MINUTES

Ordinary Council Meeting

15 December 2015

To: The Mayor and Councillors

Here within are the Minutes of the Meeting of the City of South Perth Council held Tuesday 15 December 2015 in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth.

9.

GEOFF GLASS
CHIEF EXECUTIVE OFFICER

16 December 2015



Our Guiding Values

Trust

Honesty and integrity

Respect

Acceptance and tolerance

Understanding

Caring and empathy

Teamwork

Leadership and commitment

Disclaimer

The City of South Perth disclaims any liability for any loss arising from any person or body relying on any statement, discussion, recommendation or decision made during this meeting.

Where an application for an approval, a licence or the like is discussed or determined during this meeting, the City warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the City.

Further Information

The following information is available on the City's website.

Council Meeting Schedule

Ordinary Council Meetings are held at 7.00pm in the Council Chamber at the South Perth Civic Centre on the fourth Tuesday of every month between February and November. Members of the public are encouraged to attend open meetings.

Minutes and Agendas

As part of our commitment to transparent decision making, the City makes documents relating to meetings of Council and its Committees available to the public.

Meet Your Council

The City of South Perth covers an area of around 19.9km² divided into four wards. Each ward is represented by two Councillors, presided over by a popularly elected Mayor. Councillor profiles provide contact details for each Elected Member.

www.southperth.wa.gov.au/Our-Council/



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Minutes

Minutes of the Ordinary Council Meeting held in City of South Perth Council Chamber, Cnr Sandgate Street and South Terrace, South Perth at 7.00pm on Tuesday 15 December 2015.

I. DECLARATION OF OPENING

The Presiding Member opened the meeting at 7.05pm and welcomed everyone in attendance. He then acknowledged we are meeting on the lands of the Noongar/Bibbulmun people and that we honour them as the traditional custodians of this land.

2. DISCLAIMER

The Presiding Member read aloud the City's Disclaimer.

3. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3.1 AUDIO RECORDING OF THE COUNCIL MEETING

The Presiding Member requested that all electronic devices be turned off or on to silent. He then reported that the meeting is being audio recorded in accordance with Council Policy P673 'Audio Recording of Council Meetings" and Clause 6.15 of the Standing Orders Local Law 2007 which states:

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

The Presiding Member then gave her permission for the Administration to record proceedings of the Council meeting.

3.2 PUBLIC QUESTION TIME FORMS

The Presiding Member advised the public gallery that Public Question Time forms are available in the foyer and on the City's website for anyone wanting to submit a written question. The Presiding Member referred to Clause 6.7 of the Standing Orders Local Law 'Procedures for Question Time' and stated that it is preferable that questions are received in advance of the council meetings in order for the Administration to have time to prepare responses.

3.3 ACTIVITIES REPORT MAYOR / COUNCIL REPRESENTATIVES

The Presiding Member advised that the Mayor / Council Representatives Activities Report for the month of November are attached to the back of the Agenda.



4. ATTENDANCE

Councillors

Glenn Cridland Como Ward
Jessica Black Como Ward
Colin Cala Manning Ward
Sharron Hawkins-Zeeb Manning Ward
Travis Burrows Moresby Ward

Cheryle Irons Mill Point Ward (arrived at 7.39pm)

Ken Manolas Mill Point Ward

Officers

Geoff Glass Chief Executive Officer

Vicki Lummer Director Development and Community Services

Mark Taylor Director Infrastructure Services

Phil McQue Manager Governance and Administration

Sharron Kent Governance Officer

Gallery

There were four members of the public and no members of the media present.

4.1 APOLOGIES

Cheryle Irons Moresby Ward (representing Council at the South

Perth Primary School Graduation until 7.39pm)

4.2 APPROVED LEAVE OF ABSENCE

Sue Doherty Mayor

Fiona Reid Moresby Ward

5. DECLARATIONS OF INTEREST

Conflicts of Interest are dealt with in the Local Government Act, Rules of Conduct Regulations and the Administration Regulations as well as the City's Code of Conduct 2008. Members must declare to the Presiding Member any potential conflict of interest they have in a matter on the Council Agenda.

The Presiding Member noted that a Declaration of Interest had been received from:

 Councillor Jessica Black in relation to Item 10.3.1 'Standard' Amendment No. 50 to Town Planning Scheme No. 6 – New definitions and land use provisions for certain licensed premises. Consideration of submissions.

The Presiding Member advised that in accordance with the Local Government (Rules of Conduct) Regulations 2007 this Declaration would be read out immediately before the Item was discussed.



6. PUBLIC QUESTION TIME

6.1 RESPONSES TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

At the November 2015 Ordinary Council Meeting questions were taken on notice due to non-attendance of the questioner, Dr Dean Carter. The questions and answers provided were made available in the November 2015 Minutes.

6.2 PUBLIC QUESTION TIME: 15 DECEMBER 2015

The Presiding Member stated that public question time is operated in accordance with *Local Government Act Regulations*. He said that questions are to be in writing and questions received prior to this meeting would be answered tonight, if possible, or alternatively may be taken on notice. Questions received in advance of the meeting would be dealt with first. Long questions will be paraphrased and the same or similar questions asked at previous meetings will not be responded to.

No questions were received.

At this point the Presiding Member welcomed Mayor Sue Doherty to the Chamber to make a public announcement, as follows:

"I advise this meeting that:

- A complaint has been made to the Local Government Standards Panel, in which it
 was alleged that I contravened two provisions of the Local Government (Rules of
 Conduct) Regulations 2007 by performance managing my Executive Assistant,
 Margaret Shorter, during May 2015.
- 2. In the Complaint it was alleged that during May 2015 I sent a memorandum to Ms Shorter in which I outlined issues that I had with her performance as my Executive Assistant and requested that she respond to that memorandum by 2 May 2015. It was also alleged that when Ms Shorter advised that she would respond by 14 May, I required her to respond by 12 May 2015.
- 3. It was alleged that this conduct breached two regulations, being:
 - i. Regulation ((1) by undertaking a task that contributes to the administration of the City, namely the performance management of Ms Shorter, without being authorised by the council or by the Chief Executive Officer to do so; and
 - ii. Regulation 10(1)(a) by directing or attempting to direct Ms Shorter (who is a local government employee) to respond to my memorandum in her capacity as an employee of the City.
 - iii. The Local Government Standards Panel has considered the complaint, and has made a finding that I breached each of these regulations by acting as I did.
- 4. The Local Government Standards Panel has considered the Complaint, and has made a finding that I breached each of these regulations by acting as I did.
- 5. I accept that I should not have involved myself in the performance management of Ms Shorter in this way and that I should not have directed Ms Shorter to respond to my memorandum. I also apologise to Ms Shorter and to my fellow Councillors for having done so."

Mayor Sue Doherty then left the Chamber.



7. CONFIRMATION OF MINUTES AND TABLING OF NOTES OF BRIFFINGS AND OTHER MEETINGS UNDER CLAUSE 19.1

7.1 MINUTES

7.1.1 Ordinary Council Held: 24 November 2015

Recommendation AND COUNCIL DECISION

Moved: Councillor T Burrows
Seconded: Councillor S Hawkins-Zeeb

That the Minutes of the Ordinary Council held 24 November 2015 be taken as

read and confirmed as a true and correct record.

CARRIED (6/0)

7.2 BRIEFINGS

The following Briefings are in line with the 'Best Practice' approach to Council Policy P672 "Agenda Briefings, Concept Forums and Workshops", and document to the public the subject of each Briefing. The practice of listing and commenting on briefing sessions, is recommended by the Department of Local Government and Regional Development's "Council Forums Paper" as a way of advising the public and being on public record.

7.2.1 Induction for Councillors: Town Planning - 27 October 2015

McLeods Barristers and Solicitors provided Council Members with an overview of Town Planning.

Attachments

7.2.1 (a): Induction for Councillors: Town Planning - 27 October 2015 -

Notes

7.2.2 Induction for Councillors: Local Government Act - 10 November 2015

McLeods Barristers and Solicitors provided Council Members with an overview of the Local Government Act.

Attachments

7.2.2 (a): Induction for Councillors: Local Government Act - 10 November

2015 - Notes

7.2.3 Canning Highway Road Planning Study by Main Roads - 18 November 2015

Officers of the City and representatives of Main Roads provided Council with an overview of the Canning Highway Road Planning Study on 18 November 2015.

Attachments

7.2.3 (a): Canning Highway Road Planning Study by Main Roads - 18

November 2015 - Notes



7.2.4 South Perth Parking Strategy - 30 November 2015

A representative from Luxmoore Parking Consulting provided Council with an overview of the City of South Perth Parking Strategy at a briefing held 30 November 2015.

