

agenda

Ordinary Meeting of Council



To: His Worship the Mayor and Councillors

Please be advised that an Ordinary Council Meeting will be held at **6.30pm** on **Tuesday 13 November 2012** in the **Council Chambers**, Administration Centre at 99 Shepperton Road, Victoria Park.

A handwritten signature in black ink, appearing to read "Kyron".

ATHANASIOS (ARTHUR) KYRON
CHIEF EXECUTIVE OFFICER

9 November 2012

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1 OPENING

Almighty God, under whose providence we hold responsibility for this Town, grant us wisdom to understand its present needs, foresight to anticipate its future growth and grace to serve our fellow citizens with integrity and selfless devotion.

And to Thee, be all blessing and glory forever.

AMEN

Acknowledgement of Country (by Mayor)

I acknowledge the traditional custodians of this land the Noongar people and pay my respects to the Elders both past, present and future for they hold the memories, the traditions, the culture and hopes of Indigenous Australians.

2 ANNOUNCEMENTS FROM THE PRESIDING MEMBER

- There are guidelines that need to be adhered to in our Council meetings and while we are not as strict as we could be, it is important to remember that during question and statement time, I would like to request that the do not personalise any questions or statements about Elected Members or staff or use any defamatory remarks.

3 ATTENDANCE

Mayor:

Cr T (Trevor) Vaughan

Banksia Ward:

Cr C (Claire) Anderson
Cr J (John) Bissett (Deputy Mayor)
Cr K (Keith) Hayes
Cr R (Rowena) Skinner

Jarrah Ward:

Cr D (David) Ashton
Cr D V (Vin) Nairn
Cr V (Vicki) Potter
Cr A (Adam) Vilaca

Chief Executive Officer:

Mr A (Arthur) Kyron

Directors:

Mr N (Nathan) Cain
Ms R (Rochelle) Lavery
Mr A (Anthony) Vuleta
Ms T (Tina) Ackerman

Executive Manager Built Life:

Mr R (Robert) Cruickshank

Secretary:

Ms K (Kathleen) Highfield

Public:

3.1 Apologies

Nil

3.2 Approved Leave of Absence

Nil

4 DECLARATIONS OF INTEREST

Declarations of interest are to be made in writing prior to the commencement of the Meeting, (a form to assist Elected Members and Staff is attached at the end of this Agenda).

Declaration of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Nil

Declaration of Interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Nil

5 PUBLIC QUESTION TIME**6 PUBLIC STATEMENT TIME**

7 CONFIRMATION OF MINUTES

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday, 9 October 2012 be confirmed.

8 PRESENTATIONS

8.1 Petitions

Nil

8.2 Presentations (Awards to be given to the Town)

Nil

8.3 Deputations (Planning / External Organisations)
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Nil

9 METHOD OF DEALING WITH AGENDA BUSINESS

10 CHIEF EXECUTIVE OFFICER REPORTS

10.1 Metropolitan Local Government Review

File Reference:	ADM0009
Appendices:	No.
Date:	5 November 2012
Reporting Officer:	A. Kyron
Responsible Officer:	A. Kyron, T. McCarthy
Voting Requirement:	Simple Majority
Executive Summary: Recommendation – That Council consider the Metropolitan Local Government Review – Final Report (the Report) and consider proposed further action <ul style="list-style-type: none"> • The Report be received. • A special edition of Life in the Park highlighting the Report be produced. • The views of the Town of Victoria Park community be sought. • A report be presented to the February 2013 Council meeting on the findings of the community survey. 	

TABLED ITEMS:

- Metropolitan Local Government Review – Final Report of the Independent Panel July 2012
- Metropolitan Local Government Review – Executive Summary of the Final Report October 2012

BACKGROUND:

In June 2011 the Minister for Local Government, Hon John Castrilli MLA, (the Minister) appointed the Metropolitan Local Government Panel to undertake the task of considering the current structures and arrangements for local government in Perth and recommending improvements to maximise benefits to the Perth community.

Brief Summation of Reasons for the Review

The reasons for the review, and the process employed, were:

- The State Government considered it appropriate to now address the social, economic and environmental challenges facing local government in metropolitan Perth.
- The State Government required the Panel to consider recommending changes to structures and governance models for local government.
- The State Government required the Panel to consider recommending changes to local government boundaries.
- Local government within the Metropolitan area, including Serpentine but excluding Mandurah, was to be the focus of the report.

Terms of Reference

The Panel's Terms of Reference were to:

1. *Identify current and anticipated specific regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years.*
2. *Identify current and anticipated national and international factors likely to impact in the next 50 years.*
3. *Research improved local government structures, and governance models and structures for the Perth metropolitan area, drawing on national and international experience and examining key issues relating to community representation, engagement, accountability and State imperatives among other things the Panel may identify during the course of the review.*
4. *Identify new local government boundaries and a resultant reduction in the overall number of local governments to better meet the needs of the community.*
5. *Prepare options to establish the most effective local government structures and governance models that take into account matters identified through the review including, but not limited to, community engagement, patterns of demographic change, regional and State growth and international factors which are likely to impact; and*
6. *Present a limited list of achievable options together with a recommendation on the preferred option.*

Decision Making Principles

The Panel developed 7 decision making principles in compiling its recommendations. Those principles were:

Long-term approach: the Panel's recommendations will focus on long-term and strategic proposals for local government in the metropolitan area. This approach will ensure Perth is prepared for the future and able to sustain a productive economy, diverse communities and a healthy environment.

Community outcomes: community wellbeing, both short and long term, will underpin the Panel's recommendations. Change to local government, if required, should improve metropolitan Perth for the people that live in it, work in it, and visit the area.

Equity: the Panel's recommendations will seek equity, not only among the residents of the metropolitan area, but equity between generations. Decisions made now should not adversely affect future generations.

Clarity: the Panel's recommendations will seek clarity as to which level of government, or other organisation, is best placed to provide services to communities. The recommendations will identify funding sources, and provide evidence of the sustainability of any proposed arrangements.

City scale: the Panel will make recommendations for the benefit of metropolitan Perth as a city. While acknowledging the diversity of local communities, and the value of local-level governance, the Panel will focus on outcomes that are best for the metropolitan area as a whole.

Best city: the Panel's recommendations will build on the best of Perth's attributes, ensuring its future as a sustainable, liveable, attractive, competitive, dynamic and connected city while building its international reputation as one of the world's most successful cities.

Evidence based: the Panel's recommendations will be based on thorough investigation and sound research.

Recommendations of the Panel

The Panel was required to submit its final recommendations to the Minister by 30 June 2012.

The Panel has now presented its Report to the Minister, and has made the following 30 recommendations:

1. *The State Government give consideration to the inequities that exist in local government rating, including rate-equivalent payments and State Agreement Acts.*
2. *A collaborative process between State and local government be commenced to establish a new Partnership Agreement which will progress strategic issues and key result areas for both State Government and local government.*
3. *The State Government facilitate improved co-ordination between State Government agencies in the metropolitan area, including between State Government agencies and local government.*
4. *A full review of State and local government functions be undertaken by the proposed Local Government Commission as a second stage in the reform process.*
5. *In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government.*
6. *The State Government consider the management of waste treatment and disposal at a metropolitan-wide scale either be undertaken by a State authority or through a partnership with local government.*
7. *A shared vision for the future of Perth be developed by the State Government, in conjunction with local government, stakeholder and community groups.*
8. *A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth.*

9. *The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance.*
10. *The newly created local governments should make the development and support of best practice community engagement a priority, including consideration of place management approaches and participatory governance modes, recognition of new and emerging social media channels and the use of open-government platforms.*
11. *The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.*
12. *The State Government give consideration to transferring oversight responsibility for developments at Perth's airports, major hospitals and universities to the Metropolitan Redevelopment Authority.*
13. *Periodic local government boundary reviews are undertaken by an independent body every 15 years to ensure the city's local government structure continues to be optimal as the metropolitan region develops.*
14. *The Local Government Advisory Board be dissolved and its operating and process provisions in the Local Government Act 1995 be rescinded, with the Local Government Commission taking over its roles, including consideration of representation reviews.*
15. *A new structure of local government in metropolitan Perth be created through specific legislation which:
incorporates all of the Swan and Canning Rivers within applicable local government areas*
 - a) *transfers Rottnest Island to the proposed local government centred around the City of Fremantle*
 - b) *reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.*
16. *Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission.*
17. *Compulsory voting for local government elections be enacted.*
18. *All Mayors and Presidents be directly elected by the community.*
19. *Party and group nominations for local government electoral vacancies be permitted.*
20. *Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President.*
21. *Elected members be provided with appropriate training to encourage strategic leadership and board-like behaviour.*

22. *A full review of the current legislation be conducted to address the issue of the property franchise and the most appropriate voting system (noting the Panel considers that first-past-the-post is inappropriate for the larger districts that it has recommended).*
23. *Implementation of the proposed setting of fees and allowances for elected members as set by the Salaries and Allowances Tribunal.*
24. *Payments made to elected members be reported to the community on a regular basis by each local government.*
25. *The Public Sector Commission provide advice and assistance to local governments in the appointment and performance management of local government Chief Executive Officers with consideration given to the Public Sector Commission being represented on relevant selection panels and committees.*
26. *A State Government decision on reform should be made as soon as possible, and if the decision is to proceed with structural reforms, the process of implementation should begin without delay.*
27. *Councils take on a leadership role in the reform debate and prepare their residents now for the possibility of changes in the future.*
28. *The State Government assist and support local governments by providing tools to cope with change and developing an overarching communication and change management strategy.*
29. *A Local Government Commission be established as an independent body to administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government.*
30. *The recommendations from the Panel should be considered as a complete reform package and be implemented in their entirety.*

Key Drivers for Change

- Economic
- Social
 - Population growth
 - Aging
 - Household structures and diversity
 - Urban consolidation and housing
 - Critical public infrastructure e.g. airports, hospitals, universities
 - Technology
- Environmental
 - Water management Swan and Canning Rivers
 - Waste management
- Regional Issues

The Minister has invited public comment, closing 5 April 2013, on the Report. In releasing the Report, the Minister's media statement included the comment "*The Minister said the State Government would not take a definitive position on the report's 30 final recommendations until after local governments, community members and stakeholders had been able to provide their views*"

DETAILS:

This section focuses on recommendations that will have an impact on Council directly. Not all 30 recommendations are dealt with in this section.

1. Local Government Structures

The Report makes recommendations in respect to reduction of the number of local governments in the Perth metropolitan area.

Recommendation 15. A new structure of local government in metropolitan Perth be created through specific legislation which:
c) *reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report.*

The Report indicates that the existing number of local governments in the Perth metropolitan area is not sustainable (in terms of provision of additional infrastructure and facilities to accommodate future growth). The Panel carried out independent expert financial analysis of all local governments and found that 2 were 'sustainable with a comfortable margin', 16 were 'sustainable', 4 were 'marginal', 7 were 'vulnerable' and 1 was 'unsustainable/high risk'. The Town was considered to be in the 'marginal' classification.

2. Regional Councils

The Report recommends the abolition of regional local governments, with the exception of Tamala Park Regional Council until its sole task of land development is completed, which is anticipated to take 10 to 12 years.

Recommendation 11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.

The Report recommends that waste management could become a centralised responsibility and the regional councils that currently have waste management as their sole function could be dissolved. The Report acknowledges that the Tamala Park Regional Council has a specific function and will be extinguished on completion of that function, and so should continue under some arrangement. The Report suggests that the current regional council model operates with flawed accountability, in that there is no direct election of members and accountability for such functions is best served by directly elected authorities.

3. Key Issues for the Panel

3.1 Fragmentation of Local Government in Perth

Planning Implications.

Recommendation 5. In conjunction with the proposed structural and governance reforms, that local government planning approval powers be reinstated in metropolitan Perth by the State Government.

The Report states: *“There is sometimes tension between local and State government in relation to planning. While local governments have legal authority for local planning schemes, decisions are sometimes overturned by the State. This has been necessary at times to ensure State Government-led initiatives are implemented. The establishment of redevelopment authorities (now replaced by the MRA) and the creation of Development Assessment Panels (DAPs) are examples. These initiatives have responded to the needs of the community, particularly when there are complex governance arrangements in a planning area, or a limited ability to deliver outcomes due to the large financial input required to bring a project to fruition.”*

It is not clear to what extent planning will be brought under the control of local governments. There will always be an appeal process to aggrieved applicants, but at what level the appeal process can begin is unclear.

Different Laws and Policies

The Report states: *“Local government frequently plays a major role in facilitating services and representing community views. Nevertheless, the large number of small local government areas in metropolitan Perth restricts the ability to effectively deliver positive whole-city outcomes in a coordinated way. The nature and scope of contemporary public problems frequently transcend local government boundaries, and require a strategic response. The metropolitan area is so closely tied together economically, socially and structurally by daily movements and activities that virtually every problem involves a ‘spill over’ between adjoining local government areas.*

At present, due to the number of players involved in Perth’s urban planning, policies are overly complex and do not allow for a strategic, holistic approach to big issues. In addition, the development of strategies to implement planning policies is time consuming, due to the number of parties required to participate in negotiations. While the State Government provides planning frameworks to address its objectives (such as those stated in Directions 2031), the planning capacity and capability to implement them varies greatly across the metropolitan area. As reported to the Panel, there is serious concern from a number of sources about the ability of some local governments to make appropriate decisions.”

and

“These challenges would be more easily addressed in a unified region with fewer local governments.”

No Single Vision for Perth.

There is currently no overarching vision for the future of metropolitan Perth. The Report acknowledges this. An overarching vision is a matter for the State Government and is not for individual local governments to resolve, regardless of the size of individual local governments.

“This Review has revealed many individual visions for the future of metropolitan Perth, but the Panel is surprised by the lack of an overarching vision.

The State Government, or more specifically the Metropolitan Redevelopment Authority (MRA), has a vision for Perth. The MRS might also be considered a vision, in terms of land use zones and reservations. The City of Perth has a vision. Some stakeholders, such as the Committee for Perth or Future Perth, also have a vision. Each has a vision different in scope and scale. This diversity is compounded by the fact that there are 30 local governments in the Perth metropolitan region each with their own vision for the future of their local communities. There is nothing wrong with this, but it is the lack of an overarching vision for the Perth metropolitan region that concerns the Panel.”

Size is Not a Solution

The Panel found that the size of a local government is not an absolute indicator of good governance. It found that there are a number of factors determining good governance.

“As mentioned above, submissions to the Panel were characterised by a diversity of views about the ideal size of a metropolitan local government. It was suggested to the Panel that bigger does not necessarily mean better (DF 158). The Panel came to the conclusion that the success of a local government is dependent upon a number of factors. Size alone is not an absolute indicator of good governance, efficient performance, or community engagement.”

It did find, however, that smaller local governments have limitations in comparison with larger local governments in a number of areas.

“Many submissions to the Panel espoused the benefits of retaining the current small local governments. The Panel does accept that some do an excellent job of serving local communities and have won awards for innovative collaborative projects like The Grove Library. However, it is clear to the Panel that small local governments have significant limitations.

Some of these were identified by the LGAB in its 2006 report and include:

- limited opportunity to achieve operational economies of scale and scope*
- limited capacity to attract specialist human resources*
- lack of economic strength due to narrow or small rate-base and need for above-average rates*
- limited ability to maintain infrastructure*
- duplication of depots, offices, technology, plant and equipment*
- limited range of services provided”*

3.2 Disparity in Resources and Services

Resources and Provision of Services by Small Local Governments

Small local governments do not provide as wide a range of services as larger local governments, although the services offered are somewhat dependent on the needs and wants of the local community.

