



NOTES

May Council Agenda Briefing Held in the Collier Park Community Centre Tuesday 16 May 2006 Commencing at 5.30pm

Present:

Mayor, J Collins, JP (Chairman)

Councillors:

G W Gleeson	Civic Ward (until 6.15pm)
M B McDougall	Civic Ward
B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward (from 5.38pm)
L J Jamieson	Manning Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward (from 5.47pm)
K R Trent, RFD	Moresby Ward (from 5.35pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr R Burrows	Director Corporate and Community Services
Mr S Cope	Director Strategic and Regulatory Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr R Bercov	Manager Development Services
Mrs M Clarke	Manager Collier Park Village
Mr L Croxford	Manager Engineering Infrastructure
Mr N Kegie	Manager Community Culture and Recreation (until 5.52pm)
Mr M Taylor	Manager City Environment (from 5.40pm - 6.10pm)
Mrs S Evans	Registered Nurse-in-Charge Collier Park Village
Mrs N Jameson	Grants and Consultation Officer (until 5.52pm)
Mr S McLaughlin	Legal and Governance Officer
Mrs K Russell	Minute Secretary

Gallery

Six members of the public were present and one member of the press

OPENING

The Mayor opened the Agenda Briefing at 5.30pm and welcomed everyone in attendance. He then advised the public present that they were not permitted to ask questions or interject in the proceedings and he reminded Members that Agenda Briefings were not part of the decision-making process but an opportunity for them to raise questions on the Agenda Items presented.

ITEMS THE SUBJECT OF THE AGENDA BRIEFING

The Chief Executive Officer commenced the presentation and gave a brief summary of each of the following reports on the May 2006 Council Agenda. Questions and points of clarification were raised by Members and responded to by the officers.

DECLARATION OF INTEREST : ITEM 9.0.1 CR McDOUGALL

Cr McDougall declared an interest as follows:

I disclose that the neighbour objecting to the proposed addition is employed by a radio station which does a considerable amount of business with my advertising agency. In view of this I will leave the Council Chamber and not seek to discuss or vote on this matter.

Note: Cr McDougall remained in the Council Chamber during the Agenda Briefing for this item. He indicated that he would leave the Chamber at the Ordinary Council Meeting on 23 May 2006 when the item was debated.

9.0.1 Second Storey Addition to Single House 36 Roseberry Avenue, South Perth

This matter was originally referred to the March 2006 Council meeting in response to concerns expressed by an adjoining owner regarding the effect of the development on their existing views.

A decision was deferred At the April meeting, Council again deferred its decision pending further discussion with the owner in relation to the suggested substitution of a flat roof over the rear balcony. The owner has now advised that due to the adverse effect on design, he does not propose to modify his plans and therefore seeks a decision from Council based upon the submitted plans.

Note: Cr Trent arrived at 5.35pm and Cr Macpherson arrived at 5.38pm.
The Manager, City Environment arrived at 5.40pm.

9.0.2 Two Storey Single House 15 Thomas Street, South Perth

Note: The Chief Executive Officer reported to the meeting that following a written request from the applicant on 16 May 2006 this Item was withdrawn from the Agenda and would be considered at the July 2006 meeting of Council.

9.0.3. Ward Boundary and Representation Review

As part of the review of its Ward Boundaries Council resolved at its February meeting to commence the public consultation process. This report considers the submissions received and canvasses a range of recommendations which Council may wish to consider in formulating its report to the Local Government Advisory Board.

Note: Cr Doherty arrived at 5.47pm

9.2.1 Lord Mayor's Distress Relief Fund

This report considers donating funds to the Lord Mayor's Distress Relief Fund as a one-off payment that will ensure ongoing individual requests for relief funding received by the City throughout the year can be redirected to the Mayor's Distress Relief Fund to be assessed at the discretion of their Board.

9.2.2 Community Safety Resource Centre Review

This report reviews the License Agreement between the City and WA Police relating to the Community Safety Resource Centre located at the Old South Perth Police Station at the corner of Mends Street and Labouchere Road, South Perth. The Centre is currently the base for the Rangers, Police and Safer City Officer.

Note: The Manager Community Culture and Recreation and the Grants and Consultation Officer retired from the meeting at 5.22pm.

DECLARATION OF INTEREST ITEM 9.3.1 : CR MACPHERSON

Cr Macpherson requested that it be recorded that she lives in the street the subject of the proposed development site. Item 9.3.1 on the May Council Agenda.

Note: Cr Macpherson remained in the Council Chamber.

9.3.1 Replacement of 4 Multiple Dwellings with 4 Single Houses at 46 Leonora Street, Como

The proposal is to replace 4 existing Dwellings four Single Houses and if referred for Council determination on whether or not to exercise discretion in favour of the application having regard to the provisions of TPS6 "Replacement of Existing Buildings not Complying with Density, Plot Ratio, Use or Height Limits".

9.3.2 Request for Extension of Validity of Approval Major Additions and Alterations to Village Green Shopping Centre, Karawara

This report is in response to a request from the owners of the Village Green for an extension to the length of validity of the planning approval issued in May 2005 for an additional 12 months.

9.3.3 Request for Retrospective Approval for carport Addition to Single House 1/143 Lockhart Street, Como.

Note: The Chief Executive Officer reported to the meeting that following a written request from the applicant on 16 May 2006 this Item was withdrawn from the Agenda and would be considered at the June 2006 meeting of Council.

9.4.1 Tender - Truck with Hydraulic Bin Lifter

This report deals with Tenders invited for the Supply and Delivery of a truck for use at the Collier Park Waste Transfer Station.

Note: Cr Gleeson retired from the meeting at 6.15pm.

9.4.2 Tenders Reticulation System - Karawara Greenways

This report considers tenders for the supply and installation of an Automatic Reticulation System for the Karawara Greenways.

Note: The Manager City Environment retired from the meeting at 6.10pm

CHANGE TO ORDER OF DISCUSSION : ITEM 9.5.1

Cr Hearne requested that Item 9.5.1 be discussed at the end of the meeting, when the meeting is closed for a *Confidential* item as he wished to raise a *Confidential* question.

The Mayor agreed to the request.

9.6.1 Monthly Financial Management Accounts

Monthly management account summaries compiled according to the major functional (departmental) classifications are presented to permit comparison of actual performance against budget expectations.

9.6.2 Monthly Statement of Funds, Investments and Debtors at 30 April 2006

This report presents to Council a statement summarising the effectiveness of treasury management for the month.

9.6.3 Warrant of Payments Listing

This report lists accounts paid by the CEO under delegated authority between 1 April 2006 and 30 April 2006.

9.6.4 Capital Projects Review to 30 April 2006

This report lists a schedule of financial performance supplemented by relevant comments in relation to approved Capital Projects to 30 April 2006.

11.1 Notice of Motion : Cr Jamieson - Attendance at Council Meeting and Reimbursement of Travelling Expenses

Note: The Chief Executive Officer reported having received a Notice of Motion from Cr Jamieson within the required timeframe to be included on the final May Council Agenda. A copy of the Notice of Motion and distributed to Member. The CEO then read aloud the text of the Motion.

AGENDA BRIEFING CLOSED TO THE PUBLIC

The Mayor advised that the meeting would be closed to the public at 6.45pm while *Confidential* items were discussed.

The remaining members of the public gallery and the Manager Engineering Infrastructure left the Council Chamber at 6.45pm.

9.5.1 Recommendations from Committee Minutes

This report considers those Recommendations, considered to be urgent, emanating from the Audit and Governance and CEO Evaluation Committee meetings held on Monday 8 May 2006.

Note: The Manager and the Registered Nurse-in-Charge of the Collier Park Village retired from the meeting at 6.44pm

13.1.1 License Arrangements - Kiosk Facility *CONFIDENTIAL REPORT*

This two year license agreement concludes in February 2007. A Council determination is required in relation to issues relating to the lease.

Closure

The Mayor closed the Council Agenda Briefing at 6.50pm and thanked everyone for their attendance.



NOTES

CONCEPT FORUM

- **Strategic Financial Plan/Budget Update**
 - **Infrastructure Capital for SFP Update**
- Held in the Collier Park Village Community Centre
Wednesday 17 May 2006 commencing at 5.30pm**

Present:

Mayor J Collins, JP (Chairman)

Councillors:

B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward (from 5.53pm)
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward (from 5.34pm)
K R Trent, RFD	Moresby Ward (from 6.44pm - 7.13pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr M Kent	Director Financial and Information Services
Mr G Flood	Director Infrastructure Services
Mr M Taylor	Manager City Environment
Mr L H Croxford	Manager Engineering Infrastructure
Ms D Gray	Manager Financial Services
Ms J Sethi	Personal Assistant - Infrastructure Services

Apologies

Cr L J Jamieson	Manning Ward
Cr G W Gleeson	Civic Ward
Cr M B McDougall	Civic Ward

OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance.

THE SUBJECT OF CONCEPT FORUM

1. Strategic Financial Plan / Budget Update

The Director Financial and Information Services commenced his presentation the outline of which was as follows:

- Part 1 - SFP Process - Background, Planning for a sustainable future
- Previous SFP / Budget Briefings
- Where are we in the Process
- Change to SFP Process for This Year
- Strategic Decisions impacting on SFP
- Trends / Lessons Identified
- Inputs to the Strategic Financial Plan
- Part 2 - SFP 5 Year Financial Model
- Financial Parameters
- Overview 2006/2007 - 2010/2011, Analysis of Funding Sources
- Overview 2006/2007 - 2010/2011, Expenditure - By Type
- 2006/0007 Funding Summary
- 2006/2007 Expenditure Summary
- Indicative Departmental Data
- Leadership 2006/2007
- Community Development 2006/2007
- Libraries & Heritage 2006/2007
- Collier Park Village 2006/2007
- Collier Park Hostel 2006/2007
- Collier Park Golf Course 2006/2007
- Development Services 2006/2007
- Waste Management 2006/2007
- Regulatory Services 2006/2007
- City Environment 2006/2007
- Building Maintenance 2006/2007
- Engineering Infrastructure 2006/2007
- Human Resources 2006/2007
- Information Services 2006/2007
- Financial Services 2006/2007
- Capital Projects - Proposed Approach
- 2006/2007 Capital Projects
- Next Steps in the Process
- Annual Budget Process & Timeline

Members provided comments, asked questions and sought points of clarification which were answered by the officers, including:

- Employee costs
- Administration Structure
- Operating Expenditure
- Potential cost savings and benefits

Outcome

The Director Financial Services took on board comments received during the session and requested Council Members to provide any further feedback directly to him. He informed Members that the **draft** Budget will be presented to Council on 7 June 2006.

Note: This part of the Briefing Concluded at 6.42pm.

2. Detailed Infrastructure Capital for Strategic Financial Plan (commenced at 6.43pm)

The Director Infrastructure Services (DIS) carried out a workshop on the 2006/07 Infrastructure Capital Works Program.

A number of questions were raised by Members relating to:

- “Roads to Recovery” program funding
- Crack sealing
- ROW 106 Closure
- Verge parking in Ley Street at Manning Road
- Parking Area Improvements - Lighting
- Hayman Road/Thelma Street Intersection
- Skid Resistance
- Stormwater Drainage
- Path Replacement
- Streetscapes
- Safety around Playgrounds
- Parks & Reserves Development

All queries were responded to by the officers present with the following matters being highlighted for further consideration/follow-up:

- Future plans to provide lighting of ROW’s
- Explore the opportunity to delineate two separate lanes in Thelma Street as cars approach Hayman Road.
- Reconsider the opportunity to underground the drainage basin behind Coles in Angelo Street in the context of the ICM strategy.
- A listing of the 2006/07 footpath replacement program together with a map showing locations is to be provided to Councillors.
- Commitment to consult with the former Preston Street community working party group members with regard to proposed Preston Street landscaping upgrades.
- Review maintenance of fairy lights in Mend Street.
- Councillors were requested to provide any further feedback with regard to the program presented within the next two weeks.

The Director Infrastructure Services made the offer to Members to contact him separately if they required more detailed information / explanation.

A copy of the presentation was distributed to Council Members.

3. Closure

The Mayor closed this Concept Forum at 7.50pm and thanked everyone for their attendance.



NOTES

CONCEPT FORUM

Old Mill Precinct Redevelopment Proposal Update Held in the Collier Park Village Community Centre Tuesday 30 May 2006 commencing at 5.30pm

Present:

Mayor J Collins, JP (Chairman)

Councillors:

B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward (from 5.46pm)
L J Jamieson	Manning Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward (from 5.35pm)
K R Trent, RFD	Moresby Ward (from 5.43pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Strategic and Regulatory Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Mr R Bercov	Manager Planning Services
Mr L Croxford	Manager Engineering Infrastructure
Mr S McLaughlin	Legal and Governance Officer
Mrs K Russell	Minute Secretary

Presenters/Guests

Representing the Gary Lawrence Proposal

Mr Garry Lawrence	Managing Director, Lawrence Associates
Mr Brett Jackson	Adaptive Heritage
Mrs June Shenton-Turner	representing original owners of the Old Mill
Mr Noel Nannup	Indigenous Heritage representative
Mr Phil Sweatn	Environment representative

Representing the Owners of The Peninsula Strata Plan 10889

Mr Lloyd Collins	Chairman, Strata Council
Mrs Margaret Collins	Council Member
Mr John Theodorsen	Director, Theodoren Consulting
Tee Huan Na	Theodoren Consulting

Apologies

Cr G W Gleeson	Civic Ward - Leave of Absence
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OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance. He then asked the Chief Executive Officer to introduce the presenters.

The Chief Executive Officer welcomed guests to what he described as a 'very important gathering' to deal with a project that has been around in various stages for some time. He advised that there had been several previous presentations from Lawrence Associates and that the evening's briefing would hear presentations from Garry Lawrence with a further update on the Old Mill Proposal and Brett Jackson of Adaptive Heritage who will talk about his vision for the area and his thoughts on the historical components and tying it in with the Old Mill Precinct redevelopment. Presentations would then be made by representatives of The Owners of the Peninsula Strata Plan 10889, 23 Mill Point Road, South Perth. In the first instance Mr Lloyd Collins, Chairman of the Peninsula Strata Plan would speak on the Old Mill Proposal and then Consultant, Mr John Theodorsen in relation to the survey conducted on behalf of the owners of the Peninsula Strata Plan. It was suggested that questions be asked and responded to at the end of each presentation.

OLD MILL PRECINCT REDEVELOPMENT - GARRY LAWRENCE PROPOSAL

Garry Lawrence referred to the report on the Old Mill Redevelopment presented to the March 2006 Council meeting and to Council's resolution:

That whilst the Council are supportive of the Adaptive Heritage Re-use and Revitalisation of the Old Mill, it is unable, at this time to support all components of the concept proposal submitted until such time as:

- (i) a formal consultation process is undertaken; and*
- (ii) Council Members are fully informed of all the ramifications of the concept proposal.*

and stated that tonight's presentation would provide further information and cover the five areas of Concept Principles, Adaptive Heritage, Barriers for Council, Community Outcomes and Next Stage. He then commenced with the following topics:

1. Concept Principles - Restoration of the Old Mill

Garry Lawrence presented the modified concept plan for the restoration of the Old Mill site, described as a 'Vision for Sustainability'.

2. Adaptive Heritage

Brett Jackson presented the 'vision for the whole of the Freeway from the Narrows Bridge to the Mt Henry Bridge' - A Millennium Kids Sustainability Initiative - "Exploring the Riverbank". He spoke on the following topics:

- Adaptive Heritage want to work in partnership with City of South Perth and Millennium Kids for the future restoration of the Western Foreshore
- foreshore area is critically endangered and without urgent attention the history of our indigenous and settlement forefathers will become extinct
- ensure establishment of the Old Mill Precinct as a sustainable community asset - provide a catalyst for community involvement with the restoration of Point Belches to Mt Henry
- projects of this type only work if supported by a sustainability program that draws from community involvement
- Heathcote demonstrates that commercial and community assets can provide a desirable mix for sustainability
- Old Mill is the oldest existing commercial building in WA and needs to be put into operation to allow asset to be maintained and community benefits to flow

Mr Jackson concluded by saying that Adaptive Heritage needs some commitment from the City of South Perth.

Copies of the presentation were distributed to Members.

Garry Lawrence then continued the presentation with the following three topics:

3. Barriers for Council

- fear design set in stone
- redesign of concept - maximum 2 storey height limit - no impact on views
- next level a significant investment
- understanding detail ramifications
- sustainability
- Margaret's House Plan
- upgrade of cycling path/Clydesdale path
- parking removal /dedicated landscaped area
- forecourt increase
- most asked questions - responded to

4. Community Outcomes

- credibility of consultation - tangible benefits
- changes incorporate in relation to issues raised by public consultation
- Precinct will be recognised as 'Centre of Excellence'
- Bottom Line result
- wide range of social benefits
- financial return for sustainability
- caring for environment

5. Next Stage

- endorsement for the proposal received from wider community
- endorsement for the proposal received from neighbours
- now need endorsement for the proposal from City of South Perth.

Questions were raised by Members and responded to by Garry Lawrence and Brett Jackson.

OLD MILL PRECINCT REDEVELOPMENT - PENINSULA STRATA PLAN

Mr Lloyd Collins, Chairman of the Owners of the Peninsula Strata Plan, 23 Mill Point Road, South Perth spoke on :

- Old Mill Redevelopment proposal
- community research - findings
- proposal out of character with Old Mill Precinct
- concerns - re-characterising as commercial area
- major concern - why public tenders not called for site
- community support Old Mill restored/Millers Pool reinstated
- restoration supported but not by including private commercial development for profit

Consultant, Mr John Theodorsen gave a powerpoint presentation on the outcome of community research he had carried out in response to a Brief received from the Owners of the Peninsula Strata Plan.

A copy of the PowerPoint presentation was circulated to Members.

Mr Collins then gave a PowerPoint presentation on the following:

- extent of land use of redevelopment proposal
- footprint - mass and bulk on amenity
- benefits of restored Mill and surrounds
- issues for residents - amenity impact - traffic - anti social behaviour from proposed restaurant
- heritage issues
- planning issues - use of public open space
- use of public land for private commercial purposes for personal financial gain
- alternatives - need not settle for compromise
- what cost

Mr Lloyd tabled a list of concerns/issues in relation to the Lawrence proposal from the Owners of the Peninsula Strata Plan. He asked that the City of South Perth refuse to provide support for the proposal in its current form and referred in particular to Objective 1.1 of Town Planning Scheme No. 6.

A copy of the PowerPoint presentation was circulated to Members.

The Chief Executive Officer stated that Council benefited from the new information provided by both parties, he acknowledged changes incorporated into the development proposal that had been taken on board following community consultation and thanked Messrs Lawrence, Jackson, Collins and Theodoren for their presentations.

Closure

The Mayor closed the Concept Forum at 7.30pm and thanked everyone for their attendance.



NOTES

CONCEPT FORUM

- **Red Bull Air Race**
- **Local Government Advisory Board Structural Reform
South Perth / Victoria Park Proposal**
Held in the Collier Park Village Community Centre
Tuesday 6 June 2006 commencing at 5.30pm

Present:

Mayor J Collins, JP (Chairman)

Councillors:

G W Gleeson	Civic Ward
B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward
L J Jamieson	Manning Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer
Mr S Cope	Director Strategic and Regulatory Services (until 6.45)
Mr S Camillo	Manager Environment Health and Regulatory Services (until 6.45pm)

Presenters/Guests

Mr L Hanley	Events Corp, Contracts Manager)
Mr R Van Leewin	Events Corp, Operations Project Manager) until 6.45pm
Ms S Woods	Events Corp, National Project Manager)
Ms J Pond	Events Corp, Project Co-ordinator)

OPENING

The Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance.

1. Red Bull Air Race

The invited guests from Events Corp Western Australia presented Council with an overview of the Red Bull Air Race which is scheduled to take place over Perth Waters on the Swan River from the 15 to 19 November 2006. The Red Bull Air Race is one of 9 events to be held on the international calendar this year and the only one to be held in Australia. Events Corp have secured a three year contract to host the event in Perth with the major sponsor being Red Bull.

Preparation for the event will commence from 5 November with the completion being 24 November 2006.

The event is projected to attract some 250,000 visitors to the City's foreshore on the final day of the competition and the presenters provided Council with their proposed plan to deal with the impact of events activities on the City and its community. Events Corp propose to manage the event along similar lines to other large events and will provide unconditional guarantee that all funding for the event will be undertaken by them. The City will not be required to pay for any costs associated with this event.

The Red Bull Air Race proposal will be the subject of a report to Council in June.

Several questions were raised by Councillors at the briefing and these were responded to by Events Corp.

Note: This part of the Briefing concluded at 6.42pm.

The Director Strategic and Regulatory Services, the Manager Environment Health and Regulatory Services and representatives from Events Corp retired from the meeting at 6.45pm.

2. Structural Reform of WA Local Government

The CEO briefed Members on three separate proposals in relation to structural reform of WA Local Government.

(a) Local Government Advisory Board - Structural Reform Recommendations

Recommendations of the WA Local Government Advisory Board were considered for appropriate response.

The CEO referred to those recommendations contained in the Local Government Advisory report that had a direct impact on the City of South Perth. In general terms these recommendations fell into two categories - General Structural Reform Recommendations and Recommendations relating to Electoral Matters.

Feedback from Members was obtained and the CEO undertook to prepare a Discussion Paper for consideration at a future Workshop in approximately one months time.

(b) Merger of part of Town of Victoria Park and City of South Perth

A specific recommendation proposing the merger of part of the Town of Victoria Park with the City of South Perth was considered. The responses indicated that Councillors did not support the City taking a pro-active position on the merger proposal but were not adverse to further information being obtained on this topic.

(c) West Australian Local Government Systemic Sustainability Study

The Terms of Reference of the WALGA Study were conveyed to Members and reference was made to surveys currently being conducted by WALGA on this topic. The CEO undertook to provide written confirmation of the Terms of Reference to Members.

3. Closure

The Mayor closed the Concept Forum at 8.00pm and thanked everyone for their attendance.



NOTES
CONCEPT FORUM
DRAFT BUDGET

Held in the Collier Park Village Community Centre
Wednesday 7 June 2006 commencing at 5.33pm

Present:

Mayor J Collins, JP (Chairman)

Councillors:

B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward (from 5.37pm)

Officers:

Mr C Frewing	Chief Executive Officer
Mr R Burrows	Director Corporate and Community Services
Mr S Cope	Director Strategic and Regulatory Services
Mr G Flood	Director Infrastructure Services
Mr M Kent	Director Financial and Information Services
Ms D Gray	Manager Financial Services

Apologies

Cr G W Gleeson	Civic Ward
Cr L J Jamieson	Manning Ward

OPENING

The Mayor opened the Concept Forum at 5.33pm and welcomed everyone in attendance.

