



CITY OF BAYSWATER

MINUTES

FOR THE

ORDINARY MEETING

OF COUNCIL

9 June 2009

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CITY OF BAYSWATER

Minutes of the Ordinary Meeting of the Bayswater City Council which took place in the Council Chambers, City of Bayswater Civic Centre, 61 Broun Avenue, Morley on Tuesday, 9 June 2009.

MINUTES

1 OFFICIAL OPENING

The Chairperson, His Worship the Mayor, Cr Lou Magro, welcomed those in attendance and declared the meeting open for the ordinary business of Council at 6:02pm.

**2 RECORD OF ATTENDANCE, APOLOGIES, LEAVE OF ABSENCE
(PREVIOUSLY APPROVED)**

COUNCIL RESOLUTION

CR TERRY KENYON, JP MOVED, CR TERRY BLANCHARD SECONDED that the following Attendance and Apologies and Leave of Absence (Previously Approved) be accepted:

2.1 Attendance and Apologies

Members

North Ward

Cr Lou Magro, Mayor
Cr Ian McClelland, JP
Cr Mike Anderton, JP

Chairperson

Central Ward

Cr Michael Sabatino, Deputy Mayor
Cr Barry McKenna
Cr Sally Palmer

West Ward

Cr Terry Kenyon, JP
Cr Terry Blanchard

South Ward

Cr Sylvan Albert

Officers

Ms Francesca Lefante	Chief Executive Officer
Mr Ted Budzinski	Director of Finance
Mr Des Abel	Director of Planning and Development Services
Mr Andrew Ward	A/Director of Administration and Community Services
Mr Doug Pearson	Director of Technical Services
Mr Martyn Boyle	Public Relations Officer
Ms Debbie Todorovich	Executive Assistant
Mrs Nola Patricia	Minutes & Agenda Coordinator
Ms Wardia Du Toit	PA – Director of Technical Services

Apologies

Observers

0 Press
21 Public

2.2 Leave of Absence (Previously Approved)

Nil.

CARRIED

3 PUBLIC QUESTION TIME

In accordance with Section 5.24 of the *Local Government Act 1995*, time is allocated for questions to be raised by members of the public.

Preamble and personal statements are placed on file, but do not form part of the minutes. Only public questions are included.

Public Question Time commenced at 6:04pm.
The following questions were submitted both in writing and verbally:

1. Mr Tony Anstee, 31 Hamersley Avenue, Morley

Question 1:

Would the Council please paint white lines on the junctions of Abbey Street and Hamersley Avenue and Ivanoe Street and Hamersley Avenue. The number of near misses at these junctions is increasing and when the crash does happen it will be very nasty due to the large number of school children that will be involved.

His Worship the Mayor, Cr Lou Magro acknowledged these comments and advised that this matter will be further investigated and a response provided in writing.

A copy of Council's written response can be located at **Appendix 1**.

2. Mr Ian Walters, 124 Lawrence Street,

Question 1: (Item 12.2)

Mr Mayor is there any reason why tonight's Agenda does not include the full minutes of the EMRC Council meeting of 30 April 2009?

His Worship the Mayor, Cr Lou Magro advised that Item 12.2 contains the EMRC Abridged Minutes and what appears in tonight's Agenda is how it was presented to this Council by the EMRC.

Question 2: (Verbal)

It is with some sadness that I stand up here this evening, because if you haven't got the full minutes of the EMRC meeting I fail to see how our Councillors, unless they've got their own private copy, but certainly the ratepayers haven't. The EMRC has made a further provision for diminution in investments of \$3,230,633.00 and that gives accumulated losses of \$7,603,834.00 (provision for losses) and the City of Bayswater share is \$1,518,485.00. In addition in the minutes of October 2008, there has been an underprovision of depreciation in the budget/figures of \$1,125 (I forget the dollars) and it was not that long ago at the Annual meeting of the ratepayers that we were assured that the financial statements would reflect the true position. It doesn't appear so on the surface, unless we have some valid explanations you can only assume the worst.

His Worship the Mayor, Cr Lou Magro thanked Mr Walters for attending the last two EMRC meetings and that the Chairman of the EMRC did assure him that he was to send a letter to Mr Walters regarding a question that he had raised. He further assured Mr Walters that every provision has been made, on behalf of this Council to minimise any particular loss.

Question 3: (Verbal)

I appreciate your frankness Mr Mayor, it is a real shame that this wasn't brought up many months ago as you have conveyed it this evening. I say that with the utmost respect, you may have valid reasons, but as the ratepayers we don't. One thing that I am getting concerned about is the equity that you are showing in EMRC Council. Could you please advise me of the amount of contribution the City of Bayswater has made since 1981? Because that's the figures you quote since 1981, it's ok to go quoting figures as dollars and dollars and dollars but no one quotes what we've put in as ratepayers.

His Worship the Mayor, Cr Lou Magro advised that he is more than happy to provide a written response to this question.

A copy of Council's written response can be located at **Appendix 2**.

3. Mr Tony Green, Bayswater City Residents Association (Inc), PO Box 1639, Morley
Question 1:

Are Council aware that the illuminated 'Welcome to the City of Bayswater' sign on the median strip adjacent to 354 Benara Road no longer lights up at night and is partially obscured by weeds growing beneath it?

The Chief Executive Officer advised that she was not aware of this issue and that it will be further investigated and a response provided in writing.

A copy of Council's written response can be located at **Appendix 3**.

4. Mr Tony Green, 18 Belfast Street, Morley
Question 1:

When are the City of Bayswater going to join the ratepayers by stopping the wasting of precious water? Why, when the ratepayers are sticking to watering days, is the City of Bayswater still pouring water onto verges and roads every night of the week? Why do Bround Avenue and Crimea Street median strips have to be watered every night? What will it take to make the City of Bayswater to 'get with the program' of saving water?

His Worship the Mayor, Cr Lou Magro advised that this matter will be further investigated and a response will be provided in writing.

A copy of Council's written response can be located at **Appendix 4**.

5. Mrs Pat Lim, 1 Johnson road, Maylands
Question to the Mayor of the City of Bayswater Cr Magro at the Ordinary Meeting of the City of Bayswater in Council Chambers.

Question 1:

Mr Mayor at the last meeting I sat in this same spot and asked the Mayor of the day, the Deputy Mayor how long is it going to take Council to repair the banner flapping around on 8th Avenue. This banner has been like this since the Christmas lights were brought down and the banners were put back up. I was assured that there is a contractor that goes around every fortnight to attend to these banners, but low and behold it's still in the same position it was when I can to the last meeting. Could something be done about that in a positive mode please Mr Mayor.

His Worship the Mayor, Cr Lou Magro advised that this matter will be attended to.

Question 2:

Do the 139 Local Governments all come under the same Local Government Act 1995?

His Worship the Mayor, Cr Lou Magro advised that this fact is correct.

Question 3:

Is the Local Government Act 1995 different for County and City residents?

His Worship the Mayor, Cr Lou Magro advised that Local Government Act 1995 is the same for all residents.

Question 4:

Does it say anywhere in the Act that Council cannot serve alcohol to its residents?

The Chief Executive Officer advised that the Local Government Act 1995 does not state anywhere that a Council cannot serve alcohol to its residents.

Question 5:

In the Eastern Reporter Newspaper on 9 December 2008 under the heading 'Mayor Backs Ban on Booze' you were recorded as saying "I challenge anyone to name a local government in Perth that routinely serves spirits and alcohol to the public after a Council meeting. It does not happen and I think it is perfectly proper to make tea, coffee and biscuits available as an alternative." Did you make this statement to the newspaper Mr Mayor?

His Worship the Mayor, Cr Lou Magro advised that he would have to refer to the article as not all comments made to newspapers are picked up in the context intended. The Mayor advised that a response to this question would be provided in writing.

A copy of Council's written response can be located at **Appendix 5**.

The following is a statement made by Mrs Lim and is only included in these minutes as it was allowed to be read out at the meeting.

Well Mr Mayor, I for one will challenge you on that statement you made as you requested. I recently undertook to do a random sample survey of only 70 Councils which equates to approximately 50% of all local Councils and have so far had 30 replies to those 70 letters. 29 replies to the sample so far and 8 of those replies were from the Perth metro area and said 'Yes' they do serve liquor to ratepayers after meetings and 21 from the country areas said the same thing and all answers have not yet been received so I believe those figures from metro and country will change. It doesn't matter I have proved the point already. I took up your challenge and proved that you are quite incorrect about other Councils and what they do for their ratepayers. I am not asking you to change Councils decision (I drink only orange juice) but for you to accept that what you said is not correct Mr Mayor you cannot simply make a claim as correct without the burden of proof. I hope you now do not blame the newspaper as quoting you incorrectly. If this be so, how can we ever believe what the newspaper writes about you when it involves what you say and do in the community for the ratepayers. Perhaps better you don't talk to the newspapers.

His Worship the Mayor, Cr Lou Magro acknowledged these comments and advised that he would respond to this statement in writing.

A copy of Council's written response can be located at **Appendix 5**.

6. Mr Harvey Tonkin, 31 Deschamp Road, Noranda

Question 1:

The City of Bayswater is a leader in many fields. We are renowned for being a Garden City and our security watch was, if not the first, then one of the first in Perth. Hand in hand with this good governance comes good communication, especially with the ratepayers and the community. The Councils Code of Conduct in its preamble advises that:

The Code is complementary to the principles adopted in the Local Government Act 1995 and regulations which incorporate four (4) fundamental aims to result in:

- * Better decision making by Local Governments.
- * Greater community participation in the decisions and affairs of Local Governments.
- * Greater accountability of Local Governments to their communities.
- * More efficient and effective Local Government.

Under Guiding Principles in the Code of Conduct a statement shines forth – Continuous Improvement – Through regular review of work practices and performance reviews we seek better more efficient work practices and procedures. We encourage innovation and new ideas and support the implementation of more efficient work practices.

Administrative Policy AD-P01, states in part:

4. Notice papers, agenda, reports and other documents tabled or presented at a Council or Committee Meeting shall be available for inspection by the public at the City Libraries at the same time they are available to members of the Council or Committee. (Administrative Regulation 14).
5. Agendas and Minutes ‘excluding confidential items’ of Committee and Council meetings shall be published on the City of Bayswater Internet Web page on the first working day following production and distribution of the documents to members of the Council or Committee.

An electronic copy can be provided from the original documents without the need for scanning as is currently done. The file size in this way would be much smaller than the existing files that are provided. It is a very cost effective way of communicating with many ratepayers.

Currently, the documents have been provided in a tardy manner with people having to phone up on the day of the meeting a few hours before the start, for the agenda to be provided online.

This last statement number 5 is one that stands out above all others as the barrier to progress. Is it possible for the Council in their commitment under Continuous Improvement to be able to provide an electronic copy of the agenda in a timely manner say Friday evening or Saturday morning for all ratepayers to view in the comfort of their home?

The Chief Executive Officer advised that the process is in accordance with Council Policy, which makes the electronic version of the Agenda available to the public on the Monday prior to the Ordinary Council Meeting or Council Briefing Session and that the City complies with the Local Government Regulations by distributing hard copies of the Agenda to the public via the City’s Libraries and the Galleria Office for access first thing Saturday morning.

The Director of Finance further added that the City has arranged for the electronic version of the Agenda to be cycled on a time clock to appear on the City's website by midnight on the Friday night for viewing by the public first thing on the Saturday morning prior to the Ordinary Council Meeting. This practice is now in place and will be the case unless the City experiences technical difficulties.

His Worship the Mayor, Cr Lou Magro stated that with regard to the City's efficiency that this Council now operates on a 'two meeting' per month basis, which has in fact added further strain to the organisation. This allows items to be dealt with in a expeditious manner, however along with these extra meetings we have had a number of Special Council Meetings and that has put extra onus on the staff. The Mayor thanked Mr Tonkin for bringing this concern to the City's attention.

Public Question Time was closed at 6:24pm.

4 APPLICATIONS FOR LEAVE OF ABSENCE

4.1 Applicant: Cr Terry Kenyon, JP

Cr Terry Kenyon, JP has requested leave of absence for 3 June 2009 inclusive.

4.2 Applicant: Cr Mike Anderton, JP

Cr Mike Anderton, JP has requested leave of absence from 3 June 2009 through to 15 June 2009 inclusive.

4.3 Applicant: Cr Sonia Turkington

Cr Sonia Turkington has requested leave of absence from 19 June 2009 through to 22 June 2009 inclusive.

4.4 Applicant: Cr Sally Palmer

Cr Sally Palmer has requested leave of absence from 11 June 2009 through to 18 June 2009 inclusive.

COUNCIL RESOLUTION

CR TERRY KENYON, JP MOVED, CR MICHAEL SABATINO SECONDED that Leave of Absences be granted as follows:

Cr Terry Kenyon, JP	3 June 2009	-	3 June 2009 inclusive.
Cr Mike Anderton, JP	3 June 2009	-	15 June 2009 inclusive.
Cr Sonia Turkington	19 June 2009	-	22 June 2009 inclusive.
Cr Sally Palmer	11 June 2009	-	18 June 2009 inclusive.

CARRIED

5 CONFIRMATION OF MINUTES

5.1 Ordinary Meeting : 26 May 2009

CR IAN MCCLELLAND, JP MOVED, CR SONIA TURKINGTON SECONDED that the Minutes of the Ordinary Meeting of Council held on Tuesday, 26 May 2009 which have been distributed, are to be presented for confirmation as a true and correct record.

CARRIED

6 DISCLOSURE OF INTEREST SUMMARY**6.1 Disclosures at Briefing Session****COUNCIL RESOLUTION**

CR SALLY PALMER MOVED, CR MARLENE ROBINSON SECONDED that the following disclosures at Council Briefing Sessions be accepted:

In accordance with Section 5.60A and 5.65 of the *Local Government Act 1995* the following disclosures of financial interest were made at the meeting:-

Date	Name	Item No.
2 June 2009	Cr Barry McKenna	Item 12.4 – Verge Paving
2 June 2009	Cr Lou Magro	Item 13.7 – Proposed Liquor Licence Application

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of proximity interest were made at the meeting:-
Nil.

In accordance with Clause 34C of the *Local Government (Administration) Regulations 1996* the following disclosure of interests affecting impartiality were made at the meeting:-
Nil.

CARRIED

6.2 Disclosures at Council Meetings**COUNCIL RESOLUTION**

CR SALLY PALMER MOVED, CR MARLENE ROBINSON SECONDED that the following disclosures at Ordinary Council Meetings be accepted:

In accordance with Section 5.60A and 5.65 of the *Local Government Act 1995* the following disclosures of financial interest were made at the meeting:-

Date	Name	Item No.
9 June 2009	Cr Barry McKenna	Item 12.4 – Verge Paving
9 June 2009	Cr Lou Magro	Item 13.7 – Proposed Liquor Licence Application
9 June 2009	Mr Ted Budzinski	Item 7.1 – Account – Community Infrastructure Program Funding
9 June 2009	Cr Barry McKenna	Item 7.1 – Account – Community Infrastructure Program Funding
9 June 2009	Cr Lou Magro	Item 7.1 – Account – Community Infrastructure Program Funding

In accordance with Section 5.60B and 5.65 of the *Local Government Act 1995* the following disclosures of proximity interest were made at the meeting:-
Nil.

In accordance with Clause 34C of the *Local Government (Administration) Regulations 1996* the following disclosure of interests affecting impartiality were made at the meeting:-

Date	Name	Item No.
9 June 2009	Cr Terry Blanchard	Item 12.6 – Melbourne International Public Works Conference
9 June 2009	Cr Lou Magro	Item 13.1 (18.1) – Proposed Liquor License Application [Declared twice]

CARRIED

7 URGENT BUSINESS**COUNCIL RESOLUTION**

CR TERRY KENYON, JP MOVED, CR TERRY BLANCHARD SECONDED that Item 7.1 be dealt with as Urgent Business.