“The Panel has concluded that reform of the local government sector in Perth will generate a more equitable spread of resources across local government in metropolitan Perth, with the potential to more equitably deliver services to all residents.”

The submission made by the City of Rockingham to the Panel, and recorded in the Report, is noteworthy.

“The City of Rockingham submitted detailed comments on the bigger local government/better capacity argument. It stated that this is intrinsically linked to the attributes and performance of the people involved, both at an elected and professional officer level, and that it is not just relative to size or structure.

A well led and managed large local government will arguably have much more capacity to deliver services and manage assets than a considerably smaller entity, also well managed and led.

It follows however that a poorly led or incompetently managed large local government can potentially be a bloated, bureaucratic, organisationally dysfunctional mess that can essentially fail its community. A well-managed and led small local government would in this instance provide a far more beneficial outcome to their community. The challenge remains to attract and retain quality people that can passionately and effectively lead, manage and serve local governments in both elected and appointed roles. Structure, size and form will matter little in the absence of good people (DF145)”.

3.3 Small Size of Some Local Governments

Influence of Minorities Noted by the Panel

The Panel noted that some submissions indicated that smaller local governments were too easily influenced by vocal minorities.

“The ability of small local governments to function well was questioned by respondents, as it was said that they were ineffective and too easily

influenced by a vocal minority (IP 14; IP 188; IP 194). Larger councils have more capability and greater depth of technical expertise (IP 151). A contrasting view was that the problem does not lie with the size of councils and that efficiencies can be gained by sharing services with neighbours (IP 20; IP 60). Councils should be left alone unless they are corrupt (IP 197) or out-of-control (IP 136). It was suggested that each local government be reviewed against performance criteria (IP 134; IP 144), with viable local governments retained but working in regional groups (IP 80)."

And conversely,

"However, submissions also suggested that small- or medium-sized councils have more of a 'village atmosphere' (IP140), deliver a sense of place (IP195) and engage better with the community (IP32). People feel they can be heard (IP179). Large local governments are said to be more politicised (IP25), less democratic, and unable to consult and respond to individual issues, making people feel powerless (IP180)."

Smaller Local Governments Have Little Influence Over Big Issues

The Panel believes that larger local governments will be able to exert more influence in larger issues.

"The Panel has concluded that the proposed new local governments will have increased influence with State and Commonwealth governments.

It is difficult for the State and Commonwealth Governments to work with multiple local governments. The latter, in particular, prefers to deal with larger local governments that cover large populations. While many of Perth's local governments use regional groupings of councils to lobby for State and Federal government grants, there would potentially be increased access to government agencies from having fewer local governments in the Perth region."

3.4 Maintaining a Sense of Place

Some submissions to the Panel indicated that smaller local governments were more likely to keep a sense of identity and maintain a sense of place. The Panel argued that sense of place and identity is attributable to a range of factors and not just to local government itself.

"Further, the Panel argues that the satisfaction people feel with where they live is not only attributable to the local government itself. It is also based on complex factors including physical environment and safety. Many concepts of "place" are attributed to streets, neighbourhoods and suburbs, which would not change if local government boundaries were moved."

3.5 Inconsistent Requirements and Approval Processes

The panel found that there are inconsistencies in several areas between local governments. The public, in particular those involved in planning matters, find inconsistencies between different local governments frustrating and time consuming.

“As noted earlier in this report, the State has created new approval structures due to problems with local government approval processes. These problems included lack of consistency in the application of conditions, application of conditions that were not appropriate in law and rejection of applications even when they complied with council TPS. With the right training of elected members, and staff with greater skill and capacity, the Panel can thus see in the new structure a basis for greater competency and re-empowerment of local government. These local governments will have the capacity and should have the authority to do more and provide a greater range of services to the community. A return to locally based planning approvals should be a priority.”

4. Structural Changes

The focus of this section is to respond to some of the recommendations of the panel as to how they align to the approved position of Council and current opinion of the Elected Members.

4.1 Report Recommendation - 12 Local Governments in Perth

Not Supported By The Town

In its submission to the Panel, the Town indicated that it was not in favour of structural change. The Town's submission provided the view that the Town supported WALGA's position that 15 to 20 local governments in the Perth metropolitan area was preferable to 12.

“There was a diverse range of views in the initial local government submissions about the need and scope of reform. Local governments that were against structural change included Bassendean, Mosman Park, Mundaring, Peppermint Grove, South Perth, Subiaco and Victoria Park. Nedlands supported a need for some tidy-up of municipal boundaries but did not support wholesale changes.”

Option to Join With City of Canning Not Supported

In its submission to the Panel, the Town indicated that it was not in favour of structural change. The option to divide the Town up and cede part to the City of Canning was not canvassed in the Town's submission. Now that it is an option that has been made public in the Report, the Town is not supportive of the proposal.

In its draft findings, the Panel presented 3 options for local government in the metropolitan area:

“The most appropriate options for local government in metropolitan Perth are:

- a. 10 to 12 councils centred on strategic activity centres.*
- b. five councils based on the central area and sub-regions.*
- c. one single metropolitan council.”*

In response to the draft, findings the Town made the following submission to the Panel:

“Options ‘b’ and ‘c’ are considered not to be in the interests of ratepayers in terms of having reasonable access to elected members particularly option c. There is no preferred option from the three presented. The Panel presents 3 poor options of which option ‘a’ appears the best of the poor options. This is not a choice. In addition the Panel has not provided empirical evidence that supports the success of structural reform in local government. Either option or any model involving structural reform must be supported by empirical evidence to justify such a fundamental change in local government that will affect the community.

Notwithstanding the above, the comments from WALGA are supported in that if there is a reduction in the number of metropolitan local governments then 15 to 20 would be a reasonable size whereby large regional projects and capital works programs could be financed and project managed.”

The prospect of part of the Town being excised and becoming part of a larger local government centred in Canning had not been previously clearly identified, and now that it has been proposed there has been early feedback from some residents in the affected area that have indicated they are against such a proposal.

Option of Retaining the Town’s Current Status

The Town should properly have been considered as worthy of maintaining its current status. The Report has focussed on achieving a pre-determined outcome of rationalisation of all metropolitan local governments to produce, on numbers alone, a certain number of local authorities. Insufficient consideration has been given to the performance of each local government and the standing that each local government has with its residents and stakeholders. Public submissions were invited by the Panel, but the reality is that submissions were made by very few private individuals. Most submissions appear to have been made by local governments, elected members, and some individuals who are active in local government in the community. Many submissions were made confidentially, and obviously it is not known whether they were made by private individuals or organisations. It is reasonable to say that the majority of the public would feel that they have not been consulted by the Panel.

Now that the Report has been released and submissions invited, it may be appropriate to reconsider the Town’s view on whether it is still supportive of WALGA’s position that 15 to 20 local governments in the Perth metropolitan area, and potentially revise the view to one that the boundaries of the Town ought to remain unchanged.

“It is clear that local governments need to engage in a discussion about the metropolitan wide picture and what is best for the people of Perth as a whole.”

Preliminary Discussions with City of South Perth and City of Perth.

The Mayor and the Chief Executive Officer have initiated some preliminary discussion with their counterpart at City of South Perth and intend to meet with the City of Perth to consider the Report and formulate proposals for their respective elected members to review.

4.2 Report Recommendation – Dissolution of Regional Councils

Supported By The Town Subject to Conditions

The Report recommends the dissolution of all regional local governments and that a single metropolitan waste authority is established to manage the disposal of waste in the metropolitan area. The Report acknowledges that the Tamala Park Regional Council has a specific function and will be extinguished on completion of that function, and so should continue under some arrangement.

In its submission to the Panel, the Town was supportive of the establishment of a single metropolitan waste authority to manage the disposal of waste in the metropolitan area, subject to a regulatory authority such as the Economic Regulation Authority monitoring and reporting on pricing. The Report indicates that management of waste collection services should be retained by local government.

“Recommendation 11. The existing Regional Local Governments in the metropolitan area be dissolved, their provisions in the Local Government Act 1995 be repealed for the metropolitan area and a transitional plan for dissolving the existing bodies in the metropolitan area be developed.”

“The activities of five regional councils independently seeking waste solutions ultimately results in a suboptimal solution for the metropolitan area as a whole. It seems desirable that this issue be approached from a metropolitan perspective. Local government would of course retain its role in managing waste collection services.”

4.3 Report Recommendation – Compulsory Voting

Not Supported By The Town

The Report recommends that voting at local government elections should be compulsory. This view was not supported by WALGA in its submission to the panel. WALGA’s submission was that:

“Compulsory voting is only one aspect of the electoral system and should not be considered in isolation. Other considerations include the method of voting and the frequency of elections.

Should there be efforts to make voting in Local Government elections compulsory, a full and detailed review of the local Government electoral system should be undertaken.”

WALGA's submission to the Panel was supported by the Town.

Report: *"Recommendation 17. Compulsory voting for local government elections be enacted."*

4.4 Report Recommendation – Limited Terms for Mayors and Councillors

Not Supported By The Town

The Report recommends:

"Recommendation 20. Elected members be limited to serving three consecutive terms as councillor and two consecutive terms as Mayor/President."

This is not supported as it is in direct conflict with the stated intent in the Report that local government elections should have the same standing as state and federal elections.

"The Panel agreed that local government elections should have the same standing as State and Commonwealth elections and therefore recommends that all local government elections are managed by the Western Australian Electoral Commission, and that voting is compulsory."

4.5 Report Recommendation – Establishment of Forum of Mayors

Not Supported By The Town

The Report recommends that a forum of Mayors be established:

"Recommendation 8. A Forum of Mayors be formed to facilitate regional collaboration and effective lobbying for the needs of the metropolitan area and to provide a voice for Perth."

Recommendation 9. The Forum of Mayors be chaired by the Lord Mayor of the modified City of Perth in the first instance."

The formation of such a group may be viewed by some as a "competitive" group to WALGA. WALGA's position of the formation of this group was that WALGA is well placed to accommodate this type of structure under current governance arrangements. The Town's submission to the Panel was:

"This provides another level of complexity to the local government system. The Forum or Council of Perth Mayors is not supported as WALGA fulfils this role. WALGA's position is supported."

4.6 Report Recommendation – Establishment of Local Government Commission

Supported By The Town

The Report recommends the Local Government Advisory Board be disbanded and a Local Government Commission is established to *“administer and implement the structural and governance reforms recommended by the Panel, and facilitate the ongoing relationship between State and local government.”*

The Town’s submission to the Panel stated:

“If the role of the proposed Local Government Commission is to oversee local government reform and provide the essential link between State and local government and it is disbanded after the proposed reform process then it could be supported.

The role of the Department of Local Government has not been addressed. The increase in bureaucracy with the establishment of another State Government agency is a concern.”

The comments as submitted to the Panel are still relevant and the potential future role of the Department of Local Government has still not been addressed.

4.7 Financial Analysis of Proposed Changes - Benefits and Costs

The Report contains no details of the costs of implementing its recommendations. It is the opinion of the Panel that there would be overall benefits in carrying out the recommendations, but there is no evidence produced to support that opinion. Conclusions based on opinion and not supported by facts should be dismissed outright.

“The Panel has not undertaken an in-depth analysis of the potential costs and savings associated with boundary reform in Perth. The Panel argues that while there would undoubtedly be significant transition and implementation costs in the short-term, the long-term savings and benefits could be substantial. Of greatest importance to the Panel is the implementation of reforms, including structural reform, to deliver the best outcomes to the community and to underpin an enhanced role for local government in community life.”

4.8 Employment and Attraction of Staff – No Discernible Benefit in Mergers

The Report states that one of the benefits of carrying out mergers of Queensland local governments was:

“providing operating cost savings from economies of scale, reduced staff or the reduced need for additional staff”

Some staff have already expressed concern about current employment and future career paths in local government. The “benefit” of reduced staff or the reduced need for additional staff, as described by the Panel, is hardly a benefit to any current or prospective employee wanting to make a career in local government, and may have the effect of encouraging current employees to seek employment elsewhere and may deter quality applicants for vacancies as they arise.

Policy Implications:

Nil

Strategic Plan Implications:

Not in the current strategic plan.

Financial Implications:Internal Budget:

Nil

Total Asset Management:

If the recommendations of the Report are implemented, the assets of the Town will form part of a larger local government.

Sustainability Assessment:External Economic Implications:

The Report finds that the Town is “marginal” in terms of its sustainability and that fewer, larger local governments are required in order for local government to remain sustainable.

Social Issues:

If the recommendations of the Report are implemented, there will be huge change to the identity of the Town, which may disappear.

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Panel has listed, in the Report, what it considers to be the benefits of carrying out reform of local government in the Perth metropolitan region. The principal reform is the reduction in the number of local governments, and the listed benefits all appear to relate to the creation of fewer, larger local governments. There are also listed benefits in references made to local government mergers in other regions and States. There are also some listed disadvantages in references made to local government mergers in other regions and States.

Benefits of local government reform as listed in the Report:

- *“gains in economic efficiencies arising from economies of scale and scope in local government functions*
- *gains in regulatory efficiencies; for example, better quality regulation and reduced inconsistency and duplication in regulation across local governments*
- *improved capacity and capability in local governments to carry out their functions, including their regulatory functions*
- *improved financial sustainability of local governments*
- *strategic benefits such as greater economic development and investment in local government areas and more funding from higher levels of government”*

The Report also lists more specific benefits, and goes into detail of each of the benefits, listed as:

- *“A more equitable spread of resources across metropolitan Perth and more equitable delivery of services to all residents*
- *Reducing duplication and better use of existing infrastructure*
- *A streamlined regulatory environment with greater transparency, simplicity, consistency, and certainty with attendant cost savings*
- *Potential for achieving greater economies of scale*
- *Increased influence with State and Commonwealth governments*
- *Achieving metropolitan-wide social, economic and environmental goals”*

The Report does not clearly identify disadvantages of the proposed reforms, but does list advantages and disadvantages considered by the Panel in determining its recommendations. These are shown as Appendix 4 in the Report and are listed on pages 186-191 of the Report.

The Report recommends that the number of local governments in metropolitan Perth be reduced to 12. This could be considered the principal recommendation of the Report, from which all the other recommendations flow. The body of the Report lists all the advantages, as viewed by the Panel, of merging local governments and reduction of the number of local governments. Included in appendix 4 of the report is some recognition of the disadvantages of implementing the recommended reforms, but the disadvantages appear to not have been given the same weighting as the advantages referred to.

The State Government, through the Premier and the Minister for Local Government, will move to implement the recommendations of the Report. The period for submissions to be made closes on 5 April 2013, which is after the next scheduled State election. If the current government is returned to power at the next State election, it is probable that the implementation of the bulk of the recommendations of the Report will commence during 2013. If the current State Government is not returned to office, it is uncertain whether a new State Government will implement all or any of the recommendations of the Report. It is unlikely that the status quo, in respect to the number and size of local governments, will remain. It is interesting to note, however, that the report lists as 3 advantages, if the status quo were to remain, as:

- *No cost to implement.*
- *No ‘human’ impact i.e. no changes to peoples’ jobs etc.*
- *No threat to local identity and local values.*

These 3 factors appear to have carried little weight in the recommendations arrived at. They would, however, be of importance to the affected elected members, residents and employees of each local government.