1. Draft Budget

The Director Financial and Information Services introduced and explained the proposed outline of his presentation.

A copy of the **draft** Budget Concept Forum powerpoint presentation was provided to Council Members.

The presentation included the following topics:

- Developing the Budget
- Budget Objective for 2006/2007
- Review of 2006/2007 Budget

- **Relationship between Strategic Financial Plan and Budget**

- Financial Overview
- 2006/2007 Funding Mix (AAS27)
- Financial Trends in Operating Items
- Organisational Review of Staffing Levels and Salaries
- Salaries and Associated Costs - Summary
- Salaries and Associated Costs by Department
- Financial Summary by Directorate - Operating Revenues and Operating Expenditures
- Rates Information - Summary
- Rates Information - Impact
- Rates Information - Other Charges
- Major Operating Budget Elements
- Financial Detail - Selected Items
- Financial Detail - Council Members
- Financial Detail - Park Maintenance
- Items not included in Draft Budget
- Capital Items - Non Infrastructure
- Capital Items - Infrastructure
- Fees & Charges Information
- Key Dates in the Budget Process
- Proposed Budget Presentation
- Conclusion.

Councillors were provided with a copy of the following handouts:

- Draft Budget - Operating Revenue and Expenditure and Capital Items
- Fees and Charges Schedule 2006/2007
- Analysis of Expenditure levels by category and department
- Analysis of Cash Expenses by Department 2006/2007
- Analysis of Staffing Levels by Department 2006/2007
- Proposed 2006/2007 Rates Yield Increase - Relative to other Metropolitan Local Governments
- City of South Perth Residential Rates - Rate in the Dollar - Historical Analysis by Year
- Contribution to Total Funding from Rates - Excluding Reserves

Councillors provided feedback in addition to asking questions and seeking points of clarification which were answered by the officers, including:

- Planned City borrowings and the alternatives
- Upcoming Stage 3 of the Underground Power Program and the resulting cashflow implications
- Incoming Accommodation Bonds payable by new residents entering the CPV and CPH
- Rubbish Levy payable and the City's Kerbside Rubbish Collection Program
- Events Toilet facilities deficiency at Sir James Mitchell Park and possible solutions
- Information Technology initiatives
- Level of planned expenditure commitment to City Environment
- State Government cost shifting effects
- Items not included in Draft Budget as listed in handout

Outcome

the Director Financial and Information Services took on board comments received during the session and requested Council Members to provide any further feedback directly to him by 16 June 2006. He advised that the proposed Budget will be presented to Council on 20 June 2006.

2. Closure

The Mayor closed the Concept Forum at 7.21pm and thanked everyone for their attendance.



NOTES

CONCEPT FORUM

- Mends Street Jetty Approval
 - SAT Appeal Update
 - Code of Conduct *Confidential* Issue
 - Boatshed Café Licence Update
- Held in the Collier Park Village Community Centre
Tuesday 13 June 2006 commencing at 5.30pm**

Present:

Mayor J Collins, JP (Chairman) (from 6.00pm)

Councillors:

G W Gleeson	Civic Ward
B W Hearne	Como Beach Ward
L M Macpherson	Como Beach Ward
L P Ozsdolay	Manning Ward
C A Cala	McDougall Ward
R Wells, JP	McDougall Ward
R B Maddaford	Mill Point Ward
D S Smith	Mill Point Ward
S Doherty	Moresby Ward
K R Trent, RFD	Moresby Ward

Officers:

Mr C Frewing	Chief Executive Officer (from 6.05pm)
Mr S Cope	Director Strategic and Regulatory Services
Mr S McLaughlin,	Legal and Governance Officer (from 6.05pm)

Guests

Mr N Douglas	Minter Ellison Lawyers (from 6.30pm until 6.55pm)
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Apologies

Cr L J Jamieson	Manning Ward
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OPENING

The Deputy Mayor opened the Concept Forum at 5.30pm and welcomed everyone in attendance.

1. MENDS STREET JETTY APPROVAL

The Director Strategic and Regulatory Services advised that the purpose of the Briefing was to inform Council on the outcome of the application by the Department of Planning and Infrastructure (Asset Planning) for refurbishment and extensions of Bellhouse Cafe and construction of a new universal access jetty on Mends Street Jetty and Sir James Mitchell Park. He then provided a chronology of events from when the initial application was considered by Council in February 2005 until the Conditional Approval confirmed by the Swan River Trust in March 2006.

The Director Strategic and Regulatory Services then gave a presentation on the following topics:

- Initial Application
- Revised Application
- Submission to Swan River Trust
- Submission to Office of Appeals Convenor (OAC)
- Report of Appeals Convenor
- Decision of Minister for Environment
- SRT Confirmation of Conditions of Approval

Questions were raised by Members, some of which were responded to by the Director Strategic and Regulatory Services with the remainder being taken on notice.

Note: The Mayor arrived at the meeting at 6.05pm and took the Chair.

2. SAT APPEAL

The Mayor provided an update to the Members present on the meeting held early that day with the Minister for Planning in relation to the SAT Appeal regarding No. 11 Heppingstone Street, South Perth.

Note: This part of the Briefing concluded at 6.25pm

Note: Mr Neil Douglas of Minter Ellison Lawyers, arrived at 6.30pm

3. CODE OF CONDUCT ISSUE - CONFIDENTIAL DISCUSSION

At the invitation of the CEO and the Mayor, Mr Douglas addressed Members in relation to the possible legal implications concerning a recent Code of Conduct complaint and a Notice of Motion which related to the complaint.

Note: This part of the Briefing concluded at 6.55pm. Mr Douglas of Minter Ellison Lawyers left the meeting at 6.55pm

4. BOATSHED CAFÉ - LICENCE UPDATE

The Legal and Governance Officer presented a short briefing on the Boatshed Café Licence and covered the following points:

- Request from Millar Holdings, the proprietor / lessee of the Boatshed Café to extend the term of the current lease;
- Proposed alterations to the existing premises if the lease is extended; and
- Liquor Licence.

Questions were raised by Members and responded to by officers.

3. CLOSURE

The Mayor closed the Concept Forum at 7.35pm and thanked everyone for their attendance.



Proposed naming of Right of Way No's. 75 (Azalea Lane) and 76 (Orchid Lane)

June 2006

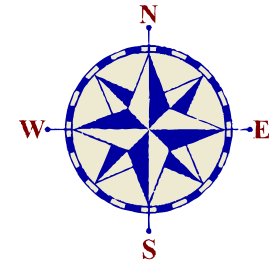


Right-of-Way No. 88

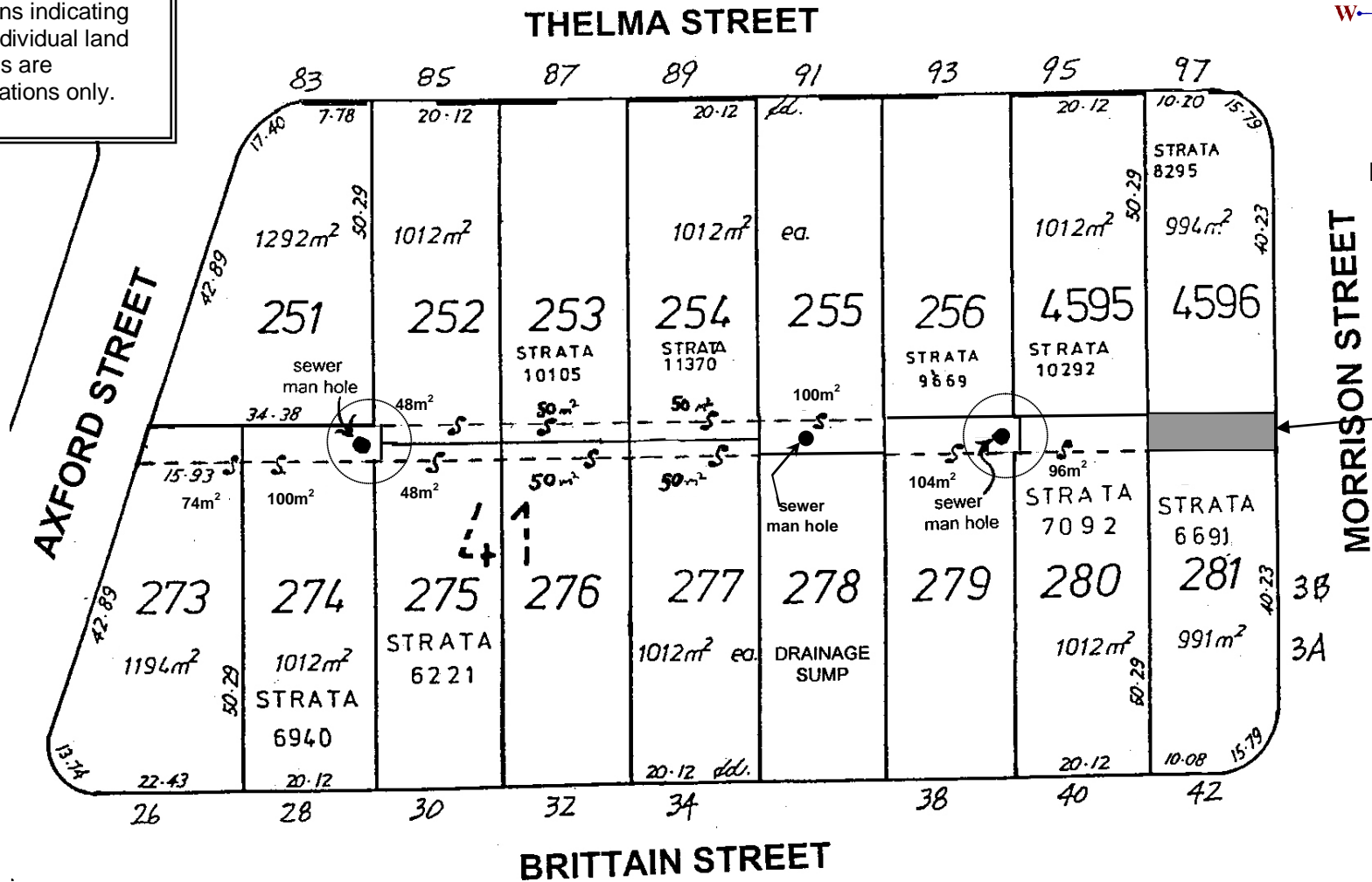
Proposed Closure Plan. February 2006

Notes:

- Dimensions indicating area of individual land allocations are approximations only.



Not to Scale



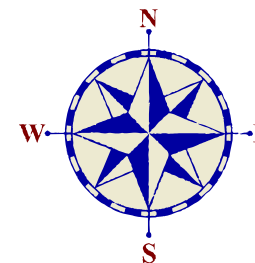
Shaded portion to remain open.

Right-of-Way No. 88

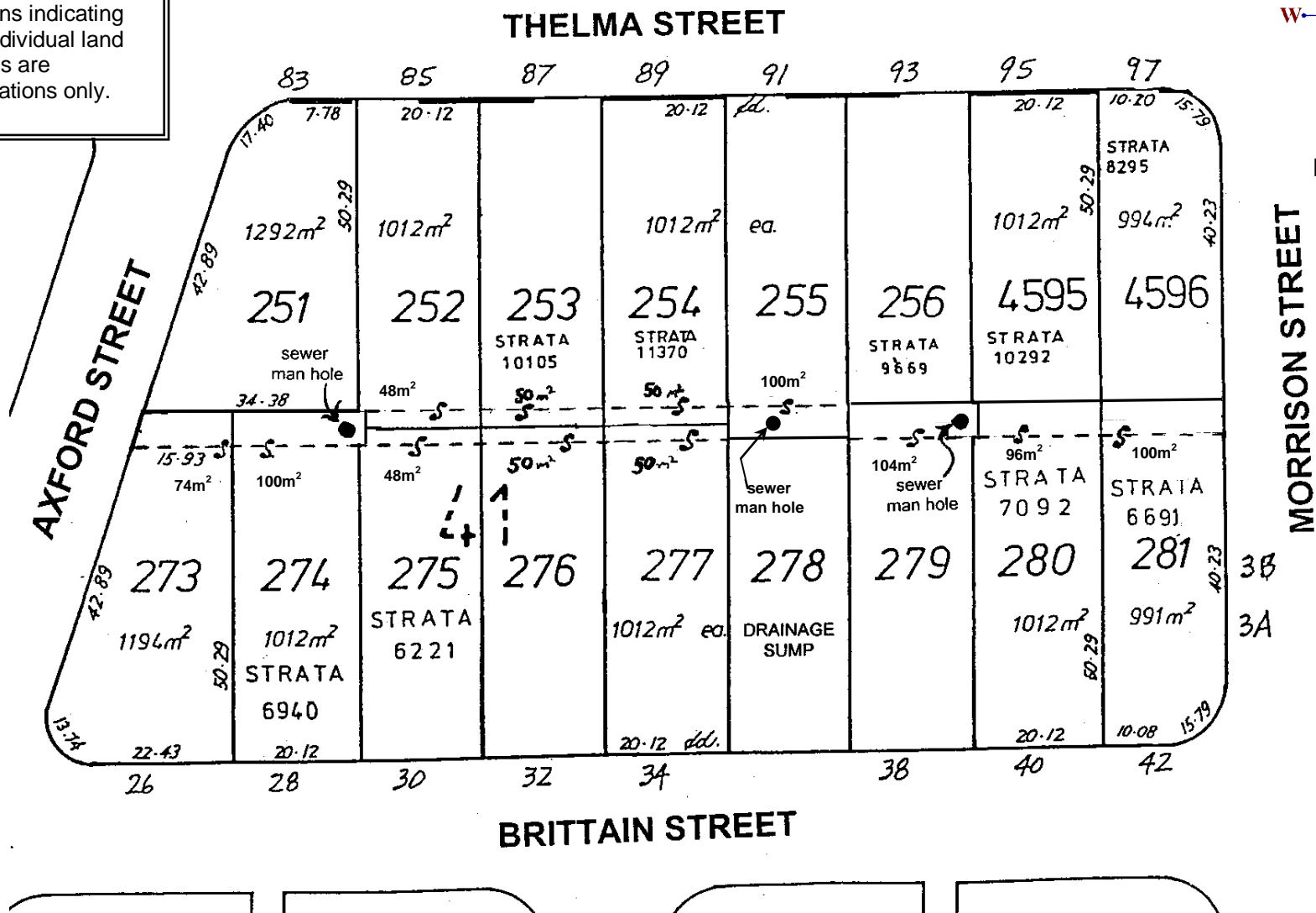
Proposed Closure Plan. May 2006

Notes:

- Dimensions indicating area of individual land allocations are approximations only.



Not to Scale





*Ward Boundary & Representation
Review 2006*

**Report to the Local Government
Advisory Board**

30 June 2006

Introduction

Each local government the district of which is divided into wards is required under clause 6(1) of Schedule 2.2 of the *Local Government Act* to conduct a review of its ward boundaries and representation every eight years. The City of South Perth last conducted a review in 1998 and so must conduct and complete its review during the course of 2006 in order to implement any necessary changes in readiness for the 2007 elections.

The 1998 review resulted in the City moving from a structure of five wards with three councillors in each ward to the present structure of six wards with two councillors in each ward.

The purpose of the current review is to evaluate the present ward arrangements and to consider a range of options in order to find a system of representation that best reflects the characteristics of the district and its people.

Current Situation

The first aspect of the review is to evaluate the arrangements with respect to current ward boundaries in order to determine whether representation (number of electors in relation to number of councillors) across the wards is generally even. The City is divided into six wards with two councillors elected in each ward.

The mean ratio of councillors to electors is calculated by dividing the number of electors for the City by the number of councillors. This figure is then compared with the actual ratio for each ward and the percentage deviation from the mean can then be calculated. The permissible deviation determined by the Minister is + or - 10%. The percentage deviations for each current ward are set out in **Table 1** below.

WARD	Electors	Councillors	Ratio	% Deviation
Civic	3762	2	1:1881	+ 9.57
Como	4089	2	1:2044	+ 1.73
Manning	4895	2	1:2447	- 17.64
McDougal	4327	2	1:2163	- 3.99
Mill Point	3452	2	1:1726	+ 17.02
Moresby	4438	2	1:2219	- 6.68
Total (Median)	24,963 (4160)	12	1:2080	

TABLE 1: RATIO OF COUNCILLORS TO ELECTORS

Note: The Table has been prepared on the basis of data supplied by the West Australian Electoral Commission current as at March 2005 as used in the May 2005 local government elections.

As can be seen from **Table 1**, two wards are outside the permissible deviation and one is very close to being so; thus there is currently an imbalance in representation across the City with Mill Point ward in the north being over represented and Manning ward in the south being under represented.

The boundaries of the current wards are shown in the **Map** below.



A Summary of the Review Process

- Evaluate current ward boundaries & representation
- Consider options for change against statutory criteria
- Conduct Public consultation on options
- Council to consider options in light of submissions and propose changes
- City to prepare report of review
- Submit report to LGA Board.

Time table of the Review Process

1	Council resolved to undertake review	28 June 2005
2	Discussion Paper published & Submission Period opens	7 March 2006
3	Submission Period closes	21 April 2006
4	Council considers submissions and proposed changes	23 May 2006
5	Preparation of Report of Review	June 2006
6	Report delivered to Local Government Advisory Board	30 June 2006

Implementation of the Review

In December 2005 Council attended a Workshop conducted by City officers to consider the process of the review, discuss the various matters the subject of the review and consider the content of a draft discussion paper which had been prepared to facilitate public consultation.

The Discussion Paper advised that each local government is required under the *Local Government Act* to conduct a review of its ward boundaries and representation every eight years.

The Paper described the purpose of the current review to evaluate the present ward arrangements and to consider a range of options in order to find a system of representation that best reflects the characteristics of the district and its people.

This Discussion Paper also outlined the process of review, described the factors which are to be considered and canvassed the various options which Council may recommend as proposed changes to the Local Government Advisory Board.

At its February 2006 meeting Council resolved to publish the Discussion Paper and to commence the public consultation process as required by the Act.

A Notice was published on 7 March 2006 in a local newspaper, the *Southern Gazette*, which circulates in the district. Notices were also placed at the City's Civic Centre and libraries. The notice invited the public to participate in the conduct of the review and advised of the publication of the Discussion Paper and its availability at the Civic Centre. A copy of the Discussion Paper was also posted on the City's website.

Copies of the Notice and the Discussion Paper are attached to this report as **Attachment 1** and **Attachment 2** respectively.

Summary of Public Submissions

The submission period closed on 21 April 2006. Two submissions were received from members of the public. A summary of each and the City officer's response is set out in the **Table** below.

Submission One	Comment
Representation ratios will change over time therefore premature every 8 years 'to change the fabric of council again'	Ignores the statutory requirement and the rationale of 8 yearly review -that is, if significant change occurs and no review conducted representation is distorted and the principle of one vote/one value is eroded
Increase number of wards - increase number of councillors	Maximum number of councillors under the LGA is 14 - increasing the number of wards increases the statistical likelihood of ratio non-compliance and creates greater division in the communities of interests
In relation to demographic trends, it was submitted that impact of zonings, development approvals, future land/building stock should have been evaluated	Existing demographic trends (as disclosed in ABS data) of population growth, family structure, type of housing stock occupied were considered; housing density is reflected in zoning which is reflected in population density - difficult to see how consideration of development approvals (over the last 8 years?) would contribute to consideration of representation - future trends can be taken into account in subsequent reviews.
Mill Point ward should be over represented because it has 'big issues'	Councillors represent the residents and ratepayers of the district as a whole - not just the ward from which they were elected - most residents would consider that their ward also had big issues.
<p><u>Option A:</u></p> <p>* the suggested re alignments are clearly against the essential <i>community of interests</i></p> <p>* too few councillors allows greater manipulation or influence by a smaller number</p> <p>* the council doesn't actually have to change ward boundaries to bring the ratios within the permissible limits</p>	<p>* No evidence produced to support this contention - the suggested boundary changes are minor and could not be said to greatly affect the current <i>community of interests</i> - a concept which is not easily defined or measured;</p> <p>* arguable proposition given that council meetings are conducted in public and its decisions are scrutinised and reviewable - the events which engulfed the council in 2000 occurred with the same number of councillors as now;</p> <p>* the Minister has determined that a recommendation from a local government which does not conform with the permissible ratio will not be considered.</p>
<p><u>Option B:</u></p> <p>Reducing number of wards (to 4) and councillors (to 8) reduces knowledge level vis-a-vis community of interests</p>	Reducing number of councillors would reduce the pool of knowledge available.
<p><u>Option C:</u></p> <p>Whilst representation stays the same (at 12) the community of interests level/knowledge by the councillors will be diluted</p>	Arguable whether reducing number of wards from six to four has any effect on the community of interests and level of knowledge of councillors

Submission One	Comment
<p><u>Options F, G and H:</u> (no wards) not supported</p> <p>* with a ward system 'the residents/councillors can best understand their own little patch';</p> <p>* Elections would be a huge concern ...as the more active political areas could in fact run council .. and effectively increase the perceived problems raised, i.e. under representation, unhealthy competition for funding etc.</p> <p>* may encourage mediocracy (mediocrity?) at elections as serious councillors would see the task confronting them as too large</p>	<p>* Councillors are elected from a ward to represent the interests of the district at large;</p> <p>* Arguable proposition in relation to the principles of democracy which underpin the system of government in Australia;</p> <p>* alternatively, prospective councillors may see some merit in not being expected to represent a ward constituency (or a loud but unrepresentative body of opinion) whose views could adversely affect good decision-making in the city - eg. the NIMBY syndrome.</p>
<p>The state-wide trend (in the reduction of elected members) shouldn't necessarily reflect on the needs of South Perth residents</p>	<p>The state-wide trend reflects changes already well advanced in all other states and could be considered to reflect community opinion - the comparative table (Table 7) indicates that only one of the City's six neighbouring councils enjoys a better councillor to elector ratio.</p>

Submission Two	Comment
<p>Supports <u>Option H</u> - no wards/8 councillors</p> <p>Considers that the ward system has relevance for local governments where there is a discernible difference in the characteristics between wards - South Perth is largely homogenous - there are no discernible communities of interests, topographical features or economic drivers that warrant a ward system.</p>	<p>The Discussion Paper largely supports the view that South Perth is a homogenous community without sharply differentiated communities of interest.</p>
<p>Councillors are elected to represent the district - maintenance of a ward system is likely to focus councillors' attention on how their ward compares to others - distorting their focus.</p>	<p>It is true that the LGA mandates a councillor's responsibility to represent the interests of residents across the City - whether a ward system distorts the focus of councillors' attention is arguable.</p>
<p>Would prefer to see reduction in the number of councillors to 8 - cites review by the Australian Stock Exchange revealing that the average board size for the largest 20 companies was 9.3 - cites ASX Principles of Good Corporate Governance: "size of the board should be limited so as to encourage effective decision-making".</p>	<p>There may be merit in the ASX finding, based as it was on an analysis of Australia's 20 largest (and most successful?) companies - however it may also be said that corporate governance responds to different needs and demands than that of community governance.</p>
<p>A smaller council will ensure a more cohesive decision-making team and more efficient and effective council meetings - notes that South Perth is over-represented in comparison with neighbouring councils.</p>	<p>This is an arguable proposition which has merit - as against that there is the countervailing proposition that with a smaller council you may lose some diversity of knowledge, experience, wisdom and community contact.</p>

Assessment of the Options

A Council Briefing was conducted on 9 May 2006 at which the public submissions were considered in conjunction with further consideration of the options set out in the Discussion Paper. A Summary of Options is set out in the **Table** below.