CARRIED

7.1 Account - Community Infrastructure Program Funding

Attachments: [Bank Account Details Form](#)

Officer: City Accountant

CR BARRY MCKENNA DECLARED A FINANCIAL INTEREST

In accordance with Section 5.60A and 5.65 of the Local Government Act 1995, Cr Barry McKenna declared a financial interest in this item as he is Chairman of Bayswater Community Financial Services Ltd.

At 6:31pm, Cr Barry McKenna withdrew from the meeting.

THE DIRECTOR OF FINANCE, MR TED BUDZINSKI DECLARED A FINANCIAL INTEREST

In accordance with Section 5.60A and 5.65 of the Local Government Act 1995, the Director of Finance, Mr Ted Budzinski declared a financial interest in this item he is a board member of Bayswater Community Financial Services Ltd.

At 6:31pm, the Director of Finance withdrew from the meeting.

HIS WORSHIP THE MAYOR, CR LOU MAGRO DECLARED A FINANCIAL INTEREST

In accordance with Section 5.60A and 5.65 of the Local Government Act 1995, the Mayor, Cr Lou Magro declared a financial interest in this item as he is a board member of Bayswater Community Financial Services Ltd.

At 6:31pm, His Worship the Mayor, Cr Lou Magro withdrew from the meeting and the Deputy Mayor, Cr Michael Sabatino assumed the chair.

Application

Council approval is required to open a bank account, as required by the Federal Government, for the monitoring of funds received under the Community Infrastructure Program (\$10million grant for the Maylands Multi-Purpose facility).

Background

The Federal Government has advised that a condition placed on recipients of the Community Infrastructure Program grant is that a separate bank account be opened as part of the audit trail for this funding.

Council already has the following accounts which are reviewed and approved annually during the budget process. These are:

1. *Municipal Account (operating with the Noranda Community Bank Branch of the Bendigo Bank)*

Purpose of Account: Accounts for all ordinary revenue of Council, and as a source of funds for the Treasurer's Advance Account.

2. *Treasurer's Advance Account (operating with the Noranda Community Bank Branch of the Bendigo Bank)*

Purpose of Account: To pay all duly-authorized payments.

3. *Trust Fund Account (operating with the Noranda Community Bank Branch of the Bendigo Bank)*

Purpose of Account: To account for all monies held as deposits or in trust for other persons.

4. *Reserve Fund Account (operating with the Noranda Community Bank Branch of the Bendigo Bank)*

Purpose of Account: To account for all monies held in reserves.

5. *Rates Clearing Accounts (operating with the Noranda Community Bank Branch of the Bendigo Bank and the Commonwealth Bank of Australia)*

Purpose of Account: This is an account into which all banks deposit on a daily basis all rate collections paid for by credit cards both from within the state of Western Australia and interstate. Funds are then moved electronically, on a daily basis, into the Municipal Account. This is basically a clearing account used by the bank as a collection point.

6. *City of Bayswater (Aged Persons Homes Account) (operating with the Noranda Community Bank Branch of the Bendigo Bank)*

Purpose of Account: To accommodate the control of accommodation bond receipts and refunds, and the control of payment of capital costs for reconciliation purposes. Under the *Aged Care Act 1997* and in particular *Division 4 Part 10 of the Residential Care Subsidy Principles 1997*, in summary, an approved provider must:

- Prepare a General Purpose Financial Report (GPFR) for the financial year;
- treat residential aged care as a reportable segment; and
- have its GPFR audited by a registered company auditor.

The account required under the Federal Government funding program will operate in a similar manner to the Municipal Account above.

Account Title: City of Bayswater Community Infrastructure Program Account

Purpose of Account: To accommodate the \$10million grant funds received under the Community Infrastructure Program and act as a source of funds for the Treasurer's Advance Account from which to acquit the \$10million of funds received under the Community Infrastructure Program.

This account will be closed after the grant funding for this program has been acquitted.

Signatories:

Any two of the Mayor, Deputy Mayor, Chief Executive Officer, a Director, the Accountant.

Proposed Fund Transfers:

a) City of Bayswater Community Infrastructure Program Account to → Treasurer's Advance Account

Voting Requirements

ABSOLUTE MAJORITY REQUIRED.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR TERRY KENYON, JP MOVED, CR IAN MCCLELLAND, JP SECONDED the Officer recommendation that:

- 1. Council approves the opening of an account entitled "City of Bayswater Community Infrastructure Program Account" for the purpose of receiving and acquitting the Community Infrastructure Program grant monies.**
- 2. The Chief Executive Officer be given delegated authority under *section 5.42* of the *Local Government Act 1995* and in accordance with Regulation 13 (amended 1998) of the *Local Government (Financial Management) Regulations 1996* to operate the City of Bayswater Community Infrastructure Program Account for the sole purpose of receipt and transfer of funds to the Treasurer's Advance Account for the acquittal of expenditure funded from the Community Infrastructure Program on the Maylands Multi-Purpose facility.**
- 3. The following signatories be approved to operate the City of Bayswater Community Infrastructure Program account :**
 - Any two of the Mayor, Deputy Mayor, Chief Executive Officer, a Director, the Accountant.**

CARRIED

At 6:33pm, Cr Barry McKenna and the Director of Finance, Mr Ted Budzinski returned to the meeting.

At 6:33pm, His Worship the Mayor, Cr Lou Magro returned to the meeting and resumed the chair.

8 PETITIONS

- 8.1 Cr Sally Palmer tabled a letter from Jim and Noleen Chadd of 98 McGilvray Avenue, Noranda re: Tree Removal and Planting Programs.**

A copy of the petition is at *Appendix 6.*

- 8.2 Cr Terry Kenyon, JP made a presentation on behalf of the Autumn River Festival to the City of Bayswater in recognition for ten years of continuous service.**

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

**10 NOTICE OF MOTION FOR CONSIDERATION AT THE FOLLOWING
MEETING IF GIVEN DURING THE MEETING**

Nil.

COUNCIL DECISION - EN BLOC RESOLUTION

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED to en bloc the Committee / Officer's recommendations of Items 11.3 through to Item 11.4. Item 11.6 through to Item 11.8. Item 12.1 through to Item 12.3. Item 12.7 through to Item 12.12. Item 15.1.

11 BUSINESS – ADMINISTRATION AND COMMUNITY SERVICES**11.1 Local Government Ordinary Election 2009**

Attachments: [1. Correspondence - Electoral Commissioner](#)
[2. The Complete Guide to the Local Government Act 1995](#)
[3. Preliminary Report - 29 November 2007](#)
[4. Media Release](#)

Officer: A/Director of Administration and Community Services

Application

1. To provide Council with information relating to voting options for the next Ordinary Council Election being held on 17 October 2009.
2. Advise of Electoral Commission offer to undertake postal voting for the 2009 Local Government Election at a cost of \$112,000 ex GST.

Background

At the Ordinary Meeting of Council on 21 November 2006 Council resolved:

“That:

- 1. The Western Australian Electoral Commissioner be appointed as an Independent Returning Officer to conduct the City's biennial Local Government Election to be held in May 2007 with any other elections or polls which may also be required in accordance with Section 4.20(4) of the Local Government Act 1995; and*
- 2. The Western Australian Electoral Commissioner is to be responsible for the conduct of the 2007 Ordinary Elections together with any other elections or polls which may also be required under Section 4.20(4) of the Local Government Act 1995, and that the method of conducting the election will be postal voting in accordance with Section 4.61(2) of the Local Government Act 1995.”*

The report detailed the three (3) options to consider as methods for voting at Local Government Elections:

Option 1

“In Person” voting whereby the CEO acts as the Returning Officer in accordance with Sections 4.20(1) and 4.61(1) of the *Local Government Act 1995*.

Option 2

“In Person” voting with the appointment of an independent Returning Officer - being the Western Australian Electoral Commission by Council, in accordance with Sections 4.20(2) and 4.61(1) of the *Local Government Act 1995*.

Option 3

“Postal Voting” whereby the WA Electoral Commission be appointed by Council, with the responsibility of overseeing the conduct of the Local Government Elections together with any other elections or polls which may also be required under Section 4.20(4) of the *Local Government Act 1995*, and that this will be in accordance with 4.61(1)(2) of the *Local Government Act 1995*.

Prior to 2007 the City had only previously conducted Local Elections via the “In-Person” voting option where the CEO was the appointed Returning Officer (RO).

Appointment of Returning Officer

In accordance with Section 4.20 of the *Local Government Act 1995* the CEO is to be the returning officer unless other arrangements are made. However, under Section 4.20(2), a Local Government may, having first obtained the written approval of the Electoral Commissioner, appoint a person other than the CEO to be the returning officer of the Local Government for

- a) An election; or
- b) All elections held while the appointment of the person subsists. (*Absolute majority required*).

The Role of the Returning Officer

The appointed Returning Officer performs a variety of functions: Section 4.23 of the *Local Government Act 1995* states these as:

- 4.23 (a) To appoint places for the casting of votes, places for the delivery of postal votes and places for the counting of votes for elections (within or outside the district).
- (b) To appoint other electoral officers to assist in the conduct of elections.
- (c) To ensure that the necessary preparations are made for the conduct of elections.
- (d) To do anything which the returning officer is authorised or required to do under this Act or which is necessary or expedient in order to ensure that elections are conducted in accordance with this Act.
- (e) In the case of a returning officer appointed under Section 4.20(4), to do other things if directed to do so by the Electoral Commissioner.

Postal Voting:

Postal voting was initially used for Local Government in Western Australia following the City of Perth restructure in 1995. Following the success of those elections, postal method was introduced as an option for all Local Governments in the *Local Government Act 1995*, with the Western Australian Electoral Commissioner responsible for the conduct of postal elections.

Postal voting is a Local Governments alternative to conducting an in person election. In a postal election, voting packages are sent out to all eligible electors by the Western Australian Electoral Commission. These packages contain information about postal voting, candidate profiles, ballot papers and a reply paid envelope. Voters are able to post their ballot papers back, usually within a two week time frame, and the count is conducted at the close of poll, supervised by the Returning Officer from the Western Australian Electoral Commission.

The City of Bayswater received correspondence from the Electoral Commissioner, Mr Warwick Gately AM, on 11 December 2008 offering the Electoral Commission services to undertake “postal voting” on behalf of the City in the forthcoming Local Government Ordinary Election in October 2009. (*Refer to Attachment No. 1*)

Mr Gately advises that this letter can be taken as his agreement to be responsible for the conduct of the ordinary elections in 2009 for the City of Bayswater in accordance with section 4.20(4) of the *Local Government Act 1995*, together with any other elections or polls that may also be required. Further, he states that this agreement is subject to the proviso that the City of Bayswater also wishes to have the election undertaken by the WA Electoral Commission as a “postal election”.

There are two motions that need to be passed by Absolute Majority should Council choose Postal Voting as the preferred option:

- Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2009 ordinary elections together with any other elections or polls which may also be required; and
- Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conduct of the election will be as a postal election.

A summary from the “Complete Guide to the *Local Government Act 1995*, Councillor’s Manual” is attached that provides information concerning elections, including a timeline of associated tasks. (*Refer to Attachment No. 2*)

Councils using Postal and In Person Voting (these statistics are based on 144 LGA’s prior to 2006 and 141 LGA’s post 2007).

<u>Year</u>	<u>Postal Elections in Local Government</u>	<u>In Person Elections in Local Government</u>
1999	34	110
2001	47	97
2003	55	89
2005	51	93
2007	64	77

Statistical comparisons of City of Bayswater past election outcomes.

Election Year	Election Method	Electors	Voters/Packages Returned	Turnout %
2003	In-Person	38,545	4,003	10.39%
2005	In-Person (2 wards)	18,506	1,760	9.5%
2007	Postal	41,646	12,643	30.97%

2007 Postal Election Outcomes:

The turnout for each ward of the City of Bayswater in October 2007 was as follows:

Ward	Electors	Voters/Packages Returned	Turnout %
West	11165	3691	33.06%
Central	10773	3225	29.94%
North	10692	3380	31.61%
South	8016	2347	29.28%

Following the 2007 Election, there were a number of concerns raised by Council which were conveyed by the Director of Administration and Community Services to the WA Electoral Commissioner on 23 November 2007. These concerns included:

1. Some logistical problems with materials being delivered to the ROs house and not the City as promised, with the result that nomination packages were not ready until late the day before nominations opened, and only after the City's staff followed up on the matter.
2. The unavailability of the RO on the opening day of nominations, and difficulties in contacting him pre-election and post election.
3. A large number of ballot paper packages that went missing during the election, and if other Council's experienced any similar problems and some explanation or mitigating circumstances.
4. Software problems at the vote count.

A preliminary report addressing some of these concerns was received by the Director of Administration and Community Services on 29 November 2007. (**Refer to Attachment No. 3**). The final report was received from the Electoral Commission in July 2008.

Although there were some concerns surrounding the outcome of the City of Bayswater's first "postal voting" election in 2007, the issues were extensively discussed and reviewed by Council with recommendations submitted to the WA Electoral Commission for their consideration at forthcoming Local Government Elections.

Preferential versus First Past the Post Voting Legislation

On 7 May 2009 WALGA released a statement advising that legislation to return to the first-past-the-post voting system had been passed by the Legislative Assembly the previous evening.

WA Local Government Association President Cr Bill Mitchell advised that, “The legislation still has to pass the Legislative Council but as far as the Association is concerned, last night’s vote was a critical step and demonstrates the Minister is delivering on his promise”.

Comment

Should Council wish to proceed with postal voting (the Electoral Commission to conduct the elections), the estimated cost for the 2009 election is \$112,000 (ex GST), based on the following assumptions:

- 40,800 electors
- Response rate of approximately 35%
- 6 vacancies
- Count to be conducted at the offices of the City of Bayswater

Costs not incorporated in this estimate include:

- Non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising)
- Any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns
- One Local Government staff member to work in the polling place on Election Day.

Comparative Cost of Elections/Voter Turnout for 2007 and 2009

The cost of holding an election is dependent on voter turnout and as such it is difficult to predict the number of votes that will be received in an election or to calculate a comparative figure of the cost of the election. The table below shows figures that may be of assistance for a comparison.

	<i><u>Postal Election 2007</u></i>	<i><u>Postal Election 2009</u></i>	<i><u>In Person Election 2009</u></i>
Average Voter Turnout	31%	35% Est.	10% Est.
Cost of Election Direct / Indirect Cost	\$97,000	\$120,000 Est.	\$60,000 Est.
Cost per Vote – 40,646 Electors	\$7.69	\$8.43	\$14.76

The resource costs for “In Person” election management includes the following:

- Administering Election timetable
- Advertising Elections
- Staff training

- Review Electoral Legislation
- Candidate Packs
- Code of Conduct for Electoral Officers
- Approval / Book of Chief Polling Places and Polling Places
- Preparation for Elections
- Checking and verifying profiles / Candidates advertising
- Attend to complaints by Candidates / Electors
- Accepting nominations
- Drawing ballots
- Erecting and maintaining eighteen (18) polling places
- Checking nominations and electoral materials
- Preparing Electoral Returns for the Council and the Minister.

It should be noted that some of the above mentioned tasks are included as part of the Manager Administration duties and therefore will not result in any direct cost allocation.

It is suggested that Council consider the Western Australian Electoral Commission to conduct the Biennial Council Elections, as there may be a conflict of duties between the Chief Executive Officer and the Returning Officers priorities when dealing with retiring Councillors that are renominating and it is recommended that an independent Returning Officer be appointed to conduct the Local Government Elections.

Summary

Council is required to determine what method of voting it will utilise for the 2009 Local Government Elections by Wednesday, 29 July 2009, however the earlier a decision is made the greater preparation may be undertaken:

Option 1

“In Person” voting whereby the CEO acts as the Returning Officer.