Attachments

7.2.4 (a): South Perth Parking Strategy Concept Briefing - 30 November

2015 - Notes

7.2.5 Online Planning and Building Applications - 30 November 2015

Officers of the City provided Council with an overview of Planning and Building Applications online at a Briefing held 30 November 2015.

Attachments

7.2.5 (a): Online Planning and Building Applications - 30 November 2015 -

Notes

7.2.6 Online Gift Register - 30 November 2015

Officers of the City provided Council with an overview of the new online Gift Register developed by City officers in response to the new City of Perth Act and consequential amendments to Section 5.82 of the Local Government Act.

Attachments

7.2.6 (a): Online Gift Register Briefing - 30 November 2015 - Notes

7.2.7 Review of Council Policy P301 'Consultation for Planning Proposals' - I December 2015

Officers of the City and Council undertook a workshop to discuss officers' recommended modifications to Council Policy P301 'Consultation for Planning Proposals' and to provide feedback to the officers on any further modifications desired by Council Members.

Attachments

7.2.7 (a): Review of Council Policy P301 - Consultation for Planning

Proposals - Notes.

7.2.8 Community Information Session for Re-Advertising of Amendment 46 - 3 December 2015

Community Information Sessions on Amendment 46 were held 3 December 2015.

Attachments

7.2.8 (a): Community Information Session for Re-Advertising of

Amendment 46 - Notes

7.2.8 (b): Community Information Session for Re-Advertising of

Amendment 46 - Presentation.



7.2.9 Canning Highway #ShapeOurPlace - 7 December 2015

Representatives from GHD Woodhead presented a PowerPoint presentation on progress to date on the Canning Highway #ShapeOurPlace project at a Briefing held on 7 December 2015.

Attachments

7.2.9 (a): Canning Highway #ShapeOurPlace - 7 December 2015 - Notes

7.2.10 Agenda Briefing - 8 December 2015

Officers of the City presented background information and answered questions on items to be considered at the December 2015 Ordinary Council Meeting at the Agenda Briefing held 8 December 2015.

Attachments

7.2.10 (a): Agenda Briefing - 8 December 2015 - Notes.

7.2.11 Meeting of Residents of River Way, Salter Point - 9 December 2015

Officers of the City provided Residents of River Way, Salter Point with an overview of Re-Addressing of the Properties along River Way Salter Point in the Community Hall on 9 December 2015.

Attachments

7.2.11 (a): Meeting of the Residents of River Way, Salter Point - 9 December

2015 - Notes

7.2.11 (b): Meeting of the Residents in River Way, Salter Point - 9 December

2015 - Presentation

Recommendation AND COUNCIL DECISION

Moved: Councillor T Burrows **Seconded:** Councillor C Cala

That the Nots of the Briefings held, as per Attachments 7.2.1 - 7.2.11, be noted.

CARRIED (6/0)

8. PRESENTATIONS

8.1 PETITIONS

A formal process where members of the community present a written request to Council.

8.1.1 Management of Traffic and Parking in Waverley Street, South Perth

The City received a petition on 14 December 2015 from Mr Simon Stewert-Dawkins of 3 Waverley Street, South Perth, together with 28 signatures in relation to management of traffic and parking in Waverley Street. The petition reads as follows:



"To reduce the excessive traffic and manage the commuter parking in Waverley Street, we respectfully request the City of South Perth implement the following:

- 6. Construct a "Threshold Entry Statement" at the intersection of Waverley Street and Angelo Street to discourage non-local traffic such as 'rat running' and alert drivers that they are entering a quiet residential street.
- 7. Implement "Resident Only" Parking Permits in Waverley Street to encourage and direct commuters, shop attendants and Angelo/Coode Commercial Precinct customers to park their vehicles in designated City of South Perth public car parking areas.
- 8. Provide to Waverley Street residents "free of charge", two (2) Residential and two (2) visitor parking permits per household which will allow our family and guests to have reasonable access to our properties."

Recommendation AND COUNCIL DECISION

Moved: Councillor T Burrows **Seconded:** Councillor K Manolas

That the petition received 14 December 2015 from Mr Simon Stewert-Dawkins of 3 Waverley Street, South Perth, together with 28 signatures, in relation to management of traffic and parking in Waverley Street be forwarded to the Director Infrastructure Services for consideration.

CARRIED (6/0)

The full petition can be found at **Appendix One**.

8.2 PRESENTATIONS

Occasions where Awards/Gifts may be accepted by Council on behalf of Community.

8.2.1 Certificate of Appreciation - Committee for Perth 2010

On behalf of the City of South Perth, CEO Geoff Glass was presented with a framed certificate of appreciation "Recognising City of South Perth Local Government Member since May 2010" at the Committee for Perth's End of Year Celebration on Tuesday 2 December 2015:

"The Committee for Perth thanks you for making an enduring contribution to realising a brighter future for Perth. By partnering with the Committee, the City of South Perth have demonstrably invested in improving the liveability of Perth, resulting in the legacy of a more vibrant, culturally diverse, economically prosperous and word class region."

8.3 **DEPUTATIONS**

A formal process where members of the community may, with prior permission, address Council on Agenda items where they have a direct interest.

No Deputations were heard at the Agenda Briefing held 8 December 2015.



8.4 COUNCIL DELEGATES REPORTS

8.4.1 Rivers Regional Council - Special Council Meeting - 8 October 2015

A report summarising the Rivers Regional Council - Special Council Meeting - 8 October 2015 is attached.

Attachments

8.4.1 (a): Rivers Regional Council - Special Council Meeting - 8 October

2015 - Delegates' Report.

8.4.2 Rivers Regional Council - Ordinary Council Meeting - 15 October 2015

A report summarising the Rivers Regional Council - Ordinary Council Meeting - 15 October 2015 is attached.

Attachments

8.4.2 (a): Rivers Regional Council - Ordinary Council Meeting - 15 October

2015 - Delegates' Report.

8.4.3 Rivers Regional Council - Special Council Meeting - 12 November 2015

A report summarising the Rivers Regional Council - Special Council Meeting - 12 November 2015 is attached.

Attachments

8.4.3 (a): Rivers Regional Council - Special Council Meeting - 12 November

2015 - Delegates' Report.

8.4.4 WALGA South East Metropolitan Zone Meeting - 25 November 2015

A Report from Council's Delegates to the WALGA South East Metropolitan Zone – Cr Sharron Hawkins-Zeeb and Cr Fiona Reid - summarising matters for decision, is attached.

Attachments

8.4.4 (a): WALGA South East Metropolitan Zone Meeting - Delegates'

Report - 25 November 2015

8.4.5 WALGA State Council - 2 December 2015

A report summarising the WALGA State Council - 2 December 2015 is attached.

Attachments

8.4.5 (a): WALGA State Council - 2 December 2015 - Delegates' Report .



Officer Recommendation

That the Delegates' Reports of the external committee meetings held, as per Attachments 8.4.1 - 8.4.5, be received.

Recommendation AND COUNCIL DECISION

Moved: Councillor C Cala

Seconded: Councillor S Hawkins-Zeeb

That the Delegates' Reports of the external committee meetings held, as per Attachments 8.4.1 - 8.4.5, be received.

CARRIED (6/0)

8.5 CONFERENCE DELEGATES REPORTS

Nil

9. METHOD OF DEALING WITH AGENDA BUSINESS

The Presiding Member advised the meeting that with the exception of the items identified to be withdrawn for discussion that the remaining reports, including the officer recommendations, will be adopted en bloc, i.e. all together. He then sought confirmation from the Chief Executive Officer that all the report items were discussed at the Agenda Briefing held on 8 December 2015.

The Chief Executive Officer confirmed that this was correct.

ITEMS WITHDRAWN FOR DISCUSSION

Item 10.1.1 Arts Advisory Group - Call for Nominees

Item 10.3.1 'Standard' Amendment No. 50 to Town Planning Scheme No. 6 – New definitions and land use provisions for certain licensed premises. Consideration of submissions (Item 10.4.1 Council Meeting 25 August 2015 refers).

9.1 EN BLOC MOTION

Recommendation AND COUNCIL DECISION

Moved: Councillor C Cala Seconded: Councillor J Black

That the officer recommendations in relation to the following agenda items be carried en bloc:

Item 10.2.1 Tender 10/2015 - "Pruning, Stump Grinding and Removal of Trees within the Streets and Amenity Areas of the City of South Perth"

Item 10.5.1 Tender 14/2015 – "Supply of Traffic Management for Works and Roads Services"

Item 10.5.2 Tender 19/2015 – "Cleaning of Stormwater Drainage Pipes, Gullies, Man Holes and Soak Wells" within the City of South Perth

Item 10.5.3 Tender 20/2015 "Various Minor Concrete Works"

CARRIED (6/0)



10. REPORTS

10.1 STRATEGIC DIRECTION 1: COMMUNITY

10.1.1 Arts Advisory Group - Call for Nominees

Location: City of South Perth Ward: Not Applicable

Applicant: Council
File Ref: D-15-88177

Date: 15 December 2015

Author: Sabrina Bruni, Arts and Events Coordinator

Reporting Officer: Vicki Lummer, Director Development and Community

Services

Strategic Direction: Community -- Create opportunities for an inclusive,

connected, active and safe community

Council Strategy: I.3 Create opportunities for social, cultural and physical

activity in the City.

