

Minutes of the Special Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Wednesday 8 March 2006, commencing at 6.10pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.10pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services

Dan Hatch	Journalist - Guardian Express
Giovanni Torre	Journalist – Perth Voice

6 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

Nil.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 5.1 Mayor Catania advised the Council that the reason for the meeting was to urgently consider the matter relating to Hawthorn House as events had progressed and the Western Australian Planning Commission had listed the matter for consideration at its meeting to be held on 14 March 2006. As this event had overtaken the Council's requirements for a Consultative Committee, it was considered necessary to further consider the matter.

6. DECLARATION OF INTERESTS

Nil.

7. REPORTS

7.1 Further Report - Motion to Revoke or Change a Council Decision Relating to Nos.14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P: 2503 and 104 D/P: 2503), Woodstock Street, Corner Flinders Street, Mount Hawthorn - Proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises

Ward:	North	Date:	7 March 2006
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3321; 5.2005.3175.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel , R Boardman, John Giorgi	Amended by:	-

That;

- (i) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to REVOKE OR CHANGE the resolution adopted by the Council at its Ordinary Meeting held on 22 November 2005 (Item 10.1.7);*
- (iii) *Councillors MOVES a motion to REVOKE OR CHANGE the decision of the Council at its Ordinary Meeting held on 22 November 2005 and the deletion of the following:*

"That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by North Metropolitan Area Health Service on behalf of the owner Crown for proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn and as shown on plans stamp-dated 21 September 2005, subject to:

- (i) *this approval for Institutional Building is for a period of 3 years only;*
- (ii) *prior to the first occupation, a community reference group, comprising residents and representatives from the Health Department and the Town of Vincent, be formed to manage/deal with any community concerns or complaints;*
- (iii) *no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility;*
- (iv) *a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained;*

- (v) *the outdoor living area to the north of the building shall be designated a smoke free zone and have an 8pm curfew;*
- (vi) *detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the commencement of works;*
- (vii) *any new street/front wall, fence and gate between the Woodstock Street and Flinders Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (viii) *a maximum of fourteen (14) staff members and twenty(20) patients are permitted to be at the premises at any one time;*
- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Woodstock Street and Flinders Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, 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;*
- (xi) *prior to the first occupation by a resident of the facility, the Health Department undertakes community information and discussion session to respond to community concerns and to inform the community as to the nature and scope of the facility;*

- (xii) *any overlooking issues with adjoining neighbours to the north of the facility are adequately addressed prior to the occupation of the facility; and*
- (xiii) *there being a minimum of four (4) staff members on site at all times";*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillors Chester, Doran-Wu and Farrell, being one third of the number of offices of members of the Council, SUPPORT this motion; and*
- (v) *in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL BY AN ABSOLUTE MAJORITY to the Western Australian Planning Commission of the application submitted by North Metropolitan Area Health Service on behalf of the owner Crown for proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn and as shown on plans stamped 7 February 2006, subject to the following conditions:*
- (a) *this approval for Institutional Building is for a period of 3 years only, which is to be formalised by way of a legal agreement between the Department of Health (DOH) and the Town, at the cost of the DOH and to the satisfaction of the Town's Chief Executive Officer;*
- (b) *prior to the first occupation of the development, a Community Advisory Committee comprising residents, the community and representatives from the Department of Health and the Town of Vincent, be formed to manage/deal with any community concerns or complaints, with the following terms of reference:*

HAWTHORN HOUSE COMMUNITY ADVISORY COMMITTEE

PURPOSE

To provide an on-going forum for the local community, elected representatives, consumers, carers and health professionals to work collaboratively to resolve the issues raised by the community at the public forum and provide input and advice in the development of strategies to enhance the integration of Hawthorn House and ensure its smooth operation with regard to any impact on the local community.

ROLE OF THE COMMUNITY ADVISORY COMMITTEE

The Committee will:

- *Work collaboratively to resolve outstanding issues relating to the establishment of Hawthorn House ensuring the best outcome for all;*
- *Develop positive relationships between the local community, the Town of Vincent, consumers, carers, health care providers at Hawthorn House and other key stakeholders;*
- *Communicate regularly with consumers, carers, community bodies and other key stakeholders;*

- *Review community complaints and community involvement policies;*
- *Provide advice and input into the evaluation of the facility's operations as they impact on the local community;*
- *Consider, review and recommend Procedures for the Response to any incidents (Crisis Response Incidents) relating to the residents of Hawthorn House; and*
- *Consider and develop strategies to promote and enhance the integration of Hawthorn House into the community and minimise any impact on the local community and amenity of the area.*

All members of the Committee recognise that clinical decisions will reside with mental health professionals associated with Hawthorn House.

COMPOSITION

It is proposed that representatives be sought from the following groups –

- <i>Independent Chairperson</i>	<i>1</i>
- <i>Department of Health</i>	<i>1</i>
- <i>Town of Vincent Officer and Elected Member</i>	<i>2</i>
- <i>Consumers</i>	<i>1</i>
- <i>Carers</i>	<i>1</i>
- <i>Friends of Hawthorn House</i>	<i>1</i>
- <i>Residents' Advocacy Group</i>	<i>1</i>
- <i>Mount Hawthorn Precinct Group</i>	<i>1</i>
- <i>Clinical Nurse Manager HH</i>	<i>1</i>
- <i>WA Police (Community Liaison)</i>	<i>1</i>

The above groups will be asked to nominate a representative to ensure fairness.

Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.

TENURE AND MEETING ARRANGEMENTS

Members are appointed initially for 12 months with the option of renewal on the proviso they retain their current representative position.

The committee to meet monthly for the first six (6) months of operation and thereafter the meeting frequency be reviewed.

Decision-making will be by consensus. Unresolved issues will be noted as such and strongly held minority views will be recorded.