Option A	Retain six wards with two councillors per ward but revise ward boundaries to achieve compliance with ratio	12 councillors
Option B	Reduce number of wards to four but keep number of councillors at two per ward.	8 councillors
Option C	Reduce number of wards to four but increase number of councillors to three per ward	12 councillors
Option D	Reduce number of wards to three but retain number of councillors at two per ward	6 councillors
Option E	Reduce number of wards to three but increase number of councillors to three per ward	9 councillors
Option F	Abolish the ward system but retain the number of councillors at twelve	12 councillors
Option G	Abolish the ward system but reduce the number of councillors to ten	10 councillors
Option H	Abolish the ward system but reduce the number of councillors to eight	8 councillors

Revised Option A and revised Option E

Two further proposals were considered by Council at the Briefing held on 9 May.

Revised Option A

It was suggested that the southern boundary of Como ward be extended beyond Roebuck Drive to Edgewater Road on the basis that this improved the community of interests for the residents of the locality and provided a clearer and more pronounced boundary.

Because this extension would change the number of electors in each of the two wards, further calculations were made to ensure that the revised boundary as proposed would not breach the + or - 10% ratio. The revised calculations for the proposed southern extension are set out in the table below.

WARD	Electors	Councillors	Ratio	% Deviation
Civic	4,382	2	1:2191	- 5.33
Mill Point	4,336	2	1:2168	- 4.2
Como	4,229	2	1:2144	- 1
Manning	3,919	2	1:1959	+ 6
McDougal	3,926	2	1:1963	+ 5.65
Moresby	4,171	2	1:2085	+ 0.24
Total (Median)	24,963 (4,160)	12	1:2080	

Option E

This proposal suggested retaining the three ward structure but increasing the number of councillors in each ward to four. This suggestion would keep the present number of councillors at twelve thus maintaining the councillor to elector ratio and would have the merit of reducing the likelihood of ratio variance between wards in the future.

Preferred Option

As a result of its consideration of the issues raised during the process of review and following on from the May Briefing, Council resolved to adopt Option A as revised to incorporate the suggested southern boundary change outlined above.

A map of revised Option A showing the proposed boundaries is at **Attachment 3**.

Council also clearly indicated a preference to retain the present level of representation at twelve councillors and to otherwise keep the changes to current ward boundaries to a minimum.

Matters to be considered in respect of wards

Council also considered the matters set out in paragraphs (c) to (f) of clause 8 of Schedule 2.2 of the Act relating to features of the district and concluded that over the period of time since the previous review in 1998 there had been very little change in any of the relevant factors. In addition, the data recorded in the Discussion Paper suggests that the demographics of the district were relatively stable with only a small population increase projected. Accordingly Council concluded that it was not considered necessary to conduct further examination of each criterion in its consideration of each option.

Paragraph (g) - the ratio of councillors to electors in the various wards - was clearly considered to be a matter of signal relevance and has guided Council in its consideration of the options and in its decision to recommend the changes that it has to the district's ward boundaries.

The Impact of Ward Boundary Changes on Councillor Terms

Council received advice from the Local Government Advisory Board that it is not necessary to declare offices of councillors vacant to implement amendments to ward boundaries.

If a local government does not wish to declare all offices of councillors vacant then this should be communicated in its submission to the Board. If the Board supports the local government's request, at the next ordinary elections councillors may complete their terms as normal.

Accordingly, Council has resolved to recommend to the Board that because there are only relatively minor changes proposed to the ward boundaries, that each councillor whose term does not expire until 2009, continues in that position until that time.

Resolution of Council

At its May 2006 meeting, Council further considered the matters outlined above and resolved to adopt Option A (incorporating the extension of the southern boundary) and indicated its intention to recommend to the Board that because there are only relatively minor changes proposed to the boundaries, that each councillor whose term does not expire until 2009, continues in that position until that time.

The minutes of the relevant meetings of Council - June 2005, February 2006, May 2006 and June 2006 - are collected at **Attachment 4**.

Recommendations

In accordance with clause 9 of Schedule 2.2 of the Act, the City of South Perth proposes:

- (1) The making of an order under section 2.2 (1)(c) of the Act to change the boundaries of its wards as set out in the map, at **Attachment 3**, which shows the current ward boundaries and the proposed ward boundaries as described in revised Option A.
- (2) That each councillor whose term does not expire until 2009, continues in that position until that time, because there are only relatively minor changes proposed to the ward boundaries.

Table of Attachments

• Attachment 1: Local Public Notice;
• Attachment 2: Discussion Paper;
• Attachment 3: Map of revised Option A;
• Attachment 4: Minutes of Council meetings.

Proposed Ward Boundaries



Mill Point

Civic

Moresby

South Tce

Eric St

Todd Ave

Thelma St

McDougall

Kent St

Gomo
Beach

Henley St

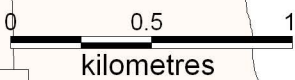
Manning Rd

Gentilli Wy

Manning

Edgewater Rd

Mt Henry Rd



- Current Ward Boundaries
- - - Proposed Ward Boundaries



COMMENTS ON REVISED RESIDENTIAL DESIGN CODES

June 2006

Clause No.	Proposed Change	Comment
1.1 Citation	This new clause states that the proposed new R-Codes are a Statement of Planning Policy made under Section 5AA of the Town Planning and Development Act.	The reference to the 'old' Act is not correct because that Act has now been superseded by the new Planning and Development Act. The citation needs to be updated in this respect.
1.4 Application of R-Codes	This new clause states that the R-Codes apply throughout Western Australia.	Clause 2.3 of the explanatory guidelines to the current Codes titled 'The Approval Process' states that, where the Codes are introduced by reference into the Scheme, all residential development is required to comply with the Codes. The manner in which the Codes must be introduced into the Scheme is set out in the Model Scheme Text. This procedure is still required and the proposed Clause 1.4 should be modified to reflect this.
1.5 Explanatory Guidelines	A new clause is to be inserted providing that the WAPC may prepare more detailed explanatory guidelines on the matters dealt with by the R-Codes, in consultation with local government and relevant stakeholders.	The ability for the WAPC to prepare more detailed explanatory guidelines to clarify issues of interpretation and application of the R-Codes provisions is supported. Clarification is required on how they will be adopted, and how consultation with local government will be undertaken.
2.4 Limits of discretionary decisions	This new clause explains that 'discretionary decisions' are Council decisions on any aspect of a proposed development that varies from the prescribed 'Acceptable Development' provision or a provision of a local planning policy.	The clause heading is misleading. The clause merely describes a 'discretionary decision'. It does not place any limits on the exercise of discretion by Council. Therefore, the heading should simply read " <i>Discretionary Decisions</i> ".

<p>2.5.3 No discretion to vary minimum or average site area per dwelling</p>	<p>No change proposed. This clause excludes the exercise of discretion by a Council with respect to the minimum or average site area per dwelling, except as expressly provided in the Codes or the Scheme.</p>	<p>Plot ratio should be retained to the extent applicable in the current Codes. The rationale for retaining 'plot ratio' is explained later when dealing with Appendix 1 - Definitions. Within the current Codes, no Performance Criteria are prescribed in relation to plot ratio, which indicates that the exercise of discretion is also excluded for plot ratio. Clause 2.5.3 should be expanded to expressly state that plot ratio is not open to the exercise of discretion.</p>
<p>2.5.4 Restriction on Council's power to issue refusals</p>	<p>The 2002 R-Codes state that Council shall not refuse to grant approval to an application which complies with the Acceptable Development provisions of the R-Codes, local planning policy and relevant provisions of the Scheme. The revised Codes propose to delete reference to the provisions of a town planning scheme.</p>	<p>No justification is provided for deleting reference to the local planning scheme. The provisions of the Town Planning Scheme are still applicable and prevail over the provisions of the R-Codes where there is an inconsistency between the Scheme and the R-Codes. Other 'amenity' provisions contained within local planning schemes must also be addressed. These provisions are not in conflict with the R-Codes. Clause 7.9(2) of the City's No. 6 Town Planning Scheme states that: <i>"In determining an application for planning approval, after having given due consideration to the matters referred to in Clause 7.5, the Council may:</i> <i>(a) grant planning approval with or without conditions; or</i> <i>(b) refuse to grant planning approval."</i></p> <p>Other Councils' Schemes contain equivalent provisions.</p> <p>The modification is contrary to recent decisions by the State Administrative Tribunal which confirm that, irrespective of compliance with the R-Codes, a Council is still required to consider all applicable provisions of the Scheme and may refuse an application not in compliance with Scheme provisions.</p> <p>It is imperative for the existing reference to the local planning scheme to be retained.</p>
<p>3.5.1.i Development site plan to show individual site areas of proposed lots</p>	<p>Specifies that a development site plan needs to include the individual site areas of the proposed lots where strata subdivision is proposed or likely.</p>	<p>In order to determine compliance with Element 6.1 'Density', the individual site area for each dwelling is required in every instance, regardless of whether strata subdivision is proposed or likely. Even where strata subdivision is not initially proposed, it is still necessary for the applicant to demonstrate that, should the site be subdivided at a later time, then the minimum site area requirements can be satisfied. The clause should simply refer to the need for the development site plan to include the individual site areas of the proposed lots, and not refer to 'where strata subdivision is proposed or likely to occur'.</p>
<p>5.2 Pre-existing</p>	<p>A new clause that provides that the R-Codes prevail over an adopted local planning policy</p>	<p>The broad effect of Clause 5.2 is countered to some degree by Clause 5.3 which authorises Councils to adopt local planning policies containing provisions that vary</p>

<p>local planning policies</p>	<p>which came into effect prior to the gazettal of the R-Codes, where there is an inconsistency.</p>	<p>or replace the Acceptable Development provisions set out in the Codes relating to certain specified design elements. However, Clause 5.2 does not acknowledge that Clause 5.3 has this tempering effect on its operation. To avoid uncertainty in relation to the limitations on the operation of Clause 5.2, the following words should be inserted at the beginning of that clause; “<i>Subject to Clause 5.3</i>”</p>
<p>5.3 Scope of local planning policies</p>	<p>This clause, when read in conjunction with Clauses 5.1 and 5.2, confirms that local planning policies:</p> <ul style="list-style-type: none"> (a) may contain provisions that vary or replace the Codes’ Acceptable Development provisions dealing with streetscape, building design, boundary walls, site works, building height, and inner city housing; (b) cannot normally vary any other Acceptable Development provisions of the Codes, either with the intention of being more stringent or less stringent; (c) can be adopted to augment the Codes for any aspect of development not dealt with by the Codes; (d) may, with the approval of the Western Australian Planning Commission, (WAPC), vary other Acceptable Development provisions of the Codes if the WAPC is satisfied that there is a need specific to a particular region that warrants the variation. 	<p>The modified provisions dealing with the scope of local planning policies are supported.</p>

<p>6.1 Housing density requirements</p>	<p>No change proposed.</p>	<p>Throughout Element 6.1 'Housing Density', reference is made to the term "<i>minimum site area</i>". In some situations reference to "<i>minimum site area</i>" means both the minimum and average site area, while in other cases it refers to the minimum site area only. These revised Codes sometimes include additional words to state "<i>minimum and average site areas</i>", yet in other instances where the minimum site area should also include the average, it still reads "<i>minimum site area</i>".</p> <p>This is a fundamental issue in determining development potential of properties. The revised Codes must be specific in stating "<i>minimum site area</i>" when that is exactly the intent, or "<i>minimum and average site area</i>" when this is the intended meaning.</p>
<p>6.1.1 P1 Site area requirements</p>	<p>No change proposed, although the words "<i>of dwellings</i>" have been inadvertently omitted after the word "<i>Development</i>". The clause in the draft revised Codes is: <i>"Development of the type and density indicated by the R-Code designated in the Scheme."</i></p>	<p>As stated in Clause 2.5.3 of the revised Codes, a Council has no discretionary power to vary the housing density (minimum and average site area per dwelling) requirements except to the extent provided in the Codes or the Scheme. Therefore, no 'Performance Criteria' can be offered as an alternative to the 'Acceptable Development' path in relation to site area requirements. However, Clause 6.1.1 P1 purports to offer an alternative 'Performance Criteria' path. To rectify this anomaly, Clause 6.1.1 P1 must be deleted completely.</p>
<p>6.1.2 P2 Calculation of site area - Corner truncation and access leg to battleaxe lot</p>	<p>No change proposed. The clause reads as follows: <i>"Development of dwellings of the type and density indicated by the R-Codes designated in the Scheme"</i></p>	<p>As stated in Clause 2.5.3 of the revised Codes, a Council has no discretionary power to vary the housing density (minimum and average site area per dwelling) requirements except to the extent provided in the Codes or the Scheme. Therefore, no 'Performance Criteria' can be offered as an alternative to the 'Acceptable Development' path in relation to calculation of site area. However, Clause 6.1.2 P2 purports to offer an alternative 'Performance Criteria' path. To rectify this anomaly, Clause 6.1.2 P2 must be deleted completely.</p>

<p>6.1.2 A2.ii Calculation of site area - Access leg to battleaxe lot</p>	<p>The proposed change precludes a portion of the battleaxe access leg from being included in calculating the area of the rear lot. The proposed new wording states: <i>“In the case of a rear battleaxe site, the site area is the area of the lot excluding the access leg and the area of any truncation. Where the lot (excluding access leg) adjoins or abuts a right-of-way or public reserve for open space, pedestrian access, school site or equivalent, half of the width (up to a maximum depth of 2.0 metres) may be added to the site area.”</i></p>	<p>The modifications result in a change in the method of calculating the minimum site area of a battleaxe lot. The 2002 R-Codes enable land contained within the battleaxe leg (to a maximum of 20% of the site area) to be credited toward the area of the battleaxe lot. No explanation is offered as to why the current inclusion of up to 20% of the land within the battleaxe leg is to be abandoned. No difficulties have been experienced in this respect and no issues have been raised by any party regarding this provision. This minor ‘concession’ will sometimes assist in rendering the rear portion of a lot eligible for an additional dwelling. Therefore, the intended deletion of this provision is not supported.</p> <p>It is considered that the ability to include a portion of right-of-way, public open space etc. as part of the site area of a battleaxe site should be removed. The purpose of this provision was to enable this area to be included as it is perceived to reduce the sense of confinement for rear lots. However, these revised R-Codes propose to reduce the required area of battleaxe lots, to the extent that the lots may already become relatively confined. It is not appropriate to allow the effective area of the rear lot to be further reduced by crediting adjacent land that is not able to be used by the rear lot.</p>
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<p>6.1.3 P3.1 Discretion to allow variation from minimum site area subject to meeting certain criteria</p>	<p>The 2002 R-Codes provide discretion for the Commission to approve the creation of a lot of a lesser area and for Council to approve a grouped dwelling with a lesser lot area than that specified in Table 1, subject to criteria. Whether intended or not, the proposed rewording of the clause will extend the discretion to vary the site area to the average site area as well as the minimum site area. A 5% limit is specified with respect to the extent of the site area variation.</p> <p>Additionally, the Performance Criteria have been expanded by the addition of the following criterion: <i>“to facilitate the retention of a significant element that contributes toward an existing streetscape worthy of retention.”</i></p> <p>While not being clearly worded, this new criterion appears to be aimed at facilitating the preservation of existing buildings which contribute to the existing streetscape.</p> <p>The modified R-Code provision is inconsistent with section 143(1) of the new Planning and Development Act which states that, when determining subdivision applications, the WAPC must have regard to the provisions of a local planning scheme.</p>	<p>The existing wording of the Performance Criteria provides discretion to the WAPC and Council to approve a minimum site area less than prescribed by Table 1. Again it is unclear whether in this context, the reference to <i>“minimum site area”</i> means both the minimum and average site area, or the minimum site area only. The rewording now simply states that the WAPC and Council may approve the creation of a grouped dwelling lot of a lesser area than specified in Table 1. As Table 1 deals with both minimum and average site areas, the rewording extends the discretion to the WAPC and Council to vary the average site area as well as the minimum. This would effectively increase the density beyond the assigned R-Code density. For example, a 5% variation to the average lot area would permit the creation of two lots in an area coded R30 on a lot of 570 sq. metres in lieu of a minimum of 600 sq. metres, which equates to an actual density of R35. Density codings have been deliberately assigned under the Town Planning Scheme to achieve a desired development outcome. The ability to grant variations to the average site area artificially increases the density beyond that indicated on the Scheme Map, and results in a different development outcome.</p> <p>The proposed additional variation criterion being <i>“to facilitate the retention of a significant element that contributes toward an existing streetscape worthy of retention”</i> provides the WAPC and Council with discretionary power to permit a reduction in the minimum site area in order to retain existing dwellings. This modification is supported.</p> <p>The rewording of the clause incorrectly states that <i>“Council may approve of the creation of a survey strata lot or strata lot for a grouped dwelling of a lesser area than specified in Table 1”</i>. The WAPC, not Council, is the responsible authority for approving the creation of survey strata lots or strata lots, through the subdivision process. The wording should instead state that <i>“the Council may approve a grouped dwelling with a minimum site area less than that specified in Table 1, provided that</i>”</p>
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<p>6.1.3 P3.2 Existing grouped or multiple dwellings - Discretion to approve strata subdivision with 'undersize' lots</p>	<p>The inclusion of Performance Criteria to enable the WAPC and Council to approve the strata subdivision of existing approved grouped and multiple dwelling developments that do not comply with the R-Codes in relation to land area requirements.</p>	<p>This modification is supported, while noting that only the WAPC may approve strata subdivisions. The Council's role is to submit a recommendation to the WAPC in this respect.</p>
<p>6.1.3 A3.i</p>	<p>No change proposed. This clause states that: <i>"the following variations to minimum site areas set out in Table 1 may be made:</i> <i>i For the purposes of an aged or dependent persons' dwelling or a single bedroom dwelling, the minimum site area may be reduced by up to one third, in accordance with part 7.1.2 and 7.1.3."</i></p>	<p>This clause is an 'Acceptable Development' provision of the Codes. Clause 2.5.4 of the proposed revised Codes states that a Council shall not refuse to grant approval to an application which complies with the relevant Acceptable Development provision. Therefore it may appear that the density concession for special purpose dwellings conferred by Clause 6.1.3 A3.i is available to the applicant 'as of right', and that a Council has no discretionary power in relation to the granting or refusal of approval for this density bonus, provided that the proposed development complies with the detailed requirements set out in Clause 7.1.2 or 7.1.3 as applicable.</p> <p>While noting the apparent manner of operation of Clause 6.1.3 A3.i as referred to above, this has been considered by the State Administrative Tribunal (SAT) with its finding being to the contrary; i.e. that the Council can exercise discretion in deciding whether or not to approve a density bonus. The case in question is identified as 2005 WASAT 272 Canning Mews Pty Ltd vs City of South Perth. In light of this finding by the SAT, the wording of the clause needs to be modified to clarify that the density bonus for aged or dependent persons' dwellings and single bedroom dwellings is subject to the exercise of the Council's discretion. An appropriate form of wording is contained in Clause 5.1.3 of the 1991 Codes, which reads as follows: <i>"In the case of dwellings designed for the accommodation of aged or dependent persons, the number of dwellings permitted may, at the discretion of the Council, be up to 50% greater than provided for by the Code applying to the site."</i></p>

<p>6.1.3 A3.ii Discretion for Council to approve a single house, grouped or multiple dwelling on an 'undersize' lot approved for subdivision by WAPC</p>	<p>This clause relating to variations from prescribed minimum site areas reads as follows: <i>"in the case of a single house, grouped dwelling or multiple dwelling; the area of a lot, survey strata lot or strata lot approved for subdivision by the WAPC."</i></p>	<p>The City of South Perth Town Planning Scheme No. 6 contains enabling power for the Council to approve a 'single house' on an 'undersize' lot, however no such power exists in relation to 'grouped dwellings'. This has presented administrative difficulties and concern for property owners where survey strata subdivisions have been approved by the WAPC. The change now proposed to be included in the R-Codes will rectify this anomaly. This is an important change and is supported.</p>
<p>6.1.3 A3.iv Site area for grouped dwellings on land coded R20 prior to new R-Codes - Special concession</p>	<p>The 2002 R-Codes state that: <i>"in the case of grouped dwellings in areas coded R20 at the time of the gazettal of the Residential Design Codes, the average site area shall be 450 sq. metres."</i></p> <p>It is proposed to modify this provision to read: <i>"in the case of grouped dwellings in areas coded R20 as at 31 October 2002, the average site area shall be 450 sq. metres where applications are made prior to and including 31."</i></p>	<p>The Residential Design Codes were gazetted on 4 October 2002. It is unclear as to why the date 31 October 2002 has been chosen as the relevant date at which the area was coded R20, rather than 4 October 2002.</p> <p>The expiry date for consideration of applications under this clause is incomplete. The date should read <i>"31 October 2008"</i>, as confirmed in the Explanatory Guidelines.</p>