Summary

The purpose of this report is to seek two elected member nominees to represent the community as members of the Arts Advisory Group.

Officer Recommendation

Council nominates two elected member representatives as members of the Arts Advisory Group.

Recommendation

Three (3) written nominations for membership of the Arts Advisory Group were received:

- Mayor Sue Doherty
- Councillor Colin Cala
- Councillor Fiona Reid

As such a ballot was conducted - the results of the ballot were:

Mayor Sue Doherty
 3 votes (tied)

• Councillor Colin Cala 6 votes

Councillor Fiona Reid 3 votes (tied)

Procedural Motion AND COUNCIL DECISION

Moved: Councillor T Burrows **Seconded:** Councillor G Cridland

That, as a result of the ballot, Council:

- a) nominates Councillor Colin Cala to the Arts Advisory Committee; and
- b) resolves to leave vacant the second position until determined at the next Ordinary Council Meeting.

CARRIED (6/0)

Background

One of the purposes of the Public Art Strategy (PAS) 2013 – 2015 was to establish the strategic and administrative structure in order to manage and further develop the City's public art assets. As tabled in recommendation item 6.1 of the PAS, the implementation of an Arts Advisory Group including two (2) elected members will assist the City in making educated and considered decisions within the area of public art. An Arts Advisory Group (AAG) was subsequently established in November 2014.



10.1.1 Arts Advisory Group - Call for Nominees

As per item 2.6.1 in the current AAG Terms of Reference "The term of membership will conclude following the October 2015 Council meeting or 30 June 2015 should the Council become the City of South Park.", therefore the term of membership for current AAG members has now expired.

Comment

Officers are seeking two (2) elected members to join the Arts Advisory Group.

The Art Advisory Group's (AAG) primary involvement will be to;

- Offer comment, input and guidance with regard to any decisions resulting in City funded new and existing public artworks,
- Offer comment, input and guidance on any new strategies, policies and management practises relating to public art,
- In some instances, provide comment on developer contributions to public art, however, given the time constraints with these projects, these will be assessed on a case-by-case basis,
- In some instances provide comment in relation to the City's art collection and any policies or procedures that relate to this area.

All comment, input and decisions by the AAG will be considered in conjunction with officer recommendations and a fully developed 'Terms of Reference' which will be reviewed at the first AAG meeting to be held in February 2016.

The AAG is expected to meet four times a year for general meetings and at times may also be invited to Special AAG meetings to review design concept submissions or to provide input into other urgent related activities. The membership term will be for two years unless a council election occurs within the term or the Terms of Reference dictate otherwise.

Consultation

N/A

Policy and Legislative Implications

Policy P101 Public Art.

Financial Implications

N/A

Sustainability Implications

This report is aligned to the City's <u>Sustainability Strategy 2012-2015</u>.

Attachments

Nil.



10.2 STRATEGIC DIRECTION 2: ENVIRONMENT

10.2.1 Tender 10/2015 "Pruning, Stump Grinding and Removal of Trees within the Streets and Amenity Areas of the City of South Perth"

Location: City of South Perth

Ward: All
Applicant: Council
File Ref: D-15-87967

Date: 15 December 2015

Author: Bruce Moorman, Manager City Environment Reporting Officer: Mark Taylor, Director Infrastructure Services

Strategic Direction: Environment -- Enhance and develop public open

spaces and manage impacts on the City's built and

natural environment

Council Strategy: 2.4 Improve the amenity of our streetscapes

(residential and commercial) and public open spaces

while maximising their environmental benefits.

Summary

This report considers submissions received from the advertising of Tender 10/2015 for the 'Pruning, stump grinding and removal of trees within the streets and amenity areas of the City of South Perth' for the period of 3 years with the option of a Iyear extension at the City's discretion.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

Officer Recommendation

Moved: Councillor C Cala Seconded: Councillor | Black

That the tender from Classic Tree Services Pty Ltd for the 'Pruning, stump grinding and removal of trees within the streets and amenity areas of the City of South Perth' (Tender 10/2015), for the period of 3 years (with the option of a 1 year extension at the City's discretion) be accepted at a price of \$1,429,340 (ex GST) annually for a total of \$4,463,438 (ex GST).

CARRIED EN BLOC (6/0)

Background

A Request for Tender (RFT) 10/2015 for the 'Pruning, stump grinding and removal of trees within the streets and amenity areas of the City of South Perth' was advertised in the West Australian on Saturday 12 September 2015 and closed at 2pm Tuesday 6 October 2015.

The RFT is to fulfil the City's objective to prune and/or remove amenity and park trees, but wherever possible retain trees to enhance the park environment to make sure that the trees are safe, healthy and provide a habitat for native fauna for the period of 3 years. The term of the contract can be extended by I year at the City's discretion.



10.2.1 Tender 10/2015 "Pruning, Stump Grinding and Removal of Trees within the Streets and Amenity Areas of the City of South Perth"

Comment

At the close of the Tender advertising period on the 6 October 2015, 4 tender submissions had been received from suitably skilled and experienced contractors.

Table A - Tender Submissions

	Tender Submissions
1.	Classic Tree Services
2.	Tree Amigos Tree Surgeons Pty Ltd
3.	Beaver Tree Service Pty Ltd
4.	Kennedys Tree Services

The tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria outlined in the RFT and listed below in Table B:

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
Experience in Line Clearance, Formative Pruning, Tree Removal, and Stump Grinding	25%
2. Plant and Equipment Resources and Emergency Response Capabilities	15%
3. Site Management including Traffic Management and Safe Work Practices	15%
4. Quality of Referees and Examples Similar Contracts	20%
5. Arboricultural Expertise and Staff Qualifications	25%
Total	100%

It is recommended that the tender of Classic Trees Services for Tender 10/2015, for the Pruning, stump grinding and removal of trees within the streets and amenity areas of the City of South Perth be accepted for a period of 3 years with option to extend by I year at the City's discretion.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - Confidential Attachment (a).

Consultation

Public tenders were invited in accordance with the Local Government Act 1995.

Policy and Legislative Implications

Section 3.57 of the Local Government Act (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Exclusive).



10.2.1 Tender 10/2015 "Pruning, Stump Grinding and Removal of Trees within the Streets and Amenity Areas of the City of South Perth'

The general Conditions of Contract forming part of the Tender Documents states amongst other things that:

- The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;
- Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and
- The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the ability to provide quality services at a competitive price which will be deemed to be most advantageous to the City.

Financial Implications

The cost of the annual works is reflected in the annual operating budget and will be taken into account during formulation of the 2015/2016 (quarterly reviews) 2016/2017, 2017/2018 and 2018/2019 operating budgets.

Strategic Implications

The report is consistent with the City's Strategic Community Plan 2015-2025.

Sustainability Implications

This report is aligned to the City's Sustainability Strategy 2012-2015. This tender will ensure that the City is provided with the best available service to complete the works identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance of the City's sports fields and public open spaces.

Attachments

10.2.1 (a):

Panel Report - Tender 10/2015 - Pruning, stump grinding and removal of trees within the streets and amenity areas of the City of South Perth (Confidential).



Prior to the following Item being discussed the Presiding Member read aloud Councillor Jessica Black's Declaration of Impartiality Interest as follows:

"I wish to declare an Impartiality Interest in Agenda Item 10.3.1 'Standard' Amendment No. 50 to Town Planning Scheme No. 6 — New definitions and land use provisions for certain licensed premises. Consideration of submissions (Item 10.4.1 Council Meeting 25 August 2015 refers).

I declare that during my election campaign the City of South Perth Resident's Association wrote to me asking whether I supported 'the new City of South Perth Alcohol Policy that will restrict the location of warehouse style booze barns' and I responded that I did support it. It is my intention to remain in the Chamber, consider the matter on its merits and vote accordingly."

10.3 STRATEGIC DIRECTION 3: HOUSING AND LAND USES

10.3.1 'Standard' Amendment No. 50 to Town Planning Scheme
 No. 6 - New definitions and land use provisions for certain licensed premises. Consideration of submissions. (Item 10.4.1 Council Meeting 25 August 2015 refers)

Location: City of South Perth

Ward: All
Applicant: Council
File Ref: D-15-87824
Date: 15 December 2015

Author: Gina Fraser, Senior Strategic Planning Officer

Reporting Officer: Vicki Lummer, Director Development and Community

Services

Strategic Direction: Housing and Land Uses -- Accommodate the needs of a

diverse and growing population

Council Strategy: 3.3 Review and establish contemporary sustainable

buildings, land use and environmental design standards.