COMMITMENT OF GOVERNMENT

To support the committee through the provision of administrative support services and to provide timely feedback on the adoption of recommendations of the committee. Where decisions made are in conflict with the recommendations of the committee, the Office of Mental Health undertakes to inform the committee of this and the reasons for the alternate decisions.

GROUP CONVENTIONS

At its first meeting, the Community Advisory Committee will agree upon the following:

- *Clarification of outstanding issues*
- *Agreement on terms of reference*
- *Acceptable values and behaviours at meetings*
- *Meeting procedures*
- *Agreed meeting schedule*
- *Process for media comment*

SECRETARIAT

The Community Advisory Committee will be supported by a dedicated secretariat, provided by the Department of Health.

The secretariat, under the direction of the Chair, will be responsible for preparing and distributing agendas, making a record of each meeting, undertaking research and other follow-up matters arising from meetings.

AGENDA

Unless of a very urgent nature, proposed Agenda items and associated papers are to be submitted to the Committee secretariat at least five working days before the meeting is to be held. An Agenda and associated papers are to be circulated to members no less than three working days before the meeting is to be held.

REPORTING

The Minutes/Action Sheets of each meeting will be confirmed at the following meeting.

Once confirmed, they will be circulated as official minutes to the members. An electronic copy of the Minutes/Action Sheets will also be forwarded to Dr A Hodge, Clinical Director, Adult Mental Health Program, North Metropolitan Area Mental Health Service.

RECORDS

The secretariat prepares a Record of each meeting.

The secretariat shall keep separate files of at least the following:

- *Agendas and minutes/action statements of meetings*
- *Correspondence, papers tabled at meetings and papers circulated other than with agendas.*

The files are the property of the Area Mental Health Service and must be preserved in accordance with the State Records Act 2000 and the Freedom of Information Act 1992. The Health Services (Quality Improvement) Act 1994 may also apply to the documents.

UNRESOLVED ISSUES

The Minister for Health, on advice of the agency, will arbitrate on any unresolved issues relating to the fulfilment of the requirements of these Terms of Reference.

CONFIDENTIALITY

All members will be expected to advise colleagues of deliberations and their outcomes in an effective manner as possible.

There will occasionally be items of a sensitive nature that must be kept confidential within the meeting. These items will be identified in the course of a meeting and noted as such in the minutes.

ACCOUNTABILITY

The Community Advisory Committee will make recommendations directly to the Area Director, North Area Mental Health Service, Dr Ann Hodge, who will report progress to the Project Control Group (PCG) of the Mental Health Strategy 2004-2007.

- (c) no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility;*
- (d) a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained;*
- (e) the outdoor living area to the north of the building shall be designated a smoke free zone and have an 8pm curfew;*
- (f) detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the commencement of works;*
- (g) any new street/front wall, fence and gate between the Woodstock Street and Flinders Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (1) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (h) *a maximum of fourteen (14) staff members and sixteen (16) patients are permitted to be at the premises at any one time;*
- (i) *a maximum of two (2) residents per room at any one time;*
- (j) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Woodstock Street and Flinders Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (k) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, 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;*
- (l) *prior to the first occupation by a resident of the facility, the Department of Health undertakes community information and discussion session to respond to community concerns and to inform the community as to the nature and scope of the facility;*
- (m) *any overlooking issues with adjoining neighbours to the north of the facility are adequately addressed prior to the occupation of the facility; and*
- (n) *there being a minimum of four (4) staff members on site at all times.*

Mayor Catania advised Elected Members that an amended recommendation had been prepared which included the latest information concerning discussions with the Department of Health and the Community Advisory Committee Terms of Reference.

The following amended recommendation and additional information was circulated to Elected Members.

AMENDED RECOMMENDATION

That;

- (i) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to ~~REVOKE OR CHANGE~~ the resolution adopted by the Council at its Ordinary Meeting held on 22 November 2005 (Item 10.1.7);*

- (iii) *Councillors MOVES a motion to ~~REVOKE OR CHANGE~~ the decision of the Council at its Ordinary Meeting held on 22 November 2005 and the deletion of the following to now be as follows:*

"That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL BY AN ABSOLUTE MAJORITY to the Western Australian Planning Commission of the application submitted by North Metropolitan Area Health Service on behalf of the owner Crown for proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn and as shown on plans stamped 21 September 2005, subject to:

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- (ii) *prior to the first occupation, a eCommunity reference Advisory group Committee, comprising residents and representatives from the Health Department and the Town of Vincent, be formed to manage/deal with any community concerns or complaints with the following terms of reference:*

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The Committee will:

- **Work collaboratively to resolve outstanding issues relating to the establishment of Hawthorn House ensuring the best outcome for all;**
- **Develop positive relationships between the local community, the Town of Vincent, consumers, carers, health care providers at Hawthorn House and other key stakeholders;**
- **Communicate regularly with key community groups, including consumers, carers, community bodies and other key stakeholders;**
- **Review community complaints and develop community involvement policies such as volunteering protocols;**
- **Provide advice and input into the evaluation of the facility's operations as they impact on the local community;**

- Consider, review and recommend Procedures for the Response to any incidents (Crisis Response Incidents) relating to the residents of Hawthorn House; and
- Consider and develop strategies to promote and enhance the integration of Hawthorn House into the community and minimise any impact on the local community and amenity of the area.

The Committee will acknowledge that clinical decision-making is the responsibility of the mental health professionals associated with Hawthorn House and are outside this Committee's scope.

COMPOSITION

It is proposed that representatives be sought from the following groups –

- <u>Independent Chairperson</u>	<u>1</u>
- <u>Department of Health, North Metropolitan Area Health Service</u>	<u>1</u>
- <u>Town of Vincent (Elected Member and Officer)</u>	<u>2</u>
- <u>Consumers</u>	<u>2</u>
- <u>Carers</u>	<u>1</u>
- <u>Community Members</u>	<u>4*</u>
- <u>Clinical Nurse Manager HH (upon appointment)</u>	<u>1</u>
- <u>Community Liaison Officer, WA Police</u>	<u>1</u>

* Of the four community representatives, a representative will be appointed from each of the Residents' Advocacy Group, Mt Hawthorn Precinct Group and Friends of Hawthorn House, should they choose to nominate.

Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.

Expressions of interest will be called for the positions of consumer and community representatives, including advertising in local and State newspapers. This will include a request for relevant information and standing on the Hawthorn House project.

The Chair at the request of the committee, may invite others to attend meetings to attend in relation to a specific agenda item(s) to provide presentations or advice on relevant matters.

Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.

SELECTION OF REPRESENTATIVES

Representatives will be selected from nominations by a selection panel including the Independent Chair.

TENURE AND MEETING ARRANGEMENTS

Members are appointed initially for 12 months with the option of renewal on the proviso they retain their current representative position.

The committee to meet monthly for the first six (6) months of operation and thereafter the meeting frequency be reviewed.

Decision-making will be by consensus. Unresolved issues will be noted as such and strongly held minority views will be recorded.

COMMITMENT OF GOVERNMENT

To support the committee through the provision of administrative support services and to provide timely feedback on the adoption of recommendations of the committee. Where decisions made are in conflict with the recommendations of the committee, the Office of Mental Health undertakes to inform the committee of this and the reasons for the alternate decisions.

GROUP CONVENTIONS

At its first meeting, the Community Advisory Committee will agree upon the following:

- Agreement on terms of reference
- Tabling of outstanding issues
- Acceptable values and behaviours at meetings
- Meeting procedures
- Agreed meeting schedule
- Process for media comment

SECRETARIAT

The Community Advisory Committee will be supported by a dedicated secretariat, provided by the Department of Health.

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UNRESOLVED ISSUES

The Independent Chair will arbitrate on any unresolved issues relating to the fulfilment of the requirements of these Terms of Reference.

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The Community Advisory Committee will make recommendations directly to the Area Director, North Area Mental Health Service, Dr Ann Hodge, who will report progress to the Project Control Group (PCG) of the Mental Health Strategy 2004-2007.”;

- (iii) *no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility;*
- (iv) *a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained;*
- (v) *the outdoor living area to the north of the building shall be designated a smoke free zone and have an 8pm curfew;*
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 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (viii) *a maximum of fourteen (14) staff members and ~~twenty (20)~~ sixteen (16) patients are permitted to be at the premises at any one time;*
- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Woodstock Street and Flinders Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
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- (xi) *prior to the first occupation by a resident of the facility, the Health Department undertakes community information and discussion session to respond to community concerns and to inform the community as to the nature and scope of the facility;*
- (xii) *any overlooking issues with adjoining neighbours to the north of the facility are adequately addressed prior to the occupation of the facility; ~~and~~*
- (xiii) *there being a minimum of four (4) staff members on site at all times; and*
- (xiv) *a maximum of two (2) residents per room at any one time;";*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillors Chester, Doran-Wu and Farrell, being one third of the number of offices of members of the Council, SUPPORT this motion; and*
- (v) *the Council APPOINTS and to the Community Advisory Committee.*
- (v) ~~*in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL BY AN ABSOLUTE MAJORITY to the Western Australian Planning Commission of the application submitted by North Metropolitan Area Health Service on behalf of the owner Crown for proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn and as shown on plans stamped 7 February 2006, subject to the following conditions:*~~

- ~~(a) — this approval for Institutional Building is for a period of 3 years only, which is to be formalised by way of a legal agreement between the Department of Health (DOH) and the Town, at the cost of the DOH and to the satisfaction of the Town's Chief Executive Officer;~~
- ~~(b) — prior to the first occupation of the development, a Community Advisory Committee comprising residents, the community and representatives from the Department of Health and the Town of Vincent, be formed to manage/deal with any community concerns or complaints, with the following terms of reference:~~

~~HAWTHORN HOUSE COMMUNITY ADVISORY COMMITTEE~~

~~PURPOSE~~

~~To provide an on-going forum for the local community, elected representatives, consumers, carers and health professionals to work collaboratively to resolve the issues raised by the community at the public forum and provide input and advice in the development of strategies to enhance the integration of Hawthorn House and ensure its smooth operation with regard to any impact on the local community.~~

~~ROLE OF THE COMMUNITY ADVISORY COMMITTEE~~

~~The Committee will:~~

- ~~- Work collaboratively to resolve outstanding issues relating to the establishment of Hawthorn House ensuring the best outcome for all;~~
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- ~~- Communicate regularly with consumers, carers, community bodies and other key stakeholders;~~
- ~~- Review community complaints and community involvement policies;~~
- ~~- Provide advice and input into the evaluation of the facility's operations as they impact on the local community;~~
- ~~- Consider, review and recommend Procedures for the Response to any incidents (Crisis Response Incidents) relating to the residents of Hawthorn House; and~~
- ~~- Consider and develop strategies to promote and enhance the integration of Hawthorn House into the community and minimise any impact on the local community and amenity of the area.~~

~~All members of the Committee recognise that clinical decisions will reside with mental health professionals associated with Hawthorn House.~~

~~COMPOSITION~~

~~It is proposed that representatives be sought from the following groups —~~

- <i>Independent Chairperson</i>	<i>1</i>
- <i>Department of Health</i>	<i>1</i>
- <i>Town of Vincent Officer and Elected Member</i>	<i>2</i>
- <i>Consumers</i>	<i>1</i>
- <i>Carers</i>	<i>1</i>
- <i>Friends of Hawthorn House</i>	<i>1</i>
- <i>Residents' Advocacy Group</i>	<i>1</i>
- <i>Mount Hawthorn Precinct Group</i>	<i>1</i>
- <i>Clinical Nurse Manager HH</i>	<i>1</i>
- <i>WA Police (Community Liaison)</i>	<i>1</i>

~~The above groups will be asked to nominate a representative to ensure fairness.~~