Option 2

“In Person” voting with the appointment of an independent Returning Officer - being the Western Australian Electoral Commission.

Option 3

“Postal Voting” whereby the WA Electoral Commission be appointed by Council, with the responsibility of overseeing the conduct of the Local Government Elections.

Statistically the “In Person” voting method of election voting does not appear to favour obtaining the best voter participation and history shows that a higher percentage of voter participation is achieved by the “Postal” voting method.

The costs involved for “In Person” voting are less than “Postal Voting” conducted via the WA Electoral Commission. However, it should also be considered that “In Person” voting requires the use of Council resource management and impacts on staff time to conduct other duties and tasks.

WALGA Media Release – Transparency to Return to Council Elections:

On 7 May 2009 WALGA released a statement advising that legislation to return to the first-past-the-post voting system had been passed by the Legislative Assembly the previous evening.

WA Local Government Association President Cr Bill Mitchell advised that, “The legislation still has to pass the Legislative Council but as far as the Association is concerned, last night’s vote was a critical step and demonstrates the Minister is delivering on his promise”

Council will need to allocate funds to conduct the 2009 Local Government Elections for consideration in the 2009/10 draft budget.

Financial Implications

1. Regardless of which election voting option Council wishes to proceed with an allocation in 2009/10 Budget will be required.
2. Should postal voting be the preferred option, then it is recommended that an allocation of \$120,000 (ex GST) be made in the 2009/10 budget.
3. Should in person voting be the preferred option, then it is recommended that an allocation of \$60,000 (ex GST) be made in the 2009/10 budget.

Voting Requirements

ABSOLUTE MAJORITY REQUIRED.

Council Discussion:

The Officer’s recommendation lapsed as the original mover and seconder withdrew their nomination. The Council resolved that a decision on this matter not be made until all Councillors were present.

Officer's Recommendation

CR IAN MCCLELLAND, JP MOVED, CR TERRY BLANCHARD SECONDED the Officer recommendation that:

1. The report on methods of voting at Local Government Elections being 'In-Person' and 'Postal' be received and considered by the Council.
2. The Western Australian Electoral Commissioner be appointed as an Independent Returning Officer to conduct the City's Biennial Local Government Election to be held in October 2009.
3. Council:
 - a) Declare, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Electoral Commissioner to be responsible for the conduct of the 2009 ordinary elections together with any other elections or polls which may also be required.
 - b) Decide, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conduct of the election will be as a postal election.

(THE MOVER AND SECONDER WITHDREW THEIR NOMINATION)

LAPSED

COUNCIL RESOLUTION

CR BARRY MCKENNA MOVED, CR MARLENE ROBINSON SECONDED that this Item be deferred in order for a full compliment of 11 Councillors be present in order to make a decision on the method of voting at the Local Government Elections in October 2009.

CARRIED

11.2 Location and Approval for Outdoor Exercise Equipment

Attachments: [1. Suggested Locations for Exercise Equipment](#)
[2. Photographs of Equipment](#)

Officer: A/Director of Administration and Community Services

Application

To seek location approval for the location of outdoor exercise equipment between Clarkson Reserve, Maylands and Riverside Gardens, Bayswater.

Background

During the 2008/2009 budget process. Cr Marlene Robinson and Cr Sonia Turkington requested outdoor exercise equipment to be installed along the river precinct in a similar layout to Victoria Park foreshore. The request resulted in Council committing funds of \$100,000 in the Capital Works budget on the equipment divided between Bardon Park, Clarkson Reserve, Hinds Reserve and Riverside Gardens.

Comment

Any equipment to be installed at Clarkson Reserve, Hinds Reserve and Riverside Gardens will require Swan River Trust approval which takes approximately one (1) month as advised by Swan River Trust staff. The Planning Department has advised that in addition to this, Bardon Park also required approval from The Department of Indigenous Affairs. The Planning Department will seek this approval for the exercise equipment when they apply for approval of the precinct plan. No exact timeframe has been given for this process, however due to the consultation period, it is expected to take a minimum of eighteen (18) months.

Equipment Locations

Officers have visited each of the sites and have made suggested locations for the sixteen (16) pieces of equipment in eight (8) groups of two (2) pieces per location as follows:

- Four (4) pieces at Clarkson Reserve. (as per attachment 1, page 1)
- Two (2) pieces at Hinds Reserve. (as per attachment 1, page 2)
- Six (6) pieces at Riverside Gardens. (as per attachment 1, page 3)
- Four (4) pieces at Bardon Park (as per attachment 1, page 4)

The locations identified have been suggested on the following basis.

- Where possible, close to walk and bike paths.
- Strategically placed to avoid known flood and water run off areas, such as near the playground on Clarkson Reserve.
- Distanced away from barbecue facilities.
- Away from areas of Riverside Gardens used for City of Bayswater events such as Autumn River Festival/Avon Descent.
- Not to interfere with precinct plan details.

As with outdoor exercise equipment within the Towns of Vincent and Victoria Park, it is advised that the equipment is placed in pairs, one upper body and one lower body, with a distance between the next set. This has been confirmed with health professionals from Bayswater Waves, who offered the following explanation on why this is preferred to having the equipment grouped together in a circuit format:

- Having one (1) upper and one (1) lower body piece of equipment together help avoid muscle fatigue by overworking one set of muscle at a time.
- Equipment distanced apart encourages cardiovascular exercise such as running, cycling and walking.
- Having equipment spaced apart helps to avoid public overcrowding of grouped equipment and muscles cooling down whilst waiting for equipment.

In addition to this, Officer have investigated three (3) WALGA approved companies; Miracle, Playright and Forpark to source the equipment. Forpark is the only WALGA preferred company to provide outdoor exercise equipment which is also installed at the Town of Vincent and Victoria Park locations.

Policy Implications

Nil.

Financial Implications

Officers suggest purchasing two sets of exercise equipment which consist of sixteen (16) pieces at an approximate cost of \$100,000.

Voting Requirements

Simple Majority Required.

Council Discussion:

Council discussed the position of the Outdoor Exercise Equipment located at Bardon Park and resolved that the pieces west of the toilet block be moved to near the toilet block on the riverside of the footpath and next to the playground.

Officer's Recommendation

That sixteen (16) pieces of equipment be purchased at an approximate cost of \$100,000 and installed in eight (8) locations, two (2) pieces per location as per the sites indicated:

- Four (4) pieces at Clarkson Reserve. (as per attachment 1, page 1)
- Two (2) pieces at Hinds Reserve. (as per attachment 1, page 2)
- Six (6) pieces at Riverside Gardens. (as per attachment 1, page 3)
- Four (4) pieces at Bardon Park (as per attachment 1, page 4)

AMENDMENT

CR SONIA TURKINGTON MOVED, CR MICHAEL SABATINO SECONDED that dot point four of the Officer's recommendation be amended to read as follows:

- **Four (4) pieces at Bardon Park (refer to attachment 1, page 4, adjusted to show the pieces west of the toilet block be moved to near the toilet block on the riverside of the footpath and next to the playground).**

The Amendment was put and

CARRIED

The Amendment became the Substantive Motion.

COUNCIL RESOLUTION

CR SONIA TURKINGTON MOVED, CR MICHAEL SABATINO SECONDED that equipment be purchased at an approximate cost of \$100,000 and installed in eight (8) locations, two (2) pieces per location as per the sites indicated:

- **Four (4) pieces at Clarkson Reserve. (as per attachment 1, page 1)**
- **Two (2) pieces at Hinds Reserve. (as per attachment 1, page 2)**
- **Six (6) pieces at Riverside Gardens. (as per attachment 1, page 3)**
- **Four (4) pieces at Bardon Park (refer to attachment 1, page 4, adjusted to show the pieces west of the toilet block be moved to near the toilet block on the riverside of the footpath and next to the playground).**

CARRIED

11.3 2009 Autumn River Festival Debrief

Location: Riverside Gardens
Officer: A/Director of Administration and Community Services

Application

Council to receive a post event update from the 2009 Autumn River Festival.

Background

The Autumn River Festival is one of the City's premier events and celebrated its Tenth Anniversary this year.

The Festival is held at Riverside Gardens, Bayswater from 10:00am – 4:00pm, with ancillary activities such as Maylands Yacht Club Breakfast and Regatta at Bardon Park, Maylands, and the Autumn River Ramble Cycle Ride from Bardon Park to Riverside Gardens on the morning of the event. An Artists on the Walk Path exhibition was also on display throughout the event weekend between Bardon Park and Banks Reserve.

The Autumn River Festival provides a Free Family Fun Day to local residents and the wider community, and is part of the wider East Metropolitan Regional Council Perth Autumn Festival.

Activities and attractions at Riverside Gardens included:

- Multicultural Stage Entertainment from 10.00am – 4.00pm (New in 2009)
- Councillor Kitchen – Free Fruit to the Community (New in 2009)
- Dunk the Councillor (New in 2009)
- City of Bayswater Activity and Information Marquee
- Swan River Trust Healthy Rivers Community Expo
- Free Rides and Attractions for the Kids
- Model Car and Boat Racing
- Ice Sculpting (New in 2009)
- Roving Bands and Entertainers
- Community Olympics Games and Races (New in 2009)
- Craft and Community Stalls
- Food and Drinks Stalls

The event is promoted by CMS Events in partnership with the City of Bayswater and the Autumn River Events Association which comprises of representatives from local community groups, City of Bayswater Councillors and Officers, and CMS Events.

Comment

Traditionally the event attracts approximately 10,000 visitors throughout the day. With excellent autumn weather and an attractive schedule of entertainment on offer for the Tenth Anniversary year the 2009 attendance is estimated at between 10,000 – 12,000 throughout the day. The site was busy all day with traders reporting excellent business.

Due to effective planning and organisation from all partners involved in the event a number of elements throughout the day were extremely successful.

- Multicultural Stage Entertainment
- General Site Layout with an entertainment / food area and market style layout
- Diverse Range of Free Family activities and attractions
- Additional Attractions such as Councillors Kitchen, Dunk the Councillor, Community Olympics etc to celebrate the tenth anniversary year
- Location of City of Bayswater and Swan River Trust Marquees next to the river
- Pre Event Marketing
- Effective Car Parking Arrangements
- Intention for effective event waste management in line with the clean and green by 2013 strapline
- General Vibe and Atmosphere throughout the day enhanced by excellent weather
- Staff support throughout the day especially within the City of Bayswater Marquee and Councillors Kitchen

Positive comments have been received via telephone and emails from residents, stallholders and visitors from outside the area. Customer comments included:

Great entertainment on offer, Fantastic not to have to spend any money, Well organised and more enjoyable than the recent Hyde Park Fair, Plenty on offer to keep our young family entertained. The general feed back was that the event is getting bigger and better every year.

As part of effective management and continuous improvement all City of Bayswater major events have post event debriefs with a range of stakeholders including:

- Internal Officers
- CMS Events
- Autumn River Events Association

Key issues highlighting areas of future improvement are as follows:

- Limited City of Bayswater branding and promotion throughout the site
 - Improved signage leading into event site and throughout the event site
 - More visible car park information/directional signage
 - More detailed pre event information to exhibiting traders
 - Coordination of trader vehicles arriving on site
 - More shade on site for Participants
 - Coordinate Layout and content of City of Bayswater Marquee
 - Artists on the Walk Path was isolated away from Riverside Gardens
 - Incorporate a Wag and Walk type theme for 2010
 - Stall holders at North East end of site isolated from main attractions
 - Increase food preparation assistance in Councillors Kitchen
 - Prominent location for horse/fire truck rides and segregation from car park area
 - More emphasis specifically on Bayswater event for Radio Advertising
 - Simplify bin signage to encourage effective event waste recycling
 - Continue working towards the clean and green by 2013 initiative
 - Develop grant aid and sponsorship opportunities for future events
-

The budget for the 2009 event is presented as follows:

	Budget 2009	Actual 2009
Income	9000	11050
Expenditure	64000	65912
\$ Cost to Council	55000	54862

The Autumn River Events Association (AREA) is an independent incorporated body established in 2006 and is instrumental in the successful planning and delivery of the Autumn River Festival. The AREA holds the registered business name 'Autumn River Festival' and the rights to the events commercial management. Cr Terry Kenyon, JP and Cr Sally Palmer are members of the association with full voting rights and attend the AREA meetings on a regular basis, however all Councillors are welcome to attend.

The Objectives of the Autumn River Events Association are:

- To promote, fund and be responsible for the staging of the annual Autumn River Festival
- To act as an advisory group for associations and not for profit organisations in the Belmont, Bayswater and Bassendean local government council areas.
- To assist in event management, promotional and marketing advice and direction for associations and not for profit organisations in the Belmont, Bayswater and Bassendean local government council areas.
- To provide long term ownership of the event by a community organization

At the most recent AREA meeting in May 2009 the future direction and potential composition of the association was discussed. A sub committee was formed to work on the development of the committees function and future direction. Options discussed included the frequency of meetings, potential membership and representation from Belmont and Bassendean and whether the objectives require revisiting three years after incorporation.

Options that Council may wish to consider for the 2010 Autumn River Festival may include:

- Coordinated City of Bayswater Signage and Branding for all City of Bayswater Events
- Enhanced Focus on Event Information Throughout Showground Area
- Increase Shade Cover Available on Site
- Consider Provision of More Permanent Shade Structures At Riverside Gardens
- Conduct Pre Event Coordination Meetings to Determine Content and Layout of City of Bayswater Marquee
- Integrate Artists on the Walk Path Exhibition into Riverside Gardens
- Introduce a Colour Coded Site Map Highlighting Key Areas such as Toilets, First Aid, Event Information, Food, Main Stage etc.
- Improve Signage and Education for on site Waste Management and Recycling
- Continued development of Clean and Green by 2013 with dedicated staff to manage the waste on the day of the event.

Policy Implications

Nil.

Financial Implications

Nil

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that the 2009 Autumn River Festival Debrief report be received and Officers progress with the following for the 2010 event:

- **Coordinated City of Bayswater Signage and Branding for all City of Bayswater Events.**
- **Increase Shade Cover Available on Site.**
- **Conduct Pre Event Coordination Meetings to Determine Content and Layout of City of Bayswater Marquee.**
- **Integrate Artists on the Walk Path Exhibition into Riverside Gardens.**
- **Improve Signage and Education for on site Waste Management and Recycling.**
- **Continued development of Clean and Green by 2013 with dedicated staff to manage the waste on the day of the event.**

CARRIED BY EN BLOC RESOLUTION

11.4 Maylands Waterland Summer Season 2008-2009

Attachment: [1. Policy BW-P05](#)
Officer: A/Director of Administration and Community Services
Refer: Item 11.5.2 : OMC : 26.2.2008

Application

To consider the option of changing the summer season operating hours at Maylands Waterland.

Background

The water playground is located on the Maylands Peninsula overlooking the Swan River, just 7kms from the Perth CBD. Beautiful wildflower gardens and lawns surround the four sparkling pools, the play equipment and bbq's make this a perfect setting for young families.

Maylands Waterland was officially opened on the 1 November 2002, after a \$500,000 refurbishment. The YMCA was appointed to manage the water playground on a fee for service basis until June 2007. On 1 July 2007, the City assumed responsibility for the management and operations of the water playground.

The water playground operates from November through to April each year within the hours of 10:00am to 5:00pm daily, except on Christmas Day and Good Friday when the water playground is closed.

Prior to the City assuming the management the water playground was open through the summer months from November to March (five months). However at the ordinary council meeting of 26 February 2008, approval was sought to operate until the end of April each year. It should be noted that the pools are not heated and therefore relies on the sun to heat the water.

Management may extend the closing time beyond 5.00pm (at its discretion) if the numbers of patrons present and weather conditions are conducive to extending the hours.

Comment

The water playground operated this year until the end of the April school holidays, being the 25 April 2009. The attendance through this month was low due to the cooler weather.

