

View long Banksia Terrace from corner of Mill Point Road

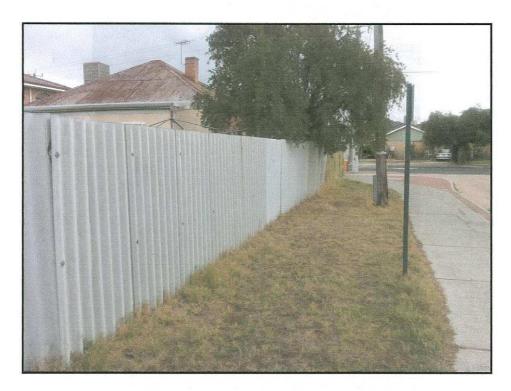


View of property on Banksia Terrace

Photographs submitted by Sandra Bransby



Side setback area between building and Banksia Terrace



Photographs submitted by Sandra Bransby

Page 2 of 5 - Lot 3 (No. 333) Mill Point Road, South Perth.
Application No. 11.2011.347.1: Proposed Mixed Development (Shop, Cafe/Restaurant and Dwelling) within a 2-Storey Building.



Rear of existing building



Photographs submitted by Sandra Bransby

Page 3 of 5 - Lot 3 (No. 333) Mill Point Road, South Perth.

Application No. 11.2011.347.1: Proposed Mixed Development (Shop, Cafe/Restaurant and Dwelling) within a 2-Storey Building.



Existing carport at rear of property



Adjoining properties to the west, along Mill Point Road

Photographs submitted by Sandra Bransby



Aerial Photograph facing South (April 2011) - Nearmap.com



Aerial Photograph facing North (April 2011) - Nearmap.com



#### PLANNING and CONSTRUCTION CONSULTANT

5 August 2011

City of South Perth 1317 Albany Hwy CANNINGTON WA 6107

ATTENTION: PLANNING DEPARTMENT

Dear Sir/Madam

RE: LOT 3 (333) MILL POINT ROAD, SOUTH PERTH
PROPOSED 2 STOREY MIXED DEVELOPMENT USE

- CHANGE OF USE FROM SHOP AND SINGLE HOUSE TO "MIXED DEVELOPMENT"

Ground Floor - Patisserie Cafe/Restaurant and accompanying shop

with associated ground floor additions

1<sup>st</sup> Floor - New Multiple Dwelling

Please find attached an application for planning approval encompassing a 2 storey mixed-use development that proposes a change of use to "Mixed Development" involving additions to the existing shop on the ground floor to accommodate a café/restaurant primarily associated with a patisserie, with a new second floor addition for a single multiple dwelling.

Design of the proposed development has been undertaken in consideration of the relevant Scheme provisions and the Residential Design Codes, specifically relating to the accommodation of mixed uses. This is further addressed in the attached report, prepared in support of the proposed development.

I look forward to a favourable response from the City, however please do not hesitate to contact the undersigned should you require any further information or clarification on any matter.

Kind Regards,

Sandra Bransby
Planning and Construction Consultant
040 700 1400

PO BOX 420, MOUNT LAWLEY WA 6929 mob: 040 700 1400 email: sandrak@bigpond.net.au

Sandra Bransby ABN:42 428 095 009

### LOT 3 (333) MILL POINT ROAD, SOUTH PERTH PROPOSED 2 STOREY MIXED DEVELOPMENT USE

- CHANGE OF USE FROM SHOP AND SINGLE HOUSE TO "MIXED DEVELOPMENT"

Ground Floor - Patisserie Cafe/Restaurant and accompanying shop

with associated ground floor additions

1st Floor - New Multiple Dwelling



#### Prepared by

Sandra Bransby PO Box 420, Mount Lawley WA 6929 T: 040 700 1400 E: sandrak@bigpond.net.au

#### SITE CHARACTERISTICS

The subject property is located on the corner of Mill Point Road and Banksia Terrace, incorporating a prime mixed-use development site that accommodated a long-standing corner delicatessen with an attached single residence on a site area of 562m2.

Dual street frontage provides the opportunity to retain the existing commercial component that has a nil setback to Mill Point Road as well as being partially built up to the south/west side boundary, with safe and effectual off street car parking accessible off Banksia Terrace, via an existing crossover.

#### ZONING AND APPROVAL HISTORY

The property is zoned "Local Commercial" under the City of South Perth Town Planning Scheme No.6 (TPS6).

Historical data has affirmed that the site accommodated a delicatessen continuously since as early as the 1920's, which ceased operation late in 2010 following an application for a change of use to accommodate a café/restaurant.

On 25<sup>th</sup> May 2010, the City of South Perth granted planning approval for a change of use from a "Shop and Single House" to "Shop and Café/Restaurant" and associated extensions to the existing building. The previous approval proposed a similar configuration to the ground floor retail component and associated 10 bay car park. The proposed alterations were not undertaken and the change of use had not commenced.

#### PROPOSAL

Redevelopment of the property is to be undertaken by the owner of the property who is also the administrator of the café/restaurant primarily associated with a patisserie, as well as the owner and resident of the 1<sup>st</sup> floor residential component. The proposed uses are identified in Table 1: Zoning – Land Use of TPS6 as a "Mixed Development", of which is a "D" (discretionary) use within the Local Commercial zone.

The subject application proposes retention of the existing shop that is to be utilised as a customer service area and display area, being the shop front and main walk-by pedestrian access from Mill Point Road.

An existing lean to addition off the rear of the building is to be demolished to accommodate an extension to the kitchen area as well as public and staff toilet facilities.

The interior dining area is accommodated within the existing building, with an alfresco addition proposed between the building and secondary street, retaining a 1.5m minimum setback to the secondary street.

A 10 bay car park is provided to service both the multiple dwelling and the café/restaurant. Allocation of parking is addressed further in the report. A 200.6m2 multiple dwelling is proposed over the ground floor restaurant, which provides a separate entry off the rear porch, directly accessible from the car park. Internal access from the staircase to the restaurant is also provided to ensure safe internal access is provided between both uses by the proprietor/resident.

#### RESIDENTIAL DESIGN CODES

#### Part 7 - Multiple Dwellings within mixed-use development

Design and development of the proposed multiple dwelling has been undertaken in accordance with the provisions of Part 7 of the R Codes.

- Building height is undertaken in accordance with the provisions of TPS6 maximum 7m permitted, 6.425m proposed.
- Plot Ratio is undertaken in accordance with the provisions of TPS6 and is addressed below.
- Street setbacks an average setback of 6.5m is provided to Mill Point Road from the 1<sup>st</sup> floor.
- Side and rear boundary setbacks are provided in accordance with Table 2a of the R Codes, with a minimum 1.5m up to 2.7m to the side boundary and 11.45m to the rear boundary.
- Development contributes to the existing character of the street through improved surveillance from the café/restaurant and from balconies and habitable room windows to the residential 1<sup>st</sup> floor component.
- A secure boundary fence is provided along the front and side boundaries, extending from the façade of the existing shop, along the truncation and mid way up the side boundary, up to the car park,

- Outdoor living area a balcony is provided with an area of 19.8m2, minimum dimension of 2.64m.
- An allocation of 1 car bay has been set aside and clearly marked for exclusive use for the dwelling. The total allocation of car parking has been addressed below.

#### TPS6 PROVISIONS

Design of the proposed Mixed Development has been undertaken in consideration of TPS6 provisions and in consideration of the design elements identified within part 7 of the Residential Design Codes – specifically relating to mixed-use developments.

#### Clause 5.1 – <u>Development Requirements for Non-Residential Uses in Non-</u> Residential Zones

Table 3 identifies development requirements for the proposed uses as follows:

Zone	Maximum Plot Ratio	Minimum Setbacks from Lot Boundaries	Minimum Landscaped Area (% of site)
Local	Mixed Development or	Street – 1.5m	10%
Commercial	other Non-Residential	Other – Nil	
	0.50		

Development of the site is to proposed as follows:

Plot Ratio		0.49
Ground Floor		
- Customer service area/		
dining area	76.16m2	
(inside external walls a	nd as defined in TPS6_	
First Floor		
- Dwelling area over all 200.60m2		
	276.42m2	
TOTAL SITE AREA	562.00m2	

Open Space		62.40%
Landscaping	70.37m2	12.52%

As conveyed above, the provision for plot ratio, open space and landscaping are all compliant.

The site as it stands is underutilised and comprises a derelict building that is in need of extensive repair and renovation to raise it to a standard that is prevalent on the neighbouring properties and within the South Perth precinct.

Given the close proximity to the city and the high value of land attributed to the riverside location, 2 storey housing stock is prominent, encompassing superior housing design and grander building bulk.

Sound architectural design through the retention of the single storey character shop front was a priority for the owners to ensure that the existing single storey facade was retained in accompaniment with the rear and first floor additions.

The additions symbolize modern building stock, yet are sympathetic with the existing character of the shop front with effective integration between the uses together with residential design characteristics through its use of materials, roof and building form and visual surveillance ensuring that the development responds and reinforces the existing character of the street and locality.

As identified in the preceding subsection on the R Codes, the ground floor and first floor additions are set back from the side boundary (adjacent to a residential property), to ensure that the prescribed setbacks listed in Table 2a of the R Codes are adhered to. Furthermore, the provisions relating to visual privacy, building height, overshadowing, open space, and surveillance of the street are also all adhered to.

Emphasis must also be placed on the continuance of a non-residential use that has existed on the site for over 80 years. The proposed development gives an opportunity for a long-standing service to be reinstated in a superior café/restaurant form that would be welcomed by residents within the locality. Café/restaurants are prevalent in other areas of South Perth, closer to Mends Street and along Angelo Street, yet are scarce along the far eastern length of Mill point Road. The proposed use reinforces the existing activity centre along Mill Point Road and will enhance its walkable catchment and provide a desired service for the area.

In light of the above, the proposed development is conducive with the prevailing built form and is not seen as an overdevelopment of the site. Therefore, the proposed development would be deemed to be compliant with the provisions of TPS6. as:

- it is consistent with the orderly and proper planning of the precinct and the preservations of the amenity of the locality;
- it will have no adverse affect upon the occupiers and patrons and foremost the adjoining residents; and
- it will meet the objectives of TPS6 Clause 1.6, particularly in facilitating a
  diversity in dwellings style in an appropriate location while utilising and
  building on existing community facilities and services and make more efficient
  and effective use of new services and facilities.

#### CAR PARKING

An allocation of 10 car bays is proposed within the parameters stipulated within TPS6 where 1 space is required per every 5m2 of dining area for a café/restaurant for the ground floor commercial component and in accordance with Clause 7.3.3 – On-site parking provision - a minimum of 2 bays is required (1.5 bays rounded up).

	Scheme	Required Car	Proposed	Shortfall
	Provision	bays	Car bays	
Café/	1 bay per 5m2	43.68m2 = 8.7	9 car bays	Nil
Restaurant	dining area	bays		
Multiple	1.5 car bays per	2 car bays	1 car bay	1 car bay
Dwelling	dwelling over			
	110m2			

The proposed car-parking configuration encompasses an exclusive parking allocation of 1 bay for the residential dwelling, which is situated closest to the dwelling entrance and staff entrance to the kitchen, with the remaining 9 bays to be utilised by staff and customers.