~~Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.~~

~~TENURE AND MEETING ARRANGEMENTS~~

~~Members are appointed initially for 12 months with the option of renewal on the proviso they retain their current representative position.~~

~~The committee to meet monthly for the first six (6) months of operation and thereafter the meeting frequency be reviewed.~~

~~Decision making will be by consensus. Unresolved issues will be noted as such and strongly held minority views will be recorded.~~

~~COMMITMENT OF GOVERNMENT~~

~~To support the committee through the provision of administrative support services and to provide timely feedback on the adoption of recommendations of the committee. Where decisions made are in conflict with the recommendations of the committee, the Office of Mental Health undertakes to inform the committee of this and the reasons for the alternate decisions.~~

~~GROUP CONVENTIONS~~

~~At its first meeting, the Community Advisory Committee will agree upon the following:~~

- ~~- Clarification of outstanding issues~~
- ~~- Agreement on terms of reference~~
- ~~- Acceptable values and behaviours at meetings~~
- ~~- Meeting procedures~~
- ~~- Agreed meeting schedule~~
- ~~- Process for media comment~~

~~SECRETARIAT~~

~~The Community Advisory Committee will be supported by a dedicated secretariat, provided by the Department of Health.~~

~~The secretariat, under the direction of the Chair, will be responsible for preparing and distributing agendas, making a record of each meeting, undertaking research and other follow-up matters arising from meetings.~~

AGENDA

~~Unless of a very urgent nature, proposed Agenda items and associated papers are to be submitted to the Committee secretariat at least five working days before the meeting is to be held. An Agenda and associated papers are to be circulated to members no less than three working days before the meeting is to be held.~~

REPORTING

~~The Minutes/Action Sheets of each meeting will be confirmed at the following meeting.~~

~~Once confirmed, they will be circulated as official minutes to the members. An electronic copy of the Minutes/Action Sheets will also be forwarded to Dr A Hodge, Clinical Director, Adult Mental Health Program, North Metropolitan Area Mental Health Service.~~

RECORDS

~~The secretariat prepares a Record of each meeting.~~

~~The secretariat shall keep separate files of at least the following:~~

- ~~• Agendas and minutes/action statements of meetings~~
- ~~• Correspondence, papers tabled at meetings and papers circulated other than with agendas.~~

~~The files are the property of the Area Mental Health Service and must be preserved in accordance with the State Records Act 2000 and the Freedom of Information Act 1992. The Health Services (Quality Improvement) Act 1994 may also apply to the documents.~~

UNRESOLVED ISSUES

~~The Minister for Health, on advice of the agency, will arbitrate on any unresolved issues relating to the fulfilment of the requirements of these Terms of Reference.~~

CONFIDENTIALITY

~~All members will be expected to advise colleagues of deliberations and their outcomes in an effective manner as possible.~~

~~There will occasionally be items of a sensitive nature that must be kept confidential within the meeting. These items will be identified in the course of a meeting and noted as such in the minutes.~~

ACCOUNTABILITY

~~The Community Advisory Committee will make recommendations directly to the Area Director, North Area Mental Health Service, Dr Ann Hodge, who will report progress to the Project Control Group (PCG) of the Mental Health Strategy 2004-2007.~~

- ~~(e) no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility;~~
- ~~(d) a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained;~~

- ~~(e) the outdoor living area to the north of the building shall be designated a smoke free zone and have an 8pm curfew;~~
- ~~(f) detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the commencement of works;~~
- ~~(g) any new street/front wall, fence and gate between the Woodstock Street and Flinders Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:~~
- ~~(1) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;~~
- ~~(2) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;~~
- ~~(3) the maximum width, depth and diameter of posts and piers being 350 millimetres;~~
- ~~(4) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and~~
- ~~(5) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;~~
- ~~(h) a maximum of fourteen (14) staff members and sixteen (16) patients are permitted to be at the premises at any one time;~~
- ~~(i) a maximum of two (2) residents per room at any one time;~~
- ~~(j) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Woodstock Street and Flinders Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);~~
- ~~(k) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, 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;~~
- ~~(l) prior to the first occupation by a resident of the facility, the Department of Health undertakes community information and discussion session to respond to community concerns and to inform the community as to the nature and scope of the facility;~~

~~(m) — any overlooking issues with adjoining neighbours to the north of the facility are adequately addressed prior to the occupation of the facility; and~~

~~(n) — there being a minimum of four (4) staff members on site at all times.~~

Moved Cr Doran-Wu, Seconded Cr Torre

That the amended recommendation be adopted:

Cr Doran-Wu moved a motion to change the decision of the Council at its Ordinary Meeting held on 22 November 2006.

Cr Doran-Wu nominated Cr Torre to be the Elected Member representation on the proposed Community Advisory Committee.

Cr Maier nominated himself to be the representative.

Cr Chester asked who would be the Town's Officer representative and the CEO replied that the Department of Health had requested the Town's Chief Executive Officer.

Cr Chester nominated the Chief Executive Officer as the Town's Officer representative.

Mayor Catania ruled that a vote by a "show of hands" would be taken to elect the Elected Member representative and also the proxy.

THOSE IN FAVOUR OF CR TORRE (5)

For

Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Messina
Cr Torre

THOSE IN FAVOUR OF CR MAIER (2)

For

Cr Lake
Cr Maier

Mayor Catania declared Cr Torre to be the Elected Member representative on the proposed Community Advisory Committee.

Cr Maier nominated himself as the Elected Member proxy.

Cr Torre nominated Cr Doran-Wu as the Elected Member proxy.

Mayor Catania ruled that a vote by a "show of hands" would be taken to elect the Elected Member representative proxy.

THOSE IN FAVOUR OF CR DORAN-WU (5)

For

Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Messina
Cr Torre

THOSE IN FAVOUR OF CR MAIER (2)

For

Cr Lake
Cr Maier

Mayor Catania declared Cr Doran-Wu to be the Elected Member proxy on the proposed Community Advisory Committee.