Currently the operating hours are from 10:00am to 5:00pm. Feedback received from customers indicated they were very pleased with the water playground and the improvements that have been made by Council.

As day light saving is not continuing in Western Australia, Council may want to consider closing the water playground in line with the April school holidays, for example the 2010 April school holidays finish on Sunday, 18 April 2010, this could be considered as the last trading day for the water playground.

It should be noted that the last ten (10) days of trading in April only attracted a few customers as the water was too cold for children's comfort and enjoyment.

Listed below are the financials for the water playground which compares the past two summer seasons, with April highlighted. It clearly shows that April expenditure exceeds income for the month of April, resulting in a significant operational deficit for the month.

Financial Year	YTD Income	April Income	YTD Expenditure	April Expenditure
2007/2008	\$117,104	\$1,599	\$145,255	\$20,892
2008/2009	\$121,472	\$3,917	\$138,323	\$12,449

Policy Implications

Policy No BW-PO5 states that the water playground will be open to the public at the following times:

Monday to Sunday 10.00am to 5.00pm, except for Christmas Day and Good Friday from November through to April each year.

Management may extend the closing time beyond 5:00pm (at its discretion) if the numbers of patrons present and weather conditions are conducive to extending the hours.

Should Council wish to close the Maylands Waterland at the end of the April school holidays, the policy will need to be amended as follows:

“Point 1. Maylands Waterland will be open to the public at the following times from November through to the end of April school holidays each year:
Monday to Sunday and Public Holidays 10.00am to 5.00pm.”

Financial Implications

As highlighted above, April has historically operated at a significant operational deficit, when the facility has been open until the end of April.

Voting Requirements

ABSOLUTE MAJORITY REQUIRED.

COUNCIL RESOLUTION **(OFFICER’S RECOMMENDATION)**

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that:

- 1. Maylands Waterland operates from November through to the end of the April school holidays each year.**
- 2. Council adopts the amendment to Bayswater Waves Policy BW-P05 “Maylands Waterland Hours of Operation” as follows:**
 - 1) Maylands Waterland will be open to the public at the following times from November through to the end of April school holidays each year:
Monday to Sunday and Public Holidays 10.00am to 5.00pm.**

CARRIED BY EN BLOC RESOLUTION WITH AN ABSOLUTE MAJORITY

11.5 Bayswater Waves Aquatic Centre – Facility Hire – Maccabi Group**Attachment:** [1. Noise Table](#)**Officer:** A/Director of Administration and Community ServicesApplication

To seek approval to hold an after hours event at the Bayswater Waves Aquatic Centre on Sunday, 3 January 2010.

Background

The 28th Maccabi Junior Sports Carnival is to be held in Perth from 29 December 2009 to 6 January 2010. This event is held annually with some participants travelling from New Zealand. In 2009 the event was held in Sydney which attracted 650 participants. The following are the many sports that the children aged between 12 to 16 years will be able to participate in; basketball, soccer, netball, touch football, table tennis, volleyball and swimming.

The organising the Committee for the 28th event has requested to hire the Bayswater Waves Aquatic Centre for the swimming carnival which is to be held within existing operating hours and a social pool party event outside of existing operating hours.

The Aquatic Centre is open weekdays from 5:30am to 8:30pm and weekends 7:30am to 7:00pm.

Comment

A booking request has been received from the Maccabi Junior Sporting Carnival Organising Committee to hire the Olympic pool on Sunday, 3 January 2010 from 3.00pm to 6.00pm to conduct their swimming carnival. A further request has been received to host a pool party after hours from 7:00pm to 10:30pm on Sunday, 3 January 2010. It is anticipated that approximately 400 children aged between 12 and 16 years will attend this fully supervised pool party. The supervision provided by the user group would ensure that the entrance to the aquatic area is fully supervised and no child would be able to leave without a parent who must come into the Centre to collect their child.

The Maccabi Group is an international organisation which conducts events around the world on a regular basis with very tight security, safety and emergency plans in place. The group will have a critical incident plan and medically trained persons on site at all times.

Councillors maybe aware of past noise complaints from a local resident on Broadway, the street adjoining the rear of Bayswater Waves. It will therefore be necessary for the event to be conducted in a noise sensitive manner to ensure noise emissions from the event comply with the Environmental Protection noise limits of 40 (dBA) during the period 7:00pm to 10:00pm and 35 (dBA) during the period 10:00pm to 10:30pm (*refer to Attachment No. 1*). Local residents will be notified by letterbox drop off the booking should Council approve the request. In addition Maccabi Group has confirmed that by 10:30pm all participants would have showered, dressed and boarded buses to leave the facility.

The City would be required under the Health Department Aquatic Code to provide adequate staffing levels to ensure swimmer ratios comply. It is anticipated that eight (8) lifeguards and two (2) supervisors would be required for this event.

The Aquatic Centre has been managed in house since 2002 and there have been no other occasions whereby the aquatic areas have been hired after hours by private organisations.

Policy Implications

Policy No BW-P01 states that the Aquatic Centre will be open to the public at the following times:

- Monday to Friday 5:30am to 8:30pm
- Saturday and Sundays 7:30am to 7:00pm.

Financial Implications

A cost of \$2,200 be charged for the facility hire and entrance fees for participants for the after hours event, income account for carnivals 202200-1101 and a bond of \$1,000 be allocated to the event.

The swimming carnival that is to be held within Centre operating hours be charged as per the adopted fees and charges.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

CR IAN MCCLELLAND, JP MOVED, CR SYLVAN ALBERT SECONDED the Officer recommendation that:

- 1. Permission is granted for the 28th Maccabi Junior Swimming Carnival be held at the Bayswater Waves Aquatic Centre on Sunday 3 January 2010 from 3:00pm to 6:00pm.**
- 2. The Olympic pool be closed to the public and Centre members from 2:30pm Sunday, 3 January 2010.**
- 3. Signage to be displayed two weeks prior to the event within the Centre to advise the public and Centre members of the Olympic pool closure on Sunday, 3 January 2010 from 2:30pm to 6:00pm.**
- 4. Permission be granted for the social event to be held after hours from 7:00pm to 10:30pm on Sunday, 3 January 2010. The participants must exit the pools prior to 10:00pm and exit the centre by 10:30pm.**
- 5. Rangers and Security be advised of the after hours event.**
- 6. A cost of \$2,200 be charged for the facility hire and entrance fees for participants for the after hours event, carnivals income account number 202200-1101 and that a bond of \$1,000 be allocated to the event.**
- 7. The swimming carnival that is to be held within Centre operating hours be charged as per the adopted fees and charges.**
- 8. Should Council approve the 28th Macabbi Social Function from 7:00pm to 10:30pm (exit the pools prior to 10:00pm and exit the centre by 10:30pm) on Sunday, 3 January 2010, the surrounding residents be notified by mail box drop.**

CARRIED

11.6 Bayswater ECHO

Attachments: [1. Item 14.18 : OMC : 26/08/2008 Attachments](#)
[2. Correspondence: Bayswater ECHO](#)
Officer: A/Director of Administration and Community Services
Refer: Item 14.18 : OMC : 26/08/2008

Application

1. To consider Bayswater ECHO's funding request, as per Council resolution August 2008 (*refer to Attachment No. 1*).
2. To provide Council with information regarding the nature of services Bayswater offered by ECHO (Extended Community Help Organisation) and City of Bayswater Home and Community Care (HACC) Services.
3. To seek Council approval to apply for a lease agreement for the premises provided by City of Bayswater to Bayswater ECHO for the purpose of delivering HACC Services.
4. To consider the expansion of City of Bayswater HACC premises or alternative arrangements to accommodate future growth.

Background

1. In August 2008 Bayswater ECHO approached City of Bayswater for further support, asking for the following:
 - Enabling the grassed area, owned by the City of Bayswater, at the rear of 72 Toowong Street to be used for an extension of the building.
 - Plan and provide the full drawings and costings for the proposed extensions of 72 Toowong Street.
 - City of Bayswater enter into negotiations with Bayswater ECHO, LotteryWest and other State and Commonwealth funding bodies to secure the finances for the development of 72 Toowong Street.
 - City of Bayswater obtain Quantity Surveyors Costings for the extensions.
 - City of Bayswater manage the buildings works for the extensions.
 - City of Bayswater enter into a formal peppercorn lease agreement for Bayswater ECHO's ongoing use of the premises.
2. Bayswater ECHO, established in 1982, provides Home and Community Care (HACC) Services to people who are frail, aged and/or those with disabilities within the city. Their funding is provided by both State and Federal Governments. Since its inception Bayswater ECHO has been provided support from the City of Bayswater. This includes:
 - Accommodation firstly in Guildford Road in 1982 and then since 1996 at 76 Toowong Street Bayswater. Both on peppercorn rent.
 - Building Insurance
 - Waste management discount
 - Electricity
 - Water
 - Gas
 - Building Maintenance

In total an approximate amount of \$7,200 per year is subsidised by the City of Bayswater.

The City also supported the extensions to Bayswater ECHO's previous accommodation (owned and provided by the City of Bayswater), in Toowong Street in 2002 at an approximate cost of \$50,000.

3. No formal lease agreement between the two organisations in regard to support provided by the City of Bayswater. Providing this support is inconsistent with other community organisations such as service clubs, child care centres and aged care facilities. City of Bayswater operates a user pay system with these organisations.
4. The City of Bayswater operates HACC services, with charges for utilities such as gas, water, electricity and maintenance being allocated as service costs.
5. The City of Bayswater provides HACC services to people who are frail, aged and/or those with disabilities (same target group as ECHO) within the City of Bayswater. Approximately \$1.1m is received from both State and Federal Governments to provide these services to over 500 residents.

Comparison of services

BAYSWATER ECHO	CITY OF BAYSWATER HACC
Domestic Services (253 clients)	Domestic Services (148 clients)
Social Support Services (428 clients)	Social Support Services (55 clients)
Centre Based Services (161 clients)	Centre Based Services (162 clients)
Transport – within and outside City of Bayswater (735 clients)	Transport within City of Bayswater only (250 clients)
Home Maintenance (430 clients)	
Personal Care (39 clients)	
Assist with food preparation (6 clients)	
	Counseling/Support/Advocacy Services (2400hrs)
	Meal Prep Services (23 clients)
	Meals On Wheels (270 clients)
	Client Care Coordination (1,534 hrs)

** The extent of Services provided by ECHO represent some clients receiving multiple services at any one time. The number of ECHO clients range between 750 to 1,000 with the City of Bayswater having 900 clients.*

6. There are other HACC services with a Perth Metropolitan wide target that also provide services to the City of Bayswater residents. All HACC Services are all in essence competing with each other. Some of these services include:
 - Silver Chain
 - Uniting Care
 - Perth Home Care
 - Southern Cross Care
 - Volunteer Taskforce

7. Bayswater ECHO's clients presently live within the City of Bayswater. Recently Council officers have been advised that ECHO have been funded to provide additional services to residents of the City of Stirling. It is not known at this stage which HACC Services they will be providing, or the ratio of services provided to City of Bayswater versus City of Stirling clients.
8. At the Ordinary Meeting of Council on 26 August 2008 the following resolutions was endorsed:

"That:

The request for funding and management support for the proposed extensions to the Bayswater ECHO building at Lot 150, No 72 Toowong Street be deferred pending further information on the following:

1. *The proposed timeline and opportunities for external funding.*
 2. *The anticipated timeline for development.*
- Council provide refined design and detailed costing for the Bayswater ECHO proposal within one of the financial reviews."*

It is Bayswater ECHO's plan to build a two storey building accommodating the offices upstairs and provide a broader range of services to residents of Bayswater Community, such as an adult learning centre which would target a broader adult age range.

As detailed in the report to Council at the Ordinary Council Meeting held on 26 August 2008 the following points were raised:

Use of Park

- i. The site at 72 Toowong Street, Bayswater has been used partially for the purposes of ECHO activities and partially as a park. The existing building has been used for the purpose of housing the office activities of the Bayswater ECHO organisation. Bayswater ECHO provides for a range of in-home support services for the frail and elderly within the Bayswater community. The current building has been identified by Bayswater ECHO as being inadequate for the future projected needs of the organisation.
- ii. The applicant has requested the use of the grassed area to the rear of the reserve for the extensions. This area is approximately 640m² in size. Currently there is limited opportunity for passive surveillance of the park and its relatively small size precludes a number of active recreation uses. Signage on the site indicates that ball sports are not allowed. Given the size of the site, and considering the existing ECHO building forms part of the reserve, the City does not have any objection to the use of the land for the proposed purpose.
- iii. Adjoining neighbour consultation was undertaken and comment sought on the proposal from the two adjoining neighbours. From the two letters sent, one submission of support was received on the proviso that the informal access from the garage at the rear of the property through the park is maintained. A second submission (objection) was forwarded by Bayswater ECHO as part of their formal submission. This submission commented that they did not want any further development on the subject site.

-
- iv. It is noted that advertising of the proposal to the wider community has not been undertaken and whilst it is considered that the park does not have a high level of utilisation, there may be persons within the community disappointed by a decision to develop it.
 - v. The central issue for Council in regard to the use of the park is:
 - a. The redevelopment of the pocket park appropriate for a carpark appropriate; and
 - b. An intensification of office activities on the site appropriate.
 - vi. Once the question of the use of the site inclusive of the park is resolved, the next issue is the request for the City to Project Manage the project and essentially financially 'underwrite' the project.

Project Management

- vii. Mike Rodic and Associates Design Consultants have provided the preliminary design plans for the additions to the existing facility as proposed by Bayswater ECHO.
- viii. The applicant has requested that the City provide the resources to project manage all aspects of the proposed redevelopment of the existing site, from the provision of full workings drawings, quantity surveyors cost estimates, tender process and the supervision/project management of the construction contract.
- ix. Proposed costings for the project have been sought from Cordell "Commercial Industrial & Housing Building Cost Guide" which estimates that for the type of development proposed that costs would be in the range of \$800,000 to \$1,000,000 exclusive of GST. This estimate (dollar rate/ m² of building) does not include any allowances for either headwork's or establishment cost that may be required by the Water Corporation, Western Power or Alinta Gas.
- x. In view of the above and taking into consideration current cost fluctuations a contingency sum of \$50,000 being approximately 5% of the project cost should be allocated for the project.
- xi. It is estimated by the design Architect that approximately 8% of the project cost should be allowed for the preparation of working drawing, specifications and detailed design works for the project.
- xii. For the project to proceed funds for the submitted proposal should be in the vicinity of:

Design, working drawing & specifications	\$80,000.00
8% of project estimate	
Estimated Cost	\$1,000,000.00
Contingency 5%	\$50,000.00
Estimated Total (inc GST)	\$1,130,000.00
- xiii. The use of a "Document and Construct Contract" method enables Council to fix a maximum price within which other projects such as the RA Cook Reserve Club rooms and the Bayswater Hostel have been undertaken successfully.

- xiv. From the above and in order to make a grant submission it is considered that more detailed plans and specifications would be needed, inclusive of a quantity surveyor cost estimates. It is anticipated that this would cost approximately \$50,000 and these funds are not provided for within the current budget.
- xv. Furthermore, as the request is for the City to be a partner with the grant application and also be the project coordinator, any risks associated with the project during construction are like to be borne by Council. This would mean that any over runs or unforeseen contingency costs are likely to be borne by Council.
- xvi. The final point is that the current proposal has not been included in the City's current capital program and may require a re-prioritisation of other projects should this project proceed.
- xvii. In summary, the request for the city to manage all aspects of the project will result in both staff time and cash contributions. Any unforeseen risk with the project (ie major increased in the cost of construction material) could result in further direct costs to Council. As such, Council needs to consider the prioritisation of this request and the cost contributions that would be required to progress the initiative.