The resultant 1 car bay shortfall is achievable without adversely affecting demand on car parking due to the nature of the development, primarily as the owner/proprietor of the café/restaurant will also be the resident of the 1<sup>st</sup> floor dwelling. Therefore, with an allocation of 9 car bays taking into account staff and customer parking demands and as the primary staff member is also the dwelling resident, a reciprocation of parking results in a reduced demand on parking.

Not withstanding this, an additional 2 on-street car bays are provided on Mill point Road, immediately in front of the property. The additional 2 car bays were constructed to primarily service the needs of the delicatessen, providing convenient and safe parking for the service.

Furthermore, drive for alternative vehicle parking as well as reliance on public transport for access to and from employment, and with the likelihood of a significant percentage of patronage to be derived from the local community, within a walkable catchment, reduces the emphasis on cars for transport.

The proposed site is situated within 150m of a bus stop with route along Mill Point Road, and 300m from a bus stop with route along Canning Highway. Furthermore, with a foresight in reducing the use of car dependency, additional facilities for bicycle parking have been incorporated within the development where 3 bicycle parking bays are designed and located within the public domain, however securely positioned for staff usage as well.

In light of the foregoing material, the provision of 10 car bays overall, 2 on-street car bays, 3 bicycle bays and with an emphasis on local community patronage, the 1 car bay shortfall is achievable having regard to the peak parking demand for different uses on the site without causing hazards or unreasonable congestion on the surrounding streets.

#### CONCLUSION

Considerable effort is given to the design of the proposed mixed development use to ensure that:

- · A community identity is retained and enhanced;
- The new development is in harmony with the character and scale of the existing nearby residents;
- · The proposal utilises and enhances an existing community facility and service;
- · Preserves and restores the character shop front; and
- Preserves the amenity of the locality.

We therefore request that the City considers the proposed application on its merits as it achieves the desired outcomes for a "Mixed Development" use, in accordance with the provisions of Town Planning Scheme No.6 and the Residential Design Codes.

#### Attachment 10.5.1

Enquiries: Mayor's Office on 765

Our Ref: GR/206 Doc ID: 712826

<<DATE>>

Prime Minister, Minister for Infrastucture and Transport, Leader of the Opposition and Opposition Transport Spokesman Parliament House CANBERRA ACT 2600

Dear X

#### ROADS TO RECOVERY PROGRAM

I am writing to advise you of a resolution recently passed by Council concerning the Roads to Recovery Program which ceases in June 2014. This is an important and popular Federal program that provides funding directly to local government to address the road infrastructure backlog on local roads and has been very gratefully received by local government and local communities.

Loca government's analysis shows that the backlog of needs on local roads remains high and is now about \$1.2 billion annually. The size of this backlog means that there is no possibility of local government being able to address the roads needs with their limited funding base.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters. Without the Roads to Recovery funding access to the basic services such as health, education and economic and social needs will begin to decline for communities.

Council considered and passed the following resolution on 27 September 2011:

That the City of South Perth calls on Federal Government to:

- 1. recognise the successful delivery of the Roads to Recovery Program by local government since 2000;
- 2. continue the Roads to Recovery Program on a permanent basis to assist local government meet its responsibilities of providing access for its communities;
- 3. continue the Roads to Recovery Program with the current administrative arrangements; and
- 4. provide an increased level of funding under the future Roads to Recovery Program that recognises the shortfall of fundingn on local roads of \$1.2 billion annually.

Council urges you to consider this resolution as the << government / opposition>> develops its future transport infrastructure funding programs.

Yours sincerely

JAMES BEST MAYOR EXPERT PANEL ON

# Constitutional Recognition of Local Government



Public Discussion Paper

September 2011

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The document must be attributed as Public Discussion Paper, Expert Panel on Constitutional Recognition of Local Government, Commonwealth of Australia represented by the Expert Panel Secretariat within the Department of Regional Australia, Regional Development and Local Government.

The views expressed herein are those of the Expert Panel on Constitutional Recognition of Local Government and do not necessarily represent the views of the Commonwealth of Australia.

## Constitutional Recognition of Local Government

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Expert Panel on Constitutional Recognition of Local Government

#### Introduction

This paper aims to promote discussion on whether local government should be recognised in Australia's Constitution. It invites public comment on the different ideas it contains for changing the Constitution.

The Commonwealth Government is committed to holding a referendum on this issue during the current Parliament or at the next election. There is currently support across the political spectrum for some form of recognition of local government. However, before any referendum can be held, the proposal must pass both Houses of the Parliament.

As a step in meeting its commitment, the Government has established the independent Expert Panel on Constitutional Recognition of Local Government to provide advice on this issue. The Expert Panel's terms of reference and a list of members are in Attachment A.

The Expert Panel has been given two key tasks:

- \* to assess whether there is sufficient support in the Australian community to recognise local government in the Constitution
- to provide recommendations to the Government on specific changes that could be made to the Constitution to bring about such recognition.

The Expert Panel wants to hear the views of a wide range of Australians on these issues. This discussion paper sets out some reasons for including local government in the Constitution and some ideas about how the Constitution could be changed to achieve this. The panel seeks submissions on the ideas and issues involved to inform its advice to the Commonwealth Government. You will find a number of questions throughout the paper to use as starting points for any views that you want to share.

#### The Constitution

The Australian Constitution, the nation's founding political and legal document, was developed at a series of constitutional conventions in the 1890s and came into effect with the Federation of Australia in 1901. The Constitution sets the basic rules on how governments, and the different arms of government, operate in Australia. Due to historical circumstances, it addresses only the relationships between State Governments, Territories and the Commonwealth. Local government is not mentioned anywhere in the Constitution.

Australia has changed significantly since Federation in 1901. From time to time, the Australian people are asked to update the Constitution to reflect these changes. The Constitution can only be updated through a referendum, and any proposed change has to achieve what is known as a double majority. That is, it requires a national majority of votes and a majority of votes in a majority of States. There is more information on previous referendums, including two on local government, in Attachment B.

#### Local government in Australia's Federation

Local government bodies have existed in Australia since the establishment of the Adelaide Corporation (now the City of Adelaide) in 1840. Across Australia, there are now about 560 local government bodies that promote local interests and deliver important services and infrastructure. These bodies are very diverse: the areas they cover range from less than a square kilometre to almost 380,000 square kilometres (approximately the same area as Japan), and their populations range from a few hundred to more than 1 million.

Local government is a legislative responsibility of the States and Territories and is recognised in the Constitution of each State. State parliaments determine the roles and responsibilities of local governments, and those responsibilities vary from State to State.

Over recent decades, the role of local government has widened significantly. It now covers areas such as planning, environmental management, recreation, regional development and human services. Also, local government is increasingly being asked to contribute to national policy areas such as economic development and action on climate change, and to support improvements in public policymaking and service delivery at the regional level. Through these processes, local government is now directly involved in the development of national policy.

More and more, shared responsibilities require greater cooperation among the three levels of government. The peak Australian local government organisation has been accepted for two decades as a member of the Council of Australian Governments, the highest forum for collaboration in our federal system. All levels of government have now agreed that they must take a cooperative approach to the reallocation of responsibilities and resources to minimise duplication and waste and to increase sustainability and accountability.

A good example of such cooperation can be seen in the Inter-governmental Agreement Establishing Principles Guiding Inter-governmental Relations on Local Government Matters. The agreement, signed in 2006 by Commonwealth, State and Territory ministers for local government and the Australian Local Government Association, sets out a framework for the funding and delivery of services to the community at the local level.

The Commonwealth Parliament formally acknowledged the role of local government in Australia in 2006. All political parties supported a resolution that:

- 1. recognises that local government is part of the governance of Australia, serving communities through locally elected councils
- values the rich diversity of councils around Australia, reflecting the varied communities they serve
- 3. acknowledges the role of local government in governance, advocacy, the provision of infrastructure, service delivery, planning, community development and regulation
- 4. acknowledges the importance of cooperating with and consulting with local government on the priorities of their local communities
- acknowledges the significant Australian Government funding that is provided to local government to spend on locally determined priorities, such as roads and other local government services
- commends local government elected officials who give their time to serve their communities.

While the resolution did not advocate recognising local government in the Constitution, it affirmed the integral part played by local government as the third level of government in the Australian Federation.

#### Why recognise local government in the Constitution?

Including a reference to local government in the Constitution would formally recognise the role it plays in the Australian federal system as the third tier of government. This recognition would enhance the status of local government, in the community and in its dealings with the other two levels of government. Local government would be better able to attract the support and resources

Should the role of local government in Australia be recognised by including a reference to local government in the Australian Constitution?

it needs, and to develop the new capacities to fulfil its increasingly important role in our system of government. For example, a wider range of people might stand for election as councillors or apply for professional and management positions within local government, and career, trade, training, employment and retention opportunities at all levels might open up.

Recognition could also enhance the ability of local councils to advocate the interests of their communities through collaboration with other levels of government. It could thus make a practical difference to local government's ability to deliver local services and infrastructure, and to its future development as an integral part of the Australian Federation.

Certain forms of recognition would have more specific objectives and effects, as discussed below. For example, a form of 'financial recognition' has been proposed to overcome legal doubts about the Commonwealth's ability to directly fund local government, while 'democratic recognition' would guarantee that local government councillors must, as a general rule, be democratically elected.

#### Ideas for changing the Constitution

There are a range of ideas on how to include local government in the Australian Constitution.

Each meets different practical objectives and has advantages and disadvantages. In its considerations, the Expert Panel is looking for ideas that will:

- o make a practical difference
- o have a reasonable chance at a referendum
- o resonate with the public.

The panel has identified four ideas that appear to satisfy these three criteria and is looking for specific feedback on each of them. Some of these ideas have already been discussed in the community and could be proposed at a referendum in this term of Parliament. Others have had less public debate and may need a longer time for discussion before going to a referendum.

The panel notes at the outset that including an express reference to local government in a substantive provision of the Constitution could be held by the High Court to prohibit a State from altering the fundamental characteristics of a system of local government. Definition of those characteristics would then become a matter for the Court.

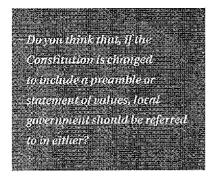
The constitutions of some nations make detailed provision for the powers and responsibilities of local government. The panel does not believe that this form of recognition would satisfy the three criteria above. It would be widely regarded as an unacceptable intrusion into the constitutional role of the States. Accordingly, that option has not been included.

The Expert Panel is interested in which, if any, of the ideas you support, and what you see as the advantages and disadvantages of each. The ideas are not mutually exclusive, and more than one could be incorporated in a referendum proposal. The panel would also like to know whether there are any other ideas you would like to add.

#### Symbolic recognition

Symbolic recognition of local government would seek to enhance the status of local government in the Australian Federation in a way that has minimal or no legal effects.

This idea has been raised on a number of occasions. One option is that local government be acknowledged in a new preamble to the Constitution. Currently, the Constitution does not have a preamble into which a statement of recognition could simply be inserted. However, it is well recognised that if there were to be a new preamble it would cover a range of matters, not just local government. A proposal to add a preamble was put to referendum in 1999, along with a proposal that Australia become a republic. Neither was successful.



An alternative approach to symbolic recognition would be to incorporate a 'statement of values' in the body of the Constitution. If this were done, the statement could refer to the democratic foundations of local government. While this form of recognition would be unlikely to have a practical impact on local government, it could affect the approach of the High Court to interpreting other provisions of the Constitution, particularly if the provision were part of the text and not in the preamble.