Summary

At the May 2015 meeting, Council resolved to take a number of actions in relation to the ongoing management of alcohol-related activities in the City of South Perth. One of those actions was to initiate a 'Scheme Amendment' to insert relevant definitions into Schedule I and land uses into Table I to give the Council greater control over the permissibility of alcohol outlets in the various zones. The Scheme Amendment was initiated at the August 2015 Council meeting and subsequently advertised for community comment from 29 September to 13 November 2015.

This report discusses the five submissions that were received during the advertising period. All of the submissions support Amendment No. 50. It is recommended that Amendment No. 50 be adopted without modification.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor S Hawkins-Zeeb

Seconded: Councillor C Cala

That:

- (a) under Regulation 34 of the *Planning and Development Regulations 2015*, Amendment No. 50 is deemed to be a 'Standard Amendment';
- (b) the Western Australian Planning Commission be advised that Council recommends that:



- 10.3.1 'Standard' Amendment No. 50 to Town Planning Scheme No. 6 New definitions and land use provisions for certain licensed premises. Consideration of submissions. (Item 10.4.1 Council Meeting 25 August 2015 refers)
 - (i) Submissions 1 to 5 inclusive, supporting the proposed Amendment No. 50 be UPHELD;
 - (ii) Amendment No. 50 to the City of South Perth Town Planning Scheme No. 6, comprising **Attachment** (a), be adopted without modification;
 - (c) the Council of the City of South Perth under the powers conferred upon it by the *Planning and Development Act 2005*, hereby amends the above Town Planning Scheme by introducing the new land uses of 'Liquor Store (Small)', 'Liquor Store (Large)', and 'Small Bar', and for each new Use, inserting:
 - (i) land use permissibility in Table 1;
 - (ii) car parking and bicycle ratios in Table 6; and
 - (iii) relevant definitions in Schedule I.
 - (d) the Council hereby authorises the affixing of the Common Seal of Council to three copies of Amendment No. 50 document (Attachment (a));
 - (e) this report, being the Report on Submissions, and the Schedule of Submissions containing the Council's recommendations, a copy of the submissions and three executed copies of the amending documents, be forwarded to the Western Australian Planning Commission for determination of the Submissions and for final determination of Amendment No. 50 by the Minister for Planning;
 - (f) the submitters be thanked for their participation in the Amendment No. 50 process and be advised of the above resolution.

CARRIED (6/0)

Background

This report includes **Attachment (a)** comprising the Amendment No. 50 document for final adoption.

Amendment No. 50 to Town Planning Scheme No. 6 (TPS6) was initiated in August 2015 and subsequently advertised in the manner required by Planning Policy P301 and the then operative *Town Planning Regulations* 1967.

The purposes of Amendment No. 50 are to:

- amend Table I 'Zoning Land Use' to encompass the proposed new land uses;
- amend Table 6 'Car and Bicycle Parking' to include the new land uses;
- insert three new land use definitions in Schedule I of TPS6, these being 'Small Bar', 'Liquor Store (Small)', and 'Liquor Store (Large)'; and
- amend the definition of 'Shop' in Schedule I of TPS6 to exclude the sale of alcohol.

Comment

Under the *Planning and Development Regulations 2015*, all amendments to local Planning Schemes are classified as either 'basic', 'standard' or 'complex'. The process set out in the Regulations for dealing with each kind of amendment varies to reflect the differing degrees of complexity of the three kinds of amendment. Although Amendment No. 50 was initiated prior to the Regulations coming into operation on 19 October 2015, this Amendment meets the criteria in the Regulations for a 'standard' amendment. A 'standard' amendment is defined in the Regulations as follows:



"**standard amendment** means any of the following amendments to a local planning scheme —

- (a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment:
- (d) an amendment to the scheme map that is consistent with a structure plan, activity centre plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) any other amendment that is not a complex or basic amendment."

Amendment No. 50 has also been advertised according to the Regulation requirements for this kind of amendment, and in accordance with the provisions of Council Planning Policy P301 'Consultation for Planning Proposals'. The submissions received during the advertising period are fully discussed in the 'Consultation' section of this report, below.

Having regard to the small number of submissions received, this report will serve as the 'Report on Submissions' which will be forwarded to the Western Australian Planning Commission as part of the documentation supporting the Council's recommendation of approval of Amendment No. 50.

Consultation

As required by the former Town Planning Regulations (which were still operative when Amendment No. 50 was initiated and advertised), on 31 August 2015 the Amendment No. 50 proposals were forwarded to the Environmental Protection Authority (EPA) for assessment. The EPA responded by letter dated 14 September 2015, advising that no assessment or conditions are required under Part IV Division 3 of the Environmental Protection Act.

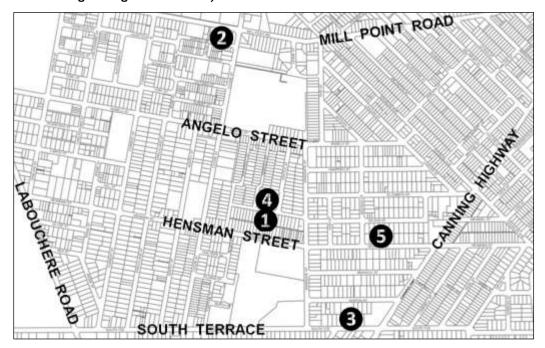
Following receipt of the EPA advice, the statutory advertising required by the Regulations, TPS6 and Council Policy P301 'Consultation for Planning Proposals' was undertaken. The 46-day community consultation period commenced on Tuesday 29 September and concluded on Friday 13 November 2015.

The draft Amendment was advertised in the manner described below:

- Notice published in two issues of the Southern Gazette newspaper: on 29 September and 13 October 2015;
- Notices and Amendment documents displayed in the Civic Centre customer foyer, City Libraries and on the City's web site ('Out for Comment').

The required minimum advertising period is 42 days. It is the City's practice to extend community consultation for a few days to allow for late submissions and delays in postage and delivery. On this occasion, the actual advertising period was 46 days. Five submissions were received during the advertising period. An 'Origin of Submissions' map, below, indicates the general location of the submitters' properties.





Submissions I to 5, all supporting Amendment No. 50, are summarised below, together with Council responses:

No.	Submitters' comments	Council response
1	Submitter from Carr Street, South Perth, comments: We wholly support the City of South Perth's Amendment No. 50 to TPS6 to provide development control for Licensed Premises. The community has repeatedly spoken on the issue of large format liquor stores — especially the proposed Dan Murphy's on the Como Hotel site. This type of liquor store promotes excessive alcohol consumption with blatant advertising of 'lowest prices'. We have recently read that Woolworths and Coles have become wine producers and that they will be selling home brand wine from \$2.99 a bottle! So much for their promotion of selling 'wine to the discerning customer'!!	The comments are noted. The Council generally agrees with the comments and recommends that the submission be UPHELD and that Amendment No. 50 not be modified in response to the submission.

2,3 Submitters from Garden Street, South Terrace, and and 4 Norfolk Street. South Perth. comment:

I give my full support to Amendment No. 50. I particularly agree with distinguishing liquor stores as:

- 'Small' (not more than 300m²) such as is the current BWS drive-in store at the Como Hotel.
- 'Large' (more than 300m²) as is proposed for the Dan Murphy's Liquor Outlet at the Como Hotel ie 1.140 m².

I realise that this proposal covers all areas and establishments within the City. My main concern is the availability of alcohol at the Como Hotel site. There are already enough liquor outlets within the City of South Perth. Domestic violence is a growing problem and to have liquor so easily available only creates a bigger problem. The level of traffic and vehicle movements on and off the site will increase greatly.

The corner of South Terrace and Canning Highway is already a problem without having all the extra traffic that would flow in and out of the Como Hotel. A large barn such as this would lead to a loss of amenity for residents close by and worse traffic problems than we already encounter daily.

Which brings me to the "Land Use Permissibility Table" where 'Large' liquor stores are prohibited in all zones except "District Centre Commercial". I am fully supportive of this Table and feel well qualified to comment because of where I live.

The comments are noted. The Council generally agrees with the comments and recommends that the submissions be UPHELD and that Amendment No. 50 not be modified in response to the submissions.

5 Submitter from Hensman Street, South Perth, comments:

I am writing to support the above proposal.