Comment

Future Growth of HACC Services

1. City of Bayswater HACC Services has reached their limit in the existing building at Olive Tree House, Lee Street Morley. (The facility was built to accommodate the centre based services for frail aged persons). Consequently City of Bayswater HACC Services are in a similar situation to Bayswater ECHO. The City's HACC Service accommodation is limiting further growth of services. This is and will be an ongoing issue until consideration occurs to accommodate future growth of services or Council provides future direction on the provision of HACC funded services within the City.
2. To accommodate the future growth of HACC Services within the City, the HACC Funding Manager has initiated discussions with the Manager Community Services regarding funding for a new facility to accommodate future needs. External funding for a facility may be a possibility with the assistance of HACC, LotteryWest in partnership with the City of Bayswater.
3. HACC has indicated that it will not support (via funding) the extension of two buildings, for two separate services (City of Bayswater HACC and Bayswater ECHO), that duplicate services. In simple terms, should the Council wish to see it's HACC services grow, the City and ECHO will be competing for HACC capital funding.
4. Bayswater ECHO is waiting for a response to their application made in August 2008 for the support of City of Bayswater regarding extensions. If Council supports this option, any capital support from HACC – Health Department and Lotterywest for the development or extension of City of Bayswater HACC Services would be limited.

Essentially, Council will need to determine if it intends to expand City of Bayswater HACC services and support the funding request from ECHO to provide HACC services to City of Bayswater and City of Stirling residents.

Options Available For Council Consideration

The following factors are listed for Councils consideration and are based upon Council position when considering ECHO's funding request.

1. Should Council **support** ECHO Funding request, the following factors would be applicable:
 - a. Hobart Reserve, the local park at the rear of 72 Toowong Street will be utilised for construction purposes (project received one (1) objection and one (1) support submission from adjoining neighbours).
 - b. Wider community consultation will need to be undertaken by the City and the costs borne by the City.
 - c. City to project manage the ECHO request which will have:
 - i. Significant impact on City staff resources, given current capital works projects and their priority.
 - ii. Allocation of costs for project management to include architectural and other specialist consultants costs estimated \$80,000 as well as detailed plans for funding application \$50,000.
 - iii. City maybe exposed to capital contribution towards the project as there are no guarantees that HACC – Health Department and Lotterywest will fully fund the project. Details will not be available until the application is deemed successful and considered by funding bodies.
 - iv. City to accept project risk and associated financial implications.
 - d. Future growth of HACC services within the City of Bayswater would be limited due to HACC-Health Department and Lotterywest not funding extensions for more than one (1) facility.
 - e. ECHO receives a contemporary facility that will enable the provision of HACC Services to both the City of Bayswater and the City of Stirling residents.

2. Should Council **not support** ECHO Funding request:
 - a. Opportunity for the City to obtain funds from HACC- Health Department and Lotterywest to accommodate future growth of City of Bayswater HACC services, should Council wish to do so (HACC determines the service need within the City of Bayswater and consults with the eastern regional service providers to apply for the growth funds).
 - b. ECHO to explore alternative funding options to achieve their proposal to extend their facility.
 - c. No exposure to potential financial implications when financially underwriting ECHO request.
 - d. No exposure to additional staff resources being allocated to ECHO request.
 - e. ECHO retains it's existing facilities that may not cater for ECHO's growth for the provision of HACC Services to both the City of Bayswater and the City of Stirling residents.

3. The City of Bayswater and ECHO investigate the possibility of a partnership whereby both HACC agencies share the one (1) building to deliver future demand for HACC Services. However no discussions have taken place.

This option is supported by Council Officers as it initially appears to be the most advantageous to meet the needs of both organisations.

The investigation would need to analyse factors such as;

- a. Management structure
- b. Facility requirements.
- c. Appropriate location of facility
- d. Service provision
- e. Financial contribution from parties
- f. Stakeholder position on potential partnership.

Lease/Agreement

4. As previously stated no lease exists for the property owned by the City of Bayswater where ECHO is accommodated. ECHO and Officers recommend that a lease be formulated to include all negotiated agreements with the two parties and be based upon the City's standard lease agreement.

Timeline For Development and Extensions

5. It is estimated that the timeline for development and extensions would be in excess of two (2) years if Council were to support Bayswater ECHO's request.
6. The detailed design and costing of the development are pending the outcome and resolution of this report.

At the briefing session held on 2 June 2009, the deputation from the chairperson and board members of Bayswater ECHO was received. Bayswater Echo forwarded a briefing paper on the afternoon of 2 June 2009 and was distributed to all Councillors (refer to Attachment No 2). This briefing paper as well as the deputation presented additional information on Bayswater Echo services, as well as comments on the report and recommendations. In light of these comments and discussions the table on page 26 has been updated and the Officers removed recommendation number 1 and 2 as the future of City of Bayswater HACCC services will be further investigated with additional reports being presented to Council for consideration in the future, as well as the recommendation to Council be as follows

“That the request for funding and management support for the proposed extension to the Bayswater ECHO building Lot 150, Number 72 Towong Street be deferred until discussions and possible partnerships with Bayswater ECHO have been investigated.”

In addition, during Bayswater ECHO's deputation it was agreed that Bayswater ECHO would consult with the City to enter a lease agreement for 72 Toowong Street using the standard lease agreement as the base document. Officer's will progress this matter with Bayswater ECHO and thus recommendation number four (4) can be removed from the report.

Summary

ECHO's request potentially impacts on the City of Bayswater in a number of areas, summarised as follows:

- Redevelopment of parkland for facility.
- Project management of request which includes financial contribution (\$80,000 architectural and other specialist consultants and \$50,000 detailed documentation).
- Accept project risk and associated financial implications.
- Potential capital contribution towards project.
- Limits opportunity for City of Bayswater to obtain extra funding for future expansion of City of Bayswater HACC services.

In addition, Council will need to consider the direction and future growth of it's own City of Bayswater HACC services, as the decision of ECHO's request will impact on the ability of the City of Bayswater to access capital funding for the future growth of the City of Bayswater HACC services.

Financial Implications

Should Council support ECHO's request, capital and operational costs will be required from Council, as detailed in the above information. Dependant upon Council's resolution, further investigation into project costs maybe required.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION **(OFFICER'S RECOMMENDATION)**

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that the request for funding and management support for the proposed extension to the Bayswater ECHO building Lot 150, Number 72 Towoong Street be deferred until discussions and possible partnerships with Bayswater ECHO have been investigated.

CARRIED BY EN BLOC RESOLUTION

11.7 Bayswater Waves - Incident of Theft February 2009

Officer: A/Director of Administration and Community Services
Refer: Item 14.7.2 : OMC : 25 July 2006

CONFIDENTIAL ITEM

Application

To update the Council of any outcome from the examination of the micro chip that was in the hire lockers at the aquatic centre at the time of the alleged theft on Sunday, 15 February 2009.

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting is closed to members of the public for this item as the following sub-section applied:

- (b) The personal affairs of any person.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION**(OFFICER'S RECOMMENDATION)**

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that:

- 1. Council decline the claimants request for compensation.**
- 2. Council authorise the Chief Executive Officer to approach the claimant to offer a without prejudice good will gesture.**

CARRIED BY EN BLOC RESOLUTION

11.8 2009 City of Bayswater Scholarships**Officer: A/Director of Administration and Community Services**

CONFIDENTIAL ITEM

Application

To update the Council of the outcome of the City of Bayswater Scholarship interviews which were conducted during May 2009.

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting is closed to members of the public for this item as the following sub-section applied:

- (b) The personal affairs of any person.

Voting Requirements

ABSOLUTE MAJORITY REQUIRED.

COUNCIL RESOLUTION**(OFFICER'S RECOMMENDATION)**

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that:

- 1. The 2009 Scholarships in categories of Education, Sports, Visual Arts and Music be awarded as detailed in the confidential report and the first instalment be awarded at the Scholarship Award Presentation Ceremony to be held on Wednesday, 8 July 2009:**
- 2. The names of the recipients of the Scholarships remain confidential until announced by His Worship the Mayor at the 2009 Scholarship Awards Presentation Evening.**

CARRIED BY EN BLOC RESOLUTION WITH AN ABSOLUTE MAJORITY

12 BUSINESS – TECHNICAL SERVICES**12.1 Petition - Killing of Birds in Maylands**

Attachments: [Petition from Maylands Residents](#)
Applicant: Residents and Shopkeepers of Eighth Avenue, Maylands
Officer: Director of Technical Services
Refer: Item 12.1 OMC 28.04.09

Application

To advise Council of the concerns of residents and shopkeepers along Eighth Avenue Maylands, following a 48 signature petition, that the proposed Feral Bird Control Programme (for pigeons) will not be undertaken in a humane manner.

Background

A report was submitted to the Ordinary Meeting of Council held on 28 April 2009 seeking Council's approval to establish a Feral Bird Control Program in the City of Bayswater. It was resolved that the Council's Manager Environmental Health would undertake the program and a sum of \$7,500 be considered in the 2009/2010 budget.

The report highlighted the problems associated with excessive numbers of feral pigeons in the Maylands area and the need to undertake a culling programme. In brief, the following issues and control measures relate to the pigeon problem:

The presence of the feral birds can cause a range of problems including:

- Faecal droppings providing a vector for the introduction of weeds and disease
- Hygiene concerns due to pigeon droppings in or on industrial, commercial or domestic buildings
- Escalating costs through public liability insurance from slipping on droppings
- Damage to buildings and monuments due to the high corrosive nature of the acid in their droppings
- Damage to properties caused by the birds roosting or nesting in roof spaces, rolled steel joists, and inside factory units
- Damage to roofs and other structures creating potential fire hazards
- Extensive damage to air conditioning units and other rooftop machinery
- Debris from roosting flocks building up causing gutters and drains to block
- Attracting ticks, cockroaches and rodents

Many property owners do not realise that their building has a feral pigeon problem, however, there are several indicators which will indicate whether there is a feral bird problem on the property. These include:

- Frequent pigeon and dove movement in close vicinity
- Accumulation of droppings on ledges and gutters
- Cooing from the roof and ledge areas

There is no single or simple solution to control the number of feral birds and accordingly it is necessary to use a range of interventions to reduce their numbers. These measures include:

- Limiting the availability of food by discouraging feeding by members of the public – (which is not permitted under Council’s Health Local Laws). This could include a publicity campaign highlighting the problems associated with pigeons.
- Installing spikes and tightly strung wire on nesting areas on buildings
- Removal and destruction of nests and eggs
- The use of visual deterrents including fake fowls and other birds of prey, balloons, flashing lights and scarecrows
- Culling of adult birds as required

A 48 signature petition received on 11 May 2009 was tabled at the Ordinary Meeting of Council held on 12 May 2009. The petition states:

*“WE THE UNDERSIGNED RESIDENTS AND SHOPKEEPERS OF 8 TH AVENUE MAYLANDS: *OBJECT STRONGLY TO THE INHUMANE KILLING OF OUR BIRDS IN THIS AREA* DR JUDY EDWARDS REQUESTED THE BAYSWATER COUNCIL TO CEASE THIS KILLING AND TO ERECT ROOF WIRE WHERE NECESSARY. THIS HAS NEVER HAPPENED. THAT WAS 5 YEARS AGO AND MANY BIRDS HAVE BEEN POISONED SINCE THAT TIME.”*

A copy of the petition is *attached*.

Comment

The necessity of undertaking the feral pigeon control programme cannot be disputed. However, what can be concluded from the petition is that residents and shopkeepers have a concern that the birds are not killed humanely. This concern could be fuelled by the wording of the petition itself which insinuates that birds have been killed inhumanely in the past.

Whilst Council has conducted pigeon control in the Maylands area previously it has always been undertaken in a humane manner. The RSPCA policy on humane killing states:

“1.1 RSPCA Australia defines humane killing as when an animal is either killed instantly or instantaneously rendered insensible to pain until death supervenes.

1.2 RSPCA Australia is opposed to all inhumane methods of killing notwithstanding religious dogma and ethnic custom.”

A search of the City’s records for correspondence from Dr Judy Edward’s office relating to the installation of roof wire (as mentioned in the petition) did not reveal any correspondence. It should be noted that the City of Bayswater is only responsible for Council buildings and private owners would need to undertake this strategy at their own cost. Nevertheless, roofing wire, netting and spikes are all part of an integrated approach that will be undertaken.

Taking all of the above into consideration, the selection criteria for the engagement of a suitable contractor will incorporate:

1. The contractor must be licensed with the Department of Health.
2. The contractor is to provide a comprehensive management plan which outlines:
 - a. The range of methods for controlling pigeons in the Maylands area. .
 - b. A description of each method including how birds are killed and disposed of where applicable.
3. The Manager Environmental Health to obtain verification by the RSPCA that the methods used meet their policy on humane killing.
4. The Manager Environmental Health and representatives from the RSPCA and Birds Australia to observe on site any aspect of the control program.

Policy Implications

Nil.

Financial Implications

Nil.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR SYLVAN ABLERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that subject to budgetary approval, a contractor be selected to commence the Feral Bird Control Program for the Maylands area in 2009/2010 year based upon the following selection criteria:

- a. **The contractor must be licensed with the Department of Health.**
- b. **The contractor is to provide a comprehensive management plan which outlines:**
 - i. **The range of methods for controlling pigeons in the Maylands area.**
 - ii. **A description of each method including how birds are killed and disposed of where applicable.**
- c. **The Manager Environmental Health to obtain verification by the RSPCA that the methods used meet their policy on humane killing.**
- d. **The Manager Environmental Health and representatives from the RSPCA and Birds Australia to observe on site any aspect of the control program.**

CARRIED BY EN BLOC RESOLUTION

12.2 EMRC Council Meeting - 30 April 2009

Attachments: [City of Bayswater Delegates Report](#)
[EMRC Abridged Minutes OMC 30 April 2009](#)

Officer: Director of Technical Services

Refer: Item 12.2 OMC 14.04.09

Application

To allow Council consideration of the recent Minutes from the East Metropolitan Regional Council (EMRC).

Background

A Council Meeting of the EMRC was held on 30 April 2009. Cr Sylvan Albert, Cr Barry McKenna (deputising for Cr Magro), the Chief Executive Officer and the Director of Technical Services were in attendance.

A delegates report listing items with implications for the City of Bayswater is **Attachment 1** and the Abridged Minutes form **Attachment 2**.

Should any Councillor wish to view the entire Minutes of the meeting, they should contact the Director of Technical Services for a copy.

Policy Implications

Nil.

Financial Implications

As detailed in the delegates report.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer's recommendation that the Director of Technical Services report on the EMRC Council Meeting of 30 April 2009 be received.

CARRIED BY EN BLOC RESOLUTION

12.3 Purchase and Placement of Memorial Seats

Attachments: [Draft Policy](#)
Officer: Director of Technical Services

Application

To allow Council consideration of a draft policy for the purchase and placement of memorial seats throughout the City in recognition of deceased loved ones.

Background

Council has received a request to place a memorial seat within the City. The request from Ms Ashleigh Brand reads in part:

"I am writing to you to request permission to pay for and install a park bench in the park directly adjacent to Tranby House Maylands, (at the end of Johnson Road). This will be in memory of my father, Mr Brian Brand, who was a resident of the Town of Bayswater and frequented this area daily.

Currently there is old cement, bus style bench in this area. I would be more than happy to replace this existing bench or add a new bench to the park. I would also like to place a small plaque on the bench with his name, date of birth and date of death."

The Director of Technical Services' experience with other Local Government Authorities has shown that memorial chairs can provide a dual benefit in providing additional public seating and recognising deceased loved ones. A quick review of websites also revealed that a number of other Councils (Belmont, South Perth, Canning) have policies in relation to the placement of memorials.

Additional seating throughout the City is beneficial in promoting more outdoor activities and providing rest spots for the aging population.

To facilitate the orderly, placement of memorial seats on an equitable basis, it is proposed to implement ***attached*** draft policy EG-P12. The policy will facilitate the provision of additional public seating at a reduced cost to Council whilst also allowing recognition of deceased loved ones.