Local councils throughout Australia have long advocated that, if there were to be a preamble to the Constitution, then local government should be mentioned. However, both this approach and the concept of a statement of values raise some issues beyond the Expert Panel's terms of reference.

#### Financial recognition

Many councils rely on funding, from both their State Government and the Commonwealth Government, to supplement income from rates and other charges and to provide essential services and infrastructure in their communities.

Most Commonwealth funding to local government is paid to State Governments, which then pass the funds on to local governments. However, the Commonwealth Government also has a number of programs for local government under which grants are paid directly to local councils.

In 2009, the High Court declared that the constitutional basis on which the Commonwealth had traditionally relied to support the legality of direct grants to local government did not do so. Many constitutional lawyers doubt that any other head of Commonwealth power can support the kind of direct funding of local government that now exists. It could be years before the High Court decides the matter. In the interim, important Commonwealth funding arrangements, such as the Nation Building Roads to Recovery Program and the Regional and Local Community Infrastructure Program, are of questionable legality.

It is possible to replace direct Commonwealth funding of local government by providing grants to the States on the condition that they pass those funds directly to local government. However, the experience of local government is that this can sometimes lead to delays, increased costs and a significant reduction in the funds available to deliver the services that the Commonwealth wishes to support.

Should the Constitution be changed to explicitly say that the Commonwealth Government can provide funding directly to local councils?

Another idea for constitutional recognition of local government, therefore, involves changing the Constitution to ensure that the Commonwealth Government can provide funding directly to local councils, without having to pass the funding through State Governments. There is widespread support for this change among local government bodies, which are greatly concerned about the current legal uncertainty.

Do you agree with either of the suggested changes to section 96 of the Constitution?

One way to resolve questions about the Commonwealth's capacity to directly fund local government is to amend section 96 of the Constitution, which deals with funding from the Commonwealth Parliament to the States. Section 96 could be amended to ensure that local government has the

same ability to access funding from the Commonwealth as the States currently have. Amendments to section 96 could be made in the following two ways (new words are in italics):

- ... the Parliament may grant financial assistance to any State or to any local government body formed within the limits of a State or Territory on such terms and conditions as the Parliament thinks fit.
- 2. ... the Parliament may grant financial assistance to any State or to any local government body on such terms and conditions as the Parliament thinks fit.

The first of these two ideas more clearly affirms that the establishment of the system of local government is a matter for State and Territory legislation.

#### Democratic recognition

Local councils, like the Commonwealth and State Governments, are democratic bodies that are answerable to their communities. Many Australians expect to be able to elect their local council, and vote out a council they do not agree with, in the same way as they can for Commonwealth and State Governments.

There is no guarantee at a national level that local councils must be elected. Most State constitutions describe local councils as elected bodies, but whether and how that is achieved in practice depends on a normal Act of Parliament. The relevant section in the State constitution can also usually be amended simply by an Act of Parliament. Therefore, the final decision about whether local councils are elected or not lies with the State parliament, not the people.

State Governments and parliaments have extensive powers to dismiss local councils and appoint administrators or replacements. The limits on these powers vary between the different States. For more information on the different protections in State constitutions, see Attachment C.

Should democratic elections
for local governments be
guaranteed by the Constitution?

The limited protection for local government under State constitutions has long been a concern for local government representatives, who have argued that local government cannot be a legitimate democratic institution if it is not protected by inclusion in the Australian Constitution.

An appropriate way of addressing citizens' rights to democracy at the local level would be to include a guarantee in the Australian Constitution that local communities have a right to elect their local councils. Two possible proposals for inclusion in the Constitution are as follows:

- 1. Each State shall, and each Territory may, establish and maintain a system of local government bodies directly chosen by the people.
- 2. Each State shall, and each Territory may, provide for the establishment and continuance of a system of local government elected in accordance with the laws of the State or Territory.

The first option includes a clear democratic requirement, which is based upon the wording in the current Constitution for elections to the Commonwealth House of Representatives and Senate. This option would probably rule out existing provisions in some States for property qualifications and

If so, which of the proposed provisions should be included in the Constitution?

multiple voting in local government elections. The second option would let the States and Territories determine the electoral basis of local government, provided it met the general description of an election, but with a weaker democratic guarantee.

Under either of these provisions, it is probable that State and Territory governments would not be able to exercise their executive powers to dismiss local councils, as they have done in the past. Nor could they pass legislation authorising themselves to do so either by legislation or executive order. To maintain the possibility of dismissing a local council, preferably by Act of Parliament rather than by ministerial directive, each of the above amendments could be qualified by adding the following words:

The Parliament of a State or Territory may by Statute dismiss a local government body, and provide for the appointment of persons to perform its functions and exercise its powers until such time as a new local government can be elected.

This approach would be similar to that taken in the Victorian Constitution.

#### Recognition through federal cooperation

A fourth idea is to change the Constitution to explicitly encourage cooperation between governments. In any such amendment, the role of local government could be expressly recognised in the context of improving the relationship between all three levels of government.

Many Australians expect the different levels of government in Australia to cooperate on issues that require a joint approach. Often, problems can be solved only by governments working together. All levels of government recognise the importance of cooperation and have increased their collaboration since Federation.

The three levels of government cooperate on many issues. However, the High Court has determined that some forms of cooperation, upon which the Commonwealth and all State Governments and parliaments had agreed, are not legally possible under the Constitution. In particular, the High Court has ruled invalid a scheme in which the State and federal governments cooperated to improve the function of our courts.<sup>1</sup> The High Court has also found that the States cannot impose certain executive duties on the Commonwealth, even where there is agreement from the Commonwealth.<sup>2</sup> In deciding one case, a High Court judge dismissed the idea of cooperative federalism as a mere 'political slogan' of no legal effect.<sup>3</sup>

If the Constitution is changed to refer to the desirability of cooperation between the Commonwealth and the States, should local government be included in any such provision? A number of specific proposals have been put forward to overcome these decisions. One idea is to insert in the Constitution an express reference to the desirability of cooperation between the Commonwealth and the States. A reference to cooperation among and between all three levels of government could be included in any such

provision. While such a provision would not be of direct operational effect, its inclusion could have significant influence on the High Court's approach to interpreting other provisions of the Constitution in a way that enhances cooperative conduct.

A further step, with more direct effect, would be to insert a provision requiring the Commonwealth and the States to give each other an opportunity to comment on any proposed laws that would affect their status, powers and/or functions. Again, if such a provision were adopted, it would be open to include local government in the provision.

These ideas include matters that go beyond the Expert Panel's terms of reference. Their consideration would require a more extensive process of consultation than panel is able, or indeed qualified, to undertake.

<sup>1</sup> Re Wakim; Ex parte McNally (1999) 198 CLR 511.

<sup>2</sup> R v Hughes (2002) 202 CLR 535.

<sup>3</sup> Re Wakim; Ex parte McNally (1999) 198 CLR 511, 566.

#### Further questions

The Expert Panel is interested in your views on some further questions to help inform its report to the Commonwealth Government.

What do you think are the advantages and disadvantages of the particular lateas also used in this paper?

Which ideas, or combination of ideas, do you think could best provide a basis for constitutional recognition of local government in Australia?

Are there any other ideas not covered in this discussion paper that you support?

Do you think that there are other ways of recognising the role of local government and enhancing its status, apart from constitutional change?

Do you think that there are any implications beyond the benefits to local government that might result from the suggested changes to the Constitution?

#### How to have your say

There are two ways that you can have your say and submit your views to the Expert Panel. First, you can provide a written submission, either through the panel's website at www.localgovrecognition.gov.au, or by post to:

The Secretariat

Expert Panel on Constitutional Recognition of Local Government

GPO Box 803

Canberra ACT 2601

The deadline for receiving written submissions is 4 November 2011. Unless you request otherwise, submissions will be published on the website.

Second, you can participate in the online survey on the website. The Expert Panel will also hold a series of consultations across Australia from late September through to November 2011. There is more information about these on the website.

#### Attachment A: Terms of reference and panel membership

#### Expert Panel terms of reference

#### Context

The Government has committed to pursue recognition of Local Government in the Australian Constitution.

#### Purpose

The Government has decided to establish an independent Expert Panel to consult with stakeholder groups and the community on the level of support for constitutional recognition of local government and to identify possible forms that recognition could take.

The Expert Panel will report to Government in December 2011.

#### Terms of Reference

The Expert Panel should, report on and make recommendations regarding:

- a. the level of support for constitutional recognition among stakeholders and in the general community; and
- b. options for that recognition.

The Expert Panel will have regard to the benefits and risks of the different options as well as outcomes that may be achieved for key stakeholders through constitutional recognition of local government.

In conducting its inquiry, the members of the Expert Panel will consult:

- Local governments and their representative bodies, including the Australian Council of Local Government and the Australian Local Government Association (ALGA);
- State and Territory governments;
- · Federal parliamentarians;
- Subject matter experts, such as constitutional reform, local government and regional government experts; and
- Interested members of the Australian community.

The Expert Panel will be supported by a secretariat within the Department of Regional Australia, Regional Development and Local Government.

#### Expert Panel members

The Hon. James Spigelman AC QC (Chair)

Councillor Paul Bell AM

Professor A.J. Brown

Senator Bob Brown

Father Joe Caddy

Mr Ross Cameron

Mr Peter Clarke

Mr Rob Hudson

The Hon. Karlene Maywald

Mayor Genia McCaffery

Mr Greg McLean OAM

Mrs Jane Prentice MP

Professor Graham Sansom

Right Hon. Lord Mayor of Perth Lisa Scaffidi

Mr Sid Sidebottom MP

Mr Jim Soorley AM

Ms Lucy Turnbull AO

Mr Tony Windsor MP

## Attachment B: History of constitutional recognition of local government

The Australian Constitution does not refer to local government; historically, local government was not recognised in State constitutions either.

Local government is now recognised in all State constitutions. The Commonwealth Constitutional Convention established by the Whitlam Government recommended at a number of the sessions it held between 1973 and 1985 that local government be given recognition in State constitutions and/or the Australian Constitution. As a consequence, all State constitutions were amended between 1979 and 1989 to acknowledge local government.

Proposals to recognise local government in the Australian Constitution have twice been put unsuccessfully to referendum: by the Whitlam Government in 1974 and by the Hawke Government in 1988.

#### The 1974 referendum

In 1974, four referendum proposals were put to the vote. One dealt with local government and proposed inserting two new provisions in the Australian Constitution. Both provisions addressed the issue of direct Commonwealth funding to local government:

- A proposed new section 51(ivA) would have provided that the Commonwealth could make laws
  with respect to '[t]he borrowing of money by the Commonwealth for local government bodies'.
- A proposed new section 96A would have provided that '[t]he Parliament may grant financial
  assistance to any local government body on such terms and conditions as the Parliament
  thinks fit'.

The proposed law was rejected twice by the Senate, and was put to the people only after being passed on two occasions by the House of Representatives.<sup>4</sup> The national vote in favour was 46.85%; only in New South Wales did a majority of voters support the proposal. None of the referendum proposals put to the vote in 1974 were successful.

<sup>4</sup> The 1974 local government proposal and three other unsuccessful referendum questions put in 1974 are the only referendums conducted under the 'deadlock' provisions, which allow a referendum proposal to be put to the vote without the approval of the Senate. See George Williams and David Hume, People power: the history and future of the referendum in Australia (UNSW Press, 2010) 40.