The Panel has provided no indication of the cost of implementing the recommendations of the Report, nor has it indicated who will meet the cost of implementation.

“The Panel has not undertaken an in-depth analysis of the potential costs and savings associated with boundary reform in Perth. The Panel argues that while there would undoubtedly be significant transition and implementation costs in the short-term, the long-term savings and benefits could be substantial. Of greatest importance to the Panel is the implementation of reforms, including structural reform, to deliver the best outcomes to the community and to underpin an enhanced role for local government in community life.”

It is anticipated that the cost of implementation of the recommendations of the Report would be significant. It is difficult to source an accurate cost of the breakup of the City of Perth that occurred out of the *City of Perth Restructuring Act 1993*, but it was reported in WA Business News of 11 May 1999 that *“The break-up of the old Perth City Council and the creation of the Towns of Cambridge, Vincent and Victoria Park has cost \$52 million”*.

Brisbane City Council is referred to in the Report as perhaps a model for the concept of a single local government for the Perth metropolitan area. The City of Brisbane was formed from an amalgamation of 20 local governments in 1924.

“Brisbane might be considered as a model in this vein, although urban growth in the region since its establishment in 1924 (from a merger of 20 local governments) now means that the metropolitan region is comprised of six local governments. The Brisbane City Council has its power divided between a powerful Executive Lord Mayor, a 26-member council representing single-member wards of approximately 23,000 voters, and a Civic Cabinet comprising the Lord Mayor and the chairpersons of the seven standing committees drawn from the membership of Council. The Brisbane City Council, with a population of over one million, is widely regarded as a successful model.”

No mention is made in the Report of the cost of running the Brisbane City Council, or the report contained in the Brisbane Courier Mail on 10 May 2011 wherein it was reported that a restructure of the Brisbane City Council bureaucracy would cost \$33 million and will include \$10 million of voluntary redundancies. In the same newspaper report, the Lord Mayor of Brisbane was quoted as stating that the City had a current debt of \$887 million, with the council's projected debt over coming years being \$2.226 billion.

Although public submissions were invited by the Panel, and have been invited again now that the Report has been made public, there has not been any direct consultation with the general population. It is seen as essential that the Town now carry out extensive consultation with the residents and ratepayers and that the results of that consultation be collated by the Town and submitted as part of the Town's submission.

CONCLUSION:

The above report contains references to the Metropolitan Local Government Review – Final Report of the Independent Panel July 2012 (the Report), which are brief by necessity. In order to obtain a fuller understanding of the implications of the report, it needs to be read in its entirety. The Report is accompanied by an Executive Summary of the Final Report, which provides insight and summary of the full Report.

Of all 30 recommendations in the Report, the one with the most dramatic impact on the Town is 15 (c), which “*reduces the number of local governments in metropolitan Perth to 12, with boundaries as detailed in Section 5 of this report*”. All other recommendations have varying degrees of impact on the Town, and some are already in place in the Town e.g.

“16. *Consideration be given to all local government elections being conducted by the Western Australian Electoral Commission.*”

and

18. *All Mayors and Presidents be directly elected by the community.*”

It is imperative that the community now be consulted as a matter of urgency, their views obtained and submitted as part of the Town’s submission on the Report. In his media statement of 25 October 2012, the Hon Minister for Local Government stated that “*the State Government would not take a definitive position on the report’s 30 final recommendations until after local governments, community members and stakeholders had been able to provide their views*”. Public comment closes on 5 April 2013.

Recommendations on community consultation and further action as listed below.

RECOMMENDATION/S:

- 1. The final report of the Metropolitan Local Government Review Panel be received.**
- 2. A special edition of Life in the Park that focuses of the Metropolitan Local Government Review Panel report be sent to the Town of Victoria Park community, inclusive of residents, property owners, businesses, community groups and sporting groups in November 2012.**
- 3. The views of the Town of Victoria Park community, inclusive of residents, property owners, businesses, community groups and sporting groups be sought on the findings of the Metropolitan Local Government Review Panel.**
- 4. A survey of the Town of Victoria Park community, inclusive of residents, property owners, businesses, community groups and sporting groups be sought to obtain quantitative and qualitative feedback about the Metropolitan Local Government Review Panel recommendations.**

- 5. The Town of Victoria Park community, inclusive of residents, property owners, businesses, community groups and sporting groups be surveyed, in addition to the general recommendations of the Panel, specifically about the options of joining with the City of Perth, or the City of South Perth or remaining as is, the Town of Victoria Park.**

- 6. A report be presented to Council in February 2013 on the findings of the survey of The Town of Victoria Park community, inclusive of residents, property owners, businesses, community groups and sporting groups**

11 FUTURE LIFE AND BUILT LIFE PROGRAM REPORTS

11.1 14/12-16 (Lot 10, Strata Lot 14) Milford Street, East Victoria Park – Change of Use to Unlisted Use – Rehearsing and Recording Studio

File Reference:	MILF12-16/14
Appendices:	No
Landowner:	Citygate Properties Pty Ltd
Applicant:	Devlyn Constructions Pty Ltd
Application Date:	23 July 2012
DA/BA or WAPC Ref:	12/0459
MRS Zoning:	Industrial
TPS Zoning:	Industrial 1
TPS Precinct:	Precinct P9 'Welshpool Precinct'
Use Class:	Unlisted Use
Use Permissibility:	N/A

Date:	7 November 2012
Reporting Officer:	J. Gonzalez
Responsible Officer:	R. Cruickshank
Voting Requirement:	Absolute Majority

Executive Summary:

Recommendation – Approval by Absolute Majority

- Rehearsing and Recording Studio is not included as a Use Class in the Zoning Table and it is considered as an 'Unlisted Use'.
- The proposed Unlisted Use – Rehearsal and Recording Studio was the subject of consultation for 21 days in accordance with Council's Policy GEN3 – Community Consultation, with letters to owners/occupiers of affected surrounding industrial and residential properties, sign on site and notice in the newspaper.
- During the consultation process two submissions objecting to the proposal were received.
- Proposed Unlisted Use – Rehearsal and Recording Studio will not have any detrimental impact on the surrounding industrial and residential properties.

TABLED ITEMS:

- Application form dated 23 July 2012 and letter dated 25 October 2012 from the Strata Manager and Body Corporate;
- Plans dated 23 July 2012;
- Correspondence from Council dated 8 August 2012, 4 September 2012, and 10 October 2012;
- Correspondence from applicant dated 21 August 2012, 29 August 2012 and 11 October 2012;
- Community Consultation letter dated 12 September 2012 to owners and occupiers of surrounding properties; and
- Submissions received dated 12 September 2012 and 25 September 2012.

BACKGROUND:

An approval was granted by the City of Perth on 9 March 1979 for 'Factory/Warehouse and Showroom' Units on the subject property with a site plan showing a total of 83 car parking bays. As no description of the different units was found on the plans, it is assumed that the subject Unit 14 (Strata Lot 14) due to its building form, was approved as a 'Factory/Warehouse' as no windows like those usually found on Showrooms have been included within the facades of the unit. The approved building facing Swansea Street East however shows large clear windows and therefore it is assumed that those units were approved as Showrooms.

Over the years, the car parking layout has been modified by the property owners without Council approval, increasing the number of car parking bays with several bays and their location being in non-compliance with the Australian Standards.

DETAILS:

The application proposes a Change of Use from Light Industry to Rehearsing and Recording Studio. The subject property Unit 14/12-16 Milford Street, is zoned 'Industrial 1' and the proposed 'Rehearsing and Recording Studio' is a use not listed in the Town Planning Scheme and therefore it is considered an 'Unlisted Use'.

The proposed 'Rehearsing and Recording Studio' is located within Unit 14 with an area of 456m² and includes seven rehearsal rooms, one recording studio, storage areas, one office and amenities (tea preparation and sanitary facilities).

The applicant submitted information received on 23 July 2012 in relation to the proposed 'Rehearsing and Recording Studio', which in summary states as follows:

- The proposal is for a musical rehearsal and recording studio to be based in the industrial area of Victoria Park.
- The proposal will provide a controlled, isolated environment for musicians to rehearse.
- Proposed seven rehearsal rooms will be sound proofed, fitted with vocal speaker system and microphones.
- Musicians will bring their own instruments.
- The proposal will include instruments hire, speakers hire for external use, storage facilities.
- The recording studio is proposed to be a controlled, isolated environment equipped with state of the art recording equipment and instruments for the purposes of recording for artists and business.
- The recording studio will also be used to produce commercial advertisements and promotional material for the business sector.
- Recording studio will operate from Monday to Friday between 9.00am and 5.00pm; and rehearsal rooms will operate from Monday to Friday between 6.00pm and 11.00pm.
- During the daytime hours there will be no more than 5 car bays required.
- During evening hours it is expected that many patrons will commute in the same vehicle therefore it will be a maximum requirement of 14 car parking bays and due to being after standard business hours it is believed there will be ample parking available.

Additional information was received from the applicant on 21 August 2012 which in summary states:

- Rehearsal rooms will need to be pre-booked prior to sessions.
- Clients will be able to book rooms on a one off, regular or permanent basis.
- From the seven proposed rehearsal rooms it is considered that five will be available on any one night as two rooms may have equipment permanently stored for certain clients.
- A single session will run from 6.00pm to 10.45pm with no split sessions.
- No rehearsal will occur during daytime hours.
- Rehearsal will consist of music practice.

The applicant submitted a letter dated 28 August 2012 from the Strata Manager of 12-16 Milford Street, which states:

“I have reviewed the information you sent me and confirm that the car parking entitlement, based on the Unit entitlement of this complex, is 10 parking bays for Unit 14.

I believe your tenant will require less than the allocation so we have no doubt as to the adequacy of available parking on site.”

A further letter dated 25 October 2012 from the Strata Manager and the Body Corporate was received stating in part:

“A plan of the complex showing all the parking available on the common ground has been forwarded to you previously, which indicates numerous parking bays are available. No formal by-laws have been registered to assign the number of bays to each unit but on a unit entitlement there has been a verbal agreement and as there is always ample parking at the complex the Body Corporate has no issue with the current application for a business at Unit 14 by the owner.”

Legal Compliance

Relevant General Provisions of Town Planning Scheme No. 1

In assessing and determining this application, Council is to have regard to the following general provisions of the Scheme:

- Clause 16 of the Scheme Text – Unlisted Uses;
- Clause 36 of the Scheme Text - Determination of Application – General Provisions;
- Statement of Intent contained in Precinct Plan P9 ‘Welshpool Precinct’;
- Clause 37 of the Scheme Text – Determination of Application for an Unlisted Use.

Compliance with Development Requirements

- TPS 1 Scheme Text, Policy Manual and Precinct Plan;
- Town Planning Scheme No. 1 Policy Manual, Policy 5.1 ‘Parking and Access’

Submissions:

Community Consultation:

In accordance with Council’s Policy GEN3 ‘Community Consultation’ the proposed ‘Unlisted Use – Rehearsing and Recording Studio’ was the subject of community consultation with letters being sent by the Council’s Urban Planning Unit to owners and occupiers of affected surrounding industrial and residential properties giving them 21 days to comment on the application. The applicant was requested to place a sign on site for 21 days on 12 September 2012 and also to place a notice of the proposal in the Southern Gazette and Victoria Park Examiner newspapers once a week for three consecutive weeks starting on 12 September 2012 and finishing on 2 October 2012. On closing of the consultation period, two submissions were received.

CONSULTATION SUBMISSIONS	
<i>Submission from owner/occupants of Unit 20, 12-16 Milford Street</i>	
Comments Received	Officer’s Comments
The owner of the property does not work from the subject property and therefore would be unaware of the current problem with the lack of parking and other related tenant problems.	Noted.
Contends that there is an existing lack of parking by six bays.	Please refer to the Comments section below
<i>Submission from owner/occupants of Unit 21, 12-16 Milford Street</i>	
Comments Received	Officer’s Comments
Concerns about the amount of parking required for this development as there is frequently insufficient parking for customers. The loss of six additional bays in addition to the ten bays, will make the situation much worse.	Please refer to the Comments section below
Concerns that the bays will be occupied for a long period of time further exacerbating the problem.	

Sustainability Assessment:

External Economic Implications:

No impact

Social Issues:

No impact

Cultural Issues:

No impact

Environmental Issues:

No impact

COMMENT:

The application proposes to Change the Use of Unit 14 to an 'Unlisted Use – Rehearsal and Recording Studio'.

The proposal has been assessed in accordance with Town Planning Scheme No. 1, Clause 37 'Determination of Application for an Unlisted Use', which states that planning approval shall not be granted unless the Council is satisfied by Absolute Majority that the proposal is consistent with the matters listed in clause 36 (5). In this regard:

Town Planning Scheme No. 1 - Precinct Plan

The Statement of Intent of the Precinct Plan 9 – 'Welshpool Precinct' in part states, "*The Welshpool Precinct shall continue to function as an industrial area, meeting the need for service industry in the inner areas of the city and close to the city centre.....Non-industrial uses shall generally be discouraged from locating in this precinct except where they directly serve the area, or are to be incidental to a primary industrial use.*" In this regard the proposed Rehearsing and Recording Studio while not being an industrial use, has characteristics of an industrial use including the making of a thing and the potential creation of noise.

Among the objectives of the 'Industrial 1 Zone', Precinct Plan P9 states, "*This section of the precinct shall be developed for small scale Industrial uses. Buildings shall be attractively designed so they contribute to a high quality industrial streetscape. The preferred uses shall be industry, research and development, showrooms and warehouses will be allowed where they are to be complementary to the industrial area.*" In this regard the proposed Rehearsal and Recording Studio is considered a small scale business, it will be located within an existing industrial building, and therefore being in accordance with the objectives of the Industrial 1 zone.

Planning Policies

Under the Parking and Access Policy in the Council's Town Planning Scheme No. 1 Policy Manual, there is no parking requirements prescribed for a Rehearsal and Recording Studio, however within an application for a similar use approved by the Council on April 2009, the provision of on-site car parking at a rate of two (2) bays per rehearsal room was considered and approved; therefore the same provision of on-site car parking should be considered for this application. Based on seven rehearsal rooms and one room for the recording studio, a total of 16 bays would be appropriate. A letter from the Strata Manager confirms that the subject Unit 14 is allowed to use a total of 10 car parking bays from the complex.

It should be noted that within the approval granted by the City of Perth in 1979, a total of 83 car parking bays were approved, however in accordance with the current requirements under the above Parking and Access Policy, a total of 56 bays are required for the 4,387m² of gross floor area of the approved Factory/Warehouse and Showroom Units. Although the requirement is for 'net floor area' the calculation has been based on 4,387m² of gross floor area. This result in a surplus of 27 car parking bays within the complex.

The application proposes seven rehearsal rooms to be used mainly during night time, from 6.00pm to 11.00pm from Monday to Friday, needing a total of 14 car parking bays. Although 10 bays have been allocated to the subject Unit 14, there is a shortfall of four bays. However during this time when the rehearsal rooms will be in use, most of the businesses within the complex will be closed therefore there will be ample car parking bays available to accommodate the shortfall.

During the day, it is considered that the recording studio may require up to a maximum of five car parking bays, freeing up an additional five bays to be used for other businesses within the complex. Furthermore, based on the area of Unit 14 being 456m², and based on the above parking requirements for 'Warehouse/Industry' a total of seven car parking bays are required for Unit 14.

This is considered acceptable and is supported.

