/Director Corporate Services:

The Local Government Act provides that local governments may decide to pay an annual allowance as determined by the Salaries and Allowances Tribunal, rather than reimbursing Council Members for a particular type of expense. The Salaries and Allowances Tribunal assesses and determines the value of those allowances every year. City of Vincent Council Members receive an IT allowance in line with the Tribunal's determination. There is no objection at law for Council Members receiving an allowance to demonstrate or prove how they are spending that allowance. Notwithstanding, Policy No. 4.2.7 is overdue for review and will be reviewed in 2016. This matter can be considered by Council in detail at that time.

4.6 Colin Scott – 17 Deague Court, North Perth

That the City of Vincent provides feedback to the community regarding the benefits, the pros and cons regarding fixed traffic devices on roads within the City.

Response by Director Technical Services:

The WA Police is ultimately responsible for enforcing speed limits on roads; however, to improve safety and amenity for residents and to provide deterrents for non-local traffic using residential streets, the City, where justified, implements traffic calming. Prior to traffic calming being implemented, the speed and volume of traffic are assessed, including the accident history of the street. If traffic calming is warranted a plan is developed, residents are consulted, funds allocated by Council and the project implemented. Very rarely are traffic measures removed after a period of time as they would revert back to the pre-calming scenario.

4.7 Debbie Saunders – 150 Oxford Street, Leederville

The Council ensure that all Precinct Groups are not discriminatory to any business in their Precinct.

Response by Chief Executive Officer:

Administration has no reason to believe that Precinct Groups discriminate towards any businesses, but that does not mean all businesses will always agree with the position and initiatives of those Groups.

4.8 Jake Schapper – 65 Harold Street, Highgate

That Council investigate amending the Planning Scheme so that new multiple storey developments on sites of 1,500 square metres and over need to have an equal amount of site area in greening on the building in the form of roof gardens, vertical walls and/or green balconies.

Response by Director Development Services:

This recommendation will be considered as part of finalising the current Planning Policy review.

4.9 Marie Slyth – 89 Carr Street, West Perth

That Council does what it can or takes steps to try and protect the heritage character building on the corner of Newcastle and Charles Streets.

Response by Director Development Services:

The City will review the building's heritage assessment for possible inclusion on the City's MHI.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council must consider the motions from the AGM but is not obliged to make a decision on all or any of those Motions. If Council chooses to make a decision in response to an AGM Motion then reasons for that decision need to be recorded in the Minutes of the Council Meeting.

The *Local Government Act 1995* states:

"5.33 Decisions made at electors' meetings

- (1) *All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –*
 - (a) *at the first ordinary meeting after that meeting; or*
 - (b) *at a special meeting called for that purpose,*

whichever happens first.
- (2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting."*

RISK MANAGEMENT IMPLICATIONS:

Nil.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council receive Administration's report in response to the AGM Motions as required by the *Local Government Act 1995* and notes the manner in which some of those Motions will be addressed by the City.