The 'yes' campaign in the 1974 referendum focused on two issues: 5

- Local government would have to increase rates and charges without Commonwealth funding, as State funding was insufficient.
- In the past, State premiers had insisted on financial assistance to local government being funded through the States.

The 1974 referendum 'no' campaign arguments included the following: 6

- The Commonwealth could already fund local governments through the States under section 96, so change was unnecessary.
- The Commonwealth ('Canberra') would have new power to control local government.
- It would be expensive to have a new administrative system in Canberra for distributing funds to local government.

#### The 1988 referendum

In 1985, the Commonwealth Government set up a Constitutional Commission to replace the Constitutional Convention and instructed the new commission to report by 1988.7 In its final report, the Constitutional Commission recommended a new section 119A to recognise local government. Its reason was that there was a 'need to accord [local government] the status of an established part of the structure of government' to restrain arbitrary State abolitions, though not temporary lawful suspensions or amalgamations. <sup>8</sup>

Four referendum proposals were put to the vote in 1988. The local government proposal largely followed the Constitutional Commission's recommendation, and proposed a new section 119A in the following terms:

Each State shall provide for the establishment and continuance of a system of local government, with local government bodies elected in accordance with the laws of a State and empowered to administer, and make by-laws for, their respective areas in accordance with the laws of the State.

The Constitutional Commission had recommended using the phrase 'local government bodies' rather than 'a system of local government'. This proposal would have provided a form of democratic recognition to local government, as it ensured that local government bodies were elected. The national vote in favour of this proposal was 33.62%, and the proposal did not get majority support in any State. As in 1974, all four proposals were defeated.

<sup>5</sup> Nicola McGarrity and George Williams, 'Recognition of local government in the Commonwealth Constitution' (2010) 21 Public Law Review 164, 168; Standing Committee on Legal and Constitutional Affairs, House of Representatives, Constitutional Change (1997) 101-2.

<sup>6</sup> McGarrity and Williams, above n 5, 168; Standing Committee on Legal and Constitutional Affairs, above n 5, 101-2.

<sup>7</sup> The replacement of the Australian Constitutional Convention by the Constitutional Commission was opposed by the federal Opposition and by most of the States; see Cheryl Saunders, 'Constitutional recognition of local government' in Nico Steytler (ed) The place and role of local government in federal systems (Konrad-Adenauer-Stiftung, 2005) 56.

B Constitutional Commission, Final report of the Constitutional Commission 1988 (Australian Government Publishing Service, 1988) [8.39].

The 'yes' campaigners in the 1988 referendum argued that: 9

- · constitutional recognition was the only way to guarantee the continued existence of local government
- the amendment would recognise the important role played by local government
- · the amendment would strengthen the system of decentralised community based government.

The 'no' campaigners argued that: 10

- · the language of the proposal was vague and uncertain
- · it would not stop arbitrary dismissals or amalgamations of local government bodies
- · it would result in further centralisation of government in Australia, controlled from Canberra.

<sup>9</sup> McGarrity and Williams, above n 5, 169; Standing Committee on Legal and Constitutional Affairs, above n 5, 101–2. 10 McGarrity and Williams, above n 5, 169; Standing Committee on Legal and Constitutional Affairs, above n 5, 101–2.

#### Attachment C: Local government in State constitutions

Every State constitution was amended between 1979 and 1989 to acknowledge the role of local government. The provisions in all of the State constitutions except Victoria's are very similar. They each describe local government as:

- a body that is elected<sup>11</sup> or 'is duly elected or duly appointed' <sup>12</sup>
- · having powers as provided by the State parliament or legislature
- · responsible for the good governance / better government of a particular area of the State.

The Victorian Constitution has stronger recognition in the form of guarantees that local councils must be democratically elected, and must have both a 'governing body' and an 'administration'. It also lists the areas relating to local government about which the State parliament may make laws explicitly.<sup>13</sup>

The Victorian and Queensland constitutions are the only State constitutions that have a description of the due process for dismissing a local government body. In Victoria, a local government body can only be dismissed by an Act of Parliament; in Queensland, dismissal requires ratification by the Legislative Assembly. <sup>14</sup>

Some observers suggest that these provisions provide little protection for local government.<sup>15</sup>

Local government advocates have argued that the protections for local government in State Constitutions are further weakened because State Constitutions can, as a general rule, be changed in the same way as an ordinary Act of Parliament. A referendum is not required, as it is for changes to the Australian Constitution. The only exception is that some State parliaments have 'entrenched' some provisions regarding local government in their State Constitutions. By entrenching a provision, a State parliament determines the way that the provision can be changed in the future. According to some, however, there remains a legal question over whether any entrenched provisions, particularly those dealing with local government, would be upheld under a legal challenge. <sup>16</sup>

Three States have entrenched provisions that deal with local government. The South Australian Constitution requires that a Bill to end the system of local government be passed by an absolute majority. The Queensland Constitution requires that a referendum be held to end the system of local government. The Victorian Constitution requires a referendum to change any of the provisions currently dealing with local government.

Of these, the Victorian Constitution has the strongest protection for local government, as the chances of the whole system of local government being removed in any State have been rated as exceptionally unlikely. <sup>17</sup>

I1 Constitution of Queensland 2001 (Qld) s 71(1); Constitution Act 1934 (SA) s 64A(1); Constitution Act 1934 (Tas) s 45A(1); Constitution Act 1889 (WA) s 52(1).

<sup>12</sup> Constitution Act 1902 (NSW) s 51(1).

<sup>13</sup> Constitution Act 1975 (Vic) ss 74A(1) and 74B.

<sup>14</sup> Ibid s 74B(2); Constitution of Queensland 2001 (Qld) s 72-76.

<sup>15</sup> McGarrity and Williams, above n 5, 167; Saunders, above n 7, 54.

<sup>16</sup> McGarrity and Williams, above n 5, 168.

<sup>17</sup> Saunders, above n 7, 56.

EXPERT PANEL ON

## Constitutional Recognition of Local Government





# NOTES SEPTEMBER COUNCIL AGENDA BRIEFING

Held in the Council Chamber Tuesday 20 September 2011 Commencing at 5.30pm

Present:

Mayor Best (Chair)

Councillors:

V Lawrance Civic Ward

P Best Como Beach Ward

G Cridland Como Beach Ward (from 6.25pm)

T Burrows Manning Ward
L P Ozsdolay Manning Ward
C Cala McDougall Ward
P Howat McDougall Ward
R Grayden Mill Point Ward
S Doherty Moresby Ward

K Trent, RFD Moresby Ward (from 5.38pm)

Officers:

Mr C Frewing Chief Executive Officer

Mr S Bell Director Infrastructure Services

Mr M Kent Director Financial and Information Services
Ms V Lummer Director Development and Community Services

Ms D Gray Manager Financial Services

Mr R Kapur Manager Development Services (until 6.45pm)

Ms S Watson Manager Community Culture and Recreation (until 6.28pm)

Ms P Arevalo City Communications Officer (until 6.00pm)

M G Hickson Marketing Officer (until 6.28pm)

Mrs K Russell Minute Secretary

**Apologies** 

Cr I Hasleby Civic Ward
Cr B Skinner Mill Point Ward

Gallery Approximately 18 members of the public and 1 member of the press present.

#### **OPENING**

The Mayor opened the Agenda Briefing at 5.30pm and welcomed everyone in attendance.

### DECLATATIONS OF INTEREST

Declaration of Interest in relation to Item 15.1.1 received from the Chief Executive Officer.

## **DEPUTATIONS**

## Opening of Deputations

The Mayor opened Deputations at 5.35pm

Ms Sharron Hawkins Zeeb, Downey Drive, Manning representing approximately 225 Petitioners Agenda Item 10.3.2

Ms Hawkins Zeeb spoke against the officer recommendation at Item 10.3.2 (*Mixed Development No. 4 Downey Drive, Manning*) on the following points:

- errors of fact and interpretation in officer report assessment
- failure to consider all public comments received
- Council exercising discretion on breaches
- plot ratio/car parking/setbacks/streetscape amenity
- lack of time for response between Agenda being available and Agenda Briefing
- Petition request for Special Electors Meeting to discuss development 'tabled'
- commitment from Homeswest to reduce its presence in Manning and crime statistics

**Note**: Cr Trent arrived at 5.38pm

Mr Steve Neates, March Avenue, Manning representing Manning Community Association Agenda Item 10.3.2

Mr Neates spoke against the officer recommendation at Item 10.3.2 (*Mixed Development No. 4 Downey Drive, Manning*) on the following points:

- mass community concern of the applicant in question
- number of signatures on Petition against proposed development
- community leaders' concern over the applicant's proposal and involvement
- concerns for increased criminal behaviour as a result of the development / impact on surrounding area
- proposed commercial business and state housing mix will not work
- ask that the application be rejected from the Agenda-insufficient timeframe to address issues

During the Deputations Members raised many questions and points of clarification which were responded to by the presenters and the City officers.

The Chief Executive Officer emphasised that the WAPC is the final decision maker and referred Members to the last paragraph on page 44 of the Agenda which states:

Lot 407 is currently owned by the Department of Housing. The proposed development is a public work that requires planning approval under the Metropolitan Region Scheme. The Council does NOT have delegation from the Western Australian Planning Commission to determine planning applications involving the development of public housing. The Council's recommendation will be sent to the Commission for their determination.

## Close of Deputations

The Mayor closed Deputations at 6.22pm

#### SEPTEMBER COUNCIL AGENDA REPORTS

The Chief Executive Officer presented a brief summary of each of the September 2011 Council Reports as follows. Questions and points of clarification were raised by Members and responded to by the officers.

## 10.0.1 Public Places and City Property Local Law 2011

Following the completion of the public consultation period (with no submissions received) this report present the Public Places and City Property Local Law 2011 for adoption.

## 10.0.2 Parking Local Law 2011

Following the completion of the public consultation period (with no submissions received) this report present the Parking Local Law 2011 for adoption.

## 10.1.1 Family and Children's Services Study

This report presents the findings and recommendations of the recently completed Family and Children's Services Study.

## 10.2.1 Local Government Declaration on Climate Change

The purpose of this report is to seek Council's 'in-principle' support to sign up to a Local Government Climate Change Declaration.

## 10.2.2 State Underground Power Program - Salter Point

This report provides the basis for determining the service charge to be adopted by Council for the Round 5 underground power project at Salter Point.

## 10.3.1. Unapproved Conversion of a Carport to Garage

This report considers a retrospective application for planning approval for the conversion of a carport to a garage at 3 Hovia Terrace, South Perth. Discretion is sought in relation to compatibility with streetscape character and insufficient clearance from side walls.

## **10.3.2 Mixed Development 4 Downey Drive, Manning** (subject of Deputations)

This report considers an application for a Mixed Development (6 Multiple Dwellings & Office) in a 3-storey building. Council is requested to make a recommendation to the WAPC.

**Note:** Cr Cridland arrived at 6.35pm

### 10.3.3 Amendment No. 31 to TPS6

This report presents a proposal to initiate Amendment No. 31 to TPS6 to rezone the site at No. 47 Tate Street, South Perth in order to be consistent with the site's historic use as both a private residence and local business (currently Day Spa).

#### **10.6.1** Monthly Financial Management Accounts

This report presents the monthly management accounts for August 2011.

## 10.6.2 Monthly Statement of Funds, Investments and Debtors

This report presents to Council a statement summarising the effectiveness of treasury management for the month of August 2011.