Comment

It is proposed that the seating chosen for a particular location will be in keeping with the street or park furniture there for the particular area. That is, a seat chosen for a particular town precinct may be of a different design to a seat in a park which already has furniture of a certain design/theme.

In many cases, it is envisaged that the requested seats will be in river foreshore areas. Accordingly, there will need to be Swan River Trust and in some cases Aboriginal Heritage approvals for the seating. To overcome potential delays associated with approvals, it is proposed to develop a plan of potential locations along the river for a blanket approval.

Policy Implications

For Council to consider the adoption of Policy EG-P12 – Purchase and Placement of Memorial Seats.

Financial Implications

Costs for bench seats suitable for public use and installation are typically in the order of \$1,000. Council could consider subsidising the seating to promote additional seating being available for community use or alternatively pass the full cost onto the applicant. The proposed policy advocates full cost recovery.

Voting Requirements

ABSOLUTE MAJORITY REQUIRED.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that:

- 1. The Council adopt Policy EG-P12 – Purchase and Placement of Memorial Seats.**
- 2. The Director of Technical Services prepare a plan of potential public seating locations adjacent to the Swan River for Swan River Trust and where appropriate Aboriginal Heritage approval.**

CARRIED BY EN BLOC RESOLUTION WITH AN ABSOLUTE MAJORITY

12.4 Verge Paving

Location: Walter Road East and Beechboro Road North, Morley
Attachments: [Options](#)
[Applicant's Response](#)
Applicant: Mr Tricoli
Officer: Director of Technical Services

CR BARRY MCKENNA DECLARED A FINANCIAL INTEREST

In accordance with Section 5.60A and 5.65 of the Local Government Act 1995, Cr Barry McKenna declared a financial interest in this item as the applicant for this Item is his Brother-In-Law and his Brother-In-Law and wife own common property together, nearby.

At 6:58pm, Cr Barry McKenna withdrew from the meeting.

Application

For Council to consider a request for assistance to brick pave/landscape the verge along Walter Road East and Beechboro Road North adjacent to the Charlie's shopping complex.

Background

The applicant, Mr Tricoli, who owns the shopping complex at the corner of Walter Road East and Beechboro Road North has requested the provision of brick paving and landscaping along the verge.

There is an existing 2 metre concrete path along the section of verge, leaving a verge of rough grass from the concrete path to the road kerb. The applicant is also concerned that vehicles are parking on the verge and digging up the grassed verge.

Comment

The existing verge area consists of rough mown grass with some sandy patches. Council has in the past supported applications to brick pave verges for commercial premises situated on corner properties on a 50/50 basis. An example of this is the corner of Beaufort Street, Shaftesbury Avenue in Bayswater, Grand Promenade and Craven Street, Bedford and Ninth Avenue, Maylands.

There are two options that are considered appropriate (*refer Attachment 1*):

- Option 1*: Brick paving the entire verge with some bollards; and
Option 2: A mixture of brick paving and landscaping.

The cost of each of the options are as follows:

- Option 1 (100% brick paving) \$32,000
- Option 2 (brick paving/landscaping) \$24,000

The two options have been forwarded to Mr Tricoli for his comments and he has responded (*refer Attachment 2*).

The applicant has advised that they prefer Option 1, brick paving the entire verge area, along with the verge to the west where the future extension of the Charlies carpark as part of the new rezoning is proposed. They have also requested that the existing landscaped areas on the verge be brick paved as well. The applicant prefers that there be no street trees planted as well.

The estimated cost of brick paving, bollards and associated drainage works for the entire area is \$75,000. A 50/50 basis would mean that Council would need to budget \$37,500.

Policy Implications

Nil.

Financial Implications

An allocation of \$37,500 to be listed for consideration for the 2009/2010 budget.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

CR MICHAEL SABATINO MOVED, CR TERRY KENYON, JP SECONDED the Officer recommendation that:

- 1. The applicant be advised that Council will list as part of the 2009/2010 budget consideration an allocation up to \$37,500 being the Council's 50% contribution.**
- 2. On adoption of the 2009/2010 budget, the applicant be advised accordingly.**

CARRIED

At 6:59pm, Cr Barry McKenna returned to the meeting.

12.5 Community Nominations - Slade Street Traffic Management Working Party

Attachments: [Nomination Forms](#)
Officer: Director of Technical Services
Refer: Item 12.3 OMC 14.04.09

Application

To allow Council consideration of nominations for membership on the Slade Street Traffic Management Working Party.

Background

Council considered a report in relation to the Special Electors Meeting held for Slade Street traffic issues at the Ordinary Meeting of Council held on 14 April 2009.

In considering this matter, Council resolved in part:

“4. A working group be formed comprising of residents from the affected streets to work in conjunction with the City’s technical staff with the following members:

- *The Director of Technical Services;*
- *The Technical Manager;*
- *Three Slade Street representatives to be put forward by the Slade Street residents;*
- *Two representatives from the section of Whatley Crescent section above; and*
- *Two representatives from the section of Newton Street above.*
- *One representative from the major residential units between Slade Street and King William Street.*

In accordance with the Council resolution, nomination forms were forwarded to the relevant residents and seven nominations have been received (*refer Attachment*).

Comment

In accordance with the Council resolution, three nominations were received from Slade Street residents and one from a resident of the multi-unit development in King William Street. However, three nominations were received from Whatley Crescent residents and no nominations were received from Newton Street residents.

Policy Implications

Nil.

Financial Implications

Nil.

Voting Requirements

Simple Majority Required.

*Council Discussion:**Council chose the two Whatley Crescent representatives from the nominations received.***Officer's Recommendation**

That the following residents be appointed as members of the Slade Street Traffic Management Working Party:

- Mr Paul Burrows (Slade Street);
- Ms Joanne Brabazon (Slade Street);
- Ms Branka Radanovich (Slade Street);
- Mr Brian Blechynden (Major Residential Units King William Street);
- _____ (Whatley Crescent); and
- _____ (Whatley Crescent).

AMENDMENT

CR MARLENE ROBINSON MOVED, CR TERRY KENYON, JP SECONDED that the two Whatley Crescent representatives be:

- Mr Derek Melhuish (Whatley Crescent); and
- Mrs Louise King (Whatley Crescent).

The Amendment was put and

CARRIED

The Amendment became the Substantive Motion.

COUNCIL RESOLUTION

CR MARLENE ROBINSON MOVED, CR TERRY KENYON, JP SECONDED that the following residents be appointed as members of the Slade Street Traffic Management Working Party:

- Mr Paul Burrows (Slade Street);
- Ms Joanne Brabazon (Slade Street);
- Ms Branka Radanovich (Slade Street);
- Mr Brian Blechynden (Major Residential Units King William Street);
- Mr Derek Melhuish (Whatley Crescent); and
- Mrs Louise King (Whatley Crescent).

CARRIED

12.6 Melbourne International Public Works Conference

Attachments: [Conference Brochure](#)
Officer: Director of Technical Services

CR TERRY BLANCHARD DECLARED AN IMPARTIAL INTEREST

In accordance with Section 5.65 of the Local Government Act 1995, Cr Terry Blanchard declared an impartial interest in this item as he is the President of IPWEA (WA).

At 7:04pm, Cr Terry Blanchard withdrew from the meeting.

Application

To advise Councillors of the upcoming Melbourne International Public Works Conference for the Institute of Public Works Engineering Australia (IPWEA) which represents Local Government Engineers and related public works disciplines. The conference will be held from 6 to 10 September 2009 at the Melbourne Convention and Exhibition Centre, Victoria.

Background

The IPWEA International Conference is the largest public works conference held in Australia and is only held once in every two years. The IPWEA is considered the peak body for Local Government Engineers.

The theme for the conference is “*Global Challenges, Local Solutions – Delivering for the Next Generation*”, and the programme deals with such challenges as sustainable management of infrastructure, skills shortage and climate change. A copy of a portion of the conference brochure is Attached.

Comment

The Senior Management Group has approved for the Director of Technical Services, Mr Doug Pearson to attend the Melbourne International Public Works Conference and it is recommended that Council gives consideration to nominating an Elected Member to attend.

Policy Implications

Council Policy E0-P05 Travel and Accommodation provides the arrangements for the reimbursement of conference travel and accommodation expenses for Elected Member/s and Officers in accordance with the *Local Government Act 1995*.

Financial Implications

The costs associated with attendance of an Elected Member and the Director of Technical Services are in the order of \$3,500 per attendee (including airfares) and would be funded through the respective Conference accounts.

Voting Requirements

Simple Majority Required.

Council Discussion:

Council resolved to send Cr Michael Sabatino to this conference, however it further agreed that if the IPWEA (WA) does not pay to send Cr Terry Blanchard to this conference that he should attend as part of his City of Bayswater conference allowances.

Officer's Recommendation

That approval be granted for the attendance and associated cost of Cr _____ at the Melbourne International Public Works Conference to be held in Melbourne, Victoria, from Sunday 6 to Thursday 10 September 2009.

COUNCIL RESOLUTION

CR IAN MCCLELLAND, JP MOVED, CR SYLVAN ALBERT SECONDED that approval be granted for the attendance and associated cost of Cr Michael Sabatino at the Melbourne International Public Works Conference to be held in Melbourne, Victoria, from Sunday 6 to Thursday 10 September 2009.

CARRIED

At 7:09pm, Cr Terry Blanchard returned to the meeting.

12.7 Hydrozoning of Parks

Attachments: [Hydrozone Map - Joan Rycroft Reserve](#)
[Hydrozone Map - Shearn Memorial Park](#)
Officer: Director of Technical Services

Application

To provide Council with a status update on the irrigation reconstruction at Shearn Memorial Park, Mount Lawley and the bore and irrigation reconstruction at Joan Rycroft Reserve, Bayswater.

Background

Funds of \$70,000 each were allocated in the 2008/2009 Capital Budget for the irrigation reconstruction at Shearn Memorial Pak and Joan Rycroft Reserve. In addition to this, the Joan Rycroft Reserve was identified as one of the six bores and pumps in particularly poor condition to be replaced using funds allocated to Council's 2008/2009 Turbine Pump Replacement Programme. The existing system was prone to failure and could not draw enough water to meet the demands of the reserves irrigation requirements.

The old bore at Joan Rycroft in fact collapsed a month prior to the commencement of the drilling of the new bore hole. Upon completion of the drilling process, flow tests on the new bore indicated inadequate underground water rates to irrigate the entire surface area of the park at an optimal level.

Comment

Joan Rycroft Reserve

Due to the low flow rate from the bore, the new irrigation system will be installed using a strategy called hydrozoning. Accordingly, irrigation zones are prioritised in terms of use as follows:

- Priority One: **Active areas** such as sport surfaces have high priority and receive the full amount of water (7,500 kilolitres per hectare) permitted by the Water Corporation to ensure a safe and functional playing surface.
- Priority Two: Less water is allocated to **surrounds** that are used for training or passive recreation.
- Priority Three: **Passive surrounds** used only for passive recreation receives less irrigation and in some cases are no longer irrigated and are mulched instead.

A detailed hydrozone map of Joan Rycroft Reserve is [Attachment 1](#).

Shearn Memorial Reserve

The irrigation on the active play area at Shearn Memorial Park will be reconstructed during the current financial year. The construction plan for the new irrigation works separates the active play area and passive surrounds. This allows for the prioritising of turf areas in terms of use.

A detailed map of Shearn Memorial Park is enclosed as **Attachment 2**.

Hydrozoning of parks is likely to become a more common management technique as water restrictions are increased throughout the metropolitan area.

Policy Implications

Nil.

Financial Implications

Funds have been allocated in the 2008/2009 Capital Budget for the works at Joan Rycroft Reserve and Shearn Memorial Park.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION**(OFFICER'S RECOMMENDATION)**

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that the report on the Hydrozoning of Joan Rycroft Reserve and Shearn Memorial Park be received.

CARRIED BY EN BLOC RESOLUTION

12.8 Streetscape Strategy

Attachments: [Town Centre and Streetscape Study Tour Outcomes
Local Distributor Roads](#)

Officer: Director of Technical Services

Application

To allow Council consideration of a comprehensive strategy to implement enhanced streetscapes throughout the City on a staged priority basis.

Background

Over a number of years, Council have considered various reports in relation to enhancing streetscapes throughout the City. An attractive streetscape has many benefits to the community, including the following:

- Engenders a strong sense of place and community pride.
- Potential to attract people to live, work and visit the City, which may be reflected in community spirit, property values, investment and local employment.
- Encourages people to walk rather than drive on the streets, therefore social, health and environmental benefits, and improve safety via casual surveillance.
- Promotes slower traffic speeds, resulting in a safer environment.
- Trees have environmental benefits.

To further this objective, Councillors and staff undertook a Town Centre and Streetscape Study bus tour on Saturday, 21 March 2009 to inspect various streetscapes throughout the metropolitan area. This outcome of the tour is included as an attachment to this report (*refer Attachment 1*).

In general, the Councillors present were impressed with many of the sites visited and have requested further information from staff in relation to the potential programme. The Councillors agreed that the City needs to establish a Streetscape Beautification Strategy, and consider an allocation of funds for streetscape beautification as part of the 2009/2010 budget process.

Streetscape Strategy

In order to develop a streetscape strategy for the City, it is considered appropriate to develop categories for various levels of streetscaping throughout the City. Each category will have consistent elements which will identify the category and will be based on the function of the site.

Areas in each category will need to be prioritised by Council.

It should also be noted that in some instances, categories will be mixed and can be implemented concurrently (eg. entry statement on a District Distributor A roadway).

Proposed Streetscape Categories

- Entry Statements;
- Town Centres;
- Commercial Precincts;
- Industrial Areas; and
- Roads
 - State Roads;
 - District Distributor A;
 - District Distributor B;
 - Local Distributor; and
 - Access Roads

Entry Statements

Previous reports to Council have identified thirteen sites for the installation of entry statements. The prioritised sites as per the Council resolution of 25 July 2006 were as follows:

Priority	Street	Verge/Median	Available Width	Ward
1	Crimea Street	Median	6.0m	North
2	Benara Road East	Median	5.0m	Central
3	Grand Promenade North	Median	4.0m	West
4	Morley Drive/Wicks Street	Median	4.0m	Central
5	Beechboro Road North	Median	4.0m	Central
6	Camboon Road/Widgee Road	Verge	4.0m	North
7	Guildford Road/East Bnd	Verge	2.5m	West
8	Morley Drive/Wellington Road	Median	4.0m	Central/North
9	Widgee Road	Verge	4.0m	North
10	Railway Parade	Verge	4.0m	South
11	Walter Road East	Verge	4.5m	Central
12	Walter Road West	Verge	3.0m	West
13	Guildford Road/West Bnd	Verge	2.5m	South/West

To date, eleven of the approved entry statement sites have had entry statements installed (note two signs have been installed at the Morley Drive West site).

Some Councillors have expressed a desire to have the installed entry statements upgraded and this could be undertaken on a staged basis as adjacent streetscape works occur in each of the other categories or as independent projects.

Town Centres

To date some streetscape work has been undertaken in the following town sites:

- Maylands (Eighth Avenue/Guildford Road);
- Bayswater (King William Street/Whatley Crescent); and
- Morley (Progress Street/Bishop Street).

As Councillors will be aware, work is currently underway in the Maylands TOD Study and various streetscape elements have been identified as part of the study. Master plan work is also due to commence shortly in relation to the Morley City Centre study and it is envisaged that streetscape elements will also be an integral component of this study.

It is envisaged that streetscapes in these areas will be to a high level and will in some cases be coupled to considerable private developments (eg. Conventrys site).