<p>6.2.1 P1 Streetscape</p>	<p>Modification to the Performance Criteria relating to the street setback of buildings. The new performance criterion simply states that the building must be set back <i>“an appropriate distance”</i>. The further qualifications of this criterion, as contained in the current Codes, are proposed to be deleted.</p>	<p>This clause relates exclusively to building setbacks from street boundaries although this is not clear from the heading and the opening sentence. The words <i>“from street boundaries”</i> need to be inserted into each.</p> <p>The 2002 R-Codes require buildings to be set back an appropriate distance to ensure that they contribute to the desired streetscape, provide adequate privacy and open space, and to allow for safety clearances. It is now proposed that the performance criterion simply reads <i>“Buildings set back an appropriate distance”</i>. The proposed deletion of the current qualifications raises the question as to what is ‘appropriate’, and how this should be determined. In the absence of any criteria, such as contained in the 2002 R-Codes, no guidance is provided as to the matters that should be considered in determining the appropriate setback.</p> <p>With the deletion of the previous substantive criteria, the discretion to permit setback variations is now potentially unlimited, with no guidance given. This is quite unsatisfactory. While the 2002 R-Codes criteria may not be favoured, alternative more suitable criteria need to be inserted.</p>
<p>6.2.1 A1.1 Setback from street boundaries</p>	<p>This clause, which deals with the street setback of buildings, is to be modified with the aim of clarifying that carports and garages are to be assessed against the specific setback requirements for carports and garages under Clause 6.2.3, rather than the general building setback requirements of Clause 6.2.1.</p>	<p>The intent of the modification is to make it clear that the setback of carports and garages is dealt with under Clause 6.2.3 rather than general setback requirements of Clause 6.2.1. The clause which previously read <i>“Buildings other than carports and garages set back from the primary street in accordance with Table 1, or”</i> now reads <i>“Buildings set back from the primary street in accordance with Table 1, or”</i>. The intent of this change is understood. However by deleting the words <i>“other than carports and garages”</i>, the setback of carports and garages would have to comply with Clause 6.2.1 A1.1. The words <i>“other than carports and garages”</i> need to be retained, and a cross-reference should be introduced advising that separate provisions for the setback of carports and garages apply under Clause 6.2.3.</p>
<p>6.2.1 A1.1.i Averaging of setback from primary street boundary</p>	<p>No change proposed.</p>	<p>For clarity, the sentence starting <i>“or in accordance with Figure 1”</i> should be renumbered <i>“ii”</i> as it is a separate ‘Acceptable Development’ standard. This would also require the renumbering of <i>“ii”</i> and <i>“iii”</i>.</p>

<p>6.2.1 A1.2 Averaging of setback from secondary street boundary</p>	<p>Introduces a set of provisions for secondary street setbacks, including the potential for averaging of secondary street setbacks.</p>	<p>The permissible secondary street setback is only 1.5 metres (1.0 metre for R50 and R60 coded areas). These are indeed minimal setbacks. Therefore, the new provision which would permit the averaging of these setbacks is not supported.</p>
<p>6.2.2 A2.i Minor incursions into street setback area</p>	<p>This clause permits minor incursions into the street setback area. The terminology in the clause is slightly different from the current R-Codes terminology in that there is reference to the <i>“building street setback area”</i>.</p>	<p>The word <i>“building”</i> needs to be deleted. The term will then read <i>“street setback area”</i> which is defined.</p>
<p>6.2.3 A3.1 to A3.5 Street / right-of-way setback concessions for garages and carports</p>	<p>The change involves the insertion of the word <i>“or”</i> at the end of each of the successive sub-clauses.</p>	<p>This seemingly small change is particularly important. Under the current R-Codes, an applicant could take advantage of each of the five setback variations contained in the successive sub-clauses. With the addition of the word <i>“or”</i> between the sub-clauses, those provisions become mutually exclusive; i.e. only one of the setback concessions may be used for a particular development.</p>
<p>6.2.4 A4.1 Surveillance of the street</p>	<p>No change is proposed from the existing clause, which reads as follows: <i>“At least one habitable room window of the dwelling has a clear view of the street and the approach to the dwelling.”</i></p>	<p>This provision has proven to be ambiguous. The clause had been interpreted as requiring each dwelling within a proposed development to have one habitable room window with a clear view of the street. By the addition of Clause A4.2, it has now been clarified that Clause A4.1 only refers to the front dwelling facing directly onto the public street. This is supported.</p>
<p>6.2.4 A4.2 Battleaxe lot - Surveillance of approach to the dwelling</p>	<p>Inclusion of a provision requiring a dwelling on a battleaxe lot to have at least one habitable room window with ‘a clear view of the approach to the dwelling’.</p>	<p>This modification is supported. The requirement is for a view of the approach to the dwelling rather than the public street.</p>

<p>6.2.5 P5 Street walls and fences</p>	<p>The second performance criterion has been changed, although this not identified in the document. Under the current Codes, this criterion reads as follows: <i>“the need to provide screening where there is not alternative outdoor living area to the front setback.”</i></p> <p>The corresponding criterion in the revised Codes reads as follows: <i>“the need to provide screening to the front setback.”</i></p> <p>Inclusion of an additional provision within the Performance Criteria allowing full height front fences to provide privacy to north-facing outdoor living areas.</p>	<p>The omission of the qualifying words relating to the absence of an alternative outdoor living area is quite unsatisfactory. The proposed criterion offers no guidance as to the intent. The qualifying words may have been inadvertently omitted and these words need to be reinstated.</p> <p>This is a significant addition to the current Codes. When read in conjunction with the new Clause 6.4.2 P2.2 relating to the outdoor living areas situated within the street set back area, the new provision will frequently allow 1.8 metre high fences on street boundaries in the case of properties on the south side of a street. The built outcome will then be inconsistent and inequitable whereby properties on the north side of the street will be constrained while properties on the south side will not. This will also have an adverse effect on streetscape.</p> <p>In light of the factors outlined above, the new performance criterion is not supported.</p>
<p>6.2.5 A5 Street walls and fences</p>	<p>The current Codes require front walls and fences within the primary street setback area to be visually permeable 1.2 metres above natural ground level. No change is proposed in the revised Codes.</p>	<p>This provision does not accommodate a situation where a front wall or fence occupies only a limited portion of the length of the street boundary while extending to a height exceeding 1.2 metres in solid material. It is not uncommon for applicants to propose partial fencing of the street boundary in this manner. Such an arrangement meets the intent of the Codes in relation to the maintenance of ‘open’ frontages, however there is no capacity for such an arrangement to be approved. An additional sub-clause should be inserted to accommodate this. Figure 12 on page 38 of the Explanatory Guidelines provides an example of the situation which needs to be accommodated by way of an additional sub-clause.</p> <p>Further to the recommended addition referred to above, another provision should be inserted in relation to existing walls or fences which exceed a height of 1.2 metres in solid material. The Codes need to offer clear direction regarding the extent to which such an existing wall or fence can be modified without the need to bring it into conformity with the ‘visually permeable’ requirement.</p>

<p>6.2.8 P8 Garages - Restriction on percentage of frontage occupied</p>	<p>Proposes a change in the wording of the performance criterion relating to the maximum proportion of the lot frontage which may be occupied by garages. The new wording reads: <i>“the extent of frontage and building facade to be occupied by garages assessed against the need to maintain a varied streetscape.”</i></p>	<p>The term <i>“varied streetscape”</i> is not appropriate. It suggests that in a predominantly open streetscape, one enclosed garage occupying a significant proportion of the lot frontage is acceptable. The intent of this provision should be to maintain a consistent streetscape rather than a varied streetscape, particularly within established residential areas. The word <i>“varied”</i> should be replaced with ‘open’ or ‘consistent’.</p>
<p>6.2.8 A8 Garages - Restriction on percentage of frontage occupied</p>	<p>Proposed that the limit on the width of the garage relative to the lot frontage include the supporting structures, rather than just the garage door.</p> <p>As well as the garage door, the supporting piers are now included when calculating the maximum permissible 50% of the frontage which maybe occupied by the garage.</p>	<p>As the limit on the garage width is to now include the supporting structures, the permissible proportion of the lot frontage should be increased from 50% to 57%. Otherwise, this significant change will prove to be extremely restrictive on narrow lots. Due to the practical design restriction inherent in the change, the new provision is not supported, unless there is a compensating easing of the current 50% limit.</p>
<p>6.3.1 P1 Boundary setbacks other than street boundary</p>	<p>No change proposed.</p>	<p>The heading of this clause is not consistent with the text which follows. The clause relates to setbacks from boundaries other than street boundaries, however this is not reflected in the heading. To avoid confusion, the heading should be amended to read <i>“Buildings set back from boundaries other than street boundaries”</i>.</p>
<p>6.3.1 A1.iv Boundary setbacks other than street boundary</p>	<p>No change proposed.</p>	<p>To properly reflect the operation of this clause, the preamble should be expanded to include the words <i>“from boundaries other than street boundaries”</i>. The preamble will then read: <i>“Buildings which are set back from boundaries other than street boundaries in accordance with the following provisions, subject to any additional measures in other elements of the Codes.”</i></p> <p>The current provision requires minor projections such as eaves to be set back a minimum of 0.75 metres from a boundary. This is inconsistent with the Building Code of Australia which permits a minimum eave setback of 0.45 metres. This provision of the R-Codes should be modified to reflect the minimum eave setback permitted by the Building Code of Australia.</p>

<p>6.3.3 A3 Retaining walls</p>	<p>No change proposed, while noting that this provision has been relocated. In the current Codes it is included within Element 6 'Site Works'. It is now proposed to relocate this provision to Element 3 'Boundary Setbacks'.</p>	<p>The blanket prohibition of any retaining walls on a lot boundary is too restrictive and is not supported. It creates undesirable and unusable 'dead' strips of land between retaining walls and boundaries. The City of South Perth will continue to operate on the basis of the alternative provisions in Clause 6.10 of the City's Local Planning Scheme. The Scheme Clause 6.10 balances the consideration of impact on the neighbour and on the streetscape with the reasonable expectations of the applicant. To eliminate any ambiguity as to which provisions prevail, an amendment to the City's Scheme will be sought to formally incorporate a variation from the R-Code provisions.</p>
<p>6.4.2 P2.2 Open space</p>	<p>Inclusion of an additional performance criterion relating to courtyard provision: <i>"An outdoor area that takes the best advantage of the northern aspect of the site."</i></p>	<p>This is a significant addition to the current Codes. When read in conjunction with the expanded Clause 6.2.5 P5 relating to 'street walls and fences', the new provision will frequently allow 1.8 metre high fences on street boundaries in the case of properties on the south side of a street. The built outcome will then be inconsistent and inequitable whereby properties on the north side of the street will be constrained while properties on the south side will not. This will also have an adverse effect on streetscape.</p> <p>In light of the factors outlined above, the new performance criterion is not supported.</p>
<p>6.5.1 A1.ii Calculation of car parking requirement for special purpose and multiple dwellings</p>	<p>As it is proposed to delete plot ratio from the R-Codes, the car parking ratio for single bedroom dwellings, aged or dependent persons' dwellings and multiple dwellings is to be modified to be based on 'floor area', as defined in the Building Code of Australia, rather than 'plot ratio floor area'.</p>	<p>Under the 2002 R-Codes the applicable car parking ratio for single bedroom dwellings, aged or dependent persons' dwellings and multiple dwellings is related to the plot ratio floor area of the building. The revised Codes propose to delete plot ratio in its entirety as a tool for regulating building bulk. As a result, it is now proposed that the car parking calculation for these dwelling types will be based upon 'floor area' which is defined in Appendix 1 - Definitions. Comparing the definitions of 'plot ratio floor area' and 'floor area' it is apparent that the 'floor area' definition is more inclusive and would require a greater amount of the building area to be included in the calculation for car parking purposes. Therefore, the car parking requirement for these dwelling types is likely to increase. The car parking requirements of the 2002 R-Codes have worked well and there is no need to increase the on-site car parking provision. This appears to be an unintended consequence of basing the car parking calculation on the 'floor area' rather than the 'plot ratio floor area'. As stated elsewhere, the City considers that 'plot ratio' should be retained as a regulatory tool. If plot ratio is retained, with the corresponding reference to plot ratio floor area, the unintended car parking anomaly will not arise.</p>
<p>6.5.1 A1.ii Grouped</p>	<p>No change proposed, other than consolidation of the first and second dot points.</p>	<p>The meaning of the two requirements in the new consolidated clause is not clear. To clarify the meaning, the words "of these" should be inserted. The provision would</p>

dwelling - Occupier parking ratio		then read: <i>“Two spaces per dwelling and at least one of these spaces provided for the exclusive use of each dwelling and where two spaces are so allocated they may be in tandem.”</i>
6.5.1 A1.ii Grouped dwellings - Visitor parking ratio	Proposed to modify the visitors’ parking requirement for grouped dwellings from: <i>“in addition, visitors’ spaces at the rate of one space for each four dwellings, or part thereof, in excess of four dwellings served by a common access”</i> to <i>“in addition, visitors’ spaces at the rate of one for each four dwellings, or part thereof, served by a common access”</i> .	The 2002 R-Codes require visitors’ parking to be provided only where the development comprises more than four dwellings. With the deletion of the words <i>“in excess of four dwellings”</i> , grouped dwelling development comprising two or three dwellings will need to be provided with on-site visitors’ parking spaces. This represents a return to the visitors’ parking requirement under the 1991 Codes, and is supported.
6.5.3 A3.2 Dimensions of parking spaces and accessways	As in the current Codes, the dimensions and layout of car parking spaces and accessways are required to conform to Australian Standard AS 2890.1. However, the current Codes also specify the dimensions of the parking spaces and accessways. The proposed revised Codes delete these references to specific dimensions, and rely totally on AS 2890.1 which also prescribes dimensions for parking spaces and accessways.	Since AS 2890.1 is an integral and indispensable part of the Codes, this document should be bound into the Codes for convenient reference. It is extremely inconvenient for many users of the Codes to have to independently secure a copy of AS 2890.1
6.5.4 P4 Vehicular access from secondary streets and rights-of-way	No change proposed.	The term <i>“so as to minimise the number of crossovers”</i> has proven to be ambiguous. The City has interpreted this to permit one crossover from the primary street, but not more than one. Interpreted in this way, a practical outcome is achieved which meets the intent of the Performance Criteria while also providing design flexibility and choice for the proponent of a proposed development. For reasons of concern about safety, and also reduced convenience of vehicular access, proponents frequently are opposed to confining vehicular access to a right-of-way. A simple refinement of the wording of the Performance Criteria would eliminate the current ambiguity. In this regard, the wording should be modified to read as follows: <i>“Vehicular access from the primary street provided by not more than one crossover, in a manner that is safe in use and does not detract from the streetscape”</i> .
6.5.4 A4.1 Vehicular access from secondary	No change proposed. The clause requires vehicular access to on-site parking spaces to be confined to a secondary street or a formed and drained right-of-way where either of these	In the case of narrow lots i.e. lots 12 metres wide or less, where secondary street or right-of-way access is available, the requirement to keep the primary street frontage entirely free of crossovers, driveways and parking facilities is not supported. While appreciating that it is not desirable to consume a substantial proportion of the width

<p>streets and rights-of-way</p>	<p>alternative means of access is available.</p>	<p>of a narrow lot with parking structures and driveways, it is considered unreasonable to deny any opportunity for the occupiers of the dwelling to approach the dwelling from the primary street. In the case of rear right-of-way access in particular, concern has been raised by a number of applicants and also by Council Members regarding a potential security risk if vehicular access is confined solely to such a thoroughfare. This is particularly the case during night time hours since rights-of-way do not have street lighting.</p> <p>In order to achieve a balance between the objectives of streetscape, occupier convenience and safety, it is considered that Clause 6.5.4 A4.1 should be amended to permit a single width garage or carport only, together with a driveway not wider than 3.0 metres accessible from the primary street.</p>
<p>6.5.4 A4.2 Driveway width</p>	<p>No change proposed.</p>	<p>The term “<i>corner</i>” is not appropriate, as its meaning is ambiguous. A more appropriate term is “<i>street intersection</i>”.</p> <p>Clarification is required that dot points 2 and 3 relate to limits on the driveway width at the lot boundary only, and do not apply to the width of the driveway within the street setback area.</p>
<p>6.5.4 A4.3 Formed driveways</p>	<p>In relation to the siting of driveways, the current provision states that they shall be no closer to a street intersection than 6.0 metres. This provision is proposed to be replaced by a new provision in the following terms: <i>“no closer than 3.0 metres to a corner or the point at which a carriageway begins to deviate.”</i></p>	<p>The standard size for a street corner truncation is 6.0 metres × 6.0 metres in the case of a 90 degree corner. The effect of the proposed less stringent provision relating to the siting of driveways is to allow the driveway to be placed within this standard corner truncation area. This is not appropriate in terms of orderly design and engineering practice. Furthermore, such siting would be in conflict with fencing requirements at street corners prescribed in the Town Planning (Height of Obstructions at Corners) General By-laws 1975 [as amended]. That by-law requires fencing higher than 0.75 metres not to encroach within a 6.0 metres × 6.0 metres street corner truncation area.</p> <p>Having regard to the circumstances outlined above, the proposed change is not supported.</p>

<p>6.5.4 A4.4 Two-way vehicular access</p>	<p>Modification to require the provision of two-way access in certain circumstances. The clause requires: <i>“formed driveways designed for two-way access and for vehicles to enter the street in forward gear where:</i> <i>(i) the driveway serves five or more dwellings; or</i> <i>(ii) the distance from a car space to the street alignment is 15 metres or more; or</i> <i>(iii) the public street to which it connects is designated as a primary distributor, district distributor or integrated arterial road”.</i></p>	<p>Concern is raised that where circumstances (ii) or (iii) apply, two-way access would be required, regardless of the number of units proposed. Two-way access is particularly onerous within small scale developments and is not seen to be justified in relation to vehicle drivers’ safety and convenience.</p> <p>Where distance from a car space to the street is 15 metres or more, rather than requiring ‘two-way’ capacity along the full length of the driveway, a ‘passing bay’ would be sufficient.</p> <p>A minimum width of 5.0 metres should be prescribed where two-way access is required.</p>
<p>6.5.4 A4.5 Width of driveway</p>	<p>The term used in the current R-Codes is “driveways”. The proposed Codes now refer to “formed driveways”.</p>	<p>The reference to “driveways” in the current Codes is an error. This is confirmed in the WAPC’s R-Codes Advice Notes - Frequently Asked Questions (Volume 1 - Issue 6 June 2003). The response to Question 78 in that document explains that the correct term is “accessways”. This refers to the distance between the lot boundary and the adjacent building or internal fencing, which would normally contain both the vehicle driveway and an adjacent landscaping strip. In the revised Codes, the term “accessway” should be used rather than “formed driveways”.</p>
<p>6.5.5 A5.5 Weather- protected access to dwellings</p>	<p>No change is proposed. This clause requires access above ground level to all multiple dwellings to be totally protected from the weather.</p>	<p>The word “dwellings” should be inserted. The clause would then read: <i>“Access above ground level dwellings to all multiple dwellings is totally protected from the weather”.</i></p> <p>The insertion of the word “dwellings” is important so as to clarify the actual intent of the clause and to eliminate ambiguity.</p>

<p>6.6.1 A1.4 Site works</p>	<p>Proposed increase in the acceptable level of fill from 0.5 metres to 1.0 metre.</p>	<p>The revised R-Codes propose to permit the 'as of right' acceptable level of fill behind a street setback line and within 1.0 metre of a boundary to be increased from 0.5 metres to 1.0 metre. No explanation is provided as to why the permitted level of fill has been increased. Currently in those situations where an application proposes fill in excess of 0.5 metres, this would be the subject of neighbour consultation and would be assessed against the relevant Performance Criteria. The existing acceptance of fill to 0.5 metres 'as of right' is considered not to unreasonably affect the visual impact on adjoining properties. However, filling in excess of 0.5 metres does have the potential to adversely affect the amenity of adjoining properties and to create an inconsistent rhythm within the streetscape. Furthermore, the additional filling will frequently exacerbate problems relating to visual privacy intrusion. Filling of up to 1.0 metre in height 'as of right' does not meet the relevant Performance Criteria objective to 'retain the visual impression of the natural level of a site'.</p> <p>It is considered that filling in excess of 0.5 metres should remain performance based rather than being 'Acceptable Development'.</p> <p>Filling of up to 1.0 metre depth with a 1.8 metre high fence above, would result in an effective fence height of 2.8 metres adjacent to residential properties, which is visually imposing.</p> <p>Filling of up to 1.0 metre depth 'as of right', will have increased privacy implications, as many ground floor windows would now have the opportunity to overlook neighbouring properties. This would require developers to provide obscure glass or screening to ground floor windows which would reduce the level of amenity for the dwelling. As privacy is one of the most contentious 'planning' issues, an increasing number of objections from adjoining landowners are expected. Additionally the proposed increase in fill to 1.0 metre is inconsistent with Element 8 'Privacy' which controls areas with a floor level of more than 0.5 metres above natural ground level.</p> <p>The proposed modification is not supported.</p>
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<p>6.8 Visual privacy - Objective</p>	<p>The wording of the objective has been changed, and is now expressed in the following terms: <i>“To site and design buildings to meet projected user requirements for visual privacy and to minimise the impact of development on the visual privacy of nearby residents in their dwellings and private open space.”</i></p> <p>There is no longer any reference to acoustic privacy.</p>	<p>The word “<i>nearby</i>” is subjective and implies that privacy protection should be afforded to not only the adjoining properties, but also to other properties. This is not appropriate. The word “<i>nearby</i>” should be replaced with “<i>adjoining</i>”.</p>
<p>6.8.1 P1 Visual privacy - Scope of provisions</p>	<p>Change in Performance Criteria. The proposed criteria describe the methods of minimising direct overlooking of active habitable spaces and outdoor living areas of other dwellings, however it is now proposed to delete the itemised list of aspects of adjoining residential properties which must be taken into account.</p>	<p>The proposed new Performance Criteria provide less clarity than the existing. The existing Performance Criteria in a dot point format is easier to understand.</p>
<p>6.8.1 A1 Visual privacy - Horizontal plane of vision</p>	<p>Change to the provisions relating to major openings, including the elimination of the concept of a ‘cone of vision’. This term is replaced by the term ‘horizontal plane of vision’.</p>	<p>The words “<i>living areas</i>” have been omitted after “<i>or other outdoor</i>” These words need to be included.</p> <p>The previous term ‘cone of vision’ had both a vertical and horizontal component. With the intended change of terminology, consideration will only be given to a horizontal plane of vision. In the absence of any explanation as to why the vertical component has been deleted, the vertical component should be retained.</p>
<p>6.8.1 A1.ii Visual privacy - Screening methods</p>	<p>Permits solid translucent screens or perforated panels or trellises as a privacy screen subject to limitations.</p>	<p>The detailed description of permissible types of visual privacy screens is an important new addition as it clarifies the expectations regarding the method of screening.</p> <p>The use of screening devices having the required attributes is accepted. The clause should be modified to clarify that the screening is only required to a height of 1.6 metres above the floor level.</p>