The Orderly and Proper Planning of the Locality and the Conservation of the Amenities of the Locality

The proposal is not affecting the current character of the area as it is located within an existing building. No additional traffic will be generated during the day other than the normal traffic from the complex. No emission of noise outside of the building is considered as the application proposes the rehearsal and recording studios to be sound proofed. Therefore any noise leaving the building is considered to be negligible or similar to the noise originating from the businesses of the other strata units. In addition the subject Unit 14 is behind the approved showrooms building facing Swansea Street East and approximately 75 metres away from the residential area along Swansea Street East.

The two previous businesses within the subject unit were a car/truck engine manufacturing and reconditioning business that operated for several years under the Prosser Automotive Engineers ownership; and more recently a panel beating business operated under the same ownership. It is considered that those two types of businesses are noisier than the proposed Rehearsing and Recording Studio.

It is considered that the proposed 'Rehearsal and Recording Studio' will not have any adverse impact on the surrounding areas, is not affecting the character of the area as it will be located within an existing building and it will be in keeping with the amenities of the locality.

Submissions

During the Community Consultation period two submissions were received from strata owners from the same complex and abutting the subject Unit 14. Their objection is mainly based on car parking shortage for the proposed Rehearsal and Recording Studio. However as described in the Comments section above, during the day it is considered that for the recording studio a maximum of five bays will be required, and after 6.00pm, it may require up to a maximum of 14 car parking bays when ample car parking will be available within the complex, or alternatively the car parking shortfall for this proposal can be accommodated within the existing car parking surplus. In addition the letter received from the Strata Manager and Body Corporate in part states "...as there is always ample parking at the complex the Body Corporate has no issue with the current application to a business at Unit 14 by the owner."

It is noted that some businesses may operate during evenings such, as the bakery located within the complex on the property at 18 Milford Street which has been pointed out by one of the objectors, however that property has its own car parking but some of the business operators may be parking within the property at 12-16 Milford Street as it is closer and easy to park in, and there is no fence in between the two properties.

A site inspection was carried out by Council's Planning Officer on 25 October 2012 around 11am and revealed that approximately 50% of the car parking for the complex on 12-16 Milford Street was available.

CONCLUSION:

In view of the above, it is considered that the proposed Change of Use to Unlisted Use – Rehearsal and Recording Studio will not have any adverse detrimental impact on the surrounding industrial and residential areas and the application is recommended for approval by an Absolute Majority of the Council.

Further Comments:

At the Elected Members Briefing Session held on 6 November 2012, questions were raised in relation to the conditions of the approval for a Rehearsing Studio in Star Street, Carlisle (approved 28 April 2009). The conditions of approval proposed for the current application are similar to those imposed for the previously approved application in Star Street, with the exception that a condition of the approval for the Star Street application included the approval being limited to a period of two years. The Town has not received any complaints in relation to the operation of the Star Street premises, and therefore it is considered that there is no need to restrict the approval of the current application to a specified time period. Council's Urban Planning Business Unit will now seek for the operator of the Star Street premises to apply for a further planning approval.

RECOMMENDATION/S:

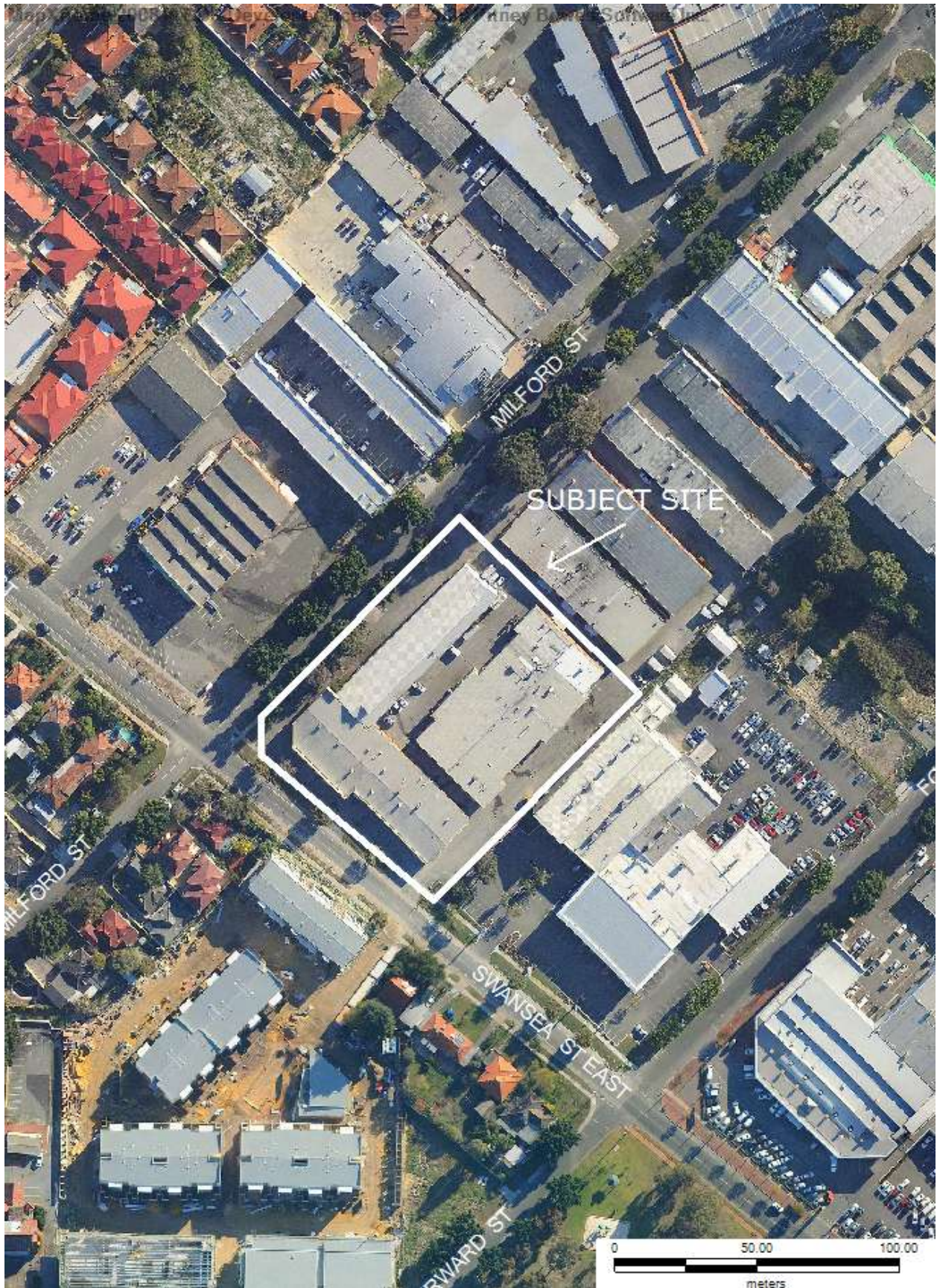
- 1. In accordance with the provisions of the Town of Victoria Park Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the application submitted by Devlyn Constructions Pty Ltd on behalf of Citygate Properties Pty Ltd (DA Ref: 12/0459) for Change of Use to Unlisted Use – Rehearsing and Recording Studio at Unit 14, 12-16 (Lot 10, Strata Lot 14) Milford Street, East Victoria Park as indicated on the plans dated received 23 July 2012 be Approved by Absolute Majority subject to the following conditions:**
 - 1.1 Operating hours being restricted to 6.00 pm to 11.00 pm from Monday to Friday for the Rehearsing Studios; and to 9.00am to 5.00pm from Monday to Friday for the Recording Studio.**
 - 1.2 A maximum of one session per rehearsing studio per day.**
 - 1.3 Compliance with Council's Environmental Health regulations in relation to noise levels.**

- 1.4 In order to confirm compliance with this planning approval and all relevant Council requirements, approval is to be obtained from the following Council Business Units prior to the submission of a certified application for a building permit:
- Urban Planning;
- Failure to do so may result in refusal of the application for a building permit (refer related Advice Note).
- 1.5 Compliance with Council's Building, Environmental Health and Technical Services requirements.
- 1.6 This approval is valid for a period of twenty four months only. If development is not commenced within this period, a fresh approval must be obtained before commencing or continuing the development.

Advice to Applicant

- 1.7 In regards to Condition No. 1.1 above, where a Council Building Surveyor is issuing the Certificate of Design Compliance (Application Form TVP1 to be submitted) then the approval of Council Business Units will be obtained by the Council Building Surveyor. Where a private certifier is engaged to issue the Certificate of Design Compliance, then it is the responsibility of the owner/builder/certifier to submit a separate application (Form TVP2) for the approval of Council Business Units. This form is available on the Town's website and at the front counter of Council's Offices.
- 1.8 Should the applicant be aggrieved by this decision a right of appeal may exist under the provisions of the Town Planning Scheme or the Metropolitan Region Scheme and the applicant may apply for a review of the determination of Council by the State Administrative Tribunal within 28 days of the date of this decision.
2. Those persons who lodged a submission regarding the application be advised of Council's decision.

(Absolute Majority Required)



11.2 Proposed Review of Draft Sustainability Framework, Development of a Decision-Making Tool and Staff Training – Proposed Request for Quotation

File Reference:	ADM0178
Appendices:	Yes

Date:	22 October 2012
Reporting Officer:	J. Kober
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation – Council proceed with a Request for Quotation.

- Proposed Request for Quotation to undertake a review of Council’s draft Sustainability Framework, to develop a decision-making tool and to provide staff training.

TABLED ITEMS:

- Draft Town of Victoria Park Sustainability Framework dated 8 December 2009.
- Draft Town of Victoria Park Request for Quotation document QTVP/12/08 – Town of Victoria Park Sustainability Framework.

BACKGROUND:

As a local government the Town has an impact on the local and global environment through the decisions made at all level of Council operations. A sustainability framework provides the tools to consider how Council decisions, projects and initiatives impact on our environment by considering environmental, social and economic factors, also called the “triple bottom line”, rather than simply making decisions based on economic considerations as was the case in the past. The sustainability framework also provides a tool to measure how well the Town is progressing in becoming more sustainable.

Council’s Triple Bottom Line Working Group has prepared a Draft Sustainability Framework with the help of the International Council for Local Environmental Initiatives (ICLEI) as part of its pilot program for local government. Due to the deficiencies experienced ICLEI did not proceed with the program. The Draft Sustainability Framework has not previously been referred to Council for adoption and implementation has not been progressed as it requires review in line with the Plan for the Future and the development of decision making/ reporting tools.

At the Ordinary Council Meeting on 22 February 2011 Council adopted a new Plan for the Future, a strategic plan which establishes a new organisational structure and guides the future planning for the Town of Victoria Park. As part of the Plan for the Future six core competencies were identified of which Sustainability is one. Council staff and Elected Members will be trained in these core competencies. In addition, the completion of the Sustainability Framework is one of the projects identified under the Future Life Program in the Plan for the Future.

The Draft Sustainability Framework therefore needs to be reviewed and potentially revised to align with the Plan for the Future. In particular, a decision making tool needs to be developed for all Council operations to enable the Sustainability Framework to be implemented across the organisation. This needs to include sustainability assessment for development of projects and initiatives across the organisation.

A training program for Elected Members and staff needs to accompany implementation of the Sustainability Framework to ensure that Elected Members and staff are well equipped to consider sustainability in their decision making, projects and initiatives.

DETAILS:

Council's Plan for the Future includes the finalisation of the Draft Sustainability Framework as a project within the Future Life Program. A project team consisting of The Director Future Life and Built Life Programs, the Director Community Life Program, and Senior Strategic Planner, has been formed to progress this project.

The project team has prepared a draft brief for review of the existing Draft Sustainability Framework. This includes preparation of a decision-making tool for all Council operations, including decisions by Elected Members and Council staff under delegated authority, Council projects and initiatives. Following adoption of the Sustainability Framework and decision-making tool, the consultant would be required to prepare and deliver a training program for Elected Members, management and general staff to ensure that the Sustainability Framework and decision-making tool can be implemented across the organisation.

The Draft Request for Quotation document, which is enclosed as an appendix to this report, includes the following scope of work:

The work consists of two parts:

1. Development of Sustainability Framework and Decision-Making Tool:
 - 1.1. Based on the existing Draft Sustainability Framework, create a Sustainability Framework for the organisation having regard to the following:
 - A concise, easy to read and use document; and
 - Integrated with the Town of Victoria Park Plan for the Future 2011 – 2026; and
 - Compatible with the *Local Government Act 1995*.
 - 1.2. Develop a set of criteria for decision-making and measuring performance across the six Core Competency Areas based on sustainability for all Council operations, Council reports, projects and initiatives. The criteria should be easy to understand, user-friendly and of a format suitable to be included in Council Reports;
 - 1.3. Before completing the document, test the decision making tool with various staff to receive feedback on the processes and tool and then amend the draft tool document as required before finalising;

- 1.4. Identify an ongoing review process for Council staff to review the success of the implementation of the Sustainability Framework;
 - 1.5. Develop a training program for elected members, senior staff and Council staff generally that will enable them to make decisions based on sustainability criteria.
 - 1.6. Present the draft Sustainability Framework, decision making tool and training program at an Elected Members' Workshop prior to adoption of the Framework by Council;
 - 1.7. Part 1 of the Project is to be completed within 12 weeks of appointment.
2. Training:
- 2.1 Deliver the training program for elected members, senior staff and Council staff generally developed in accordance with Item 1.5 above. The training program will need to be delivered after the framework and decision making tool have been adopted by Council;
 - 2.2 Evaluate the training program;
 - 2.3 Part 2 of the project is to be completed within 12 weeks of Council adopting the Framework and decision-making tool by Council.

Legal Compliance:

Nil

Policy Implications:

Council Policy FIN4 – Purchase of Goods and Services requires that for purchases between \$40,000 and \$99,999 (excluding GST) a minimum of three (3) written quotations that address stipulated requirement criteria are being obtained.

It is recommended that this process apply in this instance as the quoted sums may be in the order of \$50,000. Council's Budget 2012/13 includes \$50,000 for the review of the Sustainability Framework. An additional amount of \$8,000 is available through the training budget for the core competencies.

Strategic Plan Implications:

Development and implementation of a Sustainability Framework for the Town is one of the projects listed in Council's 'Plan for the Future 2011-2026' for the Future Life Program.

Sustainability is also one of the six core competencies in which all staff are to be trained.

The project therefore aligns with the Plan for the Future.

Financial Implications:

Internal Budget:

Funds are available in the 2012/13 budget for preparation of a Sustainability Framework and core competency training.

Total Asset Management:

Nil

Sustainability Assessment:

The review of the Draft Sustainability Framework which includes preparation of a decision-making tool and staff training program will ensure that sustainability considerations are incorporated into every aspect of Council’s operations. This includes reporting to Council, decision making by Elected Members and by staff under delegated authority as well as purchasing decisions, projects and initiatives.

Including a sustainability assessment in all aspects of Council’s functions will improve the sustainability of all Council operations.

COMMENT:

Undertaking the review of the Draft Sustainability Framework is important for a number of reasons as follows:

- Increasing pressure from the community and State government to be more sustainable and to make decisions based on the triple bottom line rather than purely based on financial considerations;
- The need to measure how sustainable we are as an organization through a formalized process;
- The finalisation of the Sustainability Framework has been included in the Plan for the Future which Council endorsed on 22 February 2011;
- Sustainability has been identified as one of the core competencies within the Plan for the Future on which all staff are required to receive training.