Controlling the size of liquor stores is a key step forward in maintaining a level of calm in South Perth, Como and Kensington. Already our main streets are heavily congested at peak times. Allowing large / discount liquor chains into the area will attract a great deal of traffic from other areas that will inevitably thread their way through our back streets to avoid the long lines of congestion on the main arteries. Not only will this extra traffic be noisy, frustrating and dangerous, it will also de-value the homes on the main arteries surrounding the areas in question.

Parking will also be a major issue on the sites in question. Unless the proposed steps are implemented, I fear a situation will quickly unfold where customers will regularly park outside people's homes in desperation.

Attracting discounted liquor stores and providing cheap liquor will also attract, encourage and exacerbate anti-social behaviour and crime. This is an unwanted, costly and unacceptable consequence.

The comments are noted. The Council generally agrees with the comments and recommends that the submission be UPHELD and that Amendment No. 50 not be modified in response to the submission.



Alcohol is a huge social problem in society and does not need to be encouraged.	
The addition of more or larger liquor stores is unnecessary. I believe the proposed changes are fair and reasonable providing a logical framework for reasonable growth in line with the size of the community and its resources.	

The Council recommends that all of the five supporting submissions be UPHELD and that Amendment No. 50 NOT BE MODIFIED in response to the submissions.

Policy and Legislative Implications

Amendment No. 50 fulfils the requirement of clause 9.8 'Amendments to the Scheme', which includes the following provision:

"(1) The Council shall keep the Scheme under constant review and where appropriate carry out investigations and study with a view to maintaining the Scheme as an upto-date and efficient means for pursuing community objectives regarding development and land use."

The Scheme Amendment will have the effect of ensuring that both 'large' and 'small' liquor outlets will be accommodated within the most appropriate parts of the City, and be provided with adequate car parking on each site.

The statutory Scheme Amendment process is set out below, together with a date for each stage. The stages which have been completed, including the consideration at the December 2015 Council meeting, are shaded:

Stage of Amendment Process	Date
Council decision to initiate Amendment No. 50	25 August 2015
Council adoption of draft Amendment No. 50 Scheme Text for advertising purposes	25 August 2015
Referral of draft Amendment No. 50 documents to EPA for environmental assessment, and to WAPC for information	31 August 2015
Receipt of EPA comments advising that no environmental assessment or conditions are required	14 September 2015
Public advertising period of 46 days	29 September to 13 November 2015
Council consideration of Report on Submissions on 'Standard' Amendment No. 50	15 December 2015
Referral to WAPC and Minister for consideration of:	Within two weeks of the
All of the submissions	December 2015 Council meeting
 Report on Submissions and Schedule of Submissions 	meeting
Council's recommendation on proposed Amendment No. 50	
Three signed and sealed copies of Amendment documents for the Minister's final determination	



WAPC to submit 'Standard' Amendment No. 50 to the Minister for final determination of under Regulation 55	Within 60 days of receiving documents from local government
Publication by local government of Notice of the Minister's final approval of Amendment No. 50 in Government Gazette and Southern Gazette newspaper	Not yet known

Financial Implications

All financial costs incurred during the course of the statutory Scheme Amendment process are being met by the City.

Sustainability Implications

This report is aligned to the City's Sustainability Strategy 2012–2015. The Scheme Amendment has been referred to the Environmental Protection Authority, who have not raised any issues. The Scheme Amendment will ensure that large and small liquor outlets throughout the City are appropriately located.

Conclusion

Having regard to the small number of submissions received, all of which support the proposed Amendment No. 50, the Amendment should now be adopted by the Council with a recommendation that it be approved without modification, and be forwarded to the Minister for Planning for his final determination.

Attachments

10.3.1 (a): Amendment No. 50 document for final approval .



10.5 STRATEGIC DIRECTION 5: INFRASTRUCTURE AND TRANSPORT

10.5.1 Tender 14/2015 – "Supply of Traffic Management for Works and Roads Services"

Location: City of South Perth

Ward: All
Applicant: Council
File Ref: D-15-88054

Lodgement Date: 10 December 2015 Date: 15 December 2015

Author: Bruce Moorman, Manager City Environment Reporting Officer: Mark Taylor, Director Infrastructure Services

Strategic Direction: Infrastructure and Transport -- Plan and facilitate safe and

efficient infrastructure and transport networks to meet the

current and future needs of the community

Council Strategy: 5.2 Advocate for, provide and maintain a safe, efficient and

reliable transport network based on safe system principles.

Summary

This report considers submissions received from the advertising of Tender 14/2015 – 'Supply of traffic management for works and roads services' within the City of South Perth for the period of 3 years with the option of a Iyear extension at the City's discretion.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

Officer Recommendation

That:

- (a) Council approves the tender submitted by Carringtons Traffic P/L for the "Supply of Traffic Management for Works and Roads Services" within the City of South Perth in accordance with Tender Number 14/2015, for the period of 3 years (with the option of a 1 year extension at the City's discretion) be accepted; and
- (b) the resolved tender price be included in the Minutes of this meeting.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor C Cala Seconded: Councillor J Black

That Council approves the tender submitted by Carringtons Traffic P/L for the "Supply of Traffic Management for Works and Roads Services" within the City of South Perth in accordance with Tender Number 14/2015, for the period of 3 years (with the option of a I year extension at the City's discretion) for a total of \$878,566 (ex GST).

CARRIED EN BLOC (6/0)



Background

A Request for Tender (RFT) 14/2015 for the "Supply of traffic management for works and roads services" within the City of South Perth' was advertised in the West Australian on Saturday 24 October 2015 and closed at 2pm Tuesday 17 November 2015.

The RFT is to fulfil the City's objective for the services under this Contract will ensure and provide for the safe movement of traffic and the protection of persons and property through and/or around the work sites within the City. The services will include the design, construction, maintenance and removal of temporary traffic control devices, controllers, signposting, lights, barriers and any other items required. The City may require traffic management plans and traffic control implemented on all or some of the projects and will require plans etc. for works not listed within this Tender for the period of 3 years. The term of the contract can be extended by I year at the City's discretion.

Comment

At the close of the Tender advertising period on the 17 November 2015, 13 tender submissions had been received from skilled and experienced contractors.

Table A - Tender Submissions

	Tender Submissions			
١.	Workforce Road Services			
2.	WARP Traffic Management			
3.	Taborda Contracting			
4.	RSTM P/L/Roadsafe			
5.	Railway Possessions/Pilbara Traffic			
6.	Quality Traffic Management P/L			
7.	Power on Cabling			
8.	LGC Group P/L			
9.	Contraflow			
10.	Carringtons Traffic P/L			
11.	Beaver Tree Services			
12. Altus Traffic P/L				
13.	13. Advanced Traffic Management			

The tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria outlined in the RFT and listed below in Table B:

TABLE B - Qualitative Criteria

Qualitative Criteria	Weighting %
Skills & Experience	40%
2. Resources	40%
3. Methodology	20%
Total	100%



10.5.1 Tender 14/2015 - "Supply of Traffic Management for Works and Roads Services"

It is recommended that the tender from Carringtons Traffic Services for the 'Supply of traffic management for works and roads services' for the City of South Perth be accepted for a period of 3 years with option to extend by I year at the City's discretion.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment (a).**

Consultation

Public tenders were invited in accordance with the Local Government Act 1995.

Policy and Legislative Implications

Section 3.57 of the Local Government Act (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Exclusive).

The general Conditions of Contract forming part of the Tender Documents states amongst other things that:

- The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;
- Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and
- The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the
 ability to provide quality services at a competitive price which will be deemed to be most
 advantageous to the City.

Financial Implications

The cost of the annual works is reflected in the annual operating budget and will be taken into account during formulation of the 2015/2016 (quarterly reviews) 2016/2017, 2017/2018 and 2018/2019 operating budgets.

Strategic Implications

The report is consistent with the City's Strategic Community Plan 2015-2025.

Sustainability Implications

This report is aligned to the City's Sustainability Strategy 2012-2015.

Attachments

10.5.1 (a): Panel Report - RFT14-2014 Traffic Management for Works and Road Services (Confidential).



10.5.2 Tender 19/2015 – "Cleaning of Stormwater Drainage Pipes, Gullies, Man Holes and Soak Wells" within the City of South Perth

Location: City of South Perth

Ward: All
Applicant: Council
File Ref: D-15-88057

Lodgement Date: 10 December 2015 Date: 15 December 2015

Author: Bruce Moorman, Manager City Environment Reporting Officer: Mark Taylor, Director Infrastructure Services

Strategic Direction: Infrastructure and Transport -- Plan and facilitate safe and

efficient infrastructure and transport networks to meet the

current and future needs of the community

Council Strategy: 5.2 Advocate for, provide and maintain a safe, efficient and

reliable transport network based on safe system principles.