## 10.6.3 Listing of Payments

A list of accounts paid under delegated authority (Delegation DC602) between 1 August 2011 and 31 August 2011 is presented to Council for information.

## 10.6.4 End of Year Financial Management Accounts - June 2011

Management account summaries comparing actual performance against budget expectations for the 2010/2011 year are presented for Council review.

## 10.6.5 Carry Forward Projects

This report identifies projects for which unexpended funds are recommended for carrying forward into the 2011/2012 year.

## 10.6.6 Financial Interest Returns 2010-2011

In accordance with the City's Management Practice M523 "Financial Interest Returns", the CEO is to prepare a report on the lodging of financial returns for the financial year.

#### 10.6.7 Use of the Common Seal

This report details the use of the Common Seal for the month of August 2011

## 10.6.8 Application for Planning Approval Determined Under Delegated Authority

The purpose of this report is to advise Council of applications for planning approval determined under delegated authority during the month of August 2011.

## **DECLARATION OF INTEREST: CEO**

## 15.1.1 Recommendations from CEO Evaluation Committee Meeting Held: 31 August 2011

This report has been designated as *Confidential* under the *Local Government Act* Sections 5.23(2)(a) as it relates to a matter affecting an employee.

## Closure

The Mayor thanked everyone for their attendance and closed the Agenda Briefing at 6.55pm

#### **DELEGATES' REPORT**

## Perth Airport Municipalities Group Meeting [PAMG]

The Perth Airports Municipalities Group Meeting was held at the City of Melville on Thursday, 15 September 2011 commencing at 7.05 pm.

The agenda (Copy of Table of Contents attached) contained a number of items, a summary of the items considered to be of importance follows:

## 7.2 Guest Speaker

## Lot 206 Helena Valley Road, Subdivision and Infrastructure Plan

Mr Guy Thompson, General Manager Integrated Planning and Major Projects of Westralia Airports Corporation addressed the meeting in connection with this subdivision.

Mr Thompson indicated that the Westralia Airports Corporation was concerned that the Shire of Mundaring had initiated a Town Planning Scheme Amendment to facilitate residential development within 300 m of the main Perth runway and that the WAPC had supported the scheme amendment. This will inevitably cause some conflict in the future and that it would have been better had this situation been avoided. The Airports Corporation will be taking this matter up with the relevant authorities with a view to avoiding this situation in the future.

## 8.2 Perth RAAF Airbase

Wing Commander Russell Page, the Base Commander at RAAF Pearce addressed the group on the operations of RAAF Pearce.

Pearce was an operational base used during World War II, but is now essentially a pilot training base with a secondary airfield at Gingin which is the satellite base. There are four major airports therefore, Perth, Jandakot, Pearce and Gingin all within 30 miles of each other which causes operational issues. The RAAF base at Pearce is the busiest Airforce base in Australia and there are 500 aircraft movements per week at Gingin.

The Singaporean Airforce training school is also based at Pearce which accounts for 30% of all aircraft movements.

The base provides a number of functions including the training role, support for other squadrons and services such as the SAS, support when military exercises occur etc, provides a base for support civilian services, ie Police and other emergency services. Operational aircraft in relation to CHOGM will also be based at Pearce. A number of training aircraft are based at Pearce including PC9s which operate within a 10 mile radius of the airfield, PC21s operated by the Singaporean Airforce which operate within a five mile radius and the Hawk jets which also operate within a five mile radius of the airport. Most training is conducted over land to the north of Pearce airbase but below commercial airline traffic and generally fly above 1500 feet when over urban areas.

### 10. General Business

## 10.6 Quarterly Airport Reports

## 10.6.1 Perth Airport

Mr Thompson and Fiona Lander, General Manager Corporate Affairs and Organisational Development also provided an update of activities at Perth Airport. With the upcoming CHOGM event it was anticipated that 50 heads of state would arrive at Perth airport together with 1000 of the world's media. In addition, 3000 other support personnel would participate. There will be green light motorcades from the airport to city locations provided by the WA Police. Short term street parking on roads approaching the airport will be closely monitored.

In terms of the airport redevelopment, the following was reported:

- o The new domestic terminal to be located as part of the current international terminal has now commenced and will take 68 weeks to complete at a cost of \$90M.
- o Design team has been appointed for the international terminal extensions.
- o Related projects include roadworks, ground transport solutions to fit with terminal consolidation and Gateway WA project

#### 10.6.2 Jandakot Airport

Mr John Fraser, Managing Director advised that he anticipated there would be no business related to CHOGM. Aircraft movements were down to 250 000 per annum which is about 65% of what it was five years ago [probably due to the Global Financial Crisis and continuing economic situation]. The airport had commenced a program of upgrading infrastructure including runway lighting.

The Minutes of the PAMG, when received will be placed on iCouncil.

Meeting concluded at 9.00 pm.

**Delegates:** Cr T Burrows

Cr I Hasleby

Cliff Frewing, Chief Executive Officer

# - Agenda -

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## **DELEGATE'S REPORT**

## **WALGA South East Metropolitan Zone**

The attached Table of contents was considered by the South East Metropolitan Zone at its meeting held on 28 September 2011 at the City of Armadale. The recommendations of the Zone were considered by the State Council at its meeting on 1 June 2011.

Council's delegates to the WALGA South East Metropolitan Zone are Mayor James Best and Cr Kevin Trent. Phil McQue the Manager Governance and Administration also attended the meeting.

#### WALGA SOUTH EASTERN METROPOLITAN ZONE AGENDA

#### 1.1 Presentation by Disability Services Commission

Ms Kerry Stopher Manager Community Development, Disability Services commission gave a presentation to the Zone on the Commission's new Strategic Plan entitled 'Count me In'.

The Strategic Plan can be found on the Disability Services Commission website www.disability.wa.gov.au

## **6.1 Meeting Dates**

A schedule of the proposed meeting dates for the South East Metropolitan Zone 2012 has been prepared. As 25 April 2012 is a public holiday for Anzac Day, the Zone agreed that the April meeting of the SEMZ be held on Thursday, 26 April 2012 at the City of South Perth.

## **6.2 Local Government Elections**

This report deals with the appointment process for Zone office bearers. As a consequence the Council will need to make appointments to the 'WALGA Zone at the Swearing In Ceremony to be held on 18 October 2011.

#### STATE COUNCIL AGENDA

MATTERS FOR DECISION

## Item 5.1 Metropolitan Redevelopment Authority Bill 2011

#### **WALGA Recommendation**

#### That:

- 1. The submission to the Minister for Planning on the Metropolitan Redevelopment Authority Bill 2011, be endorsed, and
- 2. WALGA reiterate its disappointment with the Minister for Planning that significant legislation has been considered and endorsed by the State Government without formal consultation being undertaken with Local Government.

#### Officer Comment

In June 2011 the Minister for Planning introduced the Metropolitan Redevelopment Authority Bill into State Parliament after only limited engagement with WALGA. The City and many other metropolitan Local Governments were not aware that this legislation had reached the Bill stage.

The subject matter can have a dramatic impact on a Local Government within the Perth Metropolitan area where a Redevelopment Authority plans to undertake works which are usually significant in nature.

It is not satisfactory that there has been inadequate consultation with the industry and as a consequence the recommendation is supported.

#### Officer Recommendation

That the recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

#### Item 5.2 Wheatbelt Land Use Planning Strategy

#### That:

- 1. The interim submission made to the Western Australian Planning Commission (WAPC) on the 'Wheatbelt Land Use Planning Strategy' be endorsed; and
- 2. As part of the ongoing annual work program, the development of further strategies or policies required to implement the 'Wheatbelt Land Use Planning Strategy' is supported.

## **WALGA Recommendation**

#### **Officer Comment**

As the report is not directly related to the affairs of the City of South Perth, all Local Governments in the metropolitan area the WALGA recommendation was supported as WALGA has conducted appropriate consultation before the report was finalised.

#### Officer Recommendation

The recommendation be supported.

## **Zone Resolution**

The Zone adopted the recommendation.

# Item 5.3 Draft State Planning Policy 2.5 - Land Use Planning in Rural Areas and Draft Development Control Policy 3.4 - Subdivision of Rural Land

#### **WALGA Recommendation**

That:

- 1. The interim submission made to the WA Planning Commission on the draft State Planning Policy 2.5 Land Use Planning in Rural Areas and Draft Development Control Policy 3.4 Subdivision of Rural Land be endorsed;
- 2. The Agriculture and Rural Land Use Planning Advisory Group be reconvened by the Association, in partnership with the Department of Planning, to consider the outstanding matters raised in the WALGA interim submission; and
- 3. Membership of the Agriculture and Rural Land Use Planning Advisory Group is extended to include other relevant stakeholders, including the Department of Regional Development and Lands and Department of Agriculture and the Great Eastern Country Zone.

#### Officer Comment

As the report is not directly related to the affairs of the City of South Perth, the WALGA recommendation was supported as WALGA has conducted appropriate consultation before the report was finalised.

#### Officer Recommendation

That the recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

## Item 5.4 Prostitution Bill 2011 - Draft Green Bill

#### The WALGA Recommendation is:

That:

- 1. The interim submission made to the Department of the Attorney General on the Prostitution Bill 2011 be endorsed;
- 2. Further consultation with the Local Government sector be undertaken by the State Government in regard to the land use and zoning provisions of the Bill, as the current terminology is ambiguous and may result in poor implementation of the Bill's objectives through Local Government planning schemes; and
- 3. The Local Government sector is engaged during the drafting of the proposed Regulations, to ensure that the proposed provisions provide clarity in the role and responsibility of Local Government.

## Officer Comment

The Prostitution Bill 2011 was recently the subject of a public comment period and WALGA made a submission in response. The submission by WALGA, amongst other things, covers the main areas of concern that exists in the City of South Perth, ie prostitution premises should not operate in residential areas.

#### Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

# Item 5.5 Submission for the Inquiry into Australia's Biodiversity in a Changing Climate

#### The WALGA Recommendation is:

That the submission for the Inquiry into Australia's Biodiversity in a Changing Climate be

endorsed. In Brief

- Australia's biodiversity is vulnerable to the impacts of climate change because its adaptive capacity is affected by other impacts.
- The impact climate change will have on WA's biodiversity is not fully known because of research gaps.
- Consideration of climate change, in terms of biodiversity management, adds another level of complexity to Local Government land use planning decision making, as does the lack of scientific information and the varying level of support for climate change action across all levels of government.

#### **Officer Comment**

The Commonwealth Standing Committee on Climate Change, Environment and the Arts is conducting an enquiry into the topic of Australia's Biodiversity in a Changing Climate and has sought comment from interested parties. WALGA has provided a submission to the Standing Committee on this topic which identifies that Australia's Biodiversity is vulnerable to climate change, the impact will not be fully known because of insufficient information and that there are implications for town planning issues in Local Government.

#### Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

# Item 5.6 Submission on the Exposure Draft Legislation to Establish an Australian Carbon Pricing Mechanism

## The WALGA Recommendation is:

That the Interim submission on the Exposure Draft Legislation to Establish an Australian Carbon Pricing Mechanism, entitled Western Australian Local Government Association Submission to the Department of Climate Change and Energy Efficiency on the Clean Energy Bill August 2011, be endorsed by State Council.

#### Officer Comment

The Commonwealth has released an Exposure Draft on the proposed legislation to establish an Australian Carbon Pricing Mechanism [Clean Energy Bill 2011] in July 2011 and is seeking comment on its contents.