Commercial Precincts

It is proposed that nominated commercial precincts would form the next level of streetscape design. Areas in this category would include:

- Noranda Palms Shopping Centre;
- Carramar Shopping Centre; and
- Walter Road East/Beechboro Road North Shopping Precinct

In some cases, it may be possible to upgrade streetscapes in these areas on a joint basis with the adjoining commercial tenancies.

Industrial Areas

To date, streetscape works in industrial areas have predominantly been restricted to entry statement type treatments. Enhanced works in these areas are problematic principally due to the needs of heavy vehicles servicing the areas. Once again, redevelopment could be undertaken in conjunction with adjacent property owners where appropriate.

Roads

Streetscape works in roads not only improve the aesthetics of an area, but also provide traffic calming effects via 'closing in' the roadway.

In many instances, streetscapes on roadways will be dictated by the physical characteristics of the roadway and the space that is available for the installation of features such as trees, embayment parking, medians etc.

A brief description of the road categories and lengths is provided below:

State Roads: These roads are under the control of Main Roads WA (MRWA) and include portions of the following roads within the City:

- Guildford Road;
- Morley Drive;
- Walter Road; and
- Tonkin Highway.

Excluding Tonkin Highway, there is 30.3km of state roads within the City.

District Distributor A: These roads are important link roads within the City with a desirable traffic capacity of above 8,000 vehicles per day (vpd) but less than 15,000 vpd. The following roads have sections totalling 60.2km in length in this category.

Road	Length (Metres)
Beaufort Street	1,477
Beechboro Road	6,304
Benara Road	7,211
Broun Avenue	6,233
Camboon Road	1,676
Collier Road	3,920
Coode Street	3,002
Crimea Street	5,707
Embleton Avenue	1,426
Garratt Road	1,727
Grand Promenade	4,864
Hotham Street	54
King William Street	862
Morley Drive	2,697
Railway Parade	343
Russell Street	1,781
Walter Road	5,116
Wellington Road	1,132
Whatley Crescent	3,792
Widgee Road	879
TOTAL	60,203

District Distributor B: These roads are the next level or roadway with a desirable traffic capacity of above 6,000 vpd but less than 8,000 vpd. The following roads have sections totalling 10.2km in length included in this category.

Road	Length (Metres)
Bath Road	674
Caledonian Avenue	457
Central Avenue	430
Emberson Road	1,429
Embleton Avenue	211
First Avenue	124
McGilvray Avenue	1,753
Railway Parade	3,474
Rudloc Road	599
Third Avenue	29
Widgee Road	1,004
TOTAL	10,184

Local Distributor Roads: Local distributor roads have a desirable traffic capacity of 6,000 vpd. Attachment 2 details the 31.6kms of sections of roads that are included in this category.

Access Roads: All remaining roads are access roads and these are typically the local residential streets with a desirable traffic capacity of 3,000 vpd. These roads total 248.5kms in length.

Additional Considerations

Another area which Council may wish to consider separately is the Railway Line. This area is currently unsightly and could be improved via enhanced streetscape works.

A previous report to Council of a City Wide Beautification Programme (May 2005) suggested reticulation, grassing and trees in the area at an estimated cost of \$1.8 million (2005 costs).

Council may also wish to consider enhanced streetscapes at important community facilities such as regional sporting grounds or in the vicinity of the foreshore.

Potential Constraints

In considering any of the proposed streetscape categories, potential constraints will need to be considered. Some of the potential constraints may be:

- MRWA – Approval will be needed for works on or adjacent roads under its control. As Council may appreciate, these approvals can be time consuming.
- Western Power – In many cases, streetscape works will be hampered by the presence of overhead power lines. Removal of the overhead lines can be costly and once again time consuming.
- Water – The Department of Water is continuously restricting the amount of water that is available to Councils for reticulation. Approval for new bores is becoming harder to obtain and the extraction from existing bores is limited to a set amount. With this in mind, streetscape proposals will need to encompass waterwise principles with cognisance of likely further water restrictions.
- Maintenance Costs – Council will also need to consider the maintenance costs associated with various streetscape treatments. In many cases on arterial roads traffic management may be required and this can double the maintenance cost of landscaped areas.
- Future Development – Streetscape designs will also need to take into account future development in particular areas. For example, increases in residential density may dictate the need for additional crossovers and formalised on-street parking and these factors will need to be considered.

Costings

Costings for streetscape works will obviously be dependent on the level of enhancement required.

As an example of likely costs, the recent works undertaken by the Town of Vincent on Scarborough Beach Road, Mount Hawthorn cost in the vicinity of \$590,000 (2006/2007 dollars), however, it should be noted that this figure did not include undergrounding of power or brick paving of verges.

In addition, any funding allocation in the 2009/2010 financial year will need to take into account the required timeframe for design and approvals. Dependent on any necessary service relocations, roadworks or State Government approvals, it is unlikely that any major program could be physically commenced until the second half of the financial year.

Priority

In considering the priority of streetscape projects, the Senior Management Group (SMG) felt that the following roadways could be focussed on in the first stage of streetscape works:

- Guildford Road (Primary Distributor Road);
- Walter Road (District Distributor Road);
- Beaufort Street/Broun Avenue (District Distributor A Road); and
- Grand Promenade (District Distributor A Road).

As these roads are high profile and main gateway into the City, it is felt that maximum benefit would be gained from focussing on these roads in the first instance. Council may also wish to consider allocating funds to undertake works in other categories as pilot projects for each category. This would enable the development of design themes and standards for category as funding permits.

Policy Implications

Nil.

Financial Implications

Dependent on the funding level Council is prepared to allocate to the program.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION **(OFFICER'S RECOMMENDATION)**

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that Council consider the allocation of funding in the 2009/2010 budget for the implementation of a comprehensive Streetscape Strategy and a further report prioritising areas for upgrading under any approved funding be presented to Council for consideration.

CARRIED BY EN BLOC RESOLUTION

12.9 Claughton Reserve

Attachments: [Amended Community Survey](#)
Officer: Director of Technical Services

Application

For Council to consider the Claughton Reserve Community Survey as part of Milestone 1 of the Claughton Reserve Management Plan.

Background

Council had initially endorsed a plan to develop Claughton Reserve. This included the installation of a jetty, carpark and lighting at Claughton reserve.

The installation of this infrastructure has become a divisive issue for the area. Following a public meeting, Council resolved to cease all works at Claughton Reserve until a Management Plan was developed for the area.

The Management Plan was developed on a Milestone approach as follows

- Milestone 1 Information gathering on all known environmental, social and infrastructure issues at Claughton Reserve. It was a directive of Council to ensure that the Milestone 1 was separated and reported on the three separate issues. A public workshop will then be held to further discuss the values people have for the reserve.
- Milestone 2 Development of a concept plan with the community, further written consultation on the final concept plan and the plan reported to and adopted by Council.
- Milestone 3 Development of a management plan based on the concept plan and further written consultation on the final management plan.
- Milestone 4 Council consideration and adoption of the final Management Plan.

Officers in March 2009 developed a community survey for Claughton Reserve. The results of the survey are intended to be used as a general overview of the current community views and values for the area. These would then be used as a discussion point for the public workshop for development of the management plan.

As part of developing a working partnership with the Friends of Claughton Reserve, Council officers have requested comment on the Draft Claughton Reserve Survey. On 10 May 2009, the City received comment from the President of the Friends of Claughton Reserve.

The areas of comment on the survey from the Friends of Claughton Reserve (FOCR) are as follows:

FOCR Comment	Survey Rational	Suggested changes
Question 4		
<i>This Question is seen as quite contentious. We would prefer to see the suggested infrastructure list removed.</i>	To adequately address the November 2008 Council resolution to address the environmental, social and infrastructure issues at the reserve it was considered that discussion on the options of infrastructure are needed.	For Council to consider undertaking information gathering surveys on infrastructure as resolved in Council resolution of 11 November 2008.
<i>Items in question not listed alphabetically</i>	Nil.	To arrange items alphabetically
<i>Why is a Jetty listed three times? No other item is listed more than once to determine clarity?</i>	The installation of a Jetty for boat use has been strongly rejected by the Friends of Claughton Reserve. Another suggestion is for a Jetty to be installed for use by fisherman or by river viewers. If a jetty was wanted by the community, a use for it is contentious and needs to be clearly identified	For Council to consider undertaking information gathering surveys on infrastructure as resolved in Council resolution 11 November 2008.
<i>The list does not ask the community to prioritise their selections which limits the value of information provided.</i>	An order of listing assumes everything is wanted.	It would be better replaced with 1. Strongly Desire 2. I do not have an opinion 3. Strongly reject
Question 5		
<i>All questions should have room for comment</i>	An attempt was made to keep the survey short (so more people would likely respond).	Leave room for comment if desired by the respondent on the last page of the survey
Question 9 – Additional Questions		
<i>Is there any type of development you would not like to see on the reserve?</i>	Nil	Add question to survey
<i>Do you feel you are able to voice an opinion on the development or preservation of the reserve? How could this be improved</i>	There are five separate opportunities over the following 12 months for the community to comment on the management plan.	Add the question to the survey
<i>How could the extensive erosion of the riverbank be best addressed</i>	Restoration of the riverbank requires a simple design.	Add question to the survey

Claughton Reserve Management Plan Question Plan Explanation Sheet		
<i>Members wanted to know what will be the long term decision making structure as it relates to the reserve. What is the proposed role of the friends of groups? Will its role be determined as part of the management plan</i>	The reserve has a number of users groups and it is unclear at the time of their views of the reserve.	This should be developed later in the milestone approach as the views of user groups are developed.
<i>The Swan River Trust gave in principal approval for the installation of the jetty to the Minister of Environment. Given that we know the position of the Swan River Trust; why are you asking for it again?</i>	Two concerns regarding erosion have been raised about the installation of a Jetty for boat use. One being direct erosion on the Claughton riverbank and one being general increased erosion on the overall river system. The former can be answered through an Environmental Impact Assessment (EIA). This information will be used for discussion in the public workshop, not to justify installation. The later is to larger a question for the City to answer and better answered by the Swan River Trust.	For Council to consider undertaking information gathering surveys on infrastructure as resolved in Council resolution 11 November 2008.
<i>Has the City decided to build the Jetty? Why engage a consultant to undertake an EIA when we don't know if the community want a jetty to be installed. Doesn't this understanding presuppose the outcome of the survey and while consultative process</i>		

An amended survey based on the suggested changes is enclosed as [Attachment 1](#).

Comment

The development of a Management Plan for Claughton Reserve is a contentious issue for the community. The preliminary survey work and investigation work is to help provide some basic scope of community views for discussion at the Community Workshop. Due to the complexities of the issue, the milestone timeline has been delayed to enable Council to properly consider the questions in the survey.

The information is however only a small part of the process and more robust information of what the community wants will need to be established during:

1. The community information gathering workshop;
2. Community concept design workshop;
3. Community consultation on the Concept Design; and
4. Community consultation on the final Management Plan.

Policy Implications

As per Council Resolution 11 November 2008:

“The Cloughton reserve management plan milestone 1 be separated and reported in the following groups:

- (a) Environmental*
- (b) Social*
- (c) Infrastructure”*

Financial Implications

There is currently no funding allocated to the development or implementation of the Cloughton Reserve Management Plan.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION**(OFFICER’S RECOMMENDATION)**

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that:

- 1. Council endorse the amended questionnaire for the Cloughton Reserve Survey.**
- 2. The Director of Technical Services write to the Friends of Cloughton Reserve to advise them of the recommendation by Council.**

CARRIED BY EN BLOC RESOLUTION

12.10 Tender No. 06-2009 - Supply and Delivery of Pre-Mixed Concrete

Attachments: [Special Conditions of Sale](#)
Officer: Director of Technical Services

Application

To award and assess Tender No. 06-2009 – Supply and Delivery of Pre-Mixed Concrete.

Background

Council's annual supply of concrete is required for the programmed construction of crossovers, footpaths and general maintenance of the same.

Tenders were advertised in the "West Australian" on 21 March 2009 and closed on 7 April 2009. One tender was received as follows:

ITEM	APPROXIMATE QUANTITIES (ANNUALLY)	TENDERER
		MULTIMIX
Up to 3.4 m	750 m	\$163.90 + minimum cart as per schedule
Over 3.4 m to 5.6 m	750 m	\$163.90
Annual Increase Years 2 and 3	-	Extra \$11.00 each year

It is important to note that Multimix also have 'Special Conditions of Sale' which were effective from 1 April 2009 (refer Attachment).

The tenders were based on the following weighted criteria:

Criteria	Weighting
Price	70%
Experience and Position in Industry	10%
Plant and Equipment	10%
Occupational Health and Safety Management	10%

The tender was based on a three year contract with price adjustments for CPI or formulae (as submitted at tender stage) at each twelve month period). Multimix had indicated an \$11.00 increase (inclusive GST) to apply at each twelve monthly review.

Comment

Multimix has had long term supply contracts with the City of Bayswater, as well as the Towns of Bassendean and Vincent. Multimix meets the relevant Australian Standards AS/NZS 3600-1988 A1 (classification of strength and content) and AS/NZS1379-1973 (manufacturing and delivery) and all other aspects of the specification.

Policy Implications

Nil.

Financial Implications

Based on the approximate quantity of 1,500m³ per annum, the required cost of \$246,000 is supported in the 2009/2010 budget.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION

(OFFICER'S RECOMMENDATION)

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that Tender No. 06-2009 for the Supply and Delivery of Concrete for the period 1 July 2009 to 30 June 2012 commencing at \$163.90 per cubic metre inclusive of GST with an \$11.00 per metre increase for year two and an \$11.00 per metre increase for year three be awarded to Multimix.

CARRIED BY EN BLOC RESOLUTION

12.11 Tender No. 12-2009 - Supply and Laying of Coloured Patterned Stencil Concrete

Officer: Director of Technical Services

Application

To assess and award Tender No. 12-2009 – Supply and Laying of Patterned Stencil Concrete.

Background

Tenders for the Supply and Laying of Coloured Patterned Stencil Concrete were advertised on the 21 March 2009 in the “West Australian” and closed on 7 April 2009.

The tender is for a three year contract with an annual increase each year. Only one tender was received as follows:

TENDERER	100MM THICK	150MM THICK	ANNUAL INCREASE	
			YEAR 1	YEAR 2
Perth Patterned Concrete Pty Ltd	\$67.10/m ²	\$76.12/m ²	5%	5%

All prices shown are inclusive of GST. In compliance with the Department of Local Government’s tender requirements, the tender documents contained the following tender criteria which the tender was analysed with:

CRITERIA	WEIGHTING
Experience and Position in the Industry	10%
Plant and Equipment	10%
Occupational Health and Safety Management	10%
Price Evaluation	70%

Comment

The approximate annual quantity is 700m² however, this can vary depending on Council’s Capital Works budget.

Perth Patterned Concrete Pty Ltd has had the existing contract with the Council for the past three years. They are recognised throughout the metropolitan area as the leading expert of patterned and stencil concrete.

Policy Implications

Nil.

Financial Implications

The Draft 2009/2010 Budget includes a provision of approximately 1000m² of stencilled concrete.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that Tender No. 12-2009 – Supply and Laying of Coloured Patterned Stencil Concrete be awarded to Perth Patterned Concrete Pty Ltd for a three year period from 1 July 2009 to 30 June 2012 with annual increases of 5% for year 2 and year 3.

CARRIED BY EN BLOC RESOLUTION

12.12 Tender No. 14-2009 - Supply and Laying of Hotmix Asphalt**Officer: Director of Technical Services**Application

To consider tenders for the supply and delivery of hotmix asphalt.

Background

Tenders for the supply and laying of hotmix asphalt were advertised on 21 March 2009 and closed on 7 April 2009. The tenders are summarised below. All prices shown are inclusive of GST.