The Chief Executive Officer was elected that the Officer Representative on the proposed Community Advisory Committee.

THOSE IN FAVOUR (7)

Moved Cr Torre, Seconded Cr Messina

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

“(xi) prior to the first occupation by a resident of the facility, the Health Department undertakes community information and discussion session to respond to community concerns and to inform the community ~~as to the nature and scope of the facility of mental health issues and the scope of the facility and for the information to be provided to ensure cultural and linguistic diversity needs are met including languages other than English (particularly Italian and Macedonian) and also in other formats to be universally accessible (hearing and sight impaired);”~~

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Farrell and Ker were an apology.)

Moved Cr Maier, Seconded Cr Cr Torre

That the number of Consumer Representatives listed in the Committee Composition be increased from one (1) to two (2).

The Chief Executive Officer advised that due to a typographical error the number of Consumers should actually read as two (2) and not one (1) as shown in the amended recommendation.

This was corrected and the amendment was withdrawn.

Moved Cr Maier, Seconded Cr Lake

That clause (xiv) be deleted.

Debate ensued.

AMENDMENT LOST (3-4)

<u>For</u>	<u>Against</u>
Cr Lake	Mayor Catania
Cr Maier	Cr Chester
Cr Torre	Cr Doran-Wu
	Cr Messina

(Crs Farrell and Ker were an apology.)

Debate ensued on the substantive motion.

Mayor Catania addressed the Council.

Cr Lake called a point of order.

Mayor Catania rejected the point of order.

Cr Lake dissented. The Presiding Member asked the Chief Executive Officer for clarification on the point of order.

The Chief Executive Officer read out Standing Orders clause 3.2.6 – Rulings of points of order by Presiding Member.

Mayor Catania continued speaking.

Cr Lake called a further point of order, relating to a breach of clause 3.4.3
(Amended at 14 March Council Meeting)

Mayor Catania rejected the point of order and continued speaking.

Cr Maier dissented with some comments made by the Mayor and asked that it be noted in the Minutes.

MOTION AS AMENDED CARRIED BY AN ABSOLUTE MAJORITY (7-0)

(Crs Farrell and Ker were an apology.)

COUNCIL DECISION ITEM 7.1

That;

- (i) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to CHANGE the resolution adopted by the Council at its Ordinary Meeting held on 22 November 2005 (Item 10.1.7);*

- (iii) *Councillor Doran-Wu MOVES a motion to CHANGE the decision of the Council at its Ordinary Meeting held on 22 November 2005 now be as follows:*

"That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL BY AN ABSOLUTE MAJORITY to the Western Australian Planning Commission of the application submitted by North Metropolitan Area Health Service on behalf of the owner Crown for proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn and as shown on plans stamped 21 September 2005, subject to:

- (i) *this approval for Institutional Building is for a period of 3 years only which is to be formalised by way of a legal agreement between the Department of Health (DOH) and the Town, at the cost of the DOH and to the satisfaction of the Town's Chief Executive Officer;*
- (ii) *prior to the first occupation, a Community Advisory Committee, comprising residents and representatives from the Health Department and the Town of Vincent, be formed to manage/deal with any community concerns or complaints with the following terms of reference:*

"HAWTHORN HOUSE COMMUNITY ADVISORY COMMITTEE

PURPOSE

To provide an on-going forum for the local community, elected representatives, consumers, carers and health professionals to work collaboratively to resolve the issues raised by the community at the public forum and provide input and advice in the development of strategies to enhance the integration of Hawthorn House and ensure its smooth operation with regard to any impact on the local community.

ROLE OF THE COMMUNITY ADVISORY COMMITTEE

The Committee will:

- Work collaboratively to resolve outstanding issues relating to the establishment of Hawthorn House ensuring the best outcome for all;*
- Develop positive relationships between the local community, the Town of Vincent, consumers, carers, health care providers at Hawthorn House and other key stakeholders;*
- Communicate regularly with key community groups, including consumers, carers, community bodies and other key stakeholders;*
- Review community complaints and develop community involvement policies such as volunteering protocols;*
- Provide advice and input into the evaluation of the facility's operations as they impact on the local community;*

- *Consider, review and recommend Procedures for the Response to any incidents (Crisis Response Incidents) relating to the residents of Hawthorn House; and*
- *Consider and develop strategies to promote and enhance the integration of Hawthorn House into the community and minimise any impact on the local community and amenity of the area.*

The Committee will acknowledge that clinical decision-making is the responsibility of the mental health professionals associated with Hawthorn House and are outside this Committee's scope.

COMPOSITION

It is proposed that representatives be sought from the following groups –

- <i>Independent Chairperson</i>	<i>1</i>
- <i>Department of Health, North Metropolitan Area Health Service</i>	<i>1</i>
- <i>Town of Vincent (Elected Member and Officer)</i>	<i>2</i>
- <i>Consumers</i>	<i>2</i>
- <i>Carers</i>	<i>1</i>
- <i>Community Members</i>	<i>4*</i>
- <i>Clinical Nurse Manager HH (upon appointment)</i>	<i>1</i>
- <i>Community Liaison Officer, WA Police</i>	<i>1</i>

** Of the four community representatives, a representative will be appointed from each of the Residents' Advocacy Group, Mt Hawthorn Precinct Group and Friends of Hawthorn House, should they choose to nominate.*

Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.

Expressions of interest will be called for the positions of consumer and community representatives, including advertising in local and State newspapers. This will include a request for relevant information and standing on the Hawthorn House project.

The Chair at the request of the committee, may invite others to attend meetings to attend in relation to a specific agenda item(s) to provide presentations or advice on relevant matters.

Members can nominate a proxy when unable to attend. It is the responsibility of the member to ensure that the proxy is well informed and has up to date information about the function and work of the Committee.

SELECTION OF REPRESENTATIVES

Representatives will be selected from nominations by a selection panel including the Independent Chair.

