



CITY OF BAYSWATER

**ORDINARY MEETING
OF COUNCIL**

APPENDICES

10 NOVEMBER 2009



Cr Terry Kenyon JP
Mayor

FROM THE OFFICE OF THE MAYOR
CR TERENCE G KENYON JP, WEST WARD
CITY OF BAYSWATER