The Request for Quotation is proposed to include qualitative criteria summarised as follows:

Capability/ competence of Respondent to perform the work required	25%
Experience of Respondent in supplying similar goods or completing similar projects	25%
Understanding of Requirement	30%
Submitted Price/s	20%

It is proposed that a number of suitably qualified and experienced consultants will be contacted and invited to submit quotations in accordance with the Request for Quotation following endorsement of the Draft Request for Quotation at the Ordinary Council Meeting on 13 November 2012.

The timetable proposes that a consultant would be appointed in January, to allow the consultants to conclude the first stage of the review of the Sustainability Framework, development of a decision-making tool and training program by the end of April 2013. Following adoption of the draft Sustainability Framework by Council it is anticipated that the training program would be rolled out between July and September 2013.

CONCLUSION:

The Plan for the Future includes the finalisation of the Sustainability Framework as a project within the Future Life Program and lists sustainability as a core competency for the Town. The draft Request for Quotation provides criteria for the appointment of a consultant to review and finalise the Sustainability Framework, develop a decision-making tool and deliver training to elected members and staff.

It is therefore recommended that Council endorse the Request for Quotation to progress this project.

RECOMMENDATION:

Council seeks quotations for the review of the draft Sustainability Framework, development of a decision-making tool and staff training based on the draft Request for Quotation QTVP/12/08.

11.3 Land Asset Optimisation Strategy – Proposed Request for Quotation

File Reference:	ADM0178
Appendices:	Yes
Date:	22 October 2012
Reporting Officer:	R. Lavery
Responsible Officer:	R. Lavery
Voting Requirement:	Simple Majority
Executive Summary:	
Recommendation – Council proceed with a Request for Quotation.	
<ul style="list-style-type: none"> Proposed Request for Quotation to undertake a Land Asset Optimisation Strategy for the Towns land assets 	

TABLED ITEMS:

- Draft Town of Victoria Park Request for Quotation document QTVP/12/09 – Town of Victoria Park Land Asset Optimisation Strategy.

BACKGROUND:

In 2010, the Renew Life Program commenced Phase I of the Strategic Asset Review (SAR). Phase I of the SAR involved a review of 23 parcels of both unimproved and developed land. Phase II of the SAR was driven by the nomination of nine properties by Elected Members to review. Phase III of the SAR involved the assessment of the remaining properties held by the Town in fee simple ownership, including all drainage sumps.

The objectives of the SAR were to identify –

- Properties that the Town owns in fee simple;
- Land that may be better utilised, including development potential, or is surplus to requirements;
- Properties owned by the Town and which are subject to occupancy agreements (lease; tenancy; sublease) which may be better utilised, or are surplus to requirements;
- Land that is providing an ongoing benefit to the Town; and
- A “top ten” list of properties that warrant further detailed investigation by external consultants to progress development, redevelopment and disposal opportunities.

Ultimately the SAR was undertaken in a cross-Program capacity by the Renew Life and Built Life Program staff. Renew Life staff undertook research identifying the properties using Geographical Information System data, Council rates and other records, Landgate data as well as historical and anecdotal information. Future Life staff provided technical town planning and development expertise, as well as historical information pertaining to property.

The next step in understanding the value of Council's land assets is to undertake a Land Asset Optimisation Strategy which will provide a co-ordinated approach to maximising the benefits from the Town's property and land portfolio and will provide a framework for decisions on short and long term development opportunities.

The primary aim of the project is to establish a proactive and where appropriate 'entrepreneurial' approach to the management of these property and land assets, both freehold and where appropriate reserved land.

The strategy that is developed through this process should aim to both fulfil Council's commercial aspirations and make a contribution to the social and economic development of the Town of Victoria Park.

DETAILS:

Council's Plan for the Future includes for the Future Life Program, the objective "2. To optimise the use of the Town's property assets".

A Draft Request for quotation has been compiled for the preparation of a Land Asset Optimisation Strategy by a suitably qualified consultant, in an effort to fully comprehend the opportunities which may lie within the Council's land assets for value release of those assets to enable the Town to provide for the future needs of its community in a sustainable manner.

The Strategy will provide a co-ordinated approach to maximising the benefits from the Town's property and land portfolio and will provide a framework for decisions on short and long term development opportunities.

The primary aim of the project is to establish a proactive and where appropriate 'entrepreneurial' approach to the management of these property and land assets, both freehold and where appropriate reserved land.

The strategy that is developed through this process should aim to both fulfil Council's commercial aspirations and make a contribution to the social and economic development of the Town of Victoria Park.

The Town has prepared a comprehensive data base of its land assets that will form the basis of any Expression of Interest received with respect to this Project.

Project Objectives and Tasks

The consultant is to submit a proposal that outlines the tasks and steps that they will undertake to complete the following Elements;

Element 1 - Review and Develop Land Asset Strategy:

- Establish a Land Asset Optimisation Strategy and assessment criteria. The criteria should relate to establishing a programme of action based on priority, timing, ease of 'development' and overall strategic outcomes in line with other Council priorities.
- Review and assess Council's freehold and reserved land, clarifying existing purpose and potential alternative opportunities.
- Develop a prioritised listing of land that has short term, medium term and longer term development potential.
- Based on the above identify highest priority development options and report to Council on an initial action plan.

Element 2 – Policy Framework: Establish a guiding policy framework for the consideration of acquisition, management and disposal of property assets.

- Provide advice on governance and decision making for property assets such that Council can establish an appropriate risk framework for investment and income generation.

Element 3 - Other

- Advise on specific land exchange, acquisition and/or or joint venture models for projects with State government and private sector.
- Develop business plans and/or project strategies for specific land parcels as requested by Council.
-

The consultant is encouraged to provide a proposal that outlines their approach to the issues and opportunities associated with contemporary management of Local Government freehold and reserve land, in light of the aims, objectives and tasks as outlined above.

Consultants are to demonstrate their experience and or knowledge of appropriate provisions of the Local Government Act.

The consultant is required within their submission to provide a project programme that sets out an overall timeframe for delivery of the each element of the brief as discrete parcels of work in terms of price and service offered.

If necessary any interdependencies between the elements should be highlighted.

The Town of Victoria Park anticipates that the delivery of the Project will be in the order of **Element 1 – Element 2 - Element 3**, however Consultants are entitled to offer alternate strategies for the delivery of these Elements if deemed appropriate.

Legal Compliance:

Nil

Policy Implications:

Council Policy FIN4 – Purchase of Goods and Services requires that for purchases between \$40,000 and \$99,999 (excluding GST) a minimum of three (3) written quotations that address stipulated requirement criteria are being obtained.

It is recommended that this process apply in this instance as the quoted sums are likely to be in within this range. Council's Budget 2012/13, GL number STJ1029, includes \$75,000 for the Land Asset Optimisation Strategy. Should the quotes exceed this amount, additional funds will be required to be set aside in the annual budget review.

Strategic Plan Implications:

To optimise the use of the Town's property assets is one of the projects listed in Council's 'Plan for the Future 2011-2026' for the Future Life Program.

The project therefore aligns with the Plan for the Future.

Financial Implications:Internal Budget:

Funds of \$75,000 have been allocated in the 2012/13 budget.

Total Asset Management:

Nil

Sustainability Assessment:

The Land Asset Optimisation Strategy will provide the ability for the Town to look at the value release in its land assets to ensure that it provides not only for its current residents and ratepayers but for the future residents and ratepayers of the Town in a sustainable manner

COMMENT:

Undertaking the Land Asset Optimisation Strategy is important for a number of reasons as follows:

- To fully comprehend the opportunities which may lie within the Council's land assets, for value release of those assets to enable the Town to provide for the future needs of its community in a sustainable manner.
- To provide a co-ordinated approach to maximising the benefits from the Town's property and land portfolio and therefore to provide a framework for decisions on short and long term development opportunities.
- To establish a proactive and where appropriate 'entrepreneurial' approach to the management of these property and land assets, both freehold and where appropriate reserved land.
- To both fulfil Council's commercial aspirations and make a contribution to the social and economic development of the Town of Victoria Park.

The Request for Quotation is proposed to include a weighted criteria of 20% for the quoted price and qualitative criteria summarised as follows:

Description of Selection Criteria	Weighting
<p>Capability/competence of Respondent to perform the work required</p> <ul style="list-style-type: none"> • Plant, equipment and staff resources available • Percentage of operational capacity represented by this work • Quality systems 	<p>10%</p>
<p>Experience of Respondent in supplying similar goods or completing similar projects</p> <p><i>Company Experience</i> Demonstrated experience in the required field of expertise and specifically Local Government Property Strategies (in accordance with the Local Government Act & Regulations The Respondent's involvement in these projects, including details of outcomes produced</p> <ul style="list-style-type: none"> • Company portfolio to demonstrate experience in the area of expertise required under this brief. <p><i>Experienced Staff</i> Experience and qualifications of key staff proposed to perform the Tasks required to fulfil the requirements under this brief.</p> <ul style="list-style-type: none"> • Provide curriculum vitae of all nominated and/ key staff members and specifically in demonstrating their experience in the area of expertise under this brief. • Past record of performance and achievement. • References from past and present clients • Occupational safety and health track record 	<p>30%</p>
<p>Methodology</p> <ul style="list-style-type: none"> • Demonstrated understanding of the tasks and outputs required under this brief. Level of understanding of Request documents <ul style="list-style-type: none"> ○ Schedule main project tasks for the study, showing approximate timelines and sequence of events clearly identifying the Elements of the projects as discrete services. Where there are potential interdependencies these should be highlighted. ○ Detail milestone dates in which information will be provided to the Town for periodic review and participation in study. • Ability to meet delivery dates in regard to overall work commitments. • Warranties offered • Added value items offered • Special conditions included in Request 	<p>30%</p>
<p>Submitted Price/s</p> <ul style="list-style-type: none"> • The price to supply the goods or services in accordance with the Request • Rates or prices for variations 	<p>30%</p>
<p>TOTAL</p>	<p>100%</p>

It is proposed that a number of suitably qualified and experienced consultants will be contacted and invited to submit quotations in accordance with the Request for Quotation following endorsement of the Draft Request for Quotation at the Ordinary Council Meeting on 13 November 2012.

The timetable proposes that the Request for Quotation close on 7 December 2012 and a consultant would be appointed in December, to allow the consultants to undertake the necessary work with a 10 week timeframe and report back to Council.

CONCLUSION:

The Plan for the Future includes objective to optimise the use of the Town's Assets as a project within the Future Life Program. The draft Request for Quotation provides criteria for the appointment of a consultant to prepare a Land Asset Optimisation Strategy for the Town's land assets.

It is therefore recommended that Council endorse the Request for Quotation to progress this project.

RECOMMENDATION:

Council seeks quotations for the preparation of a Land Asset Optimisation Strategy based on the draft Request for Quotation QTVP/12/09.

12 RENEW LIFE PROGRAM REPORTS

12.1 2012/2013 Black Spot Program Submissions Standard Report – Acceptance of Grant Funding for Road Upgrade Works

File Reference:	ADM0058
Appendices:	No

Date:	25 October 2012
Reporting Officer:	F Squadrito, J Wong
Responsible Officer:	A Vuleta
Voting Requirement:	Absolute Majority
Executive Summary:	
Recommendation –	
<ul style="list-style-type: none"> • Summary of Black Spot Program for 2012/2013 for the Town of Victoria Park. • Accept Grant funding totalling \$146,667 from the State Black Spot Program 	

TABLED ITEMS:

- Concept Plans

BACKGROUND:

To assist the Black Spot Program investigation and evaluation process, Main Roads WA (MRWA) provides each local government with lists of sites that meet the criteria for the State Black Spot Program (BSP) (5 crashes in 5 years) and the AusLink Program (3 casualty crashes in 5 years). Additionally projects that have no benefit cost ratio may be submitted under Road Safety Audit nomination. Many of the sites identified in the Town of Victoria Park were reviewed and the following four specific locations were identified for road safety treatments.

1. Intersection at Swansea Street East & Milford Street, East Victoria Park
2. Intersection at Colombo Street & Hordern Street, Victoria Park
3. Intersection at Berwick Street & Hill View Terrace, East Victoria Park/St James
4. Intersection of Hayman Road and Kent Street, Bentley (Note: Project unsuccessful)

DETAILS:

The following is a description of the road safety program at the aforementioned locations and the proposed countermeasures

1. Intersection at Swansea Street East & Milford Street, East Victoria Park

The intersection of Swansea Street East and Milford Street is a 4 way junction currently operating under priority control (Give-way). The number of crashes over the five year period (01 Jan 2006 to 31 Dec 2010) was 8 which included through, right angled and rear end collisions.

The Town proposes treatments such as:

- Improvements in sight lines for both left and right approaches
- Installation of a left turn slip lane

The project has an estimated cost of \$130,000 and a benefit to cost ratio of 2.03. Through the State BSP submission system the local government contribution is only 1/3, i.e. \$43,333.

2. Intersection at Colombo Street & Hordern Street, Victoria Park

The intersection of Colombo Street and Hordern Street is a 4 way intersection under priority control (Give-way). The total number of crashes in the five year period (01 Jan 2006 to 31 Dec 2010) was 9 which included a high proportion of right angled crashes.

The treatment proposes improvement to sight lines and traffic islands in Hordern Street on the approaches to Colombo Street to provide motorists with enhanced visual clues when navigating through the intersection.

The project has an estimated cost of \$50,000 and a benefit cost ratio of 2.71. Through the state BSP submission the local government contribution is only 1/3, i.e. \$ 16,667.

3. Intersection at Berwick Street & Hill View Terrace, East Victoria Park/St James

This project has recently received approval in principle from MRWA to proceed with investigating the performance of the junction and the ultimate configuration. The project will be staged over 2 years as approvals for signal changes can take considerable time to implement. Due to a significant number of right angle and rear end collisions, as a first stage the Town has proposed to undertake Signalised and unsignalised Intersections and Design Research Aid (SIDRA) analysis for the intersection to determine capacity constraints and opportunities for geometric improvements. The analysis included options such as turn bays for critical movements and measures to reduce the traffic delay.

The intersection of Berwick Street and Hill View Terrace is a 4 way junction currently operating under signal control. The site carries approximately 5,000 vehicles per hour in the peak hours. The number of crashes over the five year period (01 Jan 2006 to 31 Dec 2010) was 46 with significant right angle collisions.

The Town proposes to install:

- Dedicated turn lanes where required and new right turn arrow phasing
- Improve approach site distance to signals by installing mast-arms
- Reducing delay and increase safety for the critical movements.
- Extend median island to crest of Berwick Street on the northern leg

As mentioned the project will be staged over 2 financial years ending in June 2014. The total cost of the project is \$ 490,000.

The cost of the first phase of the project is \$ 40,000 and therefore this financial year the Town will be contributing \$13,333 .The project has a benefit cost ratio of 3.12.

4. Intersection at Hayman Road & Kent Street, Bentley

The intersection of Hayman Road and Kent Street is a 4 way junction currently operating as a roundabout. The number of crashes over the five year period (01 Jan 2006 to 31 Dec 2010) was 105 which included right and rear end crashes.

The Town proposes treatments such as:

- Pre-deflection nibs on all 4 approach legs to the roundabout to slow motorists as they enter the circulating area

The future potential development at Curtin University would likely have an impact on the performance of the roundabout. The proposed development caters for significant intersection alteration such as full signalisation of the intersection and other treatments to enhance safety of all the road users.