Product	Blow Marsh	Approx. Qty Per Annum	Pioneer Road Services	Asphalt Surfaces Pty Ltd	Downer EDI Works	Roads 2000	Asphaltec Pty Ltd	Boral Asphalt (WA)
AC 7	50		-	-	148.17*	138.60	135.30	174.90
AC 10	50	5,000	143.00	148.50	146.52*	138.60	129.80	174.90
AC 10	75		143.00	-	146.52*	138.05	133.10	174.90
AC 14	50		143.00	-	144.87*	138.60	129.80	174.90
AC 14	75		143.00	-	144.87*	137.50	133.10	174.90
FGG 7	50		148.50	-	149.27*	137.50	139.70	174.90
FGG 10	50		148.50	-	146.52*	140.80	138.60	174.90
SMA 7		3,750	163.90	181.50	175.67*	176.00	165.00	202.40
SMA 10			163.90	-	174.02*	176.00	163.90	202.40
SMA 14			163.90	-	172.37*	173.80	162.80	202.40
Brown asphalt	Nil Oxide		151.80	304.50	181.72*	171.60	148.50	187.00
Brown asphalt	1.5% Oxide	600	184.80	170.50	212.52*	198.00	189.20	222.20
Explant AC 7	50		115.50	121.00	115.17	123.20	126.50	117.92
Explant AC 10	50	300	115.50	121.00	113.52	123.20	123.20	117.92
Explant brown asphalt	50	25	115.50	-	148.72	145.20	137.50	143.33
Extra night work, at Council's request only (per night)			3,135.00	-	8,250.00	2,750.00	1,969.00	6,050.00
Extra weekend work at Council's request only (per day)			2,420.00	2,200.00	6,600.00	2,750.00	1,749.00	5,775.00
Testing			203.50	440.00	330.00	330.00	236.50	401.50

Note: The Blow Marshall is the industry standard compaction test under laboratory conditions of asphalt voids and stability

* Less than 100 tonne per visit – add \$50.00 per tonne to all rates;

* Handwork – add \$100.00 per tonne to all rates; and

* Traffic control included as per clause 4.2 of Special Conditions of Contract – extra over for Stop/Go and/or road closures by quote or supplied by client

Tenders were assessed on the following criteria:

Experience and Position in the Industry	10%
Plant and Equipment	10%
Occupational Health and Safety Management	10%
Price	70%

Tenders were scored as follows:

Tenderer	Experience (10)	Plant & Equip (10)	OSH (10)	Price (70)	Total (100)
Pioneer Road Services	9	8	9	67.3	93.3
Asphalt Surfaces Pty Ltd	7	6	7	63.7	83.7
Downer EDI Works	9	9	9	63.9	90.9
Roads 2000	8	8	8.5	65.8	90.3
Asphaltec Pty Ltd	8.5	7.5	8.5	70	94.5
Boral Asphalt (WA)	9	9	9	55.1	82.1

Based on the above assessment, Asphaltec is the highest scoring tenderer. Asphaltec is the current tenderer and has provided a good level of service to Council during the current tender.

Consideration also needs to be given to the various price rise/fall structure that have been offered by each tenderer.

Apart from CPI increases, asphalt price increases are also dependant on bitumen prices. As Council may be aware, bitumen prices have been volatile in recent times and fluctuations have been dramatic.

The rise/fall structures for the three highest scoring tenders are detailed below:

1. Asphaltec

CPI adjustments will be applied annually and adjustments will apply at various times during the year according to the rise and fall of bitumen prices. This formula was part of the current tender and based on the last twelve month period, the nett effect of bitumen price fluctuations was a rate decrease.

2. Pioneer Road Services

Pioneer have stipulated an annual review based on bitumen price changes (subject to the rise or fall being greater than \$20 per tonne. No charge will apply if the rise/fall is less than this amount) and a 4% increase in labour rates. This structure differs to the Asphaltec structure in that it is independent of fluctuations throughout the year and is only dependant on the differences in bitumen price from the time of tender to the actual rate at the twelve month review.

Based on last years figures, an increase of approximately \$60 per tonne of bitumen would have applied. This equates to an approximate increase of \$3.30 per tonne of asphalt or 2.5%/

3. Downer EDI Works

Downer EDI has stipulated that increases will be in accordance with bitumen price fluctuations only as they occur.

Comment

The effects of the differing rise/fall scenarios are difficult to predict given the volatility in the bitumen market which is heavily linked to fuel pricing. In saying this, it should be noted that bitumen price increases only represent approximately 5.5% of the tendered rate. That is, if bitumen increases \$20 per tonne, the asphalt tender rate is increased by \$1.10 per tonne.

Overall, Asphalttec have been able to offer the lowest tender price to Council (based on estimated usage rates) as they have passed the risk to Council in relation to bitumen price fluctuations. This risk can also result in a nett benefit to Council should bitumen prices decrease as was the case last year.

Given that the Asphalttec tender represents the best value to Council based on current bitumen pricing and that fluctuations in bitumen pricing are difficult to forecast, it is considered appropriate to accept the tender from Asphalttec.

Policy Implications

Nil.

Financial Implications

Funds are available in various work accounts for the supply and laying of asphalt in accordance with the tender documentation.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Officer recommendation that Council accept the tender from Asphalttec for the supply and laying of hotmix asphalt in accordance with Tender No. 14-2009.

CARRIED BY EN BLOC RESOLUTION

13 BUSINESS – PLANNING AND DEVELOPMENT SERVICES**COUNCIL RESOLUTION**

CR MICHAEL SABATINO MOVED, CR TERRY KENYON, JP SECONDED that this Item be discussed behind closed doors at item 18.1.

CARRIED

13.1 Proposed Liquor Licence Application

Location: Lot 101, No. 497 Guildford Road, Bayswater
Applicant: Project Development (WA) Pty Ltd
Owner: Project Development (WA) Pty Ltd
Officer: Director of Planning and Development Services
Refer: Item 13.7 OCM 26.05.09
Item 8.1 SCM 18.04.09
Item 13.7 OCM 24.02.09
Item 14.15 OCM 26.08.08
Item 12.3.7 OCM 22.04.08
Item 12.3.10 OCM 25.03.08

CONFIDENTIAL ITEM

HIS WORSHIP THE MAYOR, CR LOU MAGRO DECLARED AN IMPARTIAL INTEREST

In accordance with Section 5.65 of the Local Government Act 1995, the Mayor, Cr Lou Magro declared an impartial interest on the overall application as his company has had dealings with Australian Fast Foods (Red Rooster).

His Worship the Mayor, Cr Lou Magro requested that his interest be declared trivial on the basis that Australian Fast Foods (Red Rooster) is not mentioned in this Item and he has no interest with the developer or the liquor license application.

His Worship the Mayor, Cr Lou Magro declared this interest twice. The first request for triviality lapsed and the second request was lost. In the first instance the Mayor withdrew from the meeting at 7:11pm and returned at 7:35pm. In the second instance the Mayor withdrew from the meeting at 7:42pm and returned at 8:38pm.

Application

1. An application has been received requesting the authorisation of a Section 40 Liquor Licence Certificate to facilitate a proposed liquor store at Lot 101, No.497 Guildford Road, Bayswater.
2. Council consideration is required in this instance as Council has previously resolved that the City would not endorse an application for a Liquor Licence on the subject site at the Ordinary Council Meeting held on 24 February 2009.

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting is closed to members of the public for this item as the following sub-section applied:

- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR IAN MCCLELLAND, JP MOVED, CR TERRY KENYON, JP SECONDED the Officer recommendation that:

1. **Council issue a Liquor Control Act 1988 Certificate of Local Planning Authority – Section 40 certifying that a liquor store at Lot 101, 497 Guildford Road, Bayswater will not comply with the requirements of Town Planning Scheme No. 24 for the following reasons:**
 - a) **Planning Approval for a liquor store is required under District Town Planning Scheme No. 24; and;**
 - b) **The Council has not given Planning Approval and on 24 February 2009 resolved to inform the applicant that a liquor licensing outlet will be refused.**
2. **Council advise the applicant and the applicant's solicitors, Kott Gunning, that it does not accept the argument in relation to the advice note on the notice of determination, and that the City is firm in its view that the liquor licensing outlet has not been approved, and the terms of the Council's critical resolution of 24 February 2009 make that clear.**

CARRIED

Cr Terry Blanchard, Cr Sonia Turkington and Cr Michael Sabatino requested that their vote against the resolution be recorded.

At 8:38pm, His Worship the Mayor, Cr Lou Magro returned to the meeting and resumed the chair.

14 BUSINESS – FINANCE AND PERSONNEL

Nil.

15 REPORTS OF MANAGEMENT/ADVISORY COMMITTEES**15.1 Minutes of the Youth Advisory Committee (YAC) – 6 May 2009****Attachments:** [1. Minutes of the Youth Advisory Committee \(YAC\)](#)**Officer:** A/Director of Administration and Community ServicesApplication

To inform the Council of the minutes of the meeting of the Youth Advisory Committee (YAC) which was held on 6 May 2009.

Background

Attached is a copy of the minutes of the meeting of the Youth Advisory Committee (YAC), which was held on 6 May 2009 (refer to Attachment No. 1).

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(COMMITTEE RECOMMENDATION)

CR SYLVAN ALBERT MOVED, CR MICHAEL SABATINO SECONDED the Committee recommendation that the minutes of the meeting of the Youth Advisory Committee (YAC) which was held on 6 May 2009 be received, and the recommendations contained therein and listed hereunder be approved:

1.1 Youth Advisory Committee Progress Report 2009**That:**

- 1. The progress report on the Youth Advisory Committee be received.**
- 2. The new Youth Advisory Committee applicant, Alex Pitkin is endorsed as a Youth Advisory Committee member.**
- 3. The Committee to approve the funding of \$400 for Drug Arm WA presentations to school leavers 2009.**
- 4. The YAC survey report be approved and distributed to relevant organisations.**
- 5. Council make funds available for better signage, improve building aesthetics, and make the Zone Out youth space more appealing to young people.**
- 6. For Zone Out to work in partnership with YAC to improve promotion and marketing of the youth space.**
- 7. YAC representatives to present the YAC survey results to a Council Briefing Session.**

CARRIED BY EN BLOC RESOLUTION

16 MAYOR'S REPORT**LGMA NATIONAL CONFERENCE - 24 – 27 MAY 2009**

Together with the CEO and Cr Turkington, I attended the LGMA National Conference – “Creating our Future” in Darwin recently.

The conference focused on the changing demographics of the Australian community with each generation having different expectations and the need for local government to change to meet those expectations.

Challenges local government are likely to face include sustainability and the need to become increasingly involved in community renewal and service areas.

The conference also highlighted the need for local government to embrace change and new technologies, become proactive and develop strategic partnerships in the delivery of services.

THURSDAY 4 JUNE 2009 - MEETING WITH MINISTER FOR ENVIRONMENT; YOUTH - HON DONNA FARRAGHER MLC

On Thursday, 4 June 2009, the Mayor and I had the opportunity to meet with the Minister for Environment; Youth, the Hon Donna Farragher MLC, to discuss opportunities, programmes and assistance for the City.

Items of discussion were:-

- Introduction of the Landfill Levy
- River Foreshore stabilisation
- Water Quality Improvement
- Assistance with Youth programmes

JUNE COMMUNITY CONCERT - 6 JUNE 2009

On Saturday night the City held its 20th annual City of Bayswater Community Concert

Close to 400 people attend the concert which allows the City to showcase some of our local talent.

BEDFORD BOWLING CLUB TROPHY PRESENTATION DAY - 7 JUNE 2009

The Bedford Bowling Club invited me to attend the opening of the Club's new synthetic green on Sunday.

This event coincided with the Club's trophy presentation day.

I would like to take this opportunity to thank my fellow Councillors for attending functions on behalf of the City of Bayswater.

17 AFFIXING OF COMMON SEAL**17.1 Authorisation for Affixing of the Common Seal****COUNCIL RESOLUTION**

CR IAN MCCLELLAND, JP MOVED, CR TERRY BLANCHARD SECONDED that approval be granted for affixing of the common seal to the following documents:

Document Details	No. of Documents	Council Resolution	For Approval or Ratification
Deed Poll – Department of Infrastructure, Transport, Regional Development and Local Government and City of Bayswater	1	NA	Ratification
TPS 24 Scheme Amendment No. 1	3	OMC 26/05/09	Ratification

CARRIED

18 DISCUSSION OF MATTERS BEHIND CLOSED DOORS**COUNCIL RESOLUTION**

CR TERRY BLANCHARD MOVED, CR TERRY KENYON, JP SECONDED that this Item be discussed behind closed doors.

CARRIED

At 7:10pm, the doors were closed to the public, and those present in the public gallery left the meeting.

18.1 Proposed Liquor Licence Application

Location: Lot 101, No. 497 Guildford Road, Bayswater
Applicant: Project Development (WA) Pty Ltd
Owner: Project Development (WA) Pty Ltd
Officer: Director of Planning and Development Services
Refer: Item 13.7 OCM 26.05.09
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Item 12.3.7 OCM 22.04.08
Item 12.3.10 OCM 25.03.08

CONFIDENTIAL ITEM

HIS WORSHIP THE MAYOR, CR LOU MAGRO DECLARED AN IMPARTIAL INTEREST

In accordance with Section 5.65 of the Local Government Act 1995, the Mayor, Cr Lou Magro declared an impartial interest on the overall application as his company has had dealings with Australian Fast Foods (Red Rooster).

His Worship the Mayor, Cr Lou Magro requested that his interest be declared trivial on the basis that Australian Fast Foods (Red Rooster) is not mentioned in this Item and he has no interest with the developer or the liquor license application.

His Worship the Mayor, Cr Lou Magro declared this interest twice. The first request for triviality lapsed and the second request was lost. In the first instance the Mayor withdrew from the meeting at 7:11pm and returned at 7:35pm. In the second instance the Mayor withdrew from the meeting at 7:42pm and returned at 8:38pm.

Application

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2. Council consideration is required in this instance as Council has previously resolved that the City would not endorse an application for a Liquor Licence on the subject site at the Ordinary Council Meeting held on 24 February 2009.

In accordance with Section 5.23(2) of the *Local Government Act 1995*, the meeting is closed to members of the public for this item as the following sub-section applied:

- (d) Legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

Voting Requirements

Simple Majority Required.

COUNCIL RESOLUTION
(OFFICER'S RECOMMENDATION)

CR IAN MCCLELLAND, JP MOVED, CR TERRY KENYON, JP SECONDED the Officer recommendation that:

1. **Council issue a Liquor Control Act 1988 Certificate of Local Planning Authority – Section 40 certifying that a liquor store at Lot 101, 497 Guildford Road, Bayswater will not comply with the requirements of Town Planning Scheme No. 24 for the following reasons:**
 - a) **Planning Approval for a liquor store is required under District Town Planning Scheme No. 24; and;**
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CARRIED

Cr Terry Blanchard, Cr Sonia Turkington and Cr Michael Sabatino requested that their vote against the resolution be recorded.

At 8:38pm, His Worship the Mayor, Cr Lou Magro returned to the meeting and resumed the chair.

COUNCIL RESOLUTION

CR TERRY BLANCHARD MOVED, CR MARLENE ROBINSON SECONDED that the doors be re-opened to the public.

CARRIED

At 8:38pm, the doors were re-opened to the public, and certain members of the public gallery returned to the meeting. At this time His Worship the Mayor read out the Council Resolution to Item 13.1 for the public.

19 ORDER OF BUSINESS

ORDER OF BUSINESS

Items of business were dealt with in the following order:

Item 7.1. Item 11.1, 11.2 and 11.5. Items 12.4 through to Item 12.6. Item 13.1 (18.1).
Item 16 through to Item 20.

All other Items were carried En Bloc, and those Items that required an Absolute Majority achieved it En Bloc.

20 CLOSURE

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE CHAIRPERSON,
HIS WORSHIP THE MAYOR, CR LOU MAGRO DECLARED THE MEETING
CLOSED AT 8:44PM.**