TENURE AND MEETING ARRANGEMENTS

Members are appointed initially for 12 months with the option of renewal on the proviso they retain their current representative position.

The committee to meet monthly for the first six (6) months of operation and thereafter the meeting frequency be reviewed.

Decision-making will be by consensus. Unresolved issues will be noted as such and strongly held minority views will be recorded.

COMMITMENT OF GOVERNMENT

To support the committee through the provision of administrative support services and to provide timely feedback on the adoption of recommendations of the committee. Where decisions made are in conflict with the recommendations of the committee, the Office of Mental Health undertakes to inform the committee of this and the reasons for the alternate decisions.

GROUP CONVENTIONS

At its first meeting, the Community Advisory Committee will agree upon the following:

- *Agreement on terms of reference*
- *Tabling of outstanding issues*
- *Acceptable values and behaviours at meetings*
- *Meeting procedures*
- *Agreed meeting schedule*
- *Process for media comment*

SECRETARIAT

The Community Advisory Committee will be supported by a dedicated secretariat, provided by the Department of Health.

The secretariat, under the direction of the Chair, will be responsible for preparing and distributing agendas, making a record of each meeting, undertaking research and other follow-up matters arising from meetings.

AGENDA

Unless of a very urgent nature, proposed Agenda items and associated papers are to be submitted to the Committee secretariat at least five working days before the meeting is to be held. An Agenda and associated papers are to be circulated to members no less than three working days before the meeting is to be held.

REPORTING

The Minutes/Action Sheets of each meeting will be confirmed at the following meeting.

Once confirmed, they will be circulated as official minutes to the members. An electronic copy of the Minutes/Action Sheets will also be forwarded to Dr A Hodge, Clinical Director, Adult Mental Health Program, North Metropolitan Area Mental Health Service.

RECORDS

The secretariat prepares a Record of each meeting.

The secretariat shall keep separate files of at least the following:

- *Agendas and minutes/action statements of meetings*
- *Correspondence, papers tabled at meetings and papers circulated other than with agendas.*

The files are the property of the Area Mental Health Service and must be preserved in accordance with the State Records Act 2000 and the Freedom of Information Act 1992. The Health Services (Quality Improvement) Act 1994 may also apply to the documents.

UNRESOLVED ISSUES

The Independent Chair will arbitrate on any unresolved issues relating to the fulfilment of the requirements of these Terms of Reference.

CONFIDENTIALITY

All members will be expected to advise colleagues of deliberations and their outcomes in an effective manner as possible.

There will occasionally be items of a sensitive nature that must be kept confidential within the meeting. These items will be identified in the course of a meeting and noted as such in the minutes.

ACCOUNTABILITY

The Community Advisory Committee will make recommendations directly to the Area Director, North Area Mental Health Service, Dr Ann Hodge, who will report progress to the Project Control Group (PCG) of the Mental Health Strategy 2004-2007.”;

- (iii) no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility;*
- (iv) a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained;*
- (v) the outdoor living area to the north of the building shall be designated a smoke free zone and have an 8pm curfew;*
- (vi) detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the commencement of works;*
- (vii) any new street/front wall, fence and gate between the Woodstock Street and Flinders Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (viii) *a maximum of fourteen (14) staff members and sixteen (16) patients are permitted to be at the premises at any one time;*
- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Woodstock Street and Flinders Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, 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;*
- (xi) *prior to the first occupation by a resident of the facility, the Health Department undertakes community information and discussion session to respond to community concerns and to inform the community of mental health issues and the scope of the facility and for the information to be provided to ensure cultural and linguistic diversity needs are met including languages other than English (particularly Italian and Macedonian) and also in other formats to be universally accessible (hearing and sight impaired);*
- (xii) *any overlooking issues with adjoining neighbours to the north of the facility are adequately addressed prior to the occupation of the facility;*
- (xiii) *there being a minimum of four (4) staff members on site at all times; and*
- (xiv) *a maximum of two (2) residents per room at any one time;'';*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillors Chester, Doran-Wu and Farrell, being one third of the number of offices of members of the Council, SUPPORT this motion; and*
- (v) *the Council APPOINTS Cr Torre as the Elected Member representative, Cr Doran-Wu as proxy and the Chief Executive Officer – John Giorgi as the Town's Officer representative to the Community Advisory Committee.*

ADDITIONAL INFORMATION:

On 8 March 2006, the Senior Projects Officer (Judi Morris) from Department of Health (DOH) contacted the Town's Chief Executive Officer to provide further information. DOH have suggested the Independent Chair be Dr Winterton, a General Practitioner in the Mt Hawthorn area.

They have also advised that the Terms of Reference for the Community Advisory Committee have been amended, as a result of feedback.

The changes include:

• **Committee Composition**

The Town has been offered two (2) positions. There are now four (4) community representatives, to be selected from the general community, however, a representative will be appointed from

- The Residents Advocacy Group
- Mt Hawthorn Precinct Group
- Friends of Hawthorn House
(if a nomination is received)

CEO's Comment:

The revised Committee composition is acceptable. The two (2) Town positions is also a positive step. The Council will need to appoint two (2) persons to the Committee.

• **Secretariat**

The revised Terms of Reference deletes reference to the Secretariat being "*provided by the Department of Health*".

CEO's Comment:

The Town should insist the Department of Health provide the necessary support and have included it.

• **Unresolved Issues**

The "*Minister of Health*" has been removed and the "*Independent Chair*".

CEO's Comment:

This change to the Terms of Reference would be acceptable.

Other minor changes to the Terms of Reference concerning "*communication*" and "*receiving of complaints*" are considered acceptable.

On 8 March 2006, a letter was received from the DOH advising why it did not support the Town's Community Consultative Committee.

A copy of the letter (copied to Elected Members) is tabled.