Summary

This report considers submissions received from the advertising of Tender 19/2015 for the "Cleaning of Stormwater Drainage Pipes, Gullies, Manholes and Soak Wells within the City of South Perth" for the period of 3 years with the option of a 1 year extension at the City's discretion.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor C Cala Seconded: Councillor J Black

That Council approves the tender submitted by Western Maze T/A Western Educting Service for the "Cleaning of Stormwater Drainage Pipes, Gullies, Man Holes and Soak Wells" within the City of South Perth in accordance with Tender Number 19/2015, for the period of 3 years (with the option of a 1 year extension at the City's discretion) be accepted for a total of \$251,970 (ex GST).

CARRIED EN BLOC (6/0)

Background

A Request for Tender (RFT) 19/2015 for the 'Cleaning of stormwater drainage pipes, gullies, manholes and soak wells within the City of South Perth' was advertised in the West Australian on Saturday 24 October 2015 and closed at 2pm Tuesday 17 November 2015.

The RFT is to fulfil the City's objective to works of the clearing of blockages and the periodic cleaning of storm water drainage pipes, gullies, manholes, soak wells and related structures throughout the City. This service will include the supply of all materials, plant and labor, sweeping, clean up, and disposal (including tipping fees) of unsuitable material.



10.5.2 Tender 19/2015 – "Cleaning of Stormwater Drainage Pipes, Gullies, Man Holes and Soak Wells" within the City of South Perth

The majority of the cleaning and clearing of blockages will occur in a planned manner, however the occasions may arise for unplanned work or emergency call outs, either during normal working hours or after hours. Provisions for the various eventualities have been catered for within this Tender for the period of 3 years. The term of the contract can be extended by I year at the City's discretion.

Comment

At the close of the Tender advertising period on the 17 November 2015, 7 tender submissions had been received from suitably skilled and experienced contractors.

Table A - Tender Submissions

	Tender Submissions
Ι.	Western Maze/Western Educting
2.	Solo Resource Recovery
3.	Riverjet P/L
	Perth Pressure Jet Services
5.	Norblast Industrial Solutions P/L
6.	Envirosweep
7.	Bond Strong

The tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria outlined in the RFT and listed below in Table B:

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
I. Skills & Experience	40%
2. Resources	40%
3. Methodology	20%
Total	100%

It is recommended that the tender of Western Maze T/A Western Educting Service for the 'Cleaning of stormwater drainage pipes, gullies, manholes and soak wells for the City of South Perth be accepted for a period of 3 years with option to extend by I year at the City's discretion.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment (a).**

Consultation

Public tenders were invited in accordance with the Local Government Act 1995.

Policy and Legislative Implications

Section 3.57 of the Local Government Act (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest



10.5.2 Tender 19/2015 – "Cleaning of Stormwater Drainage Pipes, Gullies, Man Holes and Soak Wells" within the City of South Perth

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Exclusive).

The general Conditions of Contract forming part of the Tender Documents states amongst other things that:

- The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;
- Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and
- The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the
 ability to provide quality services at a competitive price which will be deemed to be most
 advantageous to the City.

Financial Implications

The cost of the annual works is reflected in the annual operating budget and will be taken into account during formulation of the 2015/2016 (quarterly reviews) 2016/2017, 2017/2018 and 2018/2019 operating budgets.

Strategic Implications

The report is consistent with the City's Strategic Community Plan 2015-2025.

Sustainability Implications

This report is aligned to the City's <u>Sustainability Strategy 2012–2015</u>. This tender will ensure that the City is provided with the best available service to complete the works identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance and cleaning of the City's stormwater drainage pipes, gullies, manholes and soak wells.

Attachments

10.5.2 (a): Panel Report - RFT14-2015 Cleaning of Stormwater Drainage

Pipes Gullies, Man Holes and Soak Wells (Confidential) .



10.5.3 Tender 20/2015 "Various Minor Concrete Works"

Location: City of South Perth

Ward: All
Applicant: Council
File Ref: D-15-88061
Lodgement Date: 10/12/2015

Date: 15 December 2015

Author: Bruce Moorman, Manager City Environment Reporting Officer: Mark Taylor, Director Infrastructure Services

Strategic Direction: Infrastructure and Transport -- Plan and facilitate safe and

efficient infrastructure and transport networks to meet the

current and future needs of the community

Council Strategy: 5.1 Advocate for, implement and maintain integrated

transport and infrastructure plans in line with best practice

asset management and safe system principles.

Summary

This report considers submissions received from the advertising of Tender 20/2015 – 'Various Minor Concrete Works' within the City of South Perth for the period of 3 years with the option of a Iyear extension at the City's discretion.

This report will outline the assessment process used during evaluation of the tenders received and recommend acceptance of the tender that provides the best value for money and level of service to the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor C Cala Seconded: Councillor | Black

That the Tender from Axiis Contracting Pty Ltd for the supply of 'Various Minor Concrete Works' within the City of South Perth' in accordance with Tender Number 20/2015, for the period of 3 years (with the option of a Iyear extension at the City's discretion) be accepted for a total of \$458,800 (ex GST).

CARRIED EN BLOC (6/0)

Background

A Request for Tender (RFT) 20/2015 for the "Various Minor Concrete Works" within the City of South Perth' was advertised in the West Australian on Saturday 24 October 2015 and closed at 2pm Tuesday 17 November 2015.

The RFT is to fulfil the City's objective for the construction of concrete footpaths on verges will be executed under the supervision of and to the direction of the City. All levels for the grading, surface finish, jointing or any other thing will be as directed by the City. All material used in the construction of concrete footpaths will be in accordance with the standard specification and any materials used which are inferior to those specified or as directed by the City will be liable to rejection and replacement without any payment or compensation being made to the Contractor for the supply, delivery, laying, placing, finishing, removal or disposal of anything so rejected within this Tender for the period of 3 years. The term of the contract can be extended by I year at the City's discretion.



Comment

At the close of the Tender advertising period on the 17 November 2015, 4 tender submissions had been received from suitably skilled and experienced contractors.

<u>Table A - Tender Submissions</u>

	Tender Submissions
١.	Dowsing Concrete P/L
2.	Axiis Concreting
3.	Nextside P/L
4.	Cobblestone Concrete

The tenders were reviewed by an Evaluation Panel and assessed according to the qualitative criteria outlined in the RFT and listed below in Table B:

Table B - Qualitative Criteria

Qualitative Criteria	Weighting %
I. Skills & Experience	40%
2. Resources	40%
3. Methodology	20%
Total	100%

It is recommended that the tender of Axiis Contracting Pty Ltd for the supply of 'Various Minor Concrete Works' for the City of South Perth be accepted for a period of 3 years with option to extend by I year at the City's discretion.

More detailed information about the tender assessment process can be found in the Evaluation Panel Member's Report - **Confidential Attachment (a).**

Consultation

Public tenders were invited in accordance with the Local Government Act 1995.

Policy and Legislative Implications

Section 3.57 of the Local Government Act (as amended) requires a local government to call tenders when the expected value is likely to exceed \$150,000. Part 4 of the Local Government (Functions and General) Regulations 1996 sets regulations on how tenders must be called and accepted.

The following Council Policies also apply:

- Policy P605 Purchasing and Invoice Approval
- Policy P607 -Tenders and Expressions of Interest

The Chief Executive Officer has delegated authority to accept annual tenders where the value is less than \$200,000 (GST Exclusive).

The general Conditions of Contract forming part of the Tender Documents states amongst other things that:



10.5.3 Tender 20/2015 "Various Minor Concrete Works"

- The City is not bound to accept the lowest or any tender and may reject any or all Tenders submitted;
- Tenders may be accepted, for all or part of the Requirements and may be accepted by the City either wholly or in part. The requirements stated in this document are not guaranteed; and
- The Tender will be accepted to a sole or panel of Tenderer(s) who best demonstrates the
 ability to provide quality services at a competitive price which will be deemed to be most
 advantageous to the City.

Financial Implications

The cost of the annual works is reflected in the annual operating budget and will be taken into account during formulation of the 2015/2016 (quarterly reviews) 2016/2017, 2017/2018 and 2018/2019 operating budgets.

Strategic Implications

The report is consistent with the City's Strategic Community Plan 2015–2025.

Sustainability Implications

This tender will ensure that the City is provided with the best available service to complete the works identified in the Annual Budget. By seeking the services externally the City is able to utilise best practice opportunities in the market and maximise the funds available to provide sound and sustainable asset maintenance for the supply of Various Minor Concrete Works.

Attachments

10.5.3 (a): Recommendation Report - 20/2015 - Various Minor Concrete Works (*Confidential*).