It is noted that the consultation period was only for a period of a little over three weeks which is considered far too short for such an important piece of legislation. WALGA has identified many issues in the Draft Legislation that requires clarification and areas where significant costs could be potentially incurred, ie such as energy price and street lighting costs.

The submission raises these issues as concerns on behalf of Local Government.

#### Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

#### Item 5.7 Declaration for Road Safety

#### The WALGA Recommendation is:

That the Local Government Declaration for Road Safety be endorsed.

#### **Officer Comment**

Road management is a strategic issue for Local Government and it is of concern that road accidents result in death or serious injury regularly occur. On this basis WALGA, together with other relevant stakeholders and partners has developed a Draft Declaration for Road Safety statement and is seeking the support of each Local Government to adopt the Declaration. Once the Declaration has been adopted by the WALGA State Council, it will be referred to the City of South Perth Council for consideration.

#### Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

## Item 5.8 Enhanced Speed Enforcement Project

#### The WALGA Recommendation is:

That negotiations be held with the WA Police to secure their support for the development of a partnership model to facilitate the formal provision of monthly vehicle travel speed data to inform road policing strategies.

#### **Officer Comment**

The City supports the directions contained in the enhanced speed Enforcement Project. South Perth already conducts regular traffic counts and in some cases forwards the information to the WA Police for information. The City of South Perth's officers recommended that the Zone consider an additional recommendation which is printed item (2) below.

#### Recommendation 2

Vehicle travel data be provided to the WA Police on a quarterly basis.

#### This will:

- Afford Local Governments sufficient time to collect travel speed data over a three month period;
- Not overly burden Local Government officers to religiously collect and forward travel speed data to the WA Police;
- Not adversely impact the workload of Local Government officers to the extent that the requirement to collect and forward travel speed data to the WA Police takes them away from core duties.

#### Officer Recommendation

The recommendation be amended to read as follows:

#### That

- (1) Negotiations be held with the WA Police to secure their support for the development of a partnership model to facilitate the formal provision of vehicle travel speed data to inform road policing strategies; and
- (2) Vehicle travel data be provided to the WA Police on a quarterly basis.

#### **Zone Resolution**

The Officer recommendation as printed above was adopted.

### Item 5.9 Draft Funding Arrangement for the Delivery of Public Library Services

#### The WALGA Recommendation is:

That State Council endorses the 'Funding Arrangement between the Minister for Culture and the Arts and WALGA Regarding Funding for Public Libraries [Funding Arrangement]' and "Local Level Agreement for the delivery of Public Library Services'.

#### Officer Comment

This item refers to the long outstanding issue of the draft Funding Agreement between Local Government and the Minister for Culture and the Arts in relation to public library funding.

The draft Funding Agreement has been the subject of further consultation with Local Governments. The vast majority of responses received support the Agreement in its current form.

## Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

#### Item 5.10 State Community Crime Prevention Plan

#### The WALGA Recommendation is:

That State Council endorse the 2011-2014 State Community Crime Prevention Plan

## **Officer Comment**

In conjunction with the Office of Crime Prevention and consistent with the State Government Community Safety and Crime Prevention Society, WALGA developed a draft WA Community Crime Prevention Plan for consideration. Local Governments were given the opportunity to comment on the draft and as a consequence the strategy has now been finalised.

The Crime Prevention Plan acknowledges that Local Government is a key stakeholder in crime prevention, but the level of involvement in participation in the Plan will vary from Local Government to Local Government. The Plan is satisfactory from the point of view of the City of South Perth.

## Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

#### Item 5.11 GRV Rating of Resource Projects

#### The WALGA Recommendation is:

That the proposed State Government policy on the application of GRV based rating to resource projects be supported.

#### Officer Comment

The topic of rating resource projects is very important for those Local Governments that have resource projects located within their boundaries. At the present time the major resource projects are covered by State Agreement Acts which generally involve rate exemptions or minimal rates payable.

As the report is not directly related to the affairs of the City of South Perth, it is felt that the WALGA recommendation should be supported as WALGA has conducted appropriate consultation before the report was finalised.

This is a long outstanding anomaly that Local Government, through WALGA has been attempting to resolve.

## Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

# Item 5.12 Rates and Charges [Rebates and Deferments] Act 1992 - Pensioner Discount on Waste Charges

#### The WALGA Recommendation is:

That State Council reiterate its support for the extension of the Pensioner/Senior Concession discount under the Rates and Charges [Rebates and Deferments] Act 1992 to apply to residential waste collection charges.

#### Officer Comment

The topic of providing pensioner discounts on waste charges has been an issue for a long period of time. At present where the refuse charge is identified separately on the rates notice, pensioners are not entitled to claim a 50% discount on the charge. This is an anomaly because some Local Governments do not separately identify the refuse charge on the rate notice so in these instances the cost of waste management is included in the rates charges. Where this occurs pensioners are able to obtain a 50% discount on their rates [which includes the refuse charge].

This is a long outstanding anomaly that Local Government, through WALGA has been attempting to resolve.

#### Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

### Item 5.13 2011 Annual General Meeting Resolutions

#### The WALGA Recommendation is:

#### That:

- 1. AGM Motions 3.2, 3.3, 3.5 and 3.6 be noted;
- 2. AGM Motion 3.4 be supported and referred to the Planning and Community Development Policy Unit for action; and
- 3. AGM Motion 4.1 be amended and adopted as follows:

#### That:

- I. WALGA expresses its concern to the State and Federal Government about the detrimental impact the ban on live cattle exports to Indonesia has had and continues to have on rural and remote communities;
- II. WALGA notes that live animal exports should be linked to OIE (World Organisation for Animal Health) animal welfare standards; and
- III. The development of appropriate policies and strategies relative to the live animal export trade and consideration of alternate shipping locations be referred to the appropriate WALGA Policy Units.

#### Officer Comment

This item provides an update on the member motions considered at the annual General Meeting of WALGA in early August and subsequently by the State Council at the next following meeting. The AGM resolutions and State Council resolutions are all consistent with previous recommendations and the actions contained in the recommendation were supported.

#### Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

#### Item 5.14 Special Inquiry Report by Mr Mick Keelty – Perth Hills Bushfires

#### The WALGA Recommendation is:

#### That:

- The State Government be advised that Local Government supports, in principle, the majority of the recommendations contained in the Special Inquiry Report (the Report) on the Perth Hills Bushfires prepared by Mr Mick Keelty APM AO:
- 2. The interim representative Local Government response prepared by WALGA on the recommendations contained in the Report be endorsed for submission to the State Government through the Implementation Committee established by the Department of Premier and Cabinet; and
- 3. The representative response be further developed and refined as more detailed information becomes available.

#### Officer Comment

WALGA has prepared a response to all of the recommendations contained in the Special Inquiry into Bushfire Risk Management in the Perth Hills area. Whilst the City is not directly involved in Bushfire management the responses to the recommendations have been reviewed.

All responses appear satisfactory apart from the response to recommendation 31 which appears more likely to be the response to recommendation 32. Clarification was sought from WALGA on this point and any adjustment to the report will be made if necessary.

The Shire of Serpentine-Jarrahdale and the City of Armadale who are directly involved in bushfire activities and in the case of Armadale was mentioned in the Keelty Report contributed the most to the discussion on the report. Many of the issues raised by these Councils will be taken up by the Zone representatives of the WA Council.

It was concluded that the WALGA responses to the Inquiry Report be supported.

#### Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the recommendation.

## 5.15 Public Transport for Perth in 2031 - Submission

#### The WALGA Recommendation is:

#### That:

- 1. The comments contained in the attached draft submission to the Department of Transport on the Draft Public Transport Plan for Perth in 2031 be endorsed; and
- 2. WALGA seek to establish alliances with stakeholders sharing common interests in the development of public transport in the Perth region; and
- 3. A mechanism for on-going engagement between Local and State Government for the implementation of public transport strategy is developed.

#### Officer Comment

WALGA has prepared a response to the Draft Public Transport Plan for Perth in 2031 after seeking advice from industry representatives from the metropolitan area. The submissions are required to be lodged with the Department of Transport by 14 October 2011.

The draft response is attached to the agenda which details some 36 recommendations. The majority of the recommendations are harmless enough and discussions have been held with Ian Duncan the Executive Manager Infrastructure concerning two recommendations as follows:

9. Define a target for growth in the use of public transport over the next twenty years that is at least the annual growth rate in use observed over the past ten years.

It is felt that this may need to be defined as the growth rate in usage in public transport increased significantly in the past years because of the opening of the Perth to Mandurah railway. Even though it can be reasonably expected that patronage of public transport will increase in the future, it is probably unlikely to increase at an average rate over the last ten years for this reason.

21. That light rail gauge chosen be compatible with the existing heavy rail network.

This objective seems on the surface to be more idealistic than practical and it has been suggested that examples be quoted if such systems exist elsewhere.

lan Duncan informed the City that the submission will be adjusted to take into account the above mentioned comments.

Considerable discussion occurred on the topic of accuracy of population estimates and it was generally agreed that population estimates in *Direction 2031* were very conservative and in Armadale's case seemed to completely ignore popultation growth within the Armadale Redevelopment area.

In addition, it was noted that there was very little in the State Transport Plan that impacted on the south eastern region over the next 20 years and as a consequence the plan lacked equity.

Because of these issues, additional recommendations were considered and adopted by the Zone and are now incorporated in the Zone resolution below.

#### Officer Recommendation

The recommendation be supported.

#### **Zone Resolution**

The Zone adopted the following resolution:

#### That:

- 1. The comments contained in the attached draft submission to the Department of Transport on the Draft Public Transport Plan for Perth in 2031 be endorsed; and
- 2. WALGA seek to establish alliances with stakeholders sharing common interests in the development of public transport in the Perth region; and
- 3. A mechanism for on-going engagement between Local and State Government for the implementation of public transport strategy is developed.

- 4. Also, that development of that connectivity, and the centres themselves be undertaken to achieve equity of access and mobility to all sectors of greater metropolitan Perth. Note that the Public Transport for Perth 2031 report appears to have inherited the population errors identified in Directions 2031.
- 5. That it be noted that the significance under-estimates in population growth in the calculation of the population for metropolitan Perth and in particular the SE sector of Perth evident in Directions 2031 are again reflected in this Strategy. These figures, and impact on the outcomes, should be urgently remodelled before completion of the final report.

Present: Mayor James Best - Delegate

Cr Kevin Trent - Delegate

**Cliff Frewing - Chief Executive Officer** 

29 September 2011

## **WALGA South East Metropolitan Zone**

## Meeting 28 September 2011

## **Agenda Items**

## **WALGA STATE COUNCIL AGENDA**

**MATTERS FOR DECISION** 

5.