FURTHER REPORT:

At the Ordinary Meeting of Council held on 14 February 2006, the Council considered the matter and resolved as follows:

" That clause (v) as shown in the Agenda be deleted and the revocation motion be DEFERRED to the Ordinary Meeting of Council to be held on 28 March 2006 for the following reasons:

- (i) to REQUEST the Department of Health in conjunction with the Town to form a Consultative Committee, as follows:

"Terms of Reference/Role of the Consultative Committee

1. To clarify and make recommendations on the proposal including:
 - Numbers of consumers to be housed;
 - Consumer entry and exit criteria;
 - the levels and appropriateness of services provided to consumers;
 - Minimum acceptable living conditions for the facilities to ensure they would meet the stated goals of Intermediate Care Facilities (ICF), reflect a humane and home-like environment and also meet the needs for privacy, security and amenity of surrounding residents;
 - appropriate staffing levels;
 - the exact legal tenure for the facility;
2. Consideration, review and recommendation for the proposed Hawthorn House Community Advisory Committee Draft Terms of Reference (including management authority, governance, independent auditing and reporting requirements), Procedures for the Response to any incidents (Crisis Response Incidents) relating to the residents of Hawthorn House;
3. To consider and develop strategies to promote and enhance the integration of Hawthorn House into the community and minimise any impact on the local community and amenity of the area;
4. To consider and recommend the need for provision of further information to the community including ensuring Cultural and Linguistic Diversity (CALD) community needs are met;
5. To consider and reach consensus on the implementation timeline, meeting procedures and rules;
6. To consider and recommend a process for media comment;
7. To consider the transition of the Consultative Committee to the Community Advisory Group.

COMPOSITION

The Consultative Committee to comprise:

<i>Composition of the Committee</i>	<i>No.</i>	<i>Deputy/ Proxy</i>
<i>Independent Chairperson</i>	<i>1</i>	<i>1</i>
<i>Department of Health - Office of Mental Health</i>	<i>1</i>	<i>1</i>
<i>Town of Vincent representative</i>	<i>1</i>	<i>1</i>
<i>Association of Relatives and Friends of the Mentally Ill</i>	<i>1</i>	<i>1</i>

<i>(ARAFMI) representative</i>		
<i>A representative of local residents</i>	<i>1</i>	<i>1</i>
<i>Mental Health Consumer</i>	<i>1</i>	<i>1</i>

ROLE OF INDEPENDENT CHAIRPERSON

The Chairperson, at the request of the committee, may invite other persons to attend meetings to attend in relation to a specific agenda item(s) or to provide presentations and/or advice on relevant matters.

TERM

The Consultative Committee to meet as required and provide a report to the Department of Health and the Town no later than Monday 20 March 2006.

TENURE AND MEETING CONVENTIONS

Members are appointed for a maximum period of two (2) months. Members will have the option for a subsequent twelve (12) months in the OMH's proposed Hawthorn House Community Advisory Committee on the proviso they retain their current representative position.

COMMITMENT OF GOVERNMENT

Administrative support to the committee be provided by the Department of Health.

REPORTING AND ACCOUNTABILITY

- (a) The Hawthorn House Consultative Committee will provide direct de-briefing and electronic copies of its proposal recommendations/ minutes/actions to the WA Health Department, North Metropolitan Area Mental Health Service, the Executive Director of the Office of Citizens and Civics and the Town of Vincent.*
- (b) Committee meeting minutes to be made available to the community;"*
- (ii) for the Town to contact Mr Keith Wilson Chair of the Mental Health Council and request he act as the Independent Chair of the proposed Consultative Committee;*
- (iii) for the Town to seek independent advice from the Mental Health Council of Australia for proposed the facility, including:*
 - specific scope and function;*
 - Numbers of consumers to be housed;*
 - Consumer entry and exit criteria;*
 - the levels and appropriateness of services provided to consumers;*
 - Minimum acceptable living conditions for the facilities to ensure they would meet the stated goals of Intermediate Care Facilities (ICF), reflect a humane and home-like environment and also meet the needs for privacy, security and amenity of surrounding residents;*
 - appropriate staffing levels;*
- (iv) for the Town to request the Department of Health to prepare a legal agreement (at their cost) between the Town and the Health Department, to the satisfaction of the Town's Chief Executive Officer, including such matters as:*
 - term of the facility to be limited to a maximum of three (3) years;*
 - specify scope and function of the facility;*

- *specify the admission criteria of the Consumer;*
 - *specify role and responsibility of the proposed Community Advisory Group;*
 - *specify a mechanism for any renegotiations of the agreement if requested by either party;*
 - *the function, role and power of the Community Advisory Group should be defined in the legal agreement;*
- (v) *for the Town to request the Department of Health provide further information to the community (including ensuring cultural and linguistic diversity needs are met), to the satisfaction of the Town's Chief Executive Officer, prior to the matter being reconsidered by the Council;*
- (vi) *for the Council (in view of the time constraints pertaining to the Consultative Committee) to AUTHORISE the Mayor to select the Community Representative and Deputy/Proxy Representative, in the event that there is more than one (1) nomination from the community; and*
- (vii) *the Chief Executive Officer be the Town's representative on the Consultative Committee (Executive Manager, as nominated, to act as Deputy/Proxy)."*

Statement of Impact

In accordance with the Town's Standing Orders, the Chief Executive Officer is required to prepare a "Statement of Impact" of the legal and financial consequences of the proposed revocation or change.

The following Statement of Impact was provided at the 6 December 2005 meeting:

1. Legal Consequences

There are no legal implications which may result from the change of the Council decision.

2. Financial Consequences

There are no financial implications that may result from this decision.

The Minutes for the Ordinary Meeting of Council held on 22 November 2005 were not finalised until Tuesday 29 November 2005 and as such, implementation of the decision has not been actioned prior to this time."

Consultative Committee

The Town has called for nominations for the proposed Consultative Committee in advertisements placed in the *Guardian Express* on 21 February 2006 and in *The Voice* newspapers on 18 February 2006, with the closing date for nominations being 27 February 2006. As of 28 February 2006, one nomination from Mr Jeff Pow, the convenor of the Mount Hawthorn Residents' Advocacy Group had been received.