Hence, the current recognised safety treatments proposed at this location are to be revised in accordance with the future development plans from Curtin University and therefore this project was unsuccessful in obtaining funds as the proposed network changes being investigated are yet to be determined.

The total project cost is \$ 465,000 and a benefit to cost ratio of 2.13. The Town was not successful in securing funding for this project.

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

The Town's participation in the BSP is a very efficient way to maximise available funding resources as the approved projects are either fully funded by the AusLink program or 2/3 funded by the State program. In this instance, this financial year the Town's contribution to these approved projects is \$73,333 with the remaining \$146,667 funded by MRWA.

Internal Budget:

Through the normal budgeting process for Black Spot improvements the Town will need to allocate \$73,333 (Excluding the Towns overheads) from municipal funds. This amount including overheads has been already identified in this year's 2013/2014 Capital Works program.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

The nominated projects will all reduce road trauma by improving road safety.

Cultural Issues:

Nil

Environmental Issues:

Currently a property located on the northern corner at Hillview Terrace/Berwick Street intersection is noted in the Towns inventory system as a Category "A" Bushland Reserve with significant heritage importance. The design of potential widening abutting the reserve shall be restricted to be contained within the road reservation. As the geometry of the intersection is already constrained existing paths adjacent to the bushland reserve may need to be provided elsewhere with appropriate accessibility. Park Life staff to liaise with Street Improvement staff so that any impacts on the bushland site are minimised.

COMMENT:

Each of the submitted projects would have resulted in road safety improvements that achieve the objective of reducing road trauma.

The treatments have a potential to reduce traffic delay and increase the intersection performance.

CONCLUSION:

The (3) three projects that were successful are as follows:

1. Intersection at Swansea Street East & Milford Street, East Victoria Park
2. Intersection at Colombo Street & Hordern Street, Victoria Park
3. Intersection at Berwick Street & Hill View Terrace, East Victoria Park/St James

RECOMMENDATION/S:

Accept State Black Spot Grant Funding totalling \$146,667 in the approved 2012/2013 program for upgrade works at the intersection listed below;

1. **Intersection of Swansea Street East/Milford Street, East Victoria Park**
2. **Intersection of Colombo Street/Hordern Street, Victoria Park**
3. **Intersection of Berwick Street/Hillview Terrace, East Victoria Park/St James**

12.2 Adoption of GO Edwards Park Concept Plan and Water Quality Improvement Plan

File Reference:	ADM0058
Appendices:	No

Date:	30 October 2012
Reporting Officer:	W. Bow
Responsible Officer:	A. Vuleta
Voting Requirement:	Simple Majority

Executive Summary:
Recommendation –

- The Town engaged AECOM Australia Pty Ltd (AECOM) to develop the GO Edwards Park Water Quality Improvement Plan (WQIP) and to draft the GO Edwards Park Concept Plan (Concept Plan).
- The plans were subject to a public consultation strategy and were referred to the Town’s Community Environmental Working Group (CEWG).
- CEWG endorsed the plans in September 2012.
- The plans were referred to the October 2012 Elected Members Workshop.

TABLED ITEMS:

- GO Edwards Park Water Quality Improvement Plan
- GO Edwards Park Concept Plan

BACKGROUND:

At its inaugural meeting on 15 March 2012 the Town’s Community Environmental Working Group (CEWG) resolved to progress the development of its Work Plan. Included in this Work Plan was the development of a GO Edwards Park Concept Plan (Concept Plan), which is also aligned to the Town’s *Plan for the Future 2011-2016*.

Essential to, and informing the Concept Plan, is the GO Edwards Park Water Quality Improvement Plan (WQIP) which has been developed to improve water quality in the lake at GO Edwards Park to reduce algae outbreaks that have become common in recent years. AECOM Australia Pty Ltd (AECOM) was engaged to investigate the condition of the lake and to develop a WQIP.

AECOM was also successful in being awarded the contract to develop the Concept Plan.

DETAILS:

AECOM was engaged to investigate the condition of the lake and to develop a WQIP that identifies the characteristics and current condition of the site, determine potential causes of poor water quality in the lake and develop a “toolbox” of actions including Water Sensitive Urban Design (WSUD) “Best Management Practices” (BMPs) that would be suitable and viable for consideration at GO Edwards Park.

The lake in GO Edwards Park is an artificially constructed freshwater lake fed by groundwater inflow. Groundwater carrying dissolved nutrient is considered to be a major contributing factor causing algae outbreaks in this lake.

In order to reach the desired outcome of improved water quality in the lake, a suite of management strategies should be considered. These strategies generally fall within four connected organisational goals. These are:

- Groundwater management – minimise the inflow of nutrients to the lake from groundwater.
- Stormwater management – minimise sediment, nutrients and pollutants from stormwater.
- Lake water management – minimise the surplus of available nitrogen (N) and phosphorus (P) in the lake.
- Environmental monitoring – understand the lake’s ecology, nutrient balance and algae-resilience.

From the management strategies, the WQIP identifies a number of prioritised actions to improve the water quality of the lake and in so doing, reduce the future occurrence of algae outbreaks. The actions should be considered as a suite of staged and inter-related interventions that include both major and minor works as well as ongoing monitoring.

Development of the Concept Plan was to take into account both the recommendations of the WQIP in addition to the future development and vision of the surrounding area within the “Causeway Precinct”; adopted by Council in April 2009. The Causeway Precinct document affords GO Edwards Park additional landscape feature and facility upgrade opportunities, and development potential.

The Concept Plan was developed by AECOM and addresses key opportunities looking at -

- Landscape Zones = Character, Active + Passive
- Circulation = Paving + Pathways
- Landscape Elements = Furniture + Structures
- Softscape = Planting + Habitat

The Concept Plan identifies the key landscape areas for redesign and upgrade, indicating the future or ultimate design. Features of the draft include –

- an all access pathway through the parkland;
- new nature based playground;
- sensory gardens;
- botanical gardens;
- urban gardens;
- new park furniture, lighting and structures; and
- an educational centre for children and families to learn about the natural surrounds, with proposed habitat areas, native aquatic planting and tree species to the parkland.

These landscape features intend to create a cohesive and coherent landscape aesthetic to GO Edwards Park.

Staff developed a consultation strategy to ensure that community and other stakeholder engagement met the current expectations of Council and which also identified the CEWG as a key stakeholder in the development of the plans. Accordingly, the draft plans were made available to CEWG in May 2012, after which formal commencement of the public consultation process began on the 27 May 2012 until 6 July 2012.

At the Friends of GO Edwards Park “Open Day” on 27 May 2012, the Town of Victoria Park commenced the public consultation period for the Draft GO Edwards Park Concept Plan and associated Water Quality Improvement Plan (WQIP)

Advertising and commencement of general public consultation period entailed placement on the Town’s website, Town’s Notice Board; copies made available at the Town Library, Aqualife and Leisurelife; and advertisement in the local newspaper.

Copies of the respective plans were sent directly to Burswood Park Board, Swan River Trust, Department of Environment and Conservation and relevant Town staff (Senior Strategic Planner, Business Unit Manager - Parks, Neighbourhood Enrichment staff).

Legal Compliance:

Nil

Policy Implications:

Nil

Strategic Plan Implications:

The Town’s *Plan for the Future 2011-2016* sets the strategic direction for the Town, including the development of a GO Edwards Concept Plan and associated implementation strategy:

“Develop a GO Edwards Concept Plan

GO Edwards Park is a major gateway statement into the Town and the Perth CBD. We will enhance the Park through a comprehensive renewal plan and implementation strategy”.

Financial Implications:

Internal Budget:

Budgeted expenditure of \$72,000 was incurred in the 2011/2012 financial year for the development of the plans.

This report focuses on the development and adoption of plans. It is acknowledged that any implementation of the recommendations contained within the plans will have an impact on the Town’s budget with respect to both initial capital investment and on-going operations. It is estimated that the cost of implementation of the Concept Plan and WQIP will be in the vicinity of \$1.8M.

Total Asset Management:

This report focuses on the development and adoption of draft plans. It is acknowledged that any implementation of the recommendations contained within the plans will have an impact on the management of assets, both built and non-built, within GO Edwards Park.

The cost of maintenance and operations of grounds and buildings at GO Edwards Park in the 2011/2012 financial year was \$163,000. It follows that the implementation of the recommendations of the plans will necessitate a substantial increase in the maintenance budget and asset renewal demands at GO Edwards Park.

Sustainability Assessment:

External Economic Implications:

A key driver for the development of the plans has been the Friends of GO Edwards Park group, and their position that external funding is available for improvements and development of GO Edwards Park, and that applications for such funding are more likely to be successful when aligned to a strategic and Council-endorsed overarching plan.

Social Issues:

The development of the draft GO Edwards Concept Plan and associated WQIP, together with the recommendations contained within, demonstrate to the community the Town's commitment to improving the health and condition of the GO Edwards Park for the long-term benefit of the environment and the community.

The release of the respective plans for community consultation demonstrates the Town's commitment to fully involve and engage the community to ensure the collective knowledge and concerns are heard.

Cultural Issues:

Nil

Environmental Issues:

In recent years the lake at GO Edwards Park has experienced algae outbreaks. Groundwater carrying dissolved nutrient is considered to be a major contributing factor causing algae outbreaks in this lake.

Other contributing causes of algae outbreaks include nutrients already present in the lake's sediment and water, nutrients entering the lake from leaf decay and bird droppings, as well as the amount of non-vegetated water surface (and a lack of shade) leading to favourable conditions for algae growth.

The implementation of the WQIP will reduce the incidence of algal blooms and improve overall water quality in the lake. Complimentary to this is the environmental enhancement and further activation of GO Edwards Park itself, effected through the implementation of the recommendations of the Concept Plan.

Maintaining and enhancing the quality of GO Edwards Park is important not only for the environmental and aesthetic benefits, but also for the community that use the park. The park is home to a variety of flora and fauna and is used by the community for passive and active recreation.

COMMENT:

Upon closure of the public consultation process, submissions relating to the Concept Plan were collated by staff, referred to the CEWG for comment and then to AECOM for review and inclusion into the final document. These comments and the subsequent assessment

thereof can be seen as appendices in the final Concept Plan document.

At the October 2012 Elected Members Workshop it was suggested that an iconic bridge across Great Eastern Highway, connecting GO Edwards Park to Burswood Park Board land, would serve as a unique entry statement and “green bridge” and which reflected positively on the Town and GO Edwards Park should be included into the Concept Plan.

CONCLUSION:

The GO Edwards Park plans were developed in response to community demands to improve and raise the profile of the environmental value of the Park. The consultant’s brief also required the Park to be developed and activated to meet the changing demands of the Causeway area and improve functionality of the reserve generally.

Ultimately the plans are intended to provide a framework for the continued improvement and development of the Town’s premier passive park to meet current and future expectations of the community. Adoption of the plans will also assist and guide Council and staff in their future allocation of resources to progress the relevant recommendations.

ADDITIONAL COMMENT:

At the Elected Members Briefing Session on 6 November 2012 it was suggested that reference be made to the two types of grade separated crossings that could be considered for Great Eastern Highway. Therefore, an investigation of a Grade separated bridge or underpass should also be assessed on the basis of cost benefit as well as potential funding partnerships to contribute to the structure.

RECOMMENDATION/S:

- 1. That Council adopt the GO Edwards Park Water Quality Improvement Plan and Concept Plan and that further detailed design, costings, staging and implementation of the recommendations be considered as part of the 2013/2014 budget process.**
- 2. That the Administration investigate the feasibility of a grade separated crossing of Great Eastern Highway adjacent to GO Edwards Park.**

13 COMMUNITY LIFE PROGRAM REPORTS

Nil

14 BUSINESS LIFE PROGRAM REPORTS

14.1 Schedule of Accounts for September 2012

File Reference:	FIN0015
Appendices:	Yes
Date:	26 October 2012
Reporting Officer:	G. Patrick
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority
Recommendation – That Council, pursuant to Regulation 13 of the <i>Local Government (Financial Management) Regulations 1996 (as amended)</i>, confirm; <ol style="list-style-type: none"> 1. The Accounts Paid for September 2012 as contained in the Appendices. 2. Direct lodgement of payroll payments to the personal bank accounts of employees; 3. Deposits and withdrawals of investments to and from accounts in the name of the Local Government. 	

TABLED ITEMS:

- Nil

BACKGROUND:

Council has delegated to the Chief Executive Officer the authority to make payments from the Municipal and Trust funds in accordance with the *Local Government (Financial Management) Regulations 1996*.

Under Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, where a local government has delegated to the Chief Executive Officer the exercise of its power to make payments from the Municipal fund or the Trust fund, each payment from the Municipal fund or the Trust fund is to be noted on a list compiled for each month showing:

- a) The payee's name;
- b) The amount of the payment
- c) The date of the payment; and
- d) Sufficient information to identify the transaction

That list should then be presented at the next Ordinary Meeting of the Council following the preparation of the list, and recorded in the minutes of the meeting at which it is presented.

DETAILS:

The list of accounts paid in accordance with *Regulation 13(1) of the Local Government (Financial Management) Regulations 1996* is contained within the Appendices, and is summarised as thus -

Fund	Reference	Amounts
Municipal Account		
Recoup Advance Account		0.00
Automatic Cheques Drawn	603300 - 603403	119,104.96
Creditors – EFT Payments		3,349,559.21
Payroll		785,029.41
Bank Fees		8,522.23
Corporate MasterCard		5,516.85
		4,267,732.66
Trust Account		
Automatic Cheques Drawn		Nil
		Nil

Legal Compliance:

Section 6.10 (d) of the Local Government Act 1995 refers, ie. -

6.10. Financial management regulations

Regulations may provide for —

(d) the general management of, and the authorisation of payments out of —

(i) the municipal fund; and

(ii) the trust fund,

of a local government.

Regulation 13(1), (3) & (4) of the Local Government (Financial Management) Regulations 1996 refers, ie.-

13. Lists of Accounts

(1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

(a) the payee's name;

(b) the amount of the payment;

(c) the date of the payment; and

(d) sufficient information to identify the transaction.

(3) A list prepared under subregulation (1) is to be —

(a) presented to the council at the next ordinary meeting of the council after the list is prepared; and

(b) recorded in the minutes of that meeting.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

All accounts paid have been duly incurred and authorised for payment as per approved purchasing and payment procedures and it is therefore recommended that the payments, as contained within the Appendices, be confirmed.

RECOMMENDATION/S:

That Council, pursuant to Regulation 13 of the *Local Government (Financial Management) Regulations 1996 (as amended)*, confirm;

1. The Accounts Paid for September 2012 as contained in the Appendices.
2. Direct lodgement of payroll payments to the personal bank accounts of employees.
3. Deposits and withdrawals of investments to and from accounts in the name of the Local Government.

14.2 Financial Statements and Budget Variations for the Month ending September 2012
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File Reference:	FIN0015
Appendices:	Yes
Date:	26 October 2012
Reporting Officer:	G. Pattrick
Responsible Officer:	N. Cain
Voting Requirement:	Simple Majority / Absolute Majority
Recommendation – That Council, pursuant to Regulation 34 of the <i>Local Government (Financial Management) Regulations 1996</i>, accepts the Financial Activity Statement Report – September 2012 as included in the Appendices.	

TABLED ITEMS:

- Nil

BACKGROUND:

Each month officers are required to prepare monthly financial reports, covering prescribed information, and present these to Council for acceptance.