11. APPLICATIONS FOR LEAVE OF ABSENCE

Leave of Absence requests were received from:

- Councillor K Manolas for the period 29 December 2015 21 January 2016 inclusive;
- Councillor G Cridland for the periods 24 December 2015 3 January 2016 inclusive and 17 January 30 January 2016 inclusive; and
- Councillor S Hawkins-Zeeb for the period 26 December 2015 15 February 2016 inclusive;

COUNCIL DECISION

Moved: Councillor J Black **Seconded:** Councillor T Burrows

That Council approve the following Leave of Absence requests:

- Councillor K Manolas for the period 29 December 2015 21 January 2016 inclusive;
- Councillor G Cridland for the periods 24 December 2015 3 January 2016 inclusive and 17 January - 30 January 2016 inclusive; and
- Councillor S Hawkins-Zeeb for the period 26 December 2015 15 February 2016 inclusive

CARRIED (6/0)

12. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13. QUESTIONS FROM MEMBERS

13.1 RESPONSE TO PREVIOUS QUESTIONS FROM MEMBERS TAKEN ON NOTICE

Nil

13.2 QUESTIONS FROM MEMBERS

At 7.39pm Councillor C Irons arrived.

Questions were received from Councillor G Cridland as follows:

1. Preamble: South Perth Bridge Club raised with me that a letter was sent in October 2015 to the City with regards to what was happening with the plans to renovate the old Manning Library to accommodate the South Perth Bridge Club if they were to move from their current location. Does the CEO have an anticipated timeframe for being able to get back to the Bridge Club in respect of the questions they've raised in that correspondence?

Answer - Provided by Geoff Glass, Chief Executive Officer

This is a matter that's been between Council's administration and the Club for a number of months. I have agreed to meet with the group that represent the Club's interests in the second week of January 2016. The outcome of that meeting will be reported to Council if there is an agreed way forward.

2. Preamble: In relation to the merging of the Canning Lawn Tennis Club with the South Perth Tennis Club and the provision of funding by the State Government to construct new courts and lighting at that Club for the dispossessed Canning members. The City has taken on a role in respect of the running of that project. My question relates to



the status of it and is the CEO or one of the Directors able to tell me where the project is up to as far as the requesting of tenders and whether or not there is a prospect of a report recommending a tenderer at the next Ordinary Council meeting which would be February 2016.

Answer - Provided by Mark Taylor, Director Infrastructure Services

The City has engaged professional project managers to run this project on behalf of the City as it was an extra project added to the Works program. A meeting is scheduled with them on 16 December 2015 to discuss issues arising from the project to date. The scope of the project has grown in their discussions with the Club and we now have concerns that the scope exceeds the funding available. We need to go back to the original funding agreement, look very carefully at what the State Government has specifically allocated the money for and make some decisions on that. This has delayed the project a little. I wouldn't be able to commit at this meeting whether we would have tenders out and received by the February 2016 meeting but I will have more of an idea at the end of the week.

14. NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

Nil

15. MEETING CLOSED TO PUBLIC

The Chief Executive Officer advises that there are matters for discussion on the Agenda for which the meeting may be closed to the public, in accordance with section 5.23(2) of the Local Government Act 1995.

Reports regarding these matters have been circulated separately to Councillors.

Prior to closing the meeting to the public, the Presiding Member asked if any Member would like to discuss any of the following confidential items. As no Member sought to do so, the Presiding Member kept the Chambers open to the public and put the Items to the vote.

15.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

15.1.1 Recognition Award Nomination

This item is considered confidential in accordance with the Local Government Act 1995 section 5.23(2) (b) as it contains information relating to "the personal affairs of any person"

Location: City of South Perth Ward: Not Applicable Council

File Ref: Council D-15-87801

Date: 15 December 2015

Author: Sharron Kent, Governance Officer Reporting Officer: Geoff Glass, Chief Executive Officer

Strategic Direction: Governance, Advocacy and Corporate Management --

Ensure that the City has the organisational capacity, advocacy and governance framework and systems to deliver the priorities identified in the Strategic Community Plan

Council Strategy: 6.5 Advocate and represent effectively on behalf of the

South Perth community.



Officer Recommendation AND COUNCIL DECISION

Moved: Councillor J Black **Seconded:** Councillor T Burrows

That the Officer Recommendation as listed in the report at *Confidential* Item 15.1.1 be carried.

Absolute Majority Required

CARRIED EN BLOC (7/0)

15.1.2 City of South Perth Citizen of the Year Awards and Premier's Australia Day Active Citizenship Awards

This item is considered confidential in accordance with the Local Government Act 1995 section 5.23(2) (h) as it contains information relating to "such other matters as may be prescribed"

Location: City of South Perth Ward: Not Applicable

Applicant: Council File Ref: D-15-88250

Date: 15 December 2015

Author: Rene Polletta, Youth & Children's Officer

Reporting Officer: Vicki Lummer, Director Development and Community

Services

Strategic Direction: Community -- Create opportunities for an inclusive,

connected, active and safe community

Council Strategy: I.3 Create opportunities for social, cultural and physical

activity in the City.

Officer Recommendation AND COUNCIL DECISION

Moved: Councillor J Black
Seconded: Councillor T Burrows

That the Officer Recommendations as listed in the report at *Confidential* Item 15.1.2 be carried.

CARRIED EN BLOC (7/0)

15.1.3 Manning Community Hub - Proposed Land Disposal

This item is considered confidential in accordance with the Local Government Act 1995 section 5.23(2) (c) as it contains information relating to "a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting"

Location: Manning
Ward: Manning Ward
Applicant: City of South Perth
File Ref: D-15-87883

D-15-8/883
Date: D-15-8/883

Author: Katie Breese, Governance Project Officer Reporting Officer: Geoff Glass, Chief Executive Officer

Strategic Direction: Places -- Develop, plan and facilitate vibrant and

sustainable community and commercial places

Council Strategy: 4.1 Develop and facilitate activity centres and

community hubs that offer a safe, diverse and vibrant

mix of uses.



Officer Recommendation AND COUNCIL DECISION

Moved: Councillor J Black
Seconded: Councillor T Burrows

That Council:

- (a) approve the sale of Lot 801 Bradshaw Crescent Manning to Triple Streams Pty Ltd and/or nominated entity (Trust Structure) for the disposal price of \$2,000,000 (exc. GST);
- (b) authorise the Chief Executive Officer to give statutory public notice of the proposed disposition of Lot 801 Bradshaw Crescent Manning;
- (c) consider a further report to Council in the event that submissions are received during the public submission period; and
- (d) authorise the Mayor and Chief Executive Officer to execute the relevant transfer of land documentation for Lot 801 Bradshaw Crescent Manning in the event that no submissions are received during the public submission period.

CARRIED EN BLOC (7/0)

15.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC

As the members of the public gallery were still in attendance public reading of the confidential resolutions was not necessary.

16. CLOSURE

The Presiding Member welcomed again the new Councillors Jessica Black, Ken Manolas and Travis Burrows to Council and wished everyone a safe, happy and restful Christmas period.

He then thanked everyone for their attendance and closed the meeting at 7.47pm.



17. RECORD OF VOTING

15/12/2015 7:07:59 PM

7.1.1 Ordinary Council Held: 24 November 2015 - Confirmation of Minutes

Motion Passed 6/0

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Cr Cheryle Irons, Mayor Sue Doherty

15/12/2015 7:09:04 PM

7.2 Noting of Briefing Notes - 7.2.1 - 7.2.11

Motion Passed 6/0

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Cr Cheryle Irons, Mayor Sue Doherty

15/12/2015 7:11:23 PM

8.11 Receiving Petition: Management of Traffic and Parking in Waverley Street, South Perth

Motion Passed 6/0

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Cr Cheryle Irons, Mayor Sue Doherty

15/12/2015 7:13:52 PM

8.4 Receiving Delegates' Reports - 8.4.1 - 8.4.5

Motion Passed 6/0

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Cr Cheryle Irons, Mayor Sue Doherty

15/12/2015 7:16:48 PM

9.1 En Bloc Motion

Motion Passed 6/0

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Cr Cheryle Irons, Mayor Sue Doherty



15/12/2015 7:23:12 PM

10.1.1 Arts Advisory Group - Call for Nominees

Motion Passed 6/0

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Cr Cheryle Irons, Mayor Sue Doherty

15/12/2015 7:25:46 PM

10.3.1 'Standard' Amendment No. 50 to Town Planning Scheme No. 6 - New definitions and land use provisions for certain licensed premises. Consideration of submissions.