<p>6.8.1 A1.iii Visual privacy - Screening methods</p>	<p>Within the proposed Codes, fixed windows with obscure glazing up to a height of 1.6 metres above the floor level, are acceptable for privacy purposes.</p>	<p>This modification is acceptable, however it should be extended to clarify that the following is also permitted :</p> <ul style="list-style-type: none"> • Windows with clear glass provided that the sill height is not less than 1.6 metres above the finished floor level; • Balconies with a solid screen wall to a minimum height of 1.6 metres above the floor level.
<p>6.8.1 A2 Visual privacy - Restriction on overlooking of courtyards</p>	<p>Introduces privacy controls for overlooking between dwellings within the same development requires that: <i>“Major openings and unenclosed outdoor active habitable spaces within the horizontal plane of vision of an upper-level dwelling shall not overlook more than 50% of the outdoor living area of a lower-level dwelling directly below and within the same development.”</i></p>	<p>The inclusion of privacy controls for overlooking between dwellings within the same development is supported. Clarification needs to be provided regarding:</p> <ul style="list-style-type: none"> • Whether the provision applies to all dwelling types or to multiple dwellings only. • Whether the 50% overlooking restriction relates to the 50% of the required outdoor living area or 50% of the actual outdoor living area. <p>Additionally, it appears that the words <i>“lower level”</i> are superfluous.</p>
<p>Explanatory Guidelines page 60</p>	<p>Illustration of horizontal limits of vision</p>	<p>The diagrams contained within Figure 19 indicate that the viewpoint should be 0.5 metres from the opening. However, Figures 24 and 25 on pages 64 and 65 indicate that the plane of vision is taken from the external face of the opening rather than from the viewpoint. The figures and text contradict one another and should be clearly clarified to address any potential confusion about this important design requirement.</p> <p>In the case of a balcony, the measurement should be taken from the external face of the balustrade, because people often step right up to the balustrade.</p>
<p>6.9.1 A1 Restriction on overshadowing of adjoining lot</p>	<p>There is a minor change to the wording of the explanatory note. The new wording reads as follows: <i>“Note - In this context ‘site area’ refers to the surface of the adjoining lot is measured without regard to any building on it but taking into account its natural ground levels.”</i></p>	<p>The word <i>“and”</i> needs to be inserted in order to read correctly. The explanatory note will then read as follows: <i>“Note - In this context ‘site area’ refers to the surface of the adjoining lot and is measured without regard to any building on it but taking into account its natural ground levels.”</i></p>

<p>6.10.1 A1 Outbuildings</p>	<p>Deletion of boundary setback requirements for outbuildings. In the current Codes, this is expressed as follows: <i>“viii. are set back in accordance with Element 3.”</i></p>	<p>The existing reference to boundary setbacks for outbuildings has been deleted and should be reinstated.</p>
<p>6.10.3 A3.1 Essential facilities - Storerooms</p>	<p>Although not identified in the revised Codes document, this clause has been changed in relation to the required design and construction material for storerooms. The 2002 R-Codes state that every grouped and multiple dwelling shall be provided with a storeroom <i>“construction in a design and material matching the dwelling”</i> The draft revised Codes only apply this requirement to storeroom visible from the street.</p>	<p>The requirement for ‘matching design and materials’ is intended to preclude a proliferation of prefabricated metal store sheds, as these are considered to be visually unacceptable and not in keeping with the orderly design expectations when a number of dwellings are proposed, and each requires a storage facility.</p> <p>Even if the storerooms are not visible from the street, they are visible from the dwellings they serve and from dwellings on adjoining lots. No explanation has been given for the proposed modification which now accepts any material for the construction of storerooms not visible from the street. The proposed change is not supported.</p>
<p>7.1.2 A2.i Aged or dependent persons’ dwellings - Maximum floor area</p>	<p>The maximum permissible size of aged or dependent persons’ dwellings will now be based upon their ‘floor area’ rather than their ‘plot ratio area’.</p>	<p>As described above for car parking, the change in reference from ‘plot ratio area’ to ‘floor area’ comes about as a result of the deletion of ‘plot ratio’ as a tool for regulating building bulk. It is considered that ‘plot ratio area’ should be retained as the basis to control the floor area of this dwelling type. At the same time, as discussed later under Appendix 1 - Definitions, ‘plot ratio’ should be retained as a regulatory tool.</p>
<p>7.1.2 A2 No minimum number of aged or dependent persons’ dwellings</p>	<p>Deletion of the requirement for there to be a minimum of five aged or dependent persons’ dwellings within a single development.</p>	<p>The R-Codes provide a density bonus where a development includes aged or dependent persons’ dwellings. The intent of the existing ‘five dwelling’ requirement is to ensure that the density concession is not exploited improperly, by preventing small scale developments from including aged or dependent persons dwellings solely to enable the construction of additional dwelling(s) in excess of the normal maximum number. It is understood that another objective of the ‘five dwelling’ requirement was to promote opportunities for social interaction between elderly residents. This provision has worked well in practice since 2002. The proposed deletion of this provision is not supported. However, it is recognised that the ‘five dwelling’ requirement is unreasonably onerous. Therefore, it is considered that this requirement should be amended so as to impose a ‘three dwelling’ minimum in the case of aged and dependent persons’ dwellings.</p>

<p>7.1.2 A2.ii and iii Aged or dependent persons' dwellings - Special design requirements</p>	<p>The revised Codes prescribe the specific design standards of the 'Adaptable Housing' Australian Standard AS4299:1995 that are to be incorporated into the dwelling design.</p>	<p>Modification supported.</p>
<p>7.1.2 A2.vi Aged or dependent persons' dwellings - Minimum courtyard size</p>	<p>The revised Codes appear to permit a one-third reduction in the courtyard area for aged or dependent persons' dwellings. The new clause reads as follows: <i>"provide an outdoor living area in accordance with the requirements of Clause 6.4.2 but having due regard to a one third reduction in the area specified in Table 1."</i></p>	<p>In reference to the one-third reduction in the outdoor living area for aged or dependent persons' dwellings, the revised Codes use the expression <i>"but having due regard to"</i>. These words create ambiguity as to whether or not the reduction in courtyard size is 'as of right'.</p> <p>In the case of aged or dependent persons' dwellings, notwithstanding the ability for the dwelling density to be increased, it is considered inappropriate for the courtyard areas to be correspondingly reduced by one-third. The minimum courtyard size for a standard dwelling is already small and therefore, a further reduction is not justified as the resultant courtyard size would be too small for practical use.</p>
<p>7.1.2 Aged or dependent persons' dwellings - Occupancy restriction</p>	<p>Clause 4.1.2 A2.vi of the current Codes imposed an occupancy restriction on aged or dependent persons' dwellings, together with a requirement for the landowner to enter into a legal agreement binding him / her as well as successors in title to maintain compliance with this restriction. This provision has been deleted from the proposed revised Codes.</p>	<p>The occupancy restriction and the related legal agreement are necessary safeguards against the situation where the original applicant obtains the density bonus for these special purpose dwellings, but the completed dwellings are then occupied in the normal manner by younger people who are not physically dependent on others. This provision needs to be reinstated.</p>

<p>Appendix 1 – Definitions</p>		
<p>Aged or dependent persons' dwelling</p>	<p>While 'aged person' is defined, the related dwelling type is not defined.</p>	<p>A definition needs to be inserted in relation to this dwelling type.</p>
<p>Aged person (Refer also to</p>	<p>This definition is in the same terms as in the current Codes. A separate definition has been</p>	<p>In the current Codes, Clause 4.1.2 A2.vi imposes an occupancy restriction based upon age or dependence of the occupier. That provision has been omitted from the</p>

definition of 'Dependent person')	introduced for 'dependent person'.	revised Codes and needs to be reinstated. Unless that provision is reinstated, there is no purpose for defining 'aged person' and 'dependent person' because there are no controls linked to these definitions.
Balcony	No change proposed. The current definition reads as follows: "A balustraded platform on the outside of a dwelling with access from an upper internal room."	This definition does not make it clear whether both protruding and recessed balconies are embraced, as they should be. A clearer definition should be substituted. The City of South Perth Town Planning Scheme No. 6 contains a more suitable definition, which reads as follows: "A platform outside and protruding from or recessed into the main structure of a building with access from an upper floor."
Battleaxe lot	Replacement of term "lot" with "site".	'Battleaxe lot' is defined to be a 'single house lot'. A rear grouped dwelling with access to the street via an access leg is also a battleaxe lot. The definition of 'battleaxe lot' should not distinguish between a single house lot and a grouped dwelling lot.
Effective lot area	Inclusion of a definition of 'effective lot area'.	This definition is redundant and should be deleted. The term is not used within the R-Codes document.
Floor area	Inclusion of a definition of 'floor area' to replace the current definition of "plot ratio area".	The use of the term 'floor area' is not appropriate and instead "plot ratio area" should be retained, along with "plot ratio" as a means of regulating building bulk. 'Floor area' is defined to have the same meaning as in the Building Code of Australia. It is inappropriate for the definition to cross-refer to a definition contained within a separate statute. Furthermore, the definition of 'floor area' in the BCA is extremely unclear in respect to identifying what areas should be included and excluded for the purpose of calculating the area of a dwelling. This will create confusion amongst local government and the development industry. The term 'floor area' is more inclusive than the current term "plot ratio area", and will therefore have implications in respect to unit size and car parking.
Garage	Additional wording added to definition to clarify that a garage is attached to a dwelling.	It is not considered necessary for a garage to be attached to a dwelling.
Lot	The term 'lot' is defined by way of a cross-reference to the <i>Town Planning and Development Act 1928</i> .	This reference is obsolete, as the 'old' Town Planning and Development Act has been replaced by the new <i>Planning and Development Act</i> . The definition of 'lot' needs to be modified accordingly.
Plot ratio	Definition deleted	It is proposed that building bulk control by way of prescribing a maximum plot ratio will be deleted. No justification for the deletion has been provided. Plot ratio is a fundamental development control that has been contained in the current and former versions of the R-Codes since 1985, and in the earlier General Residential Codes

since 1966. The 2002 R-Codes state that “*plot ratio is an indirect form of density control, although it is a relatively effective means of controlling building bulk, which is its main purpose in the Codes*”. This reason for incorporation of plot ratio control in the Codes remains valid and therefore, this effective regulatory tool should be retained.

The development controls of setbacks, building height and open space are not sufficient to control building bulk. The absence of plot ratio control will enable dwellings to be larger and bulkier, therefore having a greater visual impact within the streetscape and upon adjoining properties. This is particularly concerning for multiple dwelling developments and is not a desirable amenity outcome.

Between the 1991 R-Codes and the 2002 R-Codes, the maximum allowable plot ratio was increased and there is no valid case for a further increase in allowable building floor area, which would be the effect of deleting plot ratio control entirely. This would be a retrograde step and it is strongly recommended that plot ratio be retained as a development control within Table 1 of the R-Codes.

The definition of ‘plot ratio’ in the 2002 R-Codes is ambiguous in its reference to ‘equipment rooms’ as being exempt from the calculation of plot ratio area. No guidance is given as to the nature of the ‘equipment’ which must be stored therein, to qualify for the exemption. Clarification is required in this respect when reinstating plot ratio control and the associated definition. The new definition needs to be unambiguous as to whether or not the exemption from plot ratio calculation applies to rooms containing the following:

- Equipment for servicing the building;
- Equipment for servicing communal amenities such as swimming pools;
- Equipment used only by the occupiers of individual dwellings (What type of equipment?);
- Storerooms containing the personal belongings of individual dwelling occupiers.

When reinstated, the ‘plot ratio’ definition should also clarify the circumstances under which a ‘balcony’ is included in the calculation of plot ratio area, and when it is excluded. In relation to balconies, the definition of ‘plot ratio’ changed between the 1991 Codes and the 2002 Codes. The 2002 Codes are more stringent in that it is specified therein, that a balcony must be **open on two** sides in order to be exempt from calculation. It is considered that the wording in the 1991 Codes granting an exemption to a balcony which is open on **only one** side, is more appropriate as this more effectively promotes the inclusion of balconies which offer desirable outdoor recreational amenity. Furthermore, the reference to an ‘open’ balcony or ‘open’ side

		needs to be made more definitive to address situations when the side of a balcony is partly open and partly closed.
Setback	Definition deleted.	It appears that the definition of setback has been inadvertently been omitted. It needs to be reinstated.
Table 1	Duplicated reference to R30	Typographical error with “R30” being referred to twice in Column 1. Should read “R35” in the second instance.
	Change in open space requirement for single houses and grouped dwellings at R60	Specifies the provision of a minimum of 50% open space. This appears to be an error and should read “45%”, consistent with the lower density codes and the 2002 R-Codes.
	Deletion of battleaxe site area requirement	Column 4 of the 2002 Codes specifies an additional site area requirement for battleaxe lots in comparison to standard lots, the purpose being to reduce the sense of confinement in battleaxe lots. The revised Codes propose the deletion of Column 4, in which case battleaxe lots are not required to have additional site area. Battleaxe lots will now only have to comply with the minimum site area requirement for standard lots. This modification is supported, as a reduction in the required area of the rear lot will make it easier to create battleaxe lots at the rear of existing dwellings, while retaining the existing dwellings and thus preserving the existing streetscape.
Figures 1A, 1B and 1C	Introduction of additional figures to clarify calculating averaging of front setbacks	<p>The inclusion of additional figures is supported. With respect to Figure 1B, clarification should be provided on whether A2 is calculated to the boundary rather than excluding S3 because the building behind A2 is built to the side boundary.</p> <p>With respect to Figure 1C, clarification is required regarding the purpose of the dotted lines forward of a 4.5 metre setback.</p>

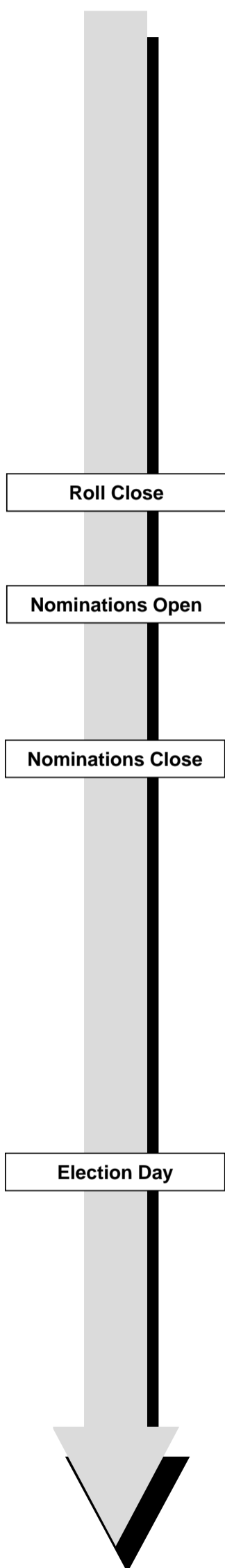
<p>Figures 2D and 2E</p>	<p>The figure is the same as the 2002 R-Codes with the exception of a Notation 'G'.</p>	<p>Notation 'G' has been added to the figure but no reference has been provided to the purpose for this notation. It appears to be superfluous and should be omitted.</p> <p>While no other changes are proposed to Figures 2D and 2E, the text supporting Figures 2D and 2E is required to be modified to address an obvious omission in the 2002 R-Codes. Figure 1 of the former 1991 R-Codes contained essentially the same figure but explained in Clause 1.4.1(b) that <i>“where a portion of wall (such as 'E' or 'F') is without a major opening to a habitable room, the setback shall be determined independently providing the setback of the rest of that side of the building is determined on the basis of the total length 'C' “</i>. When the 2002 R-Codes were gazetted, this provision was omitted. This has created disputes regarding the interpretation and application of the figure. The 2002 R-Codes and these proposed revised Codes do not address the situation of calculating side setbacks where there is only one portion of wall without a major opening. Based upon a strict interpretation of these documents, in the standard case of a 6.0 metre long garage wall at a 1.0 metre side setback with the remainder of the dwelling behind being 8.0 metres long with a 1.5 metre side setback, the Codes do not permit the garage wall to be calculated as an independent wall. Instead the garage wall must be determined to be part of the overall wall length, in which case it would be required to be set back 1.5 metres from a side boundary. This outcome is not desirable or intended.</p> <p>To clarify the manner in which setbacks are to be measured, Clause 1.4.1(b) of the 1991 R-Codes should be incorporated into the revised Codes.</p>
<p>Figure 3</p>	<p>No change proposed.</p>	<p>Include a line for Walls 23 metres to 30 metres long with major openings.</p>



ELECTION TIMETABLE

City of South Perth Extraordinary Election 15th September 2006

Days to
Polling Day



Days to Polling Day	Local Government Act	References to Act/Regs	Day	Date
80	Last day for agreement of Electoral Commissioner to conduct postal election.	LGA 4.20 (2)(3)(4)	Tue	27/06/2006
80	A decision made to conduct the election as a postal election cannot be rescinded after the 80th day.	LGA 4.61(5)	Tue	27/06/2006
70	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.	LGA 4.20 (4)	Fri	7/07/2006
70	Between the 70th/56th day the CEO is to give Statewide public notice of the time and date of close of enrolments.	LGA 4.39(2)	Fri	7/07/2006
to 56	Preferred date Wednesday 12 July 2006		to Fri	to 21/07/2006
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day.	LGA 4.47(1)	Fri	21/07/2006
	Preferred date Wednesday 26 July 2006			
50	Close roll 5.00 pm	LGA 4.39(1)	Thu	27/07/2006
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Tue	1/08/2006
44	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Wed	2/08/2006
38	If a candidate's nomination is withdrawn not later than 4.00 pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Tue	8/08/2006
37	Close of Nominations 4.00 pm on the 37th day before election day.	LGA 4.49(a)	Wed	9/08/2006
36	CEO to prepare an owners & occupiers roll for the election. Electoral Commissioner to prepare residents roll.	LGA 4.41(1) LGA 4.40(2)	Thu	10/08/2006
25	Commence lodgement of election packages with Australia Post.	Approx	Mon	21/08/2006
22	The preparation of any consolidated roll under subregulation (1) be completed on or before 22nd day before election day.	Reg. 18(2)	Thu	24/08/2006
19	Last day for the Returning Officer to give Statewide public notice of the election.	LGA 4.64(1)	Sun	27/08/2006
	Preferred date Wednesday 16 August 2006			
4	Commence processing returned election packages	Approx	Mon	11/09/2006
0	Election Day Close of poll 6.00 pm	LGA 4.7	Fri	15/09/2006

Post Election Day	Post Declaration	References to Act/Regs		Date
2	Election result advertisement.	LGA 4.77	Sun	17/09/2006
14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.	Reg.81	Fri	29/09/2006
28	An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA 4.81(1)	Fri	13/10/2006

City of South Perth Standing Orders Local Law 2006

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draft

City of South Perth

Standing Orders Local Law 2006

Under the powers conferred by the *Local Government Act 1995* and under all other powers, the Council of the City of South Perth resolved on to make the following local law.

Part 1 - Preliminary

1.1 Citation

- (1) This local law may be cited as the City of South Perth Standing Orders Local Law 2006.
- (2) In the clauses that follow, this local law is referred to as “these Standing Orders”.

1.2 Commencement

By virtue of section 3.14 of the Act, these Standing Orders come into operation 14 days after the date of their publication in the *Government Gazette*.

1.3 Application and intent

- (1) These Standing Orders provide rules and guidelines which apply to the conduct of meetings of the Council and its committees and to meetings of electors.
- (2) All meetings are to be conducted in accordance with the Act, the Regulations and these Standing Orders.
- (3) These Standing Orders are intended to result in:
 - (a) better decision making by the Council and committees;
 - (b) the orderly conduct of meetings dealing with Council business;
 - (c) better understanding of the process of conducting meetings; and,
 - (d) the more efficient and effective use of time at meetings.

1.4 Interpretation

- (1) In these Standing Orders unless the context otherwise requires:

“absolute majority” has the same meaning as given to it in the Act;

“absolute majority” means:

- (a) in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be more than 50% of the number of offices (whether vacant or not) of member of the council;
- (b) in relation to any other body, means a majority comprising enough of the persons for the time being constituting the body for their number to be more than 50% of the number of offices (whether vacant or not) on the body. [Section 1.4 of the Act]

“75% majority” has the same meaning as given to it in the Act;

“75% majority”, in relation to a council, means a majority comprising enough of the members for the time being of the council for their number to be at least 75% of the number of offices (whether vacant or not) of member of the council. [Section 1.4 of the Act]

“Act” means the *Local Government Act 1995*;
“CEO” means the Chief Executive Officer of the City;
“City” means the City of South Perth;
“committee” means a committee of the Council established under section 5.8 of the Act;
“committee meeting” means a meeting of a committee;
“Council” means the Council of the City;
“Mayor” means the Mayor of the City or other Presiding Member at a Council meeting under section 5.6 of the Act;
“meeting” means a meeting of the Council or a committee, as the context requires;
“Member” has the same meaning as given to it in the Act;

“member”, in relation to the council of the local government, means:
 (a) an elector mayor or president of the local government; or
 (b) a councillor on the council (including a councillor who holds another office under section 2.17(2)(a) or (b) as well as the office of councillor. [Section 1.4 of the Act]

“Presiding Member” means:

- (a) in respect of the Council, the person presiding under section 5.6 of the Act; and
- (b) in respect of a committee, the person presiding under sections 5.12, 5.13, and 5.14 of the Act;

“Regulations” means the *Local Government (Administration) Regulations 1996*;

“simple majority” means more than 50% of the members present and voting; and,

“substantive motion” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined in these Standing Orders, the terms and expressions used in these Standing Orders are to have the meaning given to them in the Act and Regulations.
- (3) A reference to ‘local government’ in these Standing Orders is a reference to the City of South Perth.

1.5 Repeal

The City of South Perth Standing Orders Local Law 2002, published in the *Government Gazette* on 22 November 2002, is repealed.

1.6 Provisions of the Act, Regulations and other legislation

- (1) Throughout these Standing Orders, provisions of the Act and Regulations, and provisions of other legislation, are reproduced in a boxed format.
- (2) The purpose of reproducing these provisions is to assist the reader by giving a fuller picture of related legislative provisions that also apply to meetings of the Council, committees and electors.
- (3) The reproduced provisions of the Act and Regulations and other legislation:
 - (a) are to be treated as footnotes and are not part of these Standing Orders (see section 32(2) of the *Interpretation Act 1984*); and,
 - (b) reproduce only the provisions that were in force at the time that the Council resolved to adopt these Standing Orders and, therefore may not necessarily be correct at a future date.

Part 2 – Establishment and membership of committees

2.1 Establishment of committees

- (1) The establishment of committees is dealt with in the Act.

A local government may establish* committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees. **Absolute majority required.* [Section 5.8 of the Act]

- (2) A Council resolution to establish a committee under section 5.8 of the Act is to include:
- (a) the terms of reference of the committee;
 - (b) the number of Council Members, officers and other persons to be appointed to the committee;
 - (c) the names or titles of the Council Members and officers to be appointed to the committee;
 - (d) the names of other persons to be appointed to the committee or an explanation of the procedure to be followed to determine the appointments; and
 - (e) details of the delegation of any powers or duties to the committee under section 5.16 of the Act.
- (3) These Standing Orders are to apply to the conduct of committee meetings.

2.2 Types of committees

The types of committees are dealt with in the Act.