DETAILS:

Presented, in the Appendices, is the Financial Activity Statement Report – September 2012.

For the purposes of reporting material variances from the Statement of Financial Activity (as contained in the Report), the following indicators, as resolved by Council, have been applied –

Revenue

Operating Revenue and Non-Operating Revenue – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

Expense

Operating Expense, Capital Expense and Non-Operating Expense – Material variances are identified where, for the period being reported, the actual varies to the budget by an amount of (+) or (-) \$25,000 and, in these instances, an explanatory comment has been provided.

For the purposes of explaining each material variance, a three-part approach has been applied. The parts are –

1. **Period Variation**
Relates specifically to the value of the variance between the Budget and Actual figures for the period of the Report.
2. **Primary Reason(s)**
Explains the primary reason(s) for the period variance. Minor contributing factors are not reported.
3. **End-of-Year Budget Impact**
Forecasts the likely financial impact on the end-of-year financial position. It is important to note that figures in this part are ‘indicative only’ at the time of reporting, for circumstances may subsequently change prior to the end of the financial year.

Legal Compliance:

Regulation 34 (Financial activity statement report) of the *Local Government (Financial Management) Regulations 1996* states –

- (1) *A local government is to prepare each month a statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —*
 - (a) *annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);*
 - (b) *budget estimates to the end of the month to which the statement relates;*
 - (c) *actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;*
 - (d) *material variances between the comparable amounts referred to in paragraphs (b) and (c); and*
 - (e) *the net current assets at the end of the month to which the statement relates.*
- (2) *Each statement of financial activity is to be accompanied by documents containing —*
 - (a) *an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;*
 - (b) *an explanation of each of the material variances referred to in subregulation (1)(d); and*
 - (c) *such other supporting information as is considered relevant by the local government.*
- (3) *The information in a statement of financial activity may be shown —*
 - (a) *according to nature and type classification; or*
 - (b) *by program; or*
 - (c) *by business unit.*

- (4) *A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —*
 - (a) *presented at an ordinary meeting of the council within 2 months after the end of the month to which the statement relates; and*
 - (b) *recorded in the minutes of the meeting at which it is presented.*
- (5) *Each financial year, a local government is to adopt a percentage or value, calculated in accordance with the AAS, to be used in statements of financial activity for reporting material variances.*

Section 6.8 of the *Local Government Act 1995* (Expenditure from municipal fund not included in annual budget) states –

- (1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —*
 - (a) *is incurred in a financial year before the adoption of the annual budget by the local government; or*
 - (b) *is authorised in advance by resolution*;* or
 - (c) *is authorised in advance by the mayor or president in an emergency.*

** Absolute majority required.*
- (1a) *In subsection (1) —*

additional purpose means a purpose for which no expenditure estimate is included in the local government's annual budget.
- (2) *Where expenditure has been incurred by a local government —*
 - (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
 - (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.*

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:

Internal Budget:

The Statement of Financial Activity, as contained in the body of the Financial Activity Statement Report, refers and explains.

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

It is recommended that the Financial Activity Statement Report – September 2012, as contained in the Appendices, be accepted.

Where, as part of the Report, an identified expenditure requirement from the municipal fund that has not been included in the annual budget is recognised, and included in the Report in the associated section, this will require an absolute majority decision and will be separately identified in the recommendation.

RECOMMENDATION:

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996*, accepts the Financial Activity Statement Report – September 2012 as included in the Appendices.

14.3 Multiple Dog Application

File Reference:	ADM0044
Appendices:	No

Date:	11 October 2012
Reporting Officer:	A Lantzke
Responsible Officer:	N Cain
Voting Requirement:	Simple Majority
Recommendation – The application for an exemption to keep more than the prescribed number of dogs be approved subject to conditions	
<ul style="list-style-type: none"> • The applicant has no history of offences or issues related to dog ownership • No responses from neighbours were received regarding the application. 	

TABLED ITEMS:

- Nil

BACKGROUND:

The *Town of Victoria Park Dogs Local Law 2000* limits the number of dogs that may be kept on any premises to two (2) dogs over the age of three months and the young of those dogs under that age, unless an exemption has been granted.

During an inspection in August 2012 Town Rangers identified a property in Solar Way, Carlisle with more than the prescribed number of dogs. On 16 August 2012 the Town received an application to keep three dogs at the property.

DETAILS:

The person responsible for the dogs has no known history of offences or dog related issues. All three dogs are already registered as follows:

No	BREED	GENDER	REG #	REGISTERING AUTHORITY
1	Mastiff X	M de-sexed	1009049	TOVP
2	Anatolian	F	1009050	TOVP
3	Anatolian X	M De-sexed	L05583	City of Stirling

In assessing the application, Town Rangers conducted an inspection of the property and in the opinion of the Officers the dogs appear to be well provided for and maintained. The yard was kept in a clean and tidy condition, and the fencing on the property was adequate to contain the dogs. The property provides sufficient room to keep the type and number of dogs applied for.

Council Officers conducted a survey of 16 properties surrounding the property in relation to the application. No responses were received.

The applicant’s third dog is owned by her adult son who has recently returned home.

Legal Compliance:

Limitations on the number of dogs kept on a property are specified under the following Sections of the *Dog Act 1976* and the Town's *Dog Local Law 2000*:

The *Dog Act 1976* states inter-alia:

"26. Limitation as to numbers

(1) The provisions of this Part shall not operate to prevent the keeping on any premises of 2 dogs over the age of 3 months and the young of those dogs under that age.

(2) Subject to subsection (1), a local government, pursuant to local laws, may limit the number of dogs over the age of 3 months, or the number of such dogs of any specified breed or kind, that may be kept on any premises situate in a specified area to which those local laws apply unless those premises are licensed as an approved kennel establishment or are exempt.

(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —

(a) may be made subject to conditions, including a condition that it applies only to the dogs specified therein;

(b) shall not operate to authorise the keeping of more than 6 dogs on those premises; and

(c) may be revoked or varied at any time.

(4) Subject to the provisions of subsection (3), a person who keeps on any premises, not being premises licensed as an approved kennel establishment, dogs over the age of 3 months in numbers exceeding any limit imposed in relation to those dogs by a local law made under subsection (2) commits an offence.

(5) Any person who is aggrieved —

(a) by the conditions imposed in relation to any exemption from the provisions of a local law placing a limitation on the number of dogs that may be kept on any premises; or

(b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption, may apply to the State Administrative Tribunal for a review of the decision.

(6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision."

Additionally the Town's *Dog Local Law 2000* States:

"3.2 Limitation on the number of dogs

(1) This clause does not apply to premises which have been—

(a) licensed under Part 4 as an approved kennel establishment; or

(b) granted an exemption under section 26(3) of the Act.

(2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.

PENALTY: \$1 000 AND A DAILY PENALTY OF \$100.”

Policy Implications:

Nil

Financial Implications:

Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:

External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

On being advised of the requirement to apply for an exemption to keep three dogs the applicant has completed the required application and has demonstrated that the dogs are well cared for.

CONCLUSION:

The assessment of this application for an exemption to keep three dogs has shown no grounds for refusal of the application.

RECOMMENDATION/S:

In accordance with the provisions of the Dog Act 1976 and the Town of Victoria Park Dogs Local Law 2000 the application for an exemption to keep the following three (3) dogs:

No	BREED	GENDER	REG #	REGISTERING AUTHORITY
1	Mastiff X	M de-sexed	1009049	TOVP
2	Anatolian	F	1009050	TOVP
3	Anatolian X	M De-sexed	L05583	City of Stirling

be approved subject to the following conditions:

1. Only dogs that are the subjects of this exemption are to be kept at this property.
2. All dogs are to be registered in accordance with the Dog Act 1976.
3. Fences are to be maintained in order to secure the dogs on the property.
4. The yard area of the property where the dogs are kept is to be maintained in a clean and tidy condition.
5. Dog faeces are to be disposed of in the weekly refuse service or by other approved means.
6. Dogs kept at the property are not permitted to bark so as to create a nuisance.
7. If the property is significantly developed so as to reduce the area used to keep the dogs, the exemption provided by Council will no longer be valid. The applicant may seek a further exemption based on the modified condition of the property.
8. The exemption relates to the individual dogs subject to this application ONLY.

14.4 Objection to Dangerous Dog Declaration

File Reference:	ENS0003
Appendices:	Nil

Date:	24 October 2012
Reporting Officer:	A Lantzke
Responsible Officer:	N Cain
Voting Requirement:	Simple Majority

Recommendation – That pursuant to the <i>Dog Act 1976</i>, Council	
<ol style="list-style-type: none"> 1. Dismisses the objection regarding the decision to declare Dog 23100 as a ‘Dangerous Dog’. 2. Supports the Officer’s decision in declaring Dog 23100 as a ‘Dangerous Dog’. 3. Advises the applicant of their right of appeal to this decision. 	
<ul style="list-style-type: none"> • Dog 23100 was declared Dangerous by Town Officers on 25th July 2012 in relation to an alleged dog attack. • Under the <i>Dog Act 1976</i> the owner of the dog has the right to have an objection to this decision heard by the Town. If the objection is dismissed, the owner has a subsequent right of appeal to the State Administrative Tribunal 	

TABLED ITEMS:

- Copy of assessment of Dog 23100 (confidential memorandum)

BACKGROUND:

On 25 July 2012 a dog registered as Dog 23100 was declared dangerous by a Town of Victoria Park Ranger. In accordance with the provisions of the *Dog Act 1976* (the Act) the dog’s owner (the applicant) has submitted an objection to this decision that must now be considered by Council.

Dog 23100 and a second dog, Dog 22760, both reside at the same property. Dog 22760 is a black, female Rottweiler cross breed, owned by another resident at the property. Dog 23100 is a brindle coloured, male Bullmastiff/Staffordshire Bull terrier crossbreed owned by the applicant. Only the Dog 23100 is subject to the declaration and the subsequent objection, although both dogs were involved in the incident leading to the Declaration.

At its Ordinary Council Meeting held in September 2012, the Council moved to defer the consideration of the objection until the October 2012 Council Meeting.

DETAILS:

The following table outlines the history of events relating to Dog 23100.

No	DATE	EVENT	DETAILS	OUTCOME
1	23/07/2012	Service Request 61975	Two Dogs Wandering	On investigation dog attack complaint revealed. Infringements issued. Dog Declared Dangerous
2	24/07/2012	Registration	Dog 23100	
3	31/07/2012	Infringement 3004000	Dog not held by leash in public place	Issued to the applicant. Dog 23,100. (paid in full)

The Dangerous Dog Declaration has been issued against Dog 23100 because, in the opinion of an Authorised Officer, The Dog caused an injury to another animal. Namely it has caused an injury to the nose of the dog residing at a neighbouring property. At the time of this incident the neighbour’s dog was secured on the property.

The applicant is objecting to the Declaration for 2 reasons:

1. The owner does not believe that her dog has injured the neighbour’s dog.
2. The owner believes that her dog’s behaviour was provoked by the neighbour’s dog and by the circumstances of being cornered by Rangers at the end of a Right of Way.

These arguments are detailed in the confidential memorandum sent under separate cover.

A copy of an assessment of the dog has been tabled in relation to sociability with humans. The assessment *“showed a moderate level of sociability towards humans. His body language throughout the assessment did show low confidence in this particular context”*.

In this instance the applicant’s neighbour has witnessed an incident where her dog (22176) was involved in a scuffle at her back gate, which has resulted in an injury to its nose. This gate borders the Right of Way where Dogs 23100 and 22760 were wandering. Dog 22176 is also a Declared Dangerous Dog however, since being declared dangerous it has not been involved in any reported incidents. Dog 22176 was secured on private land at the time of this incident.

The attending Rangers have identified that when they attended the identified property on 23 July 2012, they did corner two dogs in the Right of Way in an attempt to get them to return to their property, during which the offending dog displayed a significant, level of aggression and attacked the Officers. The Officers have detailed how despite backing approximately 16 metres away Dog 23100 continued to rush at them in an extremely aggressive manner. The attending Officers are both experienced and both indicated that the behaviour shown by this dog was extremely aggressive and above the standard level of aggression for a dog in a public place.

Due to the demonstrated aggression of Dog 23100 it is considered that the risk of further attacks is high unless the owner takes the required action to comply with the Declaration.

Although the dog has been assessed, and has shown a moderate level of sociability towards humans, no assessment of the dogs sociability towards other animals has occurred. The assessment details that have been submitted are limited and do not make recommendations to the owner about what can be done to minimise the risk of further incidents.

If the applicant fails to comply with the Declaration, Town Rangers will have additional powers provided by the Declaration including greater penalties, the power of seizure or the power of destruction of the dog. These powers enable Officers to adequately address any ongoing risk if the applicant fails to adequately control the dog.

Subsequent to the presentation of this item at the September 2012 Council meeting, Officers of the Town met with the owner of Dog 23100. In discussion the owner agreed to:

1. Ensure that the dog subject to the Declaration would be unable to leave the property unaccompanied, and
2. Undertake a program of behavioural training with the dog to address any behavioural issues.

Animal behavioural training is recommended in these cases to address behavioural issues of the dog and also to increase the owner's awareness of the causes of their dog's behaviour and what they can do to control it.

The Owner stated that they (the dog and the owner) intended to leave on an extended trip around Western Australia in early November 2012. As such an undertaking was made to present a report to Council at the November 2012 meeting detailing the actions that the owner had undertaken for consideration along with the Objection.

Since this time no further incidents with the dog have been reported. However, despite several attempts to communicate with the owner, the Town has been unable to ascertain if the owner has undertaken any behavioural training. Town Officers have called the owner on four occasions and have visited the owner's address. Despite speaking to the owner and requesting further details about actions undertaken, none have been provided.

If the Declaration remains in force the owner will need to comply with it regardless of where in the State they travel.

Legal Compliance:

Dog 23100 has been declared dangerous in accordance with *Section 33E(1)* of the *Dog Act 1976*.

In accordance with *Section 33F*, if the applicant is not satisfied with the decision of Council, they may have this matter reviewed by the State Administrative Tribunal.

While this objection is being heard the dog owner must ensure that the dog is muzzled and held on a lead when in any public place but does not need to comply with any other requirements of the Declaration.

Policy Implications:

Nil

Strategic Plan Implications:

Nil

Financial Implications:Internal Budget:

Nil

Total Asset Management:

Nil

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Nil

COMMENT:

The Council has three courses of action available to it. It may:

1. Dismiss the objection entirely.

This will mean that the Declaration will remain in force. The applicant will have the option to have this decision reviewed by the State Administrative Tribunal or alternately the owner can request for a review of the Declaration in the future. The Notice of Declaration recommends to the applicant that an Animal Behaviourist be employed and suggests that the Town would be willing to review the Declaration if a course of suitable animal behavioural training for the animal has been undertaken. This acknowledges that if the dog owner takes suitable action to address the identified risk the Declaration may be removed. This is a standard provision in all Declarations issued by the Town. This is the recommended option.

2. Alter the Declaration.

The Council can alter the Declaration by adding additional requirements or removing some. The applicant is not seeking an alteration of the declaration. Many of the provisions of this Declaration are set out in the Act and cannot be altered.

3. Revoke the Declaration.

If the Council agrees with the applicants' objection they can revoke the Declaration in its entirety.

Complaints relating to this dog indicated that neighbours are not able go about their lawful business, without being in fear of attack from the dog when it is out wandering.