5.1	Revitalising Local Government Reform
5.2	Minister for Local Government's proposed amendments to the Local Government Act
5,3	Development Assessment Panels
5.4	Draft Central Sub-Regional Strategy and Draft Outer Metropolitan and Peel Sub-Regional Strategy
5.5	Appointment of a Prescribed Hazard Management Agency (HMA) for Fire/Bush Fire under the Emergency Management Act
5.6	Safe System Principles for Local Government
5.7	Draft National Road Safety Strategy
5.8	Submission to the Inquiry into Water Resource Management and Planning Charges Draft Report
6.	MATTERS FOR NOTING/INFORMATION
6.1	WA Grain Freight Network
6.2	Review of the Functions and Responsibilities of Regional Development Commissions
6.3	Review of the Structure and Effectiveness of State Council and Zones
6.4	Child Health Facilities Planning
6.5	Report Municipal Waste Advisory Council

## 7. ORGANISATIONAL REPORTS

7.1	Key Activity Reports
7.1 l	Environment and Waste
7.1.2	Governance and Strategy
7.1.3	Infrastructure
7.1.4	Planning and Community Developmen



## DIRECTOR GENERAL'S REPORT

September 2011

## Report on Departmental activities from Department of Local Government Director General, Jennifer Mathews

Over the last two months the Department has been focusing on the upcoming Local Government Elections, scheduled for 15 October. Working closely with the Western Australian Electoral Commission (WAEC), the Department has been promoting 'Your Vote – Your Community' in an effort to increase voter numbers and interest in campaigning for local council seats.

As well as the election, there have been many other key developments:

#### NEW REGULATIONS FOR INTEGRATED PLANNING

On Friday 26 August 2011 new regulations were gazetted which will require all local governments in WA to have developed a Strategic Community Plan and Corporate Business Plan by 30 June 2013.

The new regulations under the Local Government Act 1995 set out a minimum requirement for integrated planning and reporting.

They require councils to develop a Strotegic Community Plan, to connect community aspirations with their local government long term strategies, and a Corporate Business Plan, which will link the strategic plan to council operations, long term financial planning, asset management and workforce planning.

The Department of Local Government has a host of tools and information that will help local governments with their community planning, management of assets and financial planning; including a new website at Integrated planning, dlg, wa, gov.au

#### LOCAL GOVERNMENT ELECTIONS

The Department is partnering with the Western Australian Electoral Commission (WAEC) for the 2011 Local Government Elections campaign, Your Vote – Your Community.

Throughout this month the Department has been focusing on encouraging people to vote and to stand for election in the 15 October 2011 elections and providing support to local governments.

The Department is providing support to the 27 local governments undertaking in person elections as well as refresher training for Returning Officers.

CEO's should keep an eye out for the next elections bulletin which will include important information about Election Day.

Knowledgeable Department staff will be on hand on Election Day to assist local governments. The hotline will run from 7.30am and will remain open into the night.

## **DLG Election Day Hotline**

Saturday, 15 October 2011 - Available from 7.30am 1300 762 511 Ighottine@dlg.wa.gov.au

For more election information and resources, visit the Department's website at www.dlg.wa.gov.au

#### FIRST MEETING OF THE INDEPENDENT METROPOLITAN REVIEW PANEL

The Independent Metropolitan Local Government Review panel, chaired by UWA Vice Chancellor Professor Alan Robson, has commenced its task of determining the most effective local government structures and governance models for Perth's future.

The Panel plans to produce an Issues Paper which will be circulated throughout the community to obtain input and comment. To coincide with the period for public comment, the Panel will convene public forums to provide community members with an opportunity to have a say.

There will also be opportunities for local governments to engage with the Panel.

In addition the Panel will commission research into key aspects of metropolitan governance.

#### LOCAL GOVERNMENT SERVICES IN ABORIGINAL COMMUNITIES

An Implementation Planning working group has been established under the Local Government Services in Aboriginal Communities Planning Committee to work through issues associated with the implementation of services, such as:

- how a transition program would take into account capacity factors and the state of readiness of Aboriginal communities and local governments
- the extent to which local governments would require resources in advance of commencement of services in order to ready themselves
- the need for continuation of existing funding streams to communities during transition, and
- the importance of local economies and local employment as communities transition to local government services.

The working group will also investigate options for implementation, including a phased approach with a small number of communities and local governments and getting agreement to a transition program that runs over several years.

The scoping and costing for the Pilbara region is now complete. It is nearing completion in the Kimberley, Gascoyne and Murchison regions and just commencing in the Goldfields.

More Information including Communique's from the Planning Committee are available on the Department's website at www.dlq.wa.gov.au/Content/L6/L6Reform/ServicesInAbprigInalCommunities.aspx

#### CAT BILL

The Eat Bill 2011 aims to reduce the number of stray (unwanted) cats in Western Australia and has been introduced into Parliament For debate. The legislation will:

- encourage responsible cat ownership
- reduce the number of unwanted cats being bred, and
- allow for cats found in a public place or on private property to be seized and then re-homed or disposed of in a humane manner.

The anticipated benefits from a reduction in the number of cats will be a reduction in the numbers of cats being euthanised, reducing the impact stray cats have on the natural environment and wildlife, decreasing the nuisance caused by cats (such as noise, unwanted entering and damage to properties) and will reduce the number of cats living in poor conditions and in poor health.

This establishment of a consistent and comprehensive regulatory approach across the State may help address some of these identified concerns. Local governments will adminster the act, however major provisions will not come into effect until November 2013.

A two year lead-in time period has been provided to enable local governments to prepare and ready service provisions within their district. The lead in period will also provide cat owners time to make financial arrangements to accommodate costs associated with responsible cat ownership.

The State Government is considering options to address implementation issues and assistance measures for pensioners and low income earners with cat sterilisation.

#### INGLEWOOD COMMUNITY POLICE FACILITY GAINS HERITAGE STATUS

The Inglewood Police Station and Quarters, which showcases an important phase in the development of Western Australian policing, has been interim listed on the State Register of Heritage Places.

The building represents the once common practice of using domestic scale architecture for police buildings and was a rare example of a surviving 1940s style police station and quarters in metropolitan Perth.

During the Great Depression and World War II the police service, along with the Western Australian community, experienced severe strains and was at the forefront of maintaining order in a society in crisis.

The police service adapted, developing programs to forge stronger links with the communities they served, such as through school visits and Police Boys Clubs.

It wasn't until the latter part of the 1930s when some buoyancy returned to the State's economy that new police stations were built so by 1937, police stationed at Maylands could not adequately maintain order in the heavily populated suburb of Inglewood.

To address this need, a new red brick and terracotta tile police station and quarters was opened, built similarly to the residential housing commonly built in the area, which reflects the integration of police into the community at that time.

The State Register of Heritage Places is managed by the Heritage Council.

21 September 2011

Department of Local Government

140 William Street, PERTH 6000 or GPO Box R1250, PERTH WA 6844

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## PRESIDENT'S REPORT

September - October 2011

#### **NEW FESA CEO**

Former Assistant Police Commissioner, Wayne Gregson, is the new head of FESA. His main task over the next year is to look at implementing the recommendations of the Keelty Report and transition the Authority into a Government Department.

Similarly, we will be looking at the implications of the report's recommendations for Local Governments and working with the sector to shape our advocacy around the best interests of local communities. A late item has been prepared for Zone and State Council consideration.

WALGA will seek to establish an early rapport with the new CEO to enable us to ensure that Local Government's interests in the evolution of the State's emergency services are not over looked, or taken for granted.

#### **ELECTION SEASON IS OPEN!**

The 2011 Local Government elections are off and running. Nominations closed across the State on Thursday September 8th for vacancies in this year's elections.

A total of 426 vacancies will be contested, while 244 vacancies have had sitting councillors returned unopposed or new councillors elected without contest. Disappointingly, 11 vacancies received no nominations at all and are now subject to an extraordinary election process.

The most important aspect of the elections going forward from here is to ensure that voter turnout is maximised. Please do what you can in your local area to encourage people to vote, because this has a direct bearing on how we are perceived by the Government, the media and the community in terms of our legitimacy as a democratically elected sphere of government.

#### **METROPOLITAN GOVERNANCE REVIEW**

The President's Advisory Group Policy Forum has been created to provide guidance and direction to myself and the WALGA Deputy President in our Advisory role to the Independent Panel. The President's Advisory Group (PAG) is a very open process and allows for roundtable discussions and open forums permitting a wide range of Elected Members and CEO contribution in addition to the Advisory Group participants.



The President's Advisory Group has now met on three (3) occasions.

The President's Advisory Group (PAG) arranged for the recent Visioning Forum held at the City of South Perth. The forum featured internationally renowned long range planning expert Steven Ames, where the forum allowed Local Governments to discuss the challenges facing metropolitan Perth and how Local Government might assist in meeting them over the next 50 years.

The summarised outcomes of the Visioning forum are currently being collated and will be distributed to the Sector in the near future.

I together with the Deputy President and CEO recently met with Reform Panel Chair, Professor Robson and Project Director, Chris Berry.

The Panel is keen to develop a strategy, identify the research tasks and then develop an Issues Paper seeking submissions from stakeholders. This will then form the basis of Recommendations and the Final Report.

The Panel will be looking at delivering a plan for the next 50 years, based on evidence-based decision making. It is anticipated that the Issues Paper will be distributed by the Panel in Mid-October and be out for a couple of months for discussion and feedback from stakeholders. When the recommendations are ready, they will go back out to the stakeholders for comment.

The Policy Forum is holding some of its meetings at Local Governments in the Metropolitan area. The August meeting was held at the Town of Victoria Park and received a presentation from the Mayor and CEO. The September meeting was held in Nedlands and a future meeting has been planned for Canning.

The President's Advisory Group is also considering a range of issues including;

- National and international city governance models
- The outcomes of the South Perth Visioning Forum
- A Communications Plan
- Sector engagement
- · A process to prepare a panel submission

#### CONSTITUTIONAL RECOGNITION

The campaign for Constitutional recognition continues with 107 WA Local Governments (that's 76%) having formally registered their support with ALGA. Compared to the other States we are equal third in terms of support, and running 3% ahead of the national average of 73%. 6 Local Governments have declared opposition to the campaign and a further 6 have refused to consider the issue.

If your Local Government hasn't considered where it stands on the campaign, I urge you to do so. Don't leave your community sitting on the fence in this important national debate.



The next round of campaign materials will be arriving at local governments soon, including a DVD of discussions on the campaign taken from the 2011 National General Assembly.

#### METROPOLITAN PUBLIC TRANSPORT POLICY FORUM

I established a Policy Forum to oversee development of a response to the draft Public Transport Plan for Perth 2031.

The Forum comprises Elected Members from across the metropolitan area and representatives of stakeholder organisations, supported by Local Government Officers and industry experts. Issues and concerns to the Local Government sector as a whole have been identified and a framework drafted.

The WALGA submission sought to support submissions from individual Local Governments and Regional Councils which are likely to be able to provide a strong evidence base for local and regional public transport needs. Due to the timing of the submission period a late item will be prepared in time for the Metropolitan Zones to consider the issues.

#### POST AMALGAMATION NUMBER PLATES

The Minister for Local Government has announced that changes to the Road Traffic (Licensing) Regulations 1975 will soon progress, to allow the prefixes of amalgamated, former Local Governments to be issued on new number plates.

This follows lobbying by WALGA and the Department of Local Government to the Minister for Transport to amend regulation 23(b) of those regulations, to accommodate the above practice. The Department of Transport is progressing the necessary regulation change, and the Department of Local Government will inform the sector once gazettal has been completed.

WALGA appreciates the efforts of a number of Local Governments that assisted in lobbying for this change, by raising the issue with the Minister for Local Government.