- (1) In this section –
'other person' means a person who is not a council member or an employee.
- (2) A committee is to comprise –
- (a) council members only;
 - (b) council members and employees;
 - (c) council members, employees and other persons;
 - (d) council members and other persons;
 - (e) employees and other persons; or
 - (f) other persons only.
- [Section 5.9 of the Act]

2.3 Delegation of some powers and duties to certain committees

The delegation of some powers and duties to certain committees is dealt with in the Act.

- (1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.
**Absolute majority required.*
- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.
- (3) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* –
- (a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and
 - (b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.
- (4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person. [Section 5.16 of the Act]

2.4 Limits on delegation of powers and duties to certain committees

The limits on the delegation of powers and duties to certain committees are dealt with in the Act.

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|------|---|
| (1) | A local government can delegate – |
| (a) | to a committee comprising council members only, any of the council's powers or duties under this Act except – |
| (i) | any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and |
| (ii) | any other power or duty that is prescribed; |
| (b) | to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and |
| (c) | to a committee referred to in section 5.9(2)(c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of – |
| (i) | the local government's property; or |
| (ii) | an event in which the local government is involved. |
| (2) | A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2)(f). [Section 5.17 of the Act] |

2.5 Appointment of committee Members

The appointment of committee Members is dealt with in the Act.

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|-----|--|
| (1) | A committee is to have as its members – |
| (a) | persons appointed* by the local government to be members of the committee (other than those referred to in paragraph (b)); and |
| (b) | persons who are appointed to be members of the committee under subsection (4) or (5).
* <i>Absolute majority required.</i> |
| (2) | At any given time each council member is entitled to be a member of at least one committee referred to in section 5.9(2)(a) or (b) and if a council member nominates himself or herself to be a member of such a committee or committees, the local government is to include that council member in the persons appointed under subsection (1)(a) to at least one of those committees as the local government decides. |
| (3) | Section 52 of the <i>Interpretation Act 1984</i> applies to appointments of committee members other than those appointed under subsection (4) or (5) but any power exercised under section 52(1) of that Act can only be exercised on the decision of an absolute majority of the local government. |
| (4) | If at a meeting of the council a local government is to make an appointment to a committee that has or could have a council member as a member and the mayor or president informs the local government of his or her wish to be a member of the committee, the local government is to appoint the mayor or president to be a member of the committee. |
| (5) | If at a meeting of the council a local government is to make an appointment to a committee that has or will have an employee as a member and the CEO informs the local government of his or her wish – |
| (a) | to be a member of the committee; or |
| (b) | that a representative of the CEO be a member of the committee, |
| | the local government is to appoint the CEO or the CEO's representative, as the case may be, to be a member of the committee. [Section 5.10 of the Act] |

2.6 Tenure of committee membership

Tenure of committee membership is dealt with in the Act.

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|-----|--|
| (1) | Where a person is appointed as a member of a committee under section 5.10(4) or (5), the person's membership of the committee continues until – |
| (a) | the person no longer holds the office by virtue of which the person became a member, or is no longer the CEO, or the CEO's representative, as the case may be; |
| (b) | the person resigns from membership of the committee; |
| (c) | the committee is disbanded; or |
| (d) | the next ordinary elections day, |
| | whichever happens first. |
| (2) | Where a person is appointed as a member of a committee other than under section 5.10(4) or (5), the person's membership of the committee continues until – |
| (a) | the term of the person's appointment as a committee member expires; |
| (b) | the local government removes the person from the office of committee member or the office of committee member otherwise becomes vacant; |
| (c) | the committee is disbanded; or |
| (d) | the next ordinary elections day, |
| | whichever happens first. [Section 5.11 of the Act] |

2.7 Resignation of committee Members

The resignation of committee Members is dealt with in the Regulations.

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation. [Regulation 4 of the Regulations]

2.8 Register of delegations to committees

The register of delegations to committees is dealt with in the Act.

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year. [Section 5.18 of the Act]

2.9 Committees to report

A committee:

- (a) is answerable to the Council; and
- (b) is to report on its activities when, and to the extent, required by the Council.

Part 3 - Calling and convening meetings

3.1 Ordinary and special Council meetings

(1) Ordinary and special Council meetings are dealt with in the Act.

(1) A council is to hold ordinary meetings and may hold special meetings.
(2) Ordinary meetings are to be held not more than 3 months apart.
(3) If a council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure. [Section 5.3 of the Act]

- (2) An ordinary meeting of the Council, held on a monthly basis or otherwise as determined by the Council, is for the purpose of considering and dealing with the ordinary business of the Council.
- (3) A special meeting of the Council is held for the purpose of considering and dealing with Council business that is urgent, complex in nature, for a particular purpose or confidential.

3.2 Calling Council meetings

The calling of Council meetings is dealt with in the Act.

An ordinary or a special meeting of a council is to be held –
(a) if called for by either –

- (i) the mayor or president; or
- (ii) at least 1/3 of the councillors, in a notice to the CEO setting out the date and purpose of the proposed meeting; or

(b) if so decided by the council. [Section 5.4 of the Act]

3.3 Convening Council meetings

(1) The convening of a Council meeting is dealt with in the Act.

(1) The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.
(2) The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting. [Section 5.5 of the Act]

Sections 9.50 to 9.54 of the *Local Government Act 1995* and sections 75 and 76 of the *Interpretation Act 1984* deal with how documents can be given to a person. Under these provisions, notice of a meeting may be given to a council member by –

- (a) personally handing the notice to the member; or
- (b) sending it by post to the last known address of the member.

- (2) Subject to subclause (3), the CEO is to give at least 72 hours' notice, for the purposes of section 5.5, in convening a special meeting of the Council.
- (3) Where, in the opinion of the Mayor or at least one-third of the Members, there is a need to meet urgently, the CEO may give a lesser period of notice of a special Council meeting.

3.4 Calling committee meetings

The CEO is to call a meeting of any committee when requested by the Mayor, the Presiding Member of a committee or any two members of that committee.

3.5 Public notice of meetings

Public notice of meetings is dealt with in the Regulations.

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

[Regulation 12 of the Regulations]

Part 4 – Presiding Member and quorum

Division 1: Who presides

4.1 Who presides

Who presides at a Council meeting is dealt with in the Act.

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|-----|---|
| (1) | The mayor or president is to preside at all meetings of the council. |
| (2) | If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at a meeting of the council in accordance with that section. |
| (3) | If the circumstances mentioned in section 5.34(a) or (b) apply and –
(a) the office of deputy mayor or deputy president is vacant; or
(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,
then, the council is to choose one of the councillors present to preside at the meeting.
[Section 5.6 of the Act] |

4.2 When the Deputy Mayor can act

When the Deputy Mayor can act is dealt with in the Act.

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| If –
(a) the office of mayor or president is vacant; or
(b) the mayor or president is not available or is unable or unwilling to perform the functions of the mayor or president,
then the deputy mayor may perform the functions of mayor and the deputy president may perform the functions of president, as the case requires.
[Section 5.34 of the Act] |
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4.3 Who acts if no Mayor

Who acts if there is no Mayor is dealt with in the Act.

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|-----|---|
| (1) | If the circumstances mentioned in section 5.34(a) or (b) apply and –
(a) the office of deputy mayor or deputy president is vacant; or
(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,
and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of the mayor or president, as the case requires. |
| (2) | If the circumstances mentioned in section 5.34(a) or (b) apply and - (a) the office of deputy mayor or deputy president is vacant; or (b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president, and a person has not been appointed under subsection (1), the CEO, after consultation with, and obtaining the agreement of, 2 councillors selected by the CEO, may perform the functions of mayor or president, as the case requires.
[Section 5.35 of the Act] |

4.4 Election of Presiding Members of committees

The election of Presiding Members of committees and their deputies is dealt with in the Act.

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|-----|---|
| (1) | The members of a committee are to elect a presiding member from amongst themselves in accordance with Schedule 2.3, Division 1 as if the references in that Schedule –
(a) to 'office' were references to 'office of presiding member';
(b) to 'council' were references to 'committee'; and
(c) to 'councillors' were references to 'committee members'. [Section 5.12(1) of the Act] |
|-----|---|

Clauses 2 to 5 inclusive of Schedule 2.3 provide as follows:

2. When the council elects the mayor or president

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|-----|---|
| (1) | The office is to be filled as the first matter dealt with –
(a) at the first meeting of the council after an inaugural election or a section 4.13 or
or
(b) at the first meeting of the council after an extraordinary vacancy occurs in the office. |
| (2) | If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office. |

<p>3. CEO to preside The CEO is to preside at the meeting until the office is filled.</p> <p>4. How the mayor or president is elected (1) The council is to elect a councillor to fill the office. (2) The election is to be conducted by the CEO in accordance with the procedure prescribed. (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations. (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with. (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office. (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election. (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with the procedures set out in Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election. (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.</p> <p>5. Votes may be cast a second time (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days. (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes. (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election. (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.</p> <p style="text-align: right;">[Clauses 2 to 5 inclusive of Schedule 2.3]</p>
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4.5 Election of Deputy Presiding Members of committees

The election of Deputy Presiding Members of committees is dealt with in the Act.

<p>The members of a committee may elect a deputy presiding member from amongst themselves but any such election is to be in accordance with Schedule 2.3, Division 2 as if the references in that Schedule –</p> <p>(a) to 'office' were references to 'office of deputy presiding member'; (b) to 'council' were references to 'committee'; (c) to 'councillors' were references to 'committee members'; and (d) to 'mayor or president' were references to 'presiding member'.</p> <p style="text-align: right;">[Section 5.12(2)]</p>
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<p><u>Division 2 (clauses 6, 7 and 8) of Schedule 2.3 provides as follows:</u></p> <p>6. Definitions In this Division — “extraordinary vacancy” means a vacancy that occurs under section 2.34(1); “the office” means the office of deputy mayor or deputy president.</p> <p>7. When the council elects the deputy mayor or deputy president (1) If the local government has an elector mayor or president the office of deputy mayor or deputy president is to be filled as the first matter dealt with — (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and (b) at the first meeting of the council after an extraordinary vacancy occurs in the office. (2) If the local government has a councillor mayor or president the office of deputy mayor or deputy president is to be filled — (a) as the next matter dealt with after the mayor or president is elected at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and</p>
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	(b)	subject to subclause (3), as the first matter dealt with at the first meeting of the council after an extraordinary vacancy occurs in the office.
(3)		If at a meeting referred to in clause 2(1)(b) the deputy mayor or deputy president is elected to be the mayor or president, the resulting extraordinary vacancy in the office is to be filled as the next matter dealt with at the same meeting.
8.		How the deputy mayor or deputy president is elected
(1)		The council is to elect a councillor (other than the mayor or president) to fill the office.
(2)		The election is to be conducted in accordance with the procedure prescribed by the mayor or president, or if he or she is not present, by the CEO.
(3)		Nominations for the office are to be given to the person conducting the election in writing before the meeting or during the meeting before the close of nominations.
(3a)		Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with.
(4)		If a councillor is nominated by another councillor the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that he or she is willing to be nominated for the office.
(5)		The council members are to vote on the matter by secret ballot as if they were electors voting at an election.
(6)		Subject to clause 9(1) the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.
(7)		As soon as is practicable after the result of the election is known, the person conducting the election is to declare and give notice of the result in accordance with regulations, if any.
		[Division 2 (clauses 6, 7 and 8) of Schedule 2.3]

4.6 Functions of Deputy Presiding Members

The functions of Deputy Presiding Members are dealt with in the Act.

		If, in relation to the presiding member of a committee –
(a)		the office of presiding member is vacant; or
(b)		the presiding member is not available or is unable or unwilling to perform the functions of presiding member,
		then the deputy presiding member, if any, may perform the functions of presiding member.
		[Section 5.13 of the Act]

4.7 Who acts if no Presiding Member

Who acts if no Presiding Member is dealt with in the Act.

		If, in relation to the presiding member of a committee –
(a)		the office of presiding member and the office of deputy presiding member are vacant; or
(b)		the presiding member and the deputy presiding member, if any, are not available or are unable or unwilling to perform the functions of presiding member, then the committee members present at the meeting are to choose one of themselves to preside at the meeting.
		[Section 5.14 of the Act]

Division 2 – Quorum

4.8 Quorum for meetings

The quorum for meetings is dealt with in the Act.

		The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee.
		[Section 5.19 of the Act]

4.9 Reduction of quorum for Council meetings

The power of the Minister to reduce the number for a quorum and certain majorities is dealt with in the Act.

(1)		The Minister may reduce the number of offices of member required for a quorum at a council meeting specified by the Minister if there would not otherwise be a quorum for the meeting.
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(2) The Minister may reduce the number of offices of member required at a council meeting to make a decision specified by the Minister if the decision is one which would otherwise be required to be made by an absolute majority and a sufficient number of members would not otherwise be present at the meeting. [Section 5.7 of the Act]

4.10 Reduction of quorum for committee meetings

The reduction of a quorum for committee meetings is dealt with in the Act.

The local government may reduce* the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.
*Absolute majority required. [Section 5.15 of the Act]

4.11 Procedure where no quorum to begin a meeting

The procedure where there is no quorum to begin a meeting is dealt with in the Regulations.

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned –

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president;
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member;
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present;
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorized by the CEO.

[Regulation 8 of the Act]

4.12 Procedure where quorum not present during a meeting

If at any time during a meeting a quorum is not present, the Presiding Member is:

- (a) immediately to suspend the proceedings of the meeting for a period of up to 15 minutes; and
- (b) if a quorum is not present at the expiry of that period, the Presiding Member is to adjourn the meeting to some future time or date.

4.13 Names to be recorded

At any meeting:

- (a) at which there is not a quorum present; or
 - (b) which is adjourned for want of a quorum,
- the names of the Members then present are to be recorded in the minutes.

Note: Other provisions relating to the procedures to apply where a meeting is adjourned for want of a quorum are set out at Part 15 below.

Part 5 - Business of a meeting

5.1 Business to be specified

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.
- (3) Subject to subclause (4), no business is to be transacted at an adjourned meeting of the Council other than that :
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved.

- (4) Where a meeting is adjourned to the next ordinary meeting of the Council then, unless the Council resolves otherwise, the business unresolved at the adjourned meeting is to be dealt with before considering Reports (Item 10) at that ordinary meeting.

5.2 Order of business

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows:
1. Declaration of Opening / Announcement of Visitors
 2. Disclaimer
 3. Announcements from the Presiding Member
 4. Attendance
 - 4.1 Apologies
 - 4.2 Approved leave of absence
 - 4.3 Applications for leave of absence
 5. Declaration of interest
 6. Public Question Time
 - 6.1 Response to previous public questions taken on notice
 - 6.2 Public question time
 7. Confirmation of minutes
 8. Presentations
 - 8.1 Petitions
 - 8.2 Presentations
 - 8.3 Deputations
 - 8.4 Delegates' reports
 9. Method of dealing with agenda business
 10. Reports
 11. Elected Members motions of which previous notice has been given
 12. New business of an urgent nature introduced by decision of the meeting
 13. Meeting closed to public
 - 13.1 Matters for which the meeting may be closed
 - 13.2 Public reading of Resolutions that may be made public
 14. Closure
- (2) Unless otherwise decided by the Council, the order of business at any special meeting of the Council is to be the order in which that business stands in the agenda of the meeting.
- (3) In determining the order of business for any meeting of the Council, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed. [See section 5.24 of the Act, and regulations 6 & 7 of the Regulations]

5.3 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a Member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO and which has been included on the agenda.
- (2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good governance of the district.
- (4) The CEO -
- (a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be, or likely to involve, a breach of any of these Standing Orders or any other written law; or,
 - (b) may make such amendments to the form but not the substance as will bring the notice of motion into due form; and
 - (c) may provide to the Council relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) A motion of which notice has been given is to lapse unless:
- (a) the Member who gave notice of it, or some other Member authorised by the originating Member in writing, moves the motion when called on; or
 - (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.

- (6) If a notice of motion is given and lapses under subclause (5), notice of a motion in the same terms or to the same effect is not to be given again for at least 3 months from the date of such lapse.

5.4 New business of an urgent nature

- (1) In cases of extreme urgency or other special circumstances, matters may, on a motion by the Presiding Member that is carried by the meeting, be raised without notice and decided by the meeting.
- (2) In subclause (1), 'cases of extreme urgency or other special circumstances' means matters that have arisen after the preparation of the agenda that are considered by the Presiding Member to be of such importance and urgency that they are unable to be dealt with administratively by the City and must be considered and dealt with by the Council before the next meeting.

5.5 Adoption by exception resolution

- (1) In this clause 'adoption by exception resolution' means a resolution of the Council that has the effect of adopting, for a number of specifically identified reports, the officer recommendation as the Council resolution.
- (2) Subject to subclause (3), the City may pass an adoption by exception resolution.
- (3) An adoption by exception resolution may not be used for a matter:
- (a) that requires a 75% majority or a special majority;
 - (b) in which an interest has been disclosed;
 - (c) that has been the subject of a petition or deputation;
 - (d) that is a matter on which a Member wishes to make a statement; or
 - (e) that is a matter on which a Member wishes to move a motion that is different to the recommendation.

Part 6 - Public participation

6.1 Meetings generally open to the public

Meetings being generally open to the public is dealt with in the Act.

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| <p>(1)</p> <p>(2)</p> | <p>Subject to subsection (2), the following are to be open to members of the public –</p> <ol style="list-style-type: none"> (a) all council meetings; and (b) all meetings of the committee to which a local government power or duty has been delegated. <p>If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following –</p> <ol style="list-style-type: none"> (a) a matter affecting an employee or employees; (b) the personal affairs of any person; (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; (e) a matter that if disclosed, would reveal – <ol style="list-style-type: none"> (i) a trade secret; (ii) information that has a commercial value to a person; or (iii) information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; (f) a matter that if disclosed, could be reasonably expected to – <ol style="list-style-type: none"> (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; (ii) endanger the security of the local government's property; or (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety; (g) information which is the subject of a direction given under section 23(1a) of the <i>Parliamentary Commissioner Act 1971</i>; and (h) such other matters as may be prescribed. |
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(3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

[Section 5.23 of the Act]

6.2 Meetings not open to the public

- (1) The CEO may, at any time, recommend that a meeting or part of a meeting be closed to members of the public.
- (2) The Council or a committee, in one or more of the circumstances dealt with in the Act, may at any time, by resolution, decide to close a meeting or part of a meeting.
- (3) If a resolution under subclause (2) is carried:
 - (a) the Presiding Member is to direct everyone to leave the meeting except:
 - (i) the Members;
 - (ii) the CEO; and
 - (iii) any officer specified by the Presiding Member; and
 - (b) the meeting is to be closed to the public until, at the conclusion of the matter justifying the closure of the meeting to the public, the Council or the committee, by resolution, decides otherwise.
- (4) A person who fails to comply with a direction under subclause (3) may, by order of the Presiding Member, be removed from the meeting.
- (5) While the resolution under subclause (2) remains in force, the operation of clause 8.9 is to be suspended until the Council or the committee, by resolution, decides otherwise.
- (6) A resolution under this clause may be made without notice.
- (7) Unless the Council resolves otherwise, once the meeting is reopened to members of the public the Presiding Member is to ensure that any resolution of the Council made while the meeting was closed is to be read out including a vote of a Member to be included in the minutes.

6.3 Question time for the public

Question time for the public is dealt with in the Act.

- (1) Time is to be allocated for questions to be raised by members of the public and responded to at –
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
 - (2) Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.
- [Section 5.24 of the Act]

6.4 Question time for the public at certain meetings

Question time for the public at certain meetings is dealt with in the Regulations.

- For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are –
- (a) every special meeting of a council;
 - (b) every meeting of a committee to which the local government has delegated a power or duty.
- [Regulation 5 of the Act]

6.5 Minimum question time for the public

Minimum question time for the public is dealt with in the Regulations.

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
 - (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.
- [Regulation 6 of the Act]

6.6 Procedures for question time for the public

Procedures for question time for the public are dealt with in the Regulations.

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined –
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2) and (3).
 - (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
 - (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
 - (4) Nothing in subregulation (3) requires –
 - (a) a council to answer a question that does not relate to a matter affecting the local government;
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.
- [Regulation 7 of the Act]

6.7 Other procedures for question time for the public

- (1) A member of the public who raises a question during question time, is to state his or her name and address.
- (2) A question may be taken on notice by the Council for later response.
- (3) When a question is taken on notice the CEO is to ensure that:
 - (a) a response is given to the Member of the public in writing; and
 - (b) a summary of the response is included in the agenda of the next meeting of the Council.
- (4) Where a question relating to a matter in which a relevant person has an interest is directed to the relevant person, the relevant person is to:
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.
- (5) Each member of the public with a question is entitled to ask up to 2 questions before other members of the public will be invited to ask their questions.
- (6) Where a member of the public provides written questions then the Presiding Member may elect for the questions to be responded to as normal business correspondence.
- (7) The Presiding Member may decide that a public question shall not be responded to where:
 - (a) the same or similar question was asked at a previous meeting, a response was provided and the member of the public is directed to the minutes of the meeting at which the response was provided;
 - (b) the member of the public uses public question time to make a statement, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the statement as a question; or
 - (c) the member of the public asks a question that is offensive or defamatory in nature, provided that the Presiding Member has taken all reasonable steps to assist the member of the public to phrase the question in a manner that is not offensive or defamatory.
- (8) A member of the public shall have two minutes to submit a question.
- (9) The Council, by resolution, may agree to extend public question time.
- (10) Where an answer to a question is given at a meeting, a summary of the question and the answer is to be included in the minutes.

6.8 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council, the Presiding Member may acknowledge the presence of the distinguished visitor at an appropriate time during the meeting, and the presence of that visitor shall be recorded in the minutes.

6.9 Deputations

- (1) Any person or group wishing to be received as a deputation by the Council is to either :

- (a) apply, before the meeting, to the CEO for approval; or
 - (b) with the approval of the Presiding Member, at the meeting, address the Council.
- (2) The CEO may either:
- (a) approve the request and invite the deputation to attend a meeting of the Council; or
 - (b) refer the request to the Council to decide by simple majority whether or not to receive the deputation.
- (3) Unless the council resolves otherwise, a deputation invited to attend a Council meeting:
- (a) is not to exceed 5 persons, only 2 of whom may address the Council, although others may respond to specific questions from Members;
 - (b) is not to address the Council for a period exceeding 10 minutes without the agreement of the Council; and,
 - (c) additional members of the deputation may be allowed to speak with the leave of the Presiding Member.
- (4) Any matter which is the subject of a deputation to the Council is not to be decided by the Council until the deputation has completed its presentation.