In letter dated 28 February 2006 (attached), ARAFMI Mental Health Carers and Friends Association has advised that it was not appropriate for ARAFMI Mental Health Carers and Friends Association to be involved with the proposed Hawthorn House Consultative Committee resolved at the Ordinary Meeting of Council held on 14 February 2006.

The Chief Executive Officer and Mayor have also met with Mr Keith Wilson, the proposed Independent Chair of the Consultative Committee, on 21 February 2006. On 27 February 2006, Mr Wilson emailed the Town with the following response, which is in verbatim as follows:

" Dear John,

I have given further careful consideration to the proposed course of action I discussed with you and the Mayor earlier this week about my involvement in the proposed committee in spite of the now - adamant position of the Department and the Minister to go ahead with this development in spite of the strong resentment by a significant group of local residents being opposed to the lack of early consultation with your council and the local community.

In view of the Mayor's concern to proceed with the Committee in order to provide a strong positive model for effective consultation and communication in other localities where similar developments are planned and show faith with the aggrieved residents I agreed to Chair the proposed committee

However, having given further careful consideration to this recasting of the committee proposal in view of the most likely decision of the DOH not participate I am now convinced it would serve no useful purpose especially in view of the heavier demands than anticipated on my scarce available time over the next five to six weeks with a recently increased number of appointments and meetings in Canberra and Sydney

In view of the pressures due to the available time factor, I have decided that there are greater advantages in urging the Premier and the Minister to call a meeting with the mayors and Shire Presidents of localities where other community based mental services are proposed to get the rest of the new facilities off to good new beginnings

If you or the Mayor wish to discuss this matter further with me, please give me a call on my mobile.

*With kind regards
Keith"*

The above email suggest that Mr Keith Wilson is not available to undertake the task of an Independent Chair for the proposed Consultative Committee due to work commitments and advises of the greater advantage " *in urging the Premier and the Minister to call a meeting with the mayors and Shire Presidents of localities where other community based mental services are proposed to get the rest of the new facilities off to good new beginnings*".

The Town has also received a further letter from the Department of Health (DOH) dated 20 February 2006 (attached), agreeing to the following matters:

- reduction in the number of residents from 20 to 16;
- reconfiguration of the rooms to ensure a maximum of 2 residents per room;
- maximum operation period of 3 years;
- improved privacy-fencing;
- additional community consultation;
- minimum staffing levels;
- curfews adjacent to residential properties;
- designated smoking and non-smoking areas;
- strict exclusion policy for residents with a history of violence, recent drug abuse and/or alcohol abuse, or criminal record;
- the establishment of a Community Advisory Committee, headed by an independent chairperson;

Other matters raised in this letter are summarised as follows:

- view that the Town's own committee is not required, with its wide ranging Terms of Reference, which at no time the DOH, was consulted. It is also totally inappropriate for the above committee to examine clinical issues, level of service to consumers, consumer entry and exit criteria and staffing levels, which have been developed in line with international best practice with extensive advice from medical experts. The Terms of Reference of the Town's Consultative Committee goes far beyond appropriate responsibilities of such a group and also lacks community representation;
- request a response to the draft Terms of Reference provided to the Town on 10 February 2006 and progress the request dated November 2005 regarding the Town's involvement in the nomination and selection process of the Community Advisory Committee; and
- DOH assures ongoing commitment to resolve genuine issues of concerns relating to the above proposal and is heartened with the level of community support to date.

The Hawthorn House Community Advisory Committee Draft Terms of Reference were sent from DOH via email to the Town on 13 February 2006, and are included in the new Motion.

Legal Implications

The Council decision relating to this matter is specific with regard to the Consultative Committee representation. It is considered that the proposed Consultative Committee is incomplete due to the unavailability of Mr. Keith Wilson and ARAFMI Mental Health Carers and Friends Association, and no representative nominations having been received from the Department of Health and from a Mental Health consumer.

As the Department of Health do not support the Consultative Committee, it is understood that it will not be providing administrative support (as required by the Council decision). Furthermore, there is no authority for the Town's Chief Executive Officer to provide the administrative support and any associated costs for this role.

Western Australian Planning Commission (WAPC)

Notwithstanding the above, it would appear that the actions of the WAPC may overtake the proposed Consultative Committee timeline. Officers from the Department for Planning and Infrastructure (DPI) have advised the Town's Officers by telephone on 3 March 2006 that a report will be prepared by 8 March 2006 for referral to the Statutory Committee of the Western Australian Planning Commission (WAPC) on 14 March 2006 for the consideration and determination of the subject proposal. This request appears to have been prompted by the DOH's letter to the DPI dated 20 February 2006 for the matter to be determined by the WAPC. The Town has no record of this letter, and is not in a position to confirm this correspondence or its contents.

The meeting at the WAPC is behind closed doors, and the public is not allowed to attend. Furthermore, the DPI report is not a public document, and is only provided to the applicant, which is the DOH.

The decision of the WAPC to deal with the above matter has resulted in insufficient time for the Consultative Committee to be formed and meet to address the various matters.

Comments

Due to the proposed action of the WAPC, it is recommended that the Council's conditions imposed at its Ordinary Meeting held on 22 November 2005 be deleted and be replaced with the proposed amended conditions to reflect the DOH's agreed conditions as outlined in their letter dated 20 February 2006, new terms of reference for the proposed Community Advisory Committee, and the need for a legal agreement between the Town and DOH, to provide certainty, safe guards and responsibility to all parties involved in the whole proposal.

8. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 6.45pm with the following persons present:

Cr Simon Chester	North Ward
Cr Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Dan Hatch	Journalist – Guardian Express
Giovanni Torre	Journalist – Perth Voice

6 Members of the Public

These Minutes were confirmed by the Council as a true and accurate record of the Special Meeting of the Council held on 8 March 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006