Motion Passed 6/0

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Cr Cheryle Irons, Mayor Sue Doherty

15/12/2015 7:27:48 PM

11. Applications for Leave of Absence

Motion Passed 6/0

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Ken Manolas, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Cr Cheryle Irons, Mayor Sue Doherty

15/12/2015 7:37:43 PM

17.1 En Bloc Motion of Confidential Items

Motion Passed 7/0

Yes: Cr Glenn Cridland, Cr Travis Burrows, Cr Ken Manolas, Cr Cheryle Irons, Cr Jessica Black, Cr Sharron Hawkins-Zeeb, Cr Colin Cala

Absent: Cr Fiona Reid, Mayor Sue Doherty



APPENDIX

8.1 **PETITIONS**

8.1.1 Management of Traffic and Parking in Waverley Street, South Perth

2	1 5 DEC 2015
SUMMARY OF REASONS FOR REQUEST	DBS DCE DEH F.CCRD
The Ordinary Council Meeting minutes dated 25 th f 10.3.2 that the City was not aware of any parking surrounding Angelo/ Coode Commercial Precinct and park No. 7 had 63 bays within 400 metres, Anstey St 28 bays within 120 metres for parking.	issues on residential streets I that Angelo Street public car
Recently the City of South Perth implemented time res Street public car park which is within 65 metres of War The Angelo/ Coode commercial precinct has 59 on stre	verley Street and has 32 bays.
On the 13 November 2015, the City of South Per residents advising that between No. 1 Waverley Street on-street parking bays are planned to be formalised, marking to formalise the marked bays.	to No. 31 Waverley Street; 19
The City's proposal to formalise 19 parking bays in additional measures to manage the current traffic experienced and to ensure the parking bays are not to Commercial Precinct commuters, shop attendants and	and parking problems being aken up by the Angelo/ Coode
To ensure Waverley Street residents and our visitors he properties, we request the City of South Perth implementally permits similar to the City of Subiaco and Cit "free of charge", two (2) Residential and two (2) Visitor	ment "free of charge" Resident ty of Vincent where they issue
http://www.subiaco.wa.gov.au/Your-home/Parking-per	rmits-for-residents
The intention of a Residential Parking permit is to allo in Waverley Street to "share" the proposed 19 parking otherwise park a vehicle off the street.	
In regards to the Threshold Entry Statements, Main Re that these are commonly used at the boundaries of dif to provide visual and tactile clues to drivers, alerting driving environment that is different from the one to commonly used at the junction of Access roads and Depart of Local Area Traffic Management schemes. They the surrounding pavement or incorporate a raised plate	ffering land uses and designed them that they are entering a they have just left. They are Distributor roads particularly as may be constructed flush with
IAME & ADDRESS OF PERSON TO WHOM NOTICE TO P	
lote: Only an elector of the district may sign a petition. ocal Government Act as a person who is eligible to be	





Petition

Clause 6.10 of the City of South Perth Standing Orders Local Law 2007

TO: Mayor Sue Doherty

REQUEST

To reduce the excessive traffic and manage the commuter parking in Waverley Street, we respectfully request the City of South Perth implement the following:

 Construct a "Threshold Entry Statement" at the intersection of Waverley Street and Angelo Street to discourage non-local traffic such as 'rat running' and alert drivers that they are entering quite residential street. See photographic example:



- Implement "Resident Only" Parking Permits in Waverley Street to encourage and direct commuters, shop attendants and Angelo/ Coode Commercial Precinct customers to park their vehicles in designated City of South Perth public car parking areas.
- Provide to Waverley Street residents "free of charge", two (2) Residential and two (2) Visitor parking permits per household which will allow our family and guests to have reasonable access to our properties

LIST OF PETITIONERS

Name	Residential Address	Signature	Date signed	
losephine 100	19 Woverley St	10	5/12/15	
Petrue Or	4tt 21 Waverley St	pres	5/12/15	
Matican	32 Buste 5+.		5/12/15	
NAME THUGITES	12 Witherity CT	The.	5/12/15.	
very sicra	20 wheny SF	100	6/12/15	
Sean McDone	of 8t Angelo.	motoral X	6/12/18	
Michael Evans	18 Waverby St	Miran	9/12/15	
<u>sugnatornavo</u>	11 Waverley St	registensio.	9/12/10	
9	V			



SUMMARY OF REASONS FOR REQUEST

The Ordinary Council Meeting minutes dated 25th February 2014 stated in item 10.3.2 that the City was not aware of any parking issues on residential streets surrounding Angelo/ Coode Commercial Precinct and that Angelo Street public car park No. 7 had 63 bays within 400 metres, Anstey Street public car park No. 8 had 28 bays within 120 metres for parking.

Recently the City of South Perth implemented time restrictions at the Angelo/ Coode Street public car park which is within 65 metres of Waverley Street and has 32 bays. The Angelo/ Coode commercial precinct has 59 on street parking bays.

On the 13 November 2015, the City of South Perth wrote to Waverley Street residents advising that between No. 1 Waverley Street to No. 31 Waverley Street; 19 on-street parking bays are planned to be formalised, along with "No Standing" line marking to formalise the marked bays.

The City's proposal to formalise 19 parking bays in Waverley Street will require additional measures to manage the current traffic and parking problems being experienced and to ensure the parking bays are not taken up by the Angelo/ Coode Commercial Precinct commuters, shop attendants and customers.

To ensure Waverley Street residents and our visitors have reasonable access to our properties, we request the City of South Perth implement "free of charge" Resident Parking permits similar to the City of Subiaco and City of Vincent where they issue "free of charge", two (2) Residential and two (2) Visitor permits per household.

http://www.subiaco.wa.gov.au/Your-home/Parking-permits-for-residents

The intention of a Residential Parking permit is to allow the 31 residential properties in Waverley Street to "share" the proposed 19 parking bays allotted where we cannot otherwise park a vehicle off the street.

In regards to the Threshold Entry Statements, Main Roads Western Australia advise that these are commonly used at the boundaries of differing land uses and designed to provide visual and tactile clues to drivers, alerting them that they are entering a driving environment that is different from the one they have just left. They are commonly used at the junction of Access roads and Distributor roads particularly as part of Local Area Traffic Management schemes. They may be constructed flush with the surrounding pavement or incorporate a raised plateau section.

NAME & ADD	RESS OF PER	RSON TO WHOM N	IOTICE TO PET	TITIONERS CA	N BE GIVEN	
Semon L	Stewart -	Dayluns	-3 Wave	enley st	South	Kenth

Note: Only an elector of the district may sign a petition. An elector is defined in the Local Government Act as a person who is eligible to be enrolled to vote at elections for the district.





Petition

Clause 6.10 of the City of South Perth Standing Orders Local Law 2007

TO: Mayor Sue Doherty

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LIST OF PETITIONERS

Name	Residential Address	Signature	Date signed
HHULFRET HUMAN	6 WAVERLEY ST.	man	02/12/15.
Hicia Honey	8 Wareney St	PONE	5.15.12
In Oncome	Up Waver to St	Anna Chron	2/12/15
RIAN MODNEY	22 WAVERLEY ST	Theory.	2/12/15
YON KUM CA	ldy 16 Waverly It	000	2/16/08
JABRULLA	27 WAVERLEY ST	-30	0 113 115
STEPHENI	23 WAVERUET ST	Toller.	2 12/15,
CERSE	5 Waverley St	Clese	03.12.12
LEVENT ACTIVITY	F 10 WAVERLEY ST	Own	05-12-15
MARILYN APPELL	15 Lawreleysi.	and herald	05-12-15.



SUMMARY OF REASONS FOR REQUEST

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	ADDRESS OF PERSON				
Sem	on Stewent-&	Dewlans -	3 Wavenly	st South	Kenth
The Park State of	nly an alastar of the dia				

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LIST OF PETITIONERS

Name	Residential Address	Signature	Date signed
IAN ANSON	2 WAVERLEY ST	Mattelana	021215
STEWERT-DAWILL	ns 3 wavecles st	allectus	0210:15
Veru Foods	y 7 wavesley 3t	O Rigo Des	021215
Tancenamero	a 9 Wavenen St	Minent	02/12/15
JUS 1. (04	25 WAVERDEY ST	Lungh	62/12 (201)
Camelighett	33 yangly 85	ange freeholt	2/12/15
W. Antayoox	24 Wassery 18	to Sull apon	7200
Phil Juste	31 Waverley St	Mille	02/12/15
El potrell	31 Weverly St	It pedrelle	02-12-15
Johns Revel	30 Warrelly St.	Alber .	7-17-15



DISCLAIMER

The City advises that comments recorded represent the views of the person making them and should not in any way be interpreted as representing the views of Council. The minutes are a confirmation as to the nature of comments made and provide no endorsement of such comments. Most importantly, the comments included as dot points are not purported to be a complete record of all comments made during the course of debate. Persons relying on the minutes are expressly advised that the summary of comments provided in those minutes do not reflect and should not be taken to reflect the view of the Council. The City makes no warranty as to the veracity or accuracy of the individual opinions expressed and recorded therein.