6.10 Petitions

- (1) A petition is to -
- (a) be addressed to the Mayor;
 - (b) be made by electors of the district;
 - (c) state the request on each page of the petition;
 - (d) contain the name, address and signature of each elector making the request, and the date each elector signed;
 - (e) contain a summary of the reasons for the request; and
 - (f) state the name of the person to whom, and an address at which, notice to the petitioners can be given.
- (2) Upon receiving a petition, the City is to submit the petition to the relevant officer to be included in his or her deliberations and report on the matter that is the subject of the petition, subject to subclause(3).
- (3) At any meeting, the Council is not to vote on any matter that is the subject of a petition presented to that meeting, unless:
- (a) the matter is the subject of a report included in the agenda; and
 - (b) the Council has considered the issues raised in the petition.

6.11 Presentations

- (1) In this clause, a 'presentation' means the acceptance of a gift or an award by the Council on behalf of the City or the community.
- (2) A presentation may be made to the Council at a meeting only with the prior approval of the CEO.

6.12 Participation at committee meetings

- (1) In this clause a reference to a person is to a person who:
- (a) is entitled to attend a committee meeting;
 - (b) attends a committee meeting; and
 - (c) is not a member of that committee.

A member of the public is entitled to attend a committee meeting only where a local government power or duty has been delegated to that committee: see section 5.23(1)(b) of the Act.

- (2) Without the consent of the Presiding Member, no person is to address a committee meeting.
- (3) The Presiding Member of a committee may allow a person to make an oral submission to the committee for up to 3 minutes.
- (4) A person addressing the committee with the consent of the Presiding Member is to cease that address immediately after being directed to do so by the Presiding Member.
- (5) A person who fails to comply with a direction of the Presiding Member under subclause (4) may, by order of the Presiding Member, be removed from the committee room.
- (6) The Council may make a policy dealing with the circumstances in which a person may be given consent to address a committee meeting.

6.13 Council may meet to hear public submissions

- (1) Where an item on the agenda at a Council meeting is contentious and is likely to be the subject of a number of deputations, the Council may resolve to meet at another time to provide a greater opportunity to be heard.
- (2) The CEO and the Mayor shall set the time and date of the meeting to provide the opportunity to be heard.
- (3) Where the Council resolves to meet to provide the opportunity to be heard under subclause (1), the Presiding Member shall:
 - (a) instruct the CEO to provide local public notice of the time and date when the Council will meet to provide an opportunity to be heard;
 - (b) provide a written invitation to attend the meeting to provide the opportunity to be heard to all members of the public who have applied under clause 6.9 to make a deputation on the issue; and
 - (c) cause minutes to be kept of the meeting to provide the opportunity to be heard.
- (4) A meeting held under subclause (1) shall be conducted only to hear submissions. The Council shall not make resolutions at a meeting to provide the opportunity to be heard.
- (5) At a meeting held under subclause (1), each person making a submission shall be provided with the opportunity to fully state his or her case.
- (6) A member of the public shall be limited to 10 minutes in making an oral submission, but this period may be extended at the discretion of the Presiding Member.
- (7) Once every member of the public has had the opportunity to make a submission the Presiding Member is to close the meeting.
- (8) The CEO is to ensure that a report is included on the agenda of the next Council meeting summarising each submission made at the meeting.
- (9) The Council must not resolve on the matter that is the subject of a meeting to provide the opportunity to be heard until it has received the CEO's report under subclause (8).

6.14 Public Inspection of agenda materials

The right of the public to inspect the documents referred to, and in accordance with, regulation 14 of the Regulations may be exercised at the Civic Centre, Sir Walter Murdoch Libraries Civic Centre and Manning Branches and on the City's website.

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| <ol style="list-style-type: none">(1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —<ol style="list-style-type: none">(a) are to be tabled at the meeting; or(b) have been produced by the local government or a committee for presentation at the meeting,
and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.(2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public. | [Regulation 14 of the Regulations] |
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6.15 Confidentiality of information withheld

- (1) Information withheld by the CEO from the public under regulation 14(2) of the Regulations is to be:
 - (a) identified in the agenda of a Council meeting under the item "Matters for which meeting may be closed";
 - (b) marked "*Confidential*" in the agenda; and
 - (c) kept confidential by officers and Members until the Council resolves otherwise.
- (2) A Member or an officer in receipt of confidential information under subclause (1) or information that is provided or disclosed during a meeting or part of a meeting that is closed to the public is not to disclose any of that information to any person other than another Member or an officer to the extent necessary for the purpose of carrying out his or her duties.

- (3) Subclause (2) does not apply where a Member or officer discloses the information to his or her lawyer or government officer for the purpose of seeking advice in order to lawfully fulfil his or her role and responsibilities.

6.16 Recording of proceedings

A person is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

6.17 Prevention of disturbance

- (1) A reference in this clause to a person is to a person other than a Member.
- (2) A person addressing the Council shall extend due courtesy and respect to the Council and the processes under which it operates and shall comply with any direction by the Presiding Member.
- (3) A person observing a meeting shall not create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.
- (4) A person shall ensure that his or her mobile telephone or audible pager is not switched on or used during any meeting of the Council.
- (5) A person shall not behave in a manner that is contrary to section 75 of the Criminal Code.

Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a crime, and is liable to imprisonment for 3 years. [Section 75 of the Criminal Code]

Part 7 - Questions by Members

- (1) A Member may without notice during the course of debate ask any question relevant to that debate or to the subject under discussion.
- (2) Every question and answer shall be as brief and concise as possible.
- (3) The person to whom the question is addressed shall answer to the best of their knowledge and ability. In answering any question a person may qualify their answer and may at a later time in the original answer.

Part 8 – Conduct of Members

8.1 Members to be in their proper places

- (1) At the first meeting held after each election day, the CEO is to allot, alphabetically by ward, a position at the Council table to each Member.
- (2) Each Member is to occupy his or her allotted position at each Council meeting.

8.2 Respect to the Presiding Member

After the business of a Council has been commenced, a Member is not to enter or leave the meeting without first paying due respect to the Presiding Member.

8.3 Titles to be used

A speaker, when referring to the Mayor, Deputy Mayor or Presiding Member, or a Member or officer, is to use the title of that person's office.

8.4 Advice of entry or departure

During the course of a meeting of the Council, a Member is not to enter or leave the meeting without first advising the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.5 Members to indicate their intention to speak

A Member of the Council who wishes to speak is to indicate his or her intention to speak by raising his or her hand or by another method agreed by the Council.

8.6 Priority of speaking

- (1) Where two or more Members indicate, at the same time, their intention to speak, the Presiding Member is to decide which Member is entitled to be heard first.
- (2) A decision of the Presiding Member under subclause (1) is not open to discussion or dissent.
- (3) A Member is to cease speaking immediately after being asked to do so by the Presiding Member.

8.7 Presiding Member may take part in debates

The Presiding Member may take part in a discussion of any matter before the Council, subject to compliance with these Standing Orders.

8.8 Relevance

- (1) A Member is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.
- (2) The Presiding Member, at any time, may:
 - (a) call the attention of the meeting to:
 - (i) any irrelevant, repetitious, offensive or insulting language by a Member; or
 - (ii) any breach of order or decorum by a Member; and
 - (b) direct that Member, if speaking, to discontinue his or her speech.
- (3) A Member is to comply with the direction of the Presiding Member under subclause (2) by immediately ceasing to speak.

8.9 Speaking twice

A Member is not to address the Council more than once on any motion or amendment except:

- (a) as the mover of a substantive motion, to exercise a right of reply;
- (b) to raise a point of order; or
- (c) to make a personal explanation.

8.10 Duration of speeches

- (1) A Member is not to speak on any matter for more than 5 minutes without the consent of the Council which, if given, is to be given without debate.
- (2) An extension under this clause cannot be given to allow a Member's total speaking time to exceed 10 minutes.

8.11 No speaking after conclusion of debate

A Member is not to speak on any motion or amendment:

- (a) after the mover has replied; or
- (b) after the question has been put.

8.12 No interruption

A Member is not to interrupt another Member who is speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 8.13; or
- (d) to move a procedural motion that the Member be no longer heard (see clause 11(1)(e) .

8.13 Personal explanations

- (1) A Member who wishes to make a personal explanation relating to a matter referred to by another Member who is then speaking is to indicate to the Presiding Member his or her intention to make a personal explanation.
- (2) The Presiding Member is to determine whether the personal explanation is to be heard immediately or at the conclusion of the speech by the other Member.
- (3) A Member making a personal explanation is to confine his or her observations to a succinct statement relating to a specific part of the speech at which he or she may have been misunderstood.

8.14 No reopening of discussion

A Member is not to reopen discussion on any Council decision, except to move that the decision be revoked or changed (see Part 16).

8.15 Adverse reflection

- (1) A Member is not to reflect adversely on a decision of the Council except on a motion that the decision be revoked or changed (see Part 16).
- (2) A Member is not:
 - (a) to reflect adversely on the character or actions of another Member or officer; or
 - (b) to impute any motive to a Member or officer,unless the meeting resolves, without debate, that the question then before the meeting cannot otherwise be adequately considered.
- (3) A Member is not to use offensive or objectionable expressions in reference to any Member, officer or other person.
- (4) If a Member specifically requests, immediately after their use, that any particular words used by a Member be recorded in the minutes:
 - (a) the Presiding Member is to cause the words used to be taken down and read to the meeting for verification; and
 - (b) the Council may, by resolution, decide to record those words in the minutes.

8.16 Withdrawal of offensive language

- (1) A Member who, in the opinion of the Presiding Member, uses an expression which:
 - (a) in the absence of a resolution under clause 8.15:
 - (i) reflects adversely on the character or actions of another Member or officer; or
 - (ii) imputes any motive to a Member or officer; or
 - (b) is offensive or insulting,must, when directed by the Presiding Member, withdraw the expression and make a satisfactory apology.
- (2) If a Member fails to comply with a direction of the Presiding Member under subclause (1), the Presiding Member may refuse to hear the Member further on the matter then under discussion and call on the next speaker.

8.17 Recording of proceedings

A Member is not to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council without the permission of the Presiding Member.

Part 9 - Preserving order

9.1 Presiding Member to preserve order

- (1) The Presiding Member is to preserve order, and, whenever he or she considers necessary, may call any Member to order.
- (2) When the Presiding Member speaks during a debate, any Member then speaking, or indicating that he or she wishes to speak, is immediately to sit down and every Member present is to preserve strict silence so that the Presiding Member may be heard without interruption.
- (3) Subclause (2) is not to be used by the Presiding Member to exercise the right provided in clause 8.7, but to preserve order.

9.2 Point of order

- (1) A Member may object, by way of a point of order, only to a breach of:
 - (a) any of these Standing Orders; or
 - (b) any other written law.
- (2) Examples of valid points of order are:
 - (a) a speaker's remarks not being relevant to the motion or amendment being debated (see clause 8.8); and
 - (b) a speaker's use of offensive or objectionable expressions or adverse reflection on a decision of the Council (see clause 8.15).
- (3) Despite anything in these Standing Orders to the contrary, a point of order:
 - (a) takes precedence over any discussion; and
 - (b) until determined, suspends the consideration or discussion of any other matter.

9.3 Procedures on a point of order

- (1) A Member who is addressing the Presiding Member is not to be interrupted except on a point of order.
- (2) A Member interrupted on a point of order is to resume his or her seat until:
 - (a) the Member raising the point of order has been heard; and
 - (b) the Presiding Member has ruled on the point of order,and, if permitted, the Member who has been interrupted may then proceed.

9.4 Calling attention to breach

A Member may, at any time, draw the attention of the Presiding Member to any breach of these Standing Orders.

9.5 Ruling by the Presiding Member

- (1) The Presiding Member is to rule on any point of order which is raised by either upholding or rejecting the point of order.
- (2) A ruling by the Presiding Member on a point of order:
 - (a) is not to be the subject of debate or comment; and
 - (b) is to be final unless the majority of Members then present and voting, on a motion moved immediately after the ruling, dissent from the ruling.
- (3) Subject to a motion of dissent being carried under subclause (2), if the Presiding Member rules that:
 - (a) any motion, amendment or other matter before the meeting is out of order, it is not to be considered further; and
 - (b) a statement made or act done by a Member is out of order, the Presiding Member may require the Member to make an explanation, retraction or apology.

9.6 Continued breach of order

If a Member:

- (a) persists in any conduct that the Presiding Member had ruled is out of order; or
- (b) refuses to make an explanation, retraction or apology required by the Presiding Member under clause 9.5(2),

the Presiding Member may direct the Member to refrain from taking any further part in that meeting, other than by voting, and the Member is to comply with that direction.

9.7 Right of Presiding Member to adjourn

- (1) For the purpose of preserving or regaining order, the Presiding Member may adjourn the meeting for a period of up to 15 minutes.
- (2) On resumption, the debate is to continue at the point at which the meeting was adjourned.
- (3) If, at any one meeting, the Presiding Member adjourns the meeting more than once for the purpose of preserving or regaining order, the second or subsequent adjournment may be to a later time on the same day or to another day.

Part 10 - Debate of substantive motions

10.1 Motions to be stated and in writing

Any Member who wishes to move a substantive motion or an amendment to a substantive motion:

- (a) is to state the substance of the motion before speaking to it; and
- (b) if required by the Presiding Member, is to put the motion or amendment in writing.

10.2 Motions to be supported

- (1) A substantive motion or an amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change a decision made at a Council meeting is not open to debate unless the motion has the support required under regulation 10 of the Regulations.

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| <p>(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —</p> <p>(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or</p> <p>(b) in any other case, by at least one third of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.</p> <p>(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —</p> <p>(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or</p> <p>(b) in any other case, by an absolute majority.</p> <p>(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.</p> | <p>[Regulation 10 of the Regulations]</p> |
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10.3 Unopposed business

- (1) Immediately after a substantive motion has been moved and seconded, the Presiding Member may ask the meeting if any Member opposes it.
- (2) If no Member opposes the motion, the Presiding Member may declare it carried without debate and without taking a vote.
- (3) A motion declared carried under this clause is to be recorded in the minutes as a unanimous decision of the Council.
- (4) If a Member opposes a motion, the motion is to be dealt with under this Part.
- (5) This clause does not apply to a motion to revoke or change a decision which has been made at a Council meeting (see Part 16).

10.4 Only one substantive motion at a time

When a substantive motion is under debate at a meeting of the Council, no further substantive motion is to be accepted. The Council is not to consider more than one substantive motion at any time.

10.5 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order:

- (a) the mover to state the motion;
- (b) a seconder to the motion;
- (c) the mover to speak to the motion;
- (d) the seconder to speak to the motion;
- (e) a speaker against the motion;
- (f) a speaker for the motion;
- (g) other speakers against and for the motion, alternating where possible; and
- (h) mover takes right of reply which closes debate.

10.6 Limit of debate

The Presiding Member may offer the right of reply and put a substantive motion to the vote if he or she believes that sufficient discussion has taken place even though all Members may not have spoken.

10.7 Member may require question to be read

A Member may require the question or matter under discussion to be read at any time during a debate, but not so as to interrupt any other Member who is speaking.

10.8 Consent of seconder required for alteration

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.9 Order of amendments

Any number of amendments may be proposed to a substantive motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn, carried or lost.

10.10 Form of an amendment

An amendment must add, delete, or substitute words to the substantive motion.

10.11 Amendment must not negate original motion

An amendment to a substantive motion cannot negate the original motion or the intent of the original motion.

10.12 Relevance of amendments

Each amendment is to be relevant to the motion in respect of which it is moved.

10.13 Mover of motion may speak on amendment

Any Member may speak during debate on an amendment.

10.14 Effect of an amendment

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any Member may speak and any further amendment may be moved.

10.15 Withdrawal of motion or amendment

- (1) Subject to subclause (2), the Council may, without debate, grant leave to withdraw a motion or amendment on the request of the mover of the motion or amendment and with the approval of the seconder.
- (2) Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of Members present, until the amendment proposed has been withdrawn or lost.

10.16 Right of reply

- (1) The mover of a substantive motion has the right of reply.
- (2) The mover of any amendment to a substantive motion does not have a right of reply.
- (3) The right of the reply may only be exercised:
 - (a) where no amendment is moved to the substantive motion – at the conclusion of the discussion on the motion; or
 - (b) where one or more amendments have been moved to the substantive motion – at the conclusion of the discussion on the substantive motion and any amendments.
- (4) After the mover of the substantive motion has commenced the reply:
 - (a) no other Member is to speak on the question;
 - (b) there is to be no further discussion on, or any further amendment to, the motion.
- (5) The right of the reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.
- (6) At the conclusion of the right of reply, the substantive motion, or the substantive motion as amended, is immediately to be put to the vote.

Part 11 - Procedural motions

11.1 Permissible procedural motions

In addition to the right to move an amendment to a substantive motion (under Part 9), a Member may move the following procedural motions:

- (a) that the meeting proceed to the next item of business;
- (b) that the debate be adjourned;
- (c) that the meeting now adjourn;
- (d) that the question be now put;
- (e) that the Member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the meeting be closed to the public (see clause 6.2).

11.2 No debate

- (1) The mover of a motion specified in paragraph (a), (b), (c), (f) or (g) of clause 11.1 may speak to the motion for not more than five minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (2) The mover of a motion specified in paragraph (d) or (e) of clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment to the substantive motion, may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

11.5 Meeting to proceed to the next business

The motion “that the meeting proceed to the next business”, if carried, has the effect that:

- (a) the debate on the substantive motion or amendment ceases immediately;
- (b) no decision is made on the substantive motion;
- (c) the Council moves to the next item of business; and
- (d) there is no requirement for the matter to be raised again for consideration.

11.6 Debate to be adjourned

A motion “that the debate be adjourned”:

- (a) is to state the time to which the debate is to be adjourned; and
- (b) if carried, has the effect that all debate on the substantive motion or amendment ceases immediately, but continues at the time stated in the motion.

11.7 Meeting now adjourn

- (1) A Member is not to move or second more than one motion of adjournment during the same setting of the Council.
- (2) Before putting the motion for the adjournment of the Council, the Presiding Member may seek leave of the Council to deal first with matters that may be the subject of an adoption by exception resolution (see clause 5.5).
- (3) A motion “that the meeting now adjourn”:
 - (a) is to state the time and date to which the meeting is to be adjourned; and
 - (b) if carried, has the effect that the meeting is adjourned to the time and date specified in the motion.
- (4) A meeting adjourned under subclause (3) is to continue from the point at which it was adjourned, unless the Presiding Member or the Council determines otherwise.

11.8 Question to be put

- (1) If the motion “that the question be now put”, is carried during debate on a substantive motion without amendment, the Presiding Member is to offer the right of reply and then put the motion to the vote without further debate.
- (2) If the motion "that the question be now put" is carried during discussion of an amendment, the Presiding Member is to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

11.9 Member to be no longer heard

If the motion “that the member be no longer heard”, is carried, the speaker against whom the motion has been moved cannot speak further on the current substantive motion, or any amendment relating to it, except to exercise the right of reply if he or she is the mover of the substantive motion.

11.10 Ruling of the Presiding Member to be disagreed with

If the motion “that the ruling of the Presiding Member be disagreed with”, is carried, that ruling is to have no effect and the meeting is to proceed accordingly.

Part 12 - Disclosure of interests

12.1 Disclosure of interests

Members and officers must deal with all interests and potential conflicts of interest in accordance with the requirements of the *Local Government Act 1995*, the City's Code of Conduct and all other legal obligations.

Provisions relating to the disclosure of financial interest at meetings are contained in Part 5, Division 6 of the Act (sections 5.59-5.73) and in the Regulations.

Part 13 - Voting

13.1 Question - when put

- (1) Immediately after the debate on any question is concluded and the right of reply has been exercised the Presiding Member:
 - (a) is to put the question to the Council; and,
 - (b) if requested by any Member, is to again state the terms of the question.
- (2) A Member is not to leave the meeting when the Presiding Member is putting any question.

13.2 Voting

Voting is dealt with in the Act and the Regulations.

- (1) Each council member and each member of a committee who is present at a meeting of the council or committee is entitled to one vote.
- (2) Subject to section 5.67, each council member and each member of a committee to which a local government power or duty has been delegated who is present at a meeting of the council or committee is to vote.
- (3) If the votes of members present at a council or a committee meeting are equally divided, the person presiding is to cast a second vote.
- (4) If a member of a council or a committee specifically requests that there be recorded —
 - (a) his or her vote; or
 - (b) the vote of all members present,on a matter voted on at a meeting of the council or the committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (5) A person who fails to comply with subsection (2) or (3) commits an offence.
[Section 5.21 of the Act]

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.
[Regulation 9 of the Regulations]

13.3 Majorities required for decisions

The majorities required for decisions of the Council and committees are dealt with in the Act.

- (1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (2) A decision of a committee does not have effect unless it has been made by a simple majority or, if another kind of majority has been prescribed by regulations or a local law for the particular kind of decision, by that kind of majority.
- (3) This section does not apply to elections —
 - (a) by a council of the local government's mayor or president under section 2.11;
 - (b) by a council of the local government's deputy mayor or president under section 2.15; or
 - (c) by a committee of the committee's presiding member or deputy presiding member under section 5.12.

13.4 Method of taking vote

- (1) In taking the vote on any motion or amendment the Presiding Member:
 - (a) is to put the question, first in the affirmative, and then in the negative;
 - (b) may put the question in this way as often as may be necessary to enable him or her to determine whether the affirmative or the negative has the majority of votes;
 - (c) may accept a vote on the voices or may require a show of hands; and,
 - (d) is, subject to this clause, to declare the result.
- (2) If a Member calls for a show of hands, the result of the vote is to be determined on the count of raised hands.
- (3) If a member of council or a committee specifically requests that there be recorded -
 - (a) his or her vote; or,
 - (b) the vote of all members present,
 on a matter voted on at a meeting of the council or committee, the person presiding is to cause the vote or votes, as the case may be, to be recorded in the minutes.
- (4) If a Member calls for a division:
 - (a) those voting in the affirmative are to pass to the right of the Chair; and
 - (b) those voting in the negative are to pass to the left of the Chair.
- (5) For every division, the CEO is to record:
 - (a) the name of each member who voted; and
 - (b) whether he or she voted in the affirmative or negative.

Part 14 – Minutes of meetings**14.1 Keeping of minutes**

The keeping and confirmation of minutes are dealt with in the Act.

- (1) The person presiding at a meeting of a council or a committee is to cause minutes to be kept of the meeting's proceedings.
- (2) The minutes of a meeting of a council or a committee are to be submitted to the next ordinary meeting of the council or the committee, as the case requires, for confirmation.
- (3) The person presiding at the meeting at which the minutes are confirmed is to sign the minutes and certify the confirmation.

[Section 5.22 of the

Act]

14.2 Content of minutes

- (1) The content of minutes is dealt with in the Regulations.

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting;
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion;
- (d) details of each decision made at the meeting;
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration);
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.

[Regulation 11 of the

Regulations]

- (2) In addition to the matters required by regulation 11, the minutes of a Council meeting is to include, where an application for approval is refused or the authorisation of a licence, permit or certificate is withheld or cancelled, the reasons for the decision.