#### PRESIDENT'S CONTACTS

During the August – October period, contacts that have occurred or are scheduled to take place prior to the October State Council meeting are as follows:

#### State Government Relations

#### Meetings with:

- . Hon Brendon Grylls MLA, Minister for Regional Development; Lands
- Hon Troy Buswell MLA, Minister for Transport; Housing
- . Hon John Day MLA, Minister for Planning; Culture and the Arts
- . Hon Bill Marmion MLA, Minister for Environment; Waste



## Local Government Relations

#### Meetings with:

- COAG Standing Council on Environment & Water Meeting, Canberra
- ALGA Board
- LGIS Board Strategic Review
- President's Advisory Group
   Prof Alan Robson, UWA

## LGIS London Meetings with Insurers

- . Mr Rob Turner, Risk Finance Underwriter, Mr Justin Fowles Chartis
- Mr Mark Iceton, Mr Ciaran O'Shaughnessy Mitsui
- . Mr Ash Bathia QBE

## LGIS New York Meetings with Insurers

- . Mr Martin Scherzer, President Risk Finance; Mr David N Fields, President Global Casualty, Mr Robert Kostro, Vice President Technical Underwriter Risk Finance, Mr Paul Costello, Senior Underwriter Risk Finance, Mr Dave H. Rodriguez, Vice President, Actuary Risk Finance
- Ms Donna Kreitman, Senior Vice President Casualty Claim Management Department
- Mr Bob Forant, Mr Steven Schienvar

#### Conferences / Workshops / Public Relations

- Australia Day Council Breakfast
- WALGA Metro Reform Visioning Forum
- Shire of Denmark Centenary Celebration Dinner
- Shire of Collie 50 Year Celebration
- Speaker: New Urbanism & Smart Transport Conference
- Perth Biodiversity Project Celebration
- Mayor Linton Reynolds Retirement Celebration

## Zone Meetings

- Gascoyne Country Zone
- North Zone
- Central Country Zone
- Kimberley Zone

## **Sustainable Development Conference** Sydney - June 2011 **Cr Pete Best**

## Scenarios for Sydney Growing to 6 million people, Giovanni Cirilo

Plan to locate 80 pc of new homes in centres with good pub transport Employment growth in western suburbs Most new development in existing centres New designs e.g. 45 sq. m houses Walkable, close to amenities Connectivity. Car share, cycleways Improve health by active living Affordable socially inclusive Market research

Public housing in mixed development

Vertically mixed uses

Planning on principles for medium density housing

Good design overcomes prejudices

Prezi software

## Blue Mountains, Alison Winn

Renewable and Clean Energy Planning

Photovoltaic works well

Evacuated tube hot water, good

Forget heat pumps

Black tube pool heating, good

Wind cheapest large scale renewable power. Must have wind speed. Need 8 m per second. Should be 30 m above ground to avoid turbulence

Costing based on 30 pc

Larger turbines better

Bioenergy- anaerobic digestion

Thermal conversion NSW bioenergy handbook

Better return on energy efficiency work than on alternative generation

Daylesford community turbine



Financial and Environmental Benefits of Photovoltaic Panels



Financial and Environmental Benefits of Wind Turbines



Summary Payback Time on Alternative Energy Sources

\_\_\_\_\_

## **Biodiversity Significance Assessment, Ku Ring Gai**

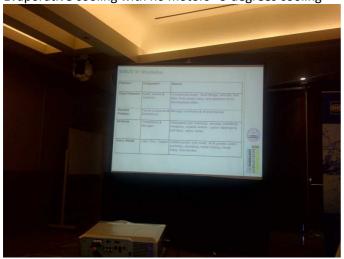
Detailed description of methodology

## Stormwater Harvesting, Dubbo

Irrigation by turf need
Sensors in soil
Toro Irrinet with pipe break reporting
Identify vandalism
Use of backwash waste water
Stormwater harvesting
Plant selection
Identification of parks for purpose
Change turf species
Roof water capture for toilets
WSUD in car parks
Community involvement
3.9 MI per ha parkland

# Water conservation and WSUD, Woollahra Council Chris Howe

Social and economic benefits of sustainability
LG role in bringing social change
Payback getting shorter as cost of electricity goes up
Do DA fees on solar panels reduce sustainable projects?
Residents put in sustainable projects and get dollar benefits
Evaporative cooling with no motors> 9 degrees cooling



WSUD in Woollahra 1



WSUD in Woollahra 2



WSUD in Woollahra 3- Tonnes of Pollutants trapped



WSUD Further Reading

## **WSUD**

#### **Chris Monro**

Protect natural systems

Protect water quality

Integrate stormwater treatment into the landscape

Treating the first flush

Heavy metals, phosphorus, nutrients

Engineers Australia: A Guide to WSUD

Water saving technologies

Wastewater reuse

Stormwater treatment- biofiltration, swales etc.

Water quality devices- gross pollutant traps, trash racks, litter booms, pit baskets, all mapped

Water Management Plan include climate change

Water balance with rain, runoff, use, exports

Total catchment management

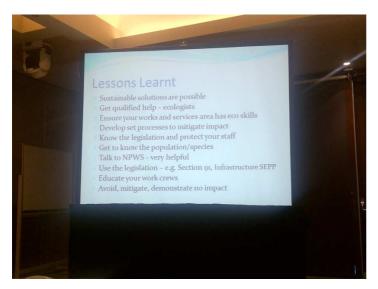
Water conservation, treatment

Hydrostone Porous paving, u/g tanks in parking bays with Atlantis Cells,

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## Threatened Frogs, Shoalhaven, Elizabeth Dixon





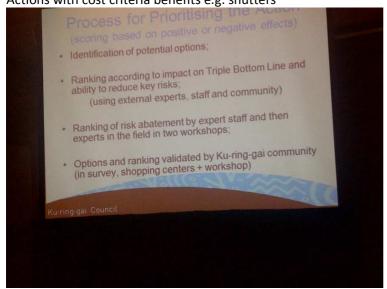
# Ku Ring Gai Study on Climate Change Jenny Scott

Links to Community Vision
Community survey on CC
Storm, bushfire, drought, fire
Investigated local risks n vulnerability
Determine benefits from mitigation n adaptation
Systemic review of risks n vulnerability
Evaluate options on financial rate of return
Regional climate modelling



Poisson distribution
Bayesian Inference theory
Monetary and nonmonetary benefits
Who and what is vulnerable

Social, environmental and economic costs and risks for each hazard and each adaptation Actions with cost criteria benefits e.g. shutters



The more you consult the more the selected adaptations will be sustainable

## Sustainability Trends in Infrastructure, Anthony Sprigg GHD

Australian Green Industry Council
Sustainability Street project
Infrastructure rating tool
Themes
Management and governance
Management systems
Decision making
Purchasing and procurement
Knowledge sharing and cap building



Using resources
Energy and carbon management
Water
Materials selection and use

Emissions pollution and waste Discharges Land management

Waste Ecosystem and diversity

People and Place Health and safety National and cultural heritage Stakeholder participation Urban design

Competitive process continuous improvement and innovation Lock in sustainability commitment
Facilitate benchmarking
Investor confidence
Industry recognition
Tender consistency

## Climate Change Workshops in NSW Amy Lovesey LGSA

Opportunity to avoid unbudgeted costs Avoid liability Climate Change Action Pack website Include CC Action Planning workshops Principles and tools

# Are We There Yet? Evaluating LG. CC Action Dale Fallon Southern Cross University

\*\*Drivers for action

Legislation

Funding availability

Perception of risk

Community pressure

Moral obligation

LG responses\*\*

**Emissions reduction** 

Adaptation

**Planning** 

Ecologically sustainable development

Other e.g. education, advocacy

Examples of LGs actions across NSW

Coonamble a good example

Eurobadalla Climate actions into main management plan

## Recommendations

Combine climate action into economic planning

Multi Objective Outcomes

Integrating into core business

Opportunities for efficiency

Staff and public awareness

Be committed

## Leading the Change on Climate Change Gabrielle McCokell Mornington Peninsula Shire

Paper insert

Personal mailout

Bill boards

Letters to clubs n schools

Paper adverts

Session in each ward

The Conversation, not be talked at

Stick note handout for questions on one board

Survey handout

While sticky note questions are being collated the ward councillor welcomed

200 slides to choose from in response to the questions

Lots of answering questions

Kids to do presentations n that got parents along

Did not just speak of risks but what we are doing about it

Prepared to say I don't know, e.g. insurance, who will protect me

3000 attendees

Barriers Cost Info Change my lifestyle?

Group buy schemes for PV, solar hot water, rainwater tanks

Eco display house Green business network

Water management
Heatwave plan
Top level leadership essential
Attract people
Credibility
Market when the issue is hot
Extensive community consultation
Session worked well because it was interactive
Walk the talk
Easy information access
Cost a dollar per ratepayer

TAFE cert 4 in Sustainability Assessment

## **Chris Howe at breakfast**

## Sustainability at the Centre of Urban Land Use and Transport Planning

Michael Kennedy, Mornington Peninsula



Large agricultural production, on Class A recycled water Self interest



Types of Problems

Communities want quick answers

How to reduce the influence of selfishness

Venn diagram of sustainability

Formal matrix of local sustainability

Lack of public transport causes people to be broke as they buy cars they can't afford

Shared path construction was the best project ever

Org chart has no hierarchy and lots of overlap

Hierarchy lines don't matter as we need to work with each other across boundaries

Generally accepted organisational commitment

Switch from adversarial to collegiate relationships

Regular meetings with all local organisations

Presentations by ward councillors and junior staff

Key elements of Trust and Connectedness

We're in the happiness business. We are helping people to be as happy as they can. We love being here and working here.

## Cycling in Wyong, Stephen Prince

**Guiding principles** 

Project aims

Safe connected network

Actions to promote cycle use

Costs

Product and process

Community engagement

When someone raises a problem, ask them for a solution

4 User types: Sport, commute, utility, recreation

**Consistent comments** 

Define network

Missing links

Safety

Quality maintenance

Support and promote

## Re-engineering. Gary Topp

Sustainability statement required for larger developments

Collaborative force

Is planning a tool for the future or does it just maintain the present?

# Planning, Partnerships and Profit Martin Prestidge

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## Citizen Action. Alice Howe

#### Lake Macquarie

Sustainability means Citizens take part in decision making

Dissonance between self-image and real behaviour

Confidence

Social interaction

Voluntary change is a social action

Increase citizen involvement

# Clean Up Australia Day Secondhand Saturday

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## The Ecological Footprint in Practice. Richard Wilson

**Ecological footprint** 

**Biological capacity** 

Composting 4.5 kg per week diverted

Also worm farming

Gardening n local food production is buzzword

www.compostrevolution.com.au

Sustainability Street

Sustainability demonstration house

Randwick Barrett House

Local ambassadors roles

Community groups to promote activities

National garage sale trail

Opportunity to engage community in a complex set of issues and values

Quality of Life v Standard of Living

## Life Without Elastic. Ben v d Wijngaart

Methane hydrate erupting from permafrost through ice and ignitable Ocean acidification highest for 25 million years

Two crises of energy and of reality

Excessive consumption plus insecurity of supply equals instability

Atamai sustainable village NZ

Transition focussed

Ethical commitment

## Sustainability Street. Frank Fitzgerald-Ryan, Vox Bandicoot

Leap the shy gap

Smile

Make connections

Watch neighbours v talk with the neighbours

300 local communities around Australia

Paul Hawkin

#### **Sustainable Workplaces- SAM**

## **Bruce Simmons University of Western Sydney**

Issues and approaches around small business sustainable business practices What works? Commitment and ownership works better than grants Rewards become outcomes through good business practice Support by associations works

June 2011

Cr Pete Best