CONCLUSION:

Dog 23100 has shown an aggressive nature and has caused injury to another animal. A high risk of future attacks exists.

The applicant has been provided an opportunity to demonstrate actions taken to address behaviour issues that may exist with the dog. No indication that this opportunity has been taken have been provided. For this reason it is recommended that the objection be dismissed.

RECOMMENDATION/S:

That pursuant to the Dog Act 1976, Council

- 1. Dismisses the objection regarding the decision to declare Dog 23100 as a 'Dangerous Dog'.**
- 2. Supports the Officers decision in declaring Dog 23100 as a 'Dangerous Dog'.**
- 3. Advises the applicant of their right of appeal to this decision.**

14.5 Implementation of Parking Management

File Reference:	PKG0161
Appendices:	No
Date:	26 October 2012
Reporting Officer:	A Lantzke
Responsible Officer:	R Bruno
Voting Requirement:	Simple Majority
<p>Recommendation – The Council endorse the reviewed Parking Management Plan and take the required action to implement the parking management changes detailed within.</p> <ul style="list-style-type: none"> • Specific streets and areas for the adoption of paid parking be endorsed • A tender process for required goods and services be started • The Committee takes on the role of monitoring and review of changes implemented 	

TABLED ITEMS:

- Parking Management Plan v2.0

BACKGROUND:

At the Ordinary Council Meeting of 8 May 2012, Council resolved to have a Parking Management Plan (the Plan) presented to them for adoption in July 2012. A Plan was drafted and subsequently endorsed by Council on 10 July 2012. The Draft Parking Management Plan was then made available for public consultation and has subsequently been refined based on information gathered.

On 9 October 2012 the Council adopted a schedule of fees related to paid parking, and a parking permit policy.

This report tables the updated Plan for adoption as a guiding document and framework for:

- a) The management of existing public parking resources by the Town, and
- b) The development by the Parking Management Committee of a tender specification for goods and service required in accordance with the plan.

Under the Terms of Reference adopted by Council, The Parking Management Committee is responsible for providing two main outcomes:

- a) *“A Parking Management Plan, and*
- b) *The approval and acceptance of tender documents relating to parking management solutions (including details on which parking management strategies will be used on individual streets).”*

The tabled Plan and recommendations contained within this report are provided with the endorsement of the Parking Management Committee as detailed in the minutes of its meeting held on 23 October 2012.

DETAILS:

Consultation on the Draft Plan ended on the 24 September 2012. The consultation consisted of:

- Approximately 9,000 letters mailed to identified stakeholders
- 2 information sessions with approximately 30 attendees (total)
- A significant interest in the parking management webpage developed for the consultation
- A number of individual meetings with stakeholders
- Notices and media releases in local newspapers
- Emails to identified significant stakeholders such as large employers, government agencies, educational facilities and community organisations

The consultation provided:

- 90 written submissions
- 158 surveys from residents
- 93 surveys from businesses (341 responses in total)

In addition to the consultation two additional sets of statistical information were collected by Ranger Services:

1. Information on the current use of residential streets adjacent to Albany Highway to determine possible impacts of new restrictions
2. Occupancy data on streets and carparks proposed for the introduction of paid parking to determine if current parking demand warrants the use of this tool

In reviewing responses, criteria for review have been used to determine which submissions recommended change to the plan, which require some type of other action, and which require no action. The criteria are detailed in the updated plan.

The following is a summary of the main changes to the Plan:

1. A criteria for evaluating consultation responses was adopted
2. The scope and purpose of the Plan was refined
3. A summary of responses from significant stakeholders was added
4. A summary of responses relating to individual hotspots was added
5. A summary of new statistical information from surveys and new data relating to individual hotspots was added
6. Changes to proposals relating to individual Hotspots were made where new information or responses indicated a need
7. A list of possible impacts in each area was added for evaluation during subsequent review periods
8. A framework for deciding when parking restrictions should change in the future was added to deal with possible issues related to spill over or areas not currently in a recognised hotspots

Legal Compliance:

The *Part 2 of the Town's Parking and Parking Facilities Local Law 2008* as shown below allows the Town to stipulate areas where paid parking applies through a resolution of Council. This decision making ability cannot be delegated to the CEO. The endorsement of this Plan constitutes the determination of the streets, areas and parking stations shown in the plan as areas where paid parking will apply, but only where the plan identifies the streets or parking stations as having paid parking applied to them.

“PART 2—METERED ZONES**2.1 Determination of metered zones**

(1) *The local government may by resolution constitute, determine and vary and also indicate by signs, metered spaces and metered zones.*

(2) *In respect of metered spaces and metered zones the local government may by resolution determine, and may indicate by signs—*

(a) permitted times and conditions of parking depending on and varying with the locality;

(b) classes of vehicles which are permitted to park;

(c) the amount payable for parking; and

(d) the manner of parking.”

Policy Implications:

Nil

Strategic Plan Implications:

The Parking Management Plan has been developed in line with the outcomes sought through the Town’s Plan for the Future.

Financial Implications:Internal Budget:

The Council has committed to going out to tender for the provision of a range of equipment and devices to support the implementation of paid parking in designated areas. The proposed plan is to conduct financial cost/benefit analysis on the successful tenderer including: a determination of the payback period of the investment; and, a comparison of the purchase compared to lease options. This analysis will consider a possible loan to fund the acquisition of the hardware. These results will be presented to Council prior to completing the purchase.

Total Asset Management:

The acquisition of these new assets will have ongoing maintenance and renewal impact on Asset Management in future years. It is anticipated that this impact will be offset by parking and infringement revenue. Details of these impacts will be provided to Council through the tender process as stated above.

Sustainability Assessment:External Economic Implications:

The parking management changes detailed in the Plan will support economic activities in the Town.

Social Issues:

The parking management changes detailed in the Plan will support the use of parking facilities by ACROD permit holders and complement the outcomes being sought through the Town’s Integrated Movement Network Strategy. This includes supporting the long term sustainability of the community through quality transportation networks

Cultural Issues:

Nil

Environmental Issues:

The Plan will have significant environmental benefits resulting from reduced private vehicle usage and increased use of alternative transport options in the Town.

COMMENT:

The Town's Draft Plan has been complimented by other local governments and state government authorities for its detailed and thorough approach to determining appropriate parking management mechanisms. The changes incorporated through the consultation processes have further strengthened the wealth of information available to assist in determining the best choices for parking management in the Town.

It is important to note that the Plan proposes introduction of new parking management mechanisms under the condition that the impacts of these mechanisms be monitored on an ongoing basis. Ongoing monitoring is a key aspect of the plan and represents a new proactive way of managing the Town's parking resources, in stark comparison to the reactive management regime that has developed to date.

CONCLUSION:

The updated Plan proposes changes on the way this valuable public resource is managed. The proposals are recommended based on the results of consultation, research of contemporary literature and industry best practise, understanding of local conditions and an understanding that changes will be monitored and linked to specific outcomes.

The next step in addressing the Town's existing parking management issues is the adoption of this Plan.

RECOMMENDATION/S:

- 1. The Council be requested to consider the Parking Management Plan 2012 v2.0.**
- 2. The Council directs the CEO to implement paid parking in the streets, parking stations and areas as indicated in the Parking Management Plan once endorsed.**
- 3. The Council invites tenders or alternate purchasing/contract processes, in order to obtain the parking management technology, hardware and services required to implement parking management as detailed in the endorsed Parking Management Plan.**
- 4. Special Council meeting be convened on 27 November 2012 to consider the Tender Package and Business Case.**
- 5. The terms of reference for the Parking Management Committee be altered to include the function of 'monitor and review' of the performance of parking management as detailed in the endorsed Parking Management Plan.**
- 6. Council convene a forum of Elected Members and staff to determine the use of any operational surplus from parking management activities**

14.6 Tender TVP/12/07 – Provision of Digital Enterprise Training Program

File Reference:	TVP/12/07
Appendices:	No
Date:	30 October 2012
Reporting Officer:	N Cain
Responsible Officer:	N Cain
Voting Requirement:	Simple Majority
<p>That Tender TVP/12/07/ for Provision of Digital Enterprise Training Program be awarded to Business Foundations Inc in accordance with the submitted schedule of rates.</p> <ul style="list-style-type: none"> • Tender has been called for the provision of Digital Enterprise Training Program. • Evaluation of tender submissions against prescribed criteria has been completed. • Recommended to accept to the tender from Business Foundations Inc 	

TABLED ITEMS:

- Tender submissions

BACKGROUND:

The town invited tenders from suitably qualified Registered Training Organisations for the provision of a Digital Enterprise Training Program within the Town.

The program will run for 24 months and will provide group training sessions as well as one-on-one mentoring sessions too Small to Medium Enterprises and Not for Profit Organisations on how they can make greater use of online opportunities to grow and enhance their businesses.

As well as providing training and training materials, the successful tenderer will also provide online pre assessment surveys, improving business systems, websites and e-commerce, social networking and specialised materials for one on one session.

The tenderer will also host and maintain a website and online booking system.

This program was developed to coincide with the opening of the Digital Hub, providing the Town of Victoria Park with a Digital Enterprise Lead Trainer who can facilitate appropriate training packages to the local community and its businesses.

The company awarded the tender will be in charge of over 600 hours of training and the adjoining documentation packages, which includes one on one business mentoring, 2 and 3 hour workshops and 4 promotional events over the life of the contract. They will also develop and run a website, complete with online feedback capabilities and booking system.

DETAILS:

Tenderers were asked to complete and submit a schedule of rates for components of the tender specifications and all tenders were assessed against the selection criteria (listed below) included within the tender documentation.

The Selection Criteria for this Request are as follows:

Description of Selection Criteria	Weighting
<p>Criterion One: Quality of project proposal and ability to meet Digital Enterprise program objectives. Including:</p> <ul style="list-style-type: none"> • Ability to commence delivering required services within 30 days of signing the Contract. • Ability to fulfill program targets (number of sessions to be delivered) • Quality of proposed program materials • Quality of proposed website and online booking system 	30 %
<p>Criterion Two: Demonstrated skills and experience to deliver the program. Including:</p> <ul style="list-style-type: none"> ▪ Your organisation’s experience and expertise in delivering programs of a similar nature ▪ Relevant experience of key personnel delivering the project 	30 %
<p>Criterion Three: Ability to achieve value for money and demonstrate financial viability Including:</p> <ul style="list-style-type: none"> • Quality and clarity of the Cost Schedule • Proof of financial viability for the duration of the program 	20 %
<p>Criterion Four: Demonstrated knowledge of and ability to engage with businesses and not-for-profit organisations Including:</p> <ul style="list-style-type: none"> • Understanding the needs and requirements of SMEs and NFPs 	10 %
<p>Criterion Five: Demonstrated knowledge and ability to promote the benefits provided by the NBN to SMEs and NFPs in the community</p>	10 %
TOTAL	100%

Three separate submissions were received for Tender TVP/12/07

Evaluation of each tender has been undertaken according to the tender evaluation criteria included in the tender documents by a panel of three Panel Members. Nathan Cain – Director Business Life Program. Graham Pattrick – Executive Manager Business Life Program and Bonnie Hutchins – Finance Officer Business Life Program.

The tenderer with the highest overall score is the preferred tenderer.

Legal Compliance:

Local Government Act 1995 Section 3.57

Local Government (Functions and General) Regulations 1996 Division 2 Part 4

Policy Implications:

Staff have complied with Council Policy FIN4 Purchase of Goods and Services.

Strategic Plan Implications:**Financial Implications:**

Total Project Cost: \$256,914 over 24 months

As detailed in the tender, payment to tenderer will be at certain stages of the project once appropriate KPI's and performance management guidelines are adhered to. This project delivers the Digital Enterprise Program funding confirmed in June 2012, from the Department of Broadband, Communication and Digital Economy.

Sustainability Assessment:External Economic Implications:

Nil

Social Issues:

Nil

Cultural Issues:

Nil

Environmental Issues:

Ni

COMMENT:

The tender evaluation process identified that Business Foundations Inc. submitted the most appropriate tender, achieving the highest point score against the selection criteria.

CONCLUSION:

The tender submitted by Business Foundations presents the most advantageous submission and achieves an average weighted point score of 9.8 when assessed against the qualitative criteria contained in Tender TVP/12/07.

Business Foundations Inc is the preferred contractor to undertake the Tender TVP/12/07

RECOMMENDATION:

That Tender TVP/12/07 for the Provision of Digital Enterprise Training Program be awarded to Business Foundations Inc in accordance with the submitted schedule of rates listed hereafter:

Lead Trainer Staff Costs	Cost
Start up, police clearance, memberships, Smart Phone, Tablet PC with usage contracts	\$5,500
Salary December 2012	\$8,000
January to June 2013	\$43,600
July to December 2013	\$43,600
January to June 2014	\$43,600
July to November 2014	\$36,334
Total	\$180,134

Contract Staff Costs	Cost
January to June 2013	\$9,900
July to December 2013	\$9,900
January to June 2014	\$9,900
July to November 2014	\$9,900
Total	\$39,600

Website and Online Booking System	Cost
Creation and hosting of a simple website	\$5,500
Online booking and feedback system	\$2640

Program Material Costs	Cost
Creation and production of program materials and handouts for at least 5 different training workshops	\$16,500
Review of and updating of program materials after 12 months	\$5,500

Promotional Events	Cost
Hold at least four networking promotional events	\$4,400
Catering	\$2640

15 APPLICATIONS FOR LEAVE OF ABSENCE

15.1 Councillor A (Adam) Vilaca, Jarrah Ward, 20 November 2012 to 2 December 2012, inclusive

RECOMMENDATION/S:

1. That leave of Absence for Councillor Adam Vilaca be approved from 20 November 2012 to 2 December 2012 inclusive.
2. That Council appoints Councillor _____ as a voting delegate on the Western Australian Local Government Association South-East Zone Meeting on Wednesday 28 November 2012.

16 MOTION OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

17 QUESTIONS FROM MEMBERS WITHOUT NOTICE

18 NEW BUSINESS OF AN URGENT NATURE

19 PUBLIC QUESTION TIME

20 PUBLIC STATEMENT TIME

21 MEETING CLOSED TO PUBLIC

21.1 Matters for Which the Meeting May be Closed

Nil

21.2 Public Reading of Resolutions That May be Made Public

Nil

22 CLOSURE



**DECLARATION OF
FINANCIAL INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY**

**TO: CHIEF EXECUTIVE OFFICER
TOWN OF VICTORIA PARK**

Name & Position	
Meeting Date	
Item No/Subject	
Nature of Interest	Financial Interest* <i>(*Delete where not applicable)</i> Interest that may affect impartiality*
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) in a written notice given to the CEO before the meeting; or
- (b) at the meeting immediately before the matter is discussed”.

ALTERNATE MOTION / AMENDMENT SUBMISSION



To: HIS WORSHIP THE MAYOR:

Please be advised that I wish to move an ALTERNATE MOTION / AMENDMENT

Name of Elected Member:

Signature:

Date of Submission:

Council Meeting Date:

Item Number:

Item Title:

Alternate Motion / Amendment: *(strike out which is not applicable)*

Note: Motions to Stand Alone

All decisions of the council must be in the form of motions that are clear in their intent and enable a person to understand what has been decided without reference to another motion or information contained in the body of a report.

Reason:

Note: Explanation for changes to Recommendations

Administration Regulation 11 requires the minutes to include written reasons for each decision that is significantly different from the written recommendation. Members must therefore provide a written reason in the space provided above.