14.3 Public inspection of unconfirmed minutes

The public inspection of unconfirmed minutes is dealt with in the Regulations.

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) in the case of a council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

[Regulation 13 of the Regulations]

14.4 Confirmation of minutes

- (1) When minutes of an ordinary meeting of the Council are distributed to the Council for consideration prior to their confirmation at the next meeting, if a Member is dissatisfied with the accuracy of the minutes, he or she is to provide to the City a written copy of the alternative wording to amend the minutes no later than 7 clear working days before the next ordinary meeting of the Council.
- (2) At the next ordinary meeting of the Council the Member who provided the alternative wording shall, at the time for confirmation of minutes;
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.
- (3) Council Members must not discuss items of business contained in the minutes, other than discussion as to their accuracy as a record of the proceedings.

Part 15 - Adjournment of meeting

15.1 Meeting may be adjourned

The Council may adjourn any meeting:

- (a) to a later time on the same day; or
- (b) to any other time on any other day, including a time which coincides with the conclusion of another meeting or event.

15.2 Effect of adjournment

Where any matter, motion, debate or meeting is adjourned under these Standing Orders:

- (a) the names of Members who have spoken on the matter prior to the adjournment are to be recorded in the minutes;
- (b) debate is to be resumed at the next meeting at the point where it was interrupted; and
- (c) the provisions of clause 8.9 apply when the debate is resumed.

Part 16 – Revoking or changing decisions

16.1 Requirements to revoke or change decisions

The requirements to revoke or change a decision made at a meeting are dealt with in regulation 10 of the Regulations.

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported -
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

<p>(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made -</p> <p>(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or</p> <p>(b) in any other case, by an absolute majority.</p> <p>(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.</p>	<p>[Regulation 10 of the Regulations]</p>
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16.2 Limitations on powers to revoke or change decisions

- (1) Subject to subclause (2), the Council or a committee is not to consider a motion to revoke or change a decision:
 - (a) where, at the time the motion is moved or notice is given, any action has been taken under clause 16.3 to implement the decision; or
 - (b) where the decision is procedural in its form or effect.
- (2) The Council or a committee may consider a motion to revoke or change a decision of the kind described in subclause (1)(a) if the motion is accompanied by a written statement of the legal and financial consequences of carrying the motion.

16.3 Implementing a decision

- (1) In this clause:
 - (a) "**authorisation**" means a licence, permit, approval or other means of authorising a person to do anything;
 - (b) "**implement**", in relation to a decision, includes:
 - (i) communicate notice of the decision to a person affected by, or with an interest in, the decision; and
 - (ii) take any other action to give effect to the decision; and
 - (c) "**valid notice of revocation motion**" means a notice of motion to revoke or change a decision that complies with the requirements of the Act, Regulations and the Standing Orders and may be considered, but has not yet been considered, by the Council or a committee as the case may be.
- (2) Subject to subclause (4), and unless a resolution is made under subclause (3), a decision made at a meeting is not to be implemented by the CEO or any other person until the afternoon of the first business day after the commencement of the meeting at which the decision was made.
- (3) The Council or a committee may, by resolution carried at the same meeting at which a decision was made, direct the CEO or another person to take immediate action to implement the decision.
- (4) A decision made at a meeting is not to be implemented by the CEO or any other person:
 - (a) if, before commencing any implementation action, the CEO or that person is given a valid notice of revocation motion; and
 - (b) unless and until the valid notice of revocation motion has been determined by the Council or the committee as the case may be.
- (5) The CEO is to ensure that members of the public attending the meeting are informed, by an appropriate notice, that a decision to grant an authorisation:
 - (a) is to take effect only in accordance with this clause; and,
 - (b) cannot be acted upon by the person who has been granted the authorisation unless and until the decision has been implemented in accordance with this clause.

Part 17 - Suspension of Standing Orders

17.1 Suspension of Standing Orders

- (1) A Member may, at any time, move that the operation of one or more of the provisions of these Standing Orders be suspended.
- (2) A Member moving a motion under subclause (1) is to state the reasons for the motion, but no other discussion is to take place.
- (3) A motion under subclause (1) which is:

- (a) seconded; and
 - (b) carried by an absolute majority,
- is to suspend the operation of the clause or clauses to which the motion relates for the duration of the meeting, unless the meeting earlier resolves otherwise.

17.2 Where Standing Orders do not apply

- (1) In situations where:
 - (a) these Standing Orders have been suspended; or,
 - (b) a matter is not regulated by the Act, the Regulations of these Standing Orders,
 the Presiding Member is to decide questions relating to the conduct of the meeting.
- (2) The decision of the Presiding Member under subclause (1) is final, except where a motion is moved and carried under clause 11.10.

17.3 Cases not provided for in Standing Orders

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders, the Act and the Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.10.

Part 18 - Meetings of electors

18.1 Electors' general meetings

Electors' general meetings are dealt with in the Act.

- (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.
- (3) The matters to be discussed at general electors' meetings are to be those prescribed. [Section 5.27 of the Act]

18.2 Matters for discussion at general electors' meeting

The matters to be discussed at a general electors' meeting are dealt with in the Regulations.

- For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business. [Regulation 15 of the Regulations]

18.3 Electors' special meetings

Electors' special meetings are dealt with in the Act.

- (1) A special meeting of the electors of a district is to be held on the request of not less than –
 - (a) 100 electors or 5% of the number of electors - whichever is the lesser number; or
 - (b) 1/3 of the number of council members.
- (2) The request is to specify the matters to be discussed at the meeting and the form or content of the request is to be in accordance with regulations.
- (3) The request is to be sent to the mayor or president.
- (4) A special meeting is to be held on a day selected by the mayor or president but not more than 35 days after the day on which he or she received the request. [Section 5.28 of the Act]

18.4 Requests for electors' special meetings

Requests for electors' special meetings are dealt with in the Regulations.

- A request for a special meeting of the electors of a district is to be in the form of Form 1. [Regulation 16 of the Regulations]

18.5 Convening electors' meetings

Convening electors' meetings is dealt with in the Act.

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|---------------------------|---|
| (1) | The CEO is to convene an electors' meeting by giving –
(a) at least 14 days' local public notice; and
(b) each council member at least 14 days' notice,
of the date, time, place and purpose of the meeting. |
| (2) | The local public notice referred to in subsection (1)(a) is to be treated as having commenced at the time of publication of the notice under section 1.7(1)(a) and is to continue by way of exhibition under section 1.7(1)(b) and (c) until the meeting has been held. |
| [Section 5.29 of the Act] | |

18.6 Who presides at electors' meetings

Who presides at electors' meetings is dealt with in the Act.

- | | |
|---------------------------|--|
| (1) | The mayor or president is to preside at electors' meetings. |
| (2) | If the circumstances mentioned in section 5.34(a) or (b) apply the deputy mayor or deputy president may preside at an electors' meeting in accordance with that section. |
| (3) | If the circumstances mentioned in section 5.34(a) or (b) apply and –
(a) the office of deputy mayor or deputy president is vacant; or,
(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,
then the electors present are to choose one of the councillors present to preside at the meeting but if there is no councillor present, able and willing to preside, then the electors present are to choose one of themselves to preside. |
| [Section 5.30 of the Act] | |

18.7 Procedure for electors' meetings

- (1) The procedure for electors' meetings is dealt with in the Act and the Regulations.

The procedure to be followed at, and in respect of, electors' meetings and the methods of voting at electors' meetings are to be in accordance with regulations.	[Section 5.31 of the Act]
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Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.	[Regulation 18 of the Regulations]
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- (2) In exercising his or her discretion to determine the procedure to be followed at an electors' meeting, the Presiding Member is to have regard to the Standing Orders.

18.8 Participation of non-electors

A person who is not an elector of the City shall not take part in any discussion at an electors' meeting unless the meeting, by resolution, permits him or her to do so.

Note: A person who is not an elector of the City cannot vote at an electors' meeting - see clause 18.9).

18.9 Voting at electors' meetings

Voting at electors' meetings is dealt with in the Regulations.

- | | |
|------------------------------------|--|
| (1) | Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote. |
| (2) | All decisions at a general or special meeting of electors are to be made by a simple majority of votes. |
| (3) | Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret. |
| [Regulation 17 of the Regulations] | |

18.10 Minutes of electors' meetings

Minutes of electors' meetings are dealt with in the Act.

The CEO is to –

- (a) cause minutes of the proceedings at an electors' meeting to be kept and preserved; and,
- (b) ensure that copies of the minutes are made available for inspection by members of the public before the council meeting at which decisions made at the electors' meeting are first considered.

[Section 5.32 of the Act]

18.11 Decisions made at electors' meetings

Decisions made at electors' meetings are dealt with in the Act.

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable –

- (a) at the first ordinary council meeting after that meeting; or,
- (b) at a special meeting called for that purpose, whichever happens first.

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

[Section 5.33 of the Act]

Part 19 – Briefings and other informal meetings

19.1 Briefings and other informal meetings

- (1) The Council may conduct briefings, workshops and other informal meetings.
- (2) Where the Council conducts briefings, workshops and other informal meetings, the CEO is to:
 - (a) advise all Members of the time, date and place of the meeting; and,
 - (b) cause notes of the meeting to be kept.
- (3) A Member who has an interest in a matter to be discussed at a briefing, workshop or other informal meeting is to deal with the interest in accordance with the provisions of Part 12 of these Standing Orders.
- (4) The Council is not to make a formal resolution at any meeting other than a Council meeting or a committee meeting.
- (5) The Council is not to meet except at:
 - (a) a Council or committee meeting;
 - (b) a briefing, workshop or informal meeting under this clause; or,
 - (d) a meeting to consider public submissions under clause 6.13.

Part 20 - Enforcement

20.1 Penalty for breach

A person who breaches a provision of these Standing Orders commits an offence.

Penalty: \$5,000.00 and a daily penalty of \$500.00.

20.2 Who can prosecute

Who can prosecute is dealt with in the Act.

A prosecution for an offence against a local law may be commenced by –

- (a) a person who is acting in the course of his or her duties as an employee of the local government or regional local government that made the local law; or,
- (b) a person who is authorised to do so by the local government or regional local government that made the local law.

[Section 9.24(2) of the Act]

Part 21 - Common Seal

21.1 City's Common Seal

- (1) The CEO is to have charge of the common seal of the City and is responsible for its safe custody and proper use.
 - (2) Each document to which the seal is affixed must be signed by the CEO or a senior officer authorised by the CEO.
 - (3) The common seal of the City is to be affixed to any local law which is made by the City.
 - (4) The CEO is to record in a register each date on which the common seal of the City was affixed to a document, the nature of the document, and the parties to any agreement to which the common seal was affixed.
 - (5) A person who uses the common seal of the City or a replica of it without authority commits an offence.
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Dated:

The Common Seal of the City of South Perth
was affixed by the authority of a resolution
of Council in the presence of:

Mr John Collins JP
Mayor

Mr Cliff Frewing
Chief Executive Officer



DELEGATION FROM COUNCIL: DC 342
Town Planning Scheme No. 6

Relevant Policy

Nil

Relevant Management Practice

Nil

Statutory Reference: *Sections 5.45 & 5.46 of the Local Government Act 1995, section 68 of the Planning & Development Act 2005, and clause 9.7 of the City of South Perth Town Planning Scheme No. 6 (the Scheme).*

Delegation to: The Chief Executive Officer.

Powers & Duties: The exercise of any of the City's powers or the discharge of any of the City's duties under the Scheme, other than the power of delegation.

Conditions: The exercise of these powers and duties is subject to the conditions outlined in Schedule 1 which is attached to this Instrument of Delegation.

This delegation was reviewed and adopted by resolution of the Council meeting on 27 June 2006

Town Planning Scheme No. 6

The exercise of power under delegation DC342 shall be subject to the following conditions:

1. Specified Uses

This power of delegation does not extend to applications for planning approval relating to the following uses:

- (i) Child Day Care Centres.
- (ii) High Level Residential Aged Care Facilities, or substantial additions to existing High Level Residential Aged Care Facilities.
- (iii) Residential Buildings.
- (iv) Student Housing.
- (v) Telecommunications Infrastructure that is not classified as a low-impact facility under the *Telecommunications Act 1997*.
- (vi) Tourist Accommodation.
- (vii) Non-residential "DC" uses within the Residential zone.
- (viii) Uses not listed in Table 1 of the Scheme being considered under Clause 3.3(7) of the Scheme.
- (ix) Temporary Uses being considered under Clause 7.13 of the Scheme.
- (x) Change of Non-Conforming Use being considered under Clause 8.1 (3) of the Scheme.

2. Large Scale Development proposals

This power of delegation does not extend to large scale development proposals in any of the following categories:

- (i) Proposals involving non-residential development which, in the opinion of the delegated officer, are likely to have a significant effect on the City.
- (ii) Proposals involving buildings 9.0 metres high or higher based upon the Scheme definition of the term "height". This applies to both new developments and additions to existing buildings resulting in the building exceeding the nominated height. NOTE: Any proposal in this category shall be referred to the Design Advisory Consultants prior to referral to a Council meeting for determination.
- (iii) Proposals involving 10 or more dwellings.

3. The Exercise of a Discretionary Power

This power of delegation does not extend to the exercise of a discretionary power in any of the following categories:

- (i) Proposals involving the exercise of a discretionary power which, in the opinion of the delegated officer, should be refused. In this instance, the reason for refusal would be a significant departure from the Scheme, relevant Planning Policies or Local Laws.
- (ii) Proposals in areas situated within Precinct 13 - Salter Point which:
 - (a) have been assigned Building Height Limits of 3.0 metres, 3.5 metres or 6.5 metres; and
 - (b) will result in any obstruction of views of the Canning River from any buildings on neighbouring land, having regard to the provisions of Clause 6.2 (2) of the Scheme.
- (iii) Proposals representing a significant departure from the Scheme incorporating the Residential Design Codes, relevant Planning Policies and Local Laws where it is proposed to grant planning approval.
- (iv) Proposals involving the exercise of discretion under Clauses 6.1 or 6.11 of the Scheme.

4. Matters previously considered by the Council

This power of delegation does not extend to matters previously considered by Council, where drawings supporting a current application have been significantly modified from those previously considered by the Council at an earlier stage of the development process, including at an earlier rezoning stage, or as a previous application for planning approval.

5. Subdivision Applications

This power of delegation does not extend to subdivision applications involving the creation of a new Local Road.

6. Amenity Impact

In considering any application, the delegated officers shall take into consideration the impact of the proposal on the general amenity of the area. If any significant doubt exists, the proposal shall be referred to a Council meeting for determination.

7. Neighbour Comments

In considering any application, the assigned delegate shall fully consider any comments made by any affected land owner or occupier before determining the application.

8. Footnote

The delegated officer shall apply the following footnote to all conditional planning approvals and all discretionary refusals of planning approval issued under delegated authority:

FOOTNOTE: The above decision has been made by a duly assigned officer under delegated authority conferred by the Council in order to expedite the decision-making process. If you are aggrieved by the decision you may either:

- (a) request that the matter be reviewed at a Council meeting, following the submission of another Schedule 6 – Form of Application for Planning Approval; or*
- (b) lodge an appeal with the State Administrative Tribunal within 28 days of the Determination Date recorded on this Notice.*



DELEGATION FROM COUNCIL: DC609
Leases and Licences

Relevant Policy
P609 Lease of City Buildings

Relevant Management Practice
M609 Leases and Licences

Statutory Reference: *Section 5.42 of the Local Government Act 1995 and regulation 30 Local Government (Functions & General) Regulations 1996.*

Delegation to: The Chief Executive Officer.

Powers and Duties: The CEO may on behalf of the City enter into agreements to lease or licence property that the City owns or that it controls under a management order which confers the power to lease or licence.

Conditions: The CEO may not exercise this power in relation to a lease or licence concerning property that is to be disposed of pursuant to section 3.58 of the Act which:

- (a) has been the subject of a public tender pursuant to sub-section 3.58(2)(b);
- (b) is required to go through the local public notice procedure set out in subsection 3.58(3); or,
- (c) is for a commercial purpose with a term exceeding 30 days.

This delegation was reviewed and adopted by a resolution of Council meeting on 27 June 2006.



DELEGATION FROM COUNCIL: DC 343
Issue of Building Licences

Relevant Policy
Nil

Relevant Management Practice
Nil

Statutory Reference: *Section 5.42 of the Local Government Act 1995 and section 374 of the Local Government (Miscellaneous Provisions) Act 1960.*

Delegation to: The Chief Executive Officer.

Powers & Duties: The authority to approve or refuse to approve plans and specifications submitted under section 374 of the *Local Government (Miscellaneous Provisions) Act 1960* for the issue of a building licence.

Conditions: The publication of a list of building licences issued under delegated authority each month.

This delegation was reviewed and adopted by a resolution of Council meeting on 27 June 2006.



DELEGATION FROM COUNCIL: DC 345
Administration of Building Controls

Relevant Policy
Nil

Relevant Management Practice
Nil

Statutory Reference: *Section 5.42 of the Local Government Act 1995 and the Local Government (Miscellaneous Provisions) Act 1960.*

Delegation to: The Chief Executive Officer.

Powers and Duties:

- (1) The authority to exercise the powers and duties set out in the provisions of the *Local Government (Miscellaneous Provisions) Act 1960* as listed hereunder:
 - (i) Section 374A - Demolition licences;
 - (ii) Section 374C - Classification of Buildings;
 - (iii) Section 377 - No materials to be deposited on street;
 - (vi) Section 401 - Notice of required alterations;
 - (v) Section 401A - Stopping unlawful work;
 - (vi) Section 403 - Survey of dangerous buildings;
 - (vii) Section 404 - Notice to owner in case of danger;
 - (viii) Section 408 - Removal of neglected buildings;
 - (ix) Section 409 - Renovation of dilapidated buildings;
 - (x) Section 409A - Uncompleted buildings;
 - (xi) Section 411 - Local government may demolish buildings;
 - (xii) Section 413 - Fire escapes.
- (2) The authority to exercise the powers and duties set out in the Building Regulations 1989 as listed hereunder:
 - (i) Regulation 5(2) - Building Code determined not to apply;
 - (ii) Regulation 38C - Private Swimming Pools.

This delegation was reviewed and adopted by a resolution of the Council meeting on 27 June 2006.



**DELEGATION
FROM COUNCIL TO EMPLOYEES: DC346**

Strata Title Certificate

Relevant Policy

Nil

Relevant Management Practice

Nil

Statutory Reference: *Section 23(4) of the Strata Titles Act 1985.*

Delegation to: Employees of the City occupying the positions listed hereunder:

- Director - Strategic and Regulatory Services;
- Manager - Development Services; and
- Team Leader - Building Services.

Powers and Duties: The power to issue a certificate as required by section 23 of the *Strata Titles Act 1985*.

The Common Seal of the City of South Perth was affixed by the authority of a resolution of Council in the presence of:

John Collins JP
Mayor

Cliff Frewing
Chief Executive Officer

This delegation was adopted by a resolution of Council meeting on 27 June 2006.



DELEGATION FROM COUNCIL: DC443

Partial Closure of a Thoroughfare for Repair or Maintenance

Relevant Policy

Nil

Relevant Management Practice

Nil

Statutory Reference: *Sections 3.50 and 3.50A of the Local Government Act 1995.*

Delegation to: The Chief Executive Officer.

Powers & Duties: To allow for the partial and temporary closure of a thoroughfare for the purpose of carrying out repairs or maintenance.

Conditions:

- (a) The closure is unlikely to have a significant adverse impact on users of the thoroughfare; and,
- (b) Written notice of the partial closure will be given to the occupier of any property who gains access to the property from that part of the thoroughfare which is to be closed.

This delegation was reviewed and adopted by a resolution of Council meeting on 27 June 2006



DELEGATION FROM COUNCIL: DC 538
Appointment of Authorised Officers

Relevant Policy
Nil

Relevant Management Practice
Nil

Statutory Reference: *Sections 5.42, 3.24 and 9.10 Local Government Act 1995.*

Delegation to: The Chief Executive Officer.

Powers and Duties:

- (1) The power to appoint authorised employees to exercise the powers and duties set out in the *Local Government Act 1995* as listed hereunder:
 - (i) Section 3.25 - Notices requiring certain things to be done by owner or occupier of land;
 - (ii) Section 3.27 - Things local governments can do on land that is not local government property;
 - (iii) Section 3.31 - Entering property;
 - (iv) Section 3.39 - Power to remove and impound;
 - (v) Section 3.40A- Abandoned vehicle wreck may be taken
 - (vi) Section 9.11 - Persons found committing breach of the Act to give name on demand;
 - (vii) Section 9.13 - Onus of proof in vehicle cases;
 - (viii) Section 9.16 - Issue infringement notices;
 - (ix) Section 9.19 - Extension of time;
 - (x) Section 9.20 - Withdrawal of notice; and,
 - (xi) Section 9.24 - Commencing prosecutions.

- (2) The power to issue to each person so authorised a certificate stating that the person is authorised under section 9.10(2) of the Act.

This delegation was reviewed and adopted by a resolution of Council on 27 June 2006.



DELEGATION FROM COUNCIL: DC 539

Administer the City's Local Laws

Relevant Policy

Nil

Relevant Management Practice

Nil

Statutory Reference: *Sections 5.42 and 3.18 Local Government Act 1995.*

Delegation to: The Chief Executive Officer.

Powers & Duties: To administer the City's local laws and do all other things that are necessary or convenient to be done for or in connection with performing the functions of the City under the Act.

Conditions: The exercise of these powers and duties is subject to the provisions of the *Local Government Act 1995* and to all other written laws.

This delegation was reviewed and adopted by resolution of the Council meeting on 27 June 2006



DELEGATION FROM COUNCIL: DC 545
Appointment of Acting Chief Executive Officer

Relevant Policy

Nil

Relevant Management Practice

Nil

Statutory Reference: *Section 5.42 of the Local Government Act 1995*

Delegation to: The Chief Executive Officer

Powers & Duties: To appoint an employee as Acting CEO for a period of no more than four weeks.

Conditions:

- (1) The CEO must be satisfied that the Acting CEO is capable of performing the functions of the CEO for the period of absence; and
- (2) The Council shall appoint an Acting CEO in any instance where the CEO is to be absent for a period longer than four weeks.

This delegation was reviewed and adopted by a resolution of Council meeting on 27 June 2006

REVIEW OF CODE OF CONDUCT

Clause 2.1(c)

Designated employees will notify the CEO when dealing with a matter in which they have a direct or indirect conflict of interest and when dealing with relatives or closely associated persons. In such cases, designated employees will disqualify themselves from dealing with the matter. Where an employee submits a report on a matter to council, a disclosure of interest by the employee will be made in the report where it could be perceived that the employee has an influence in the City's dealings with the matter.

Clause 6.10

"designated employee" has the same meaning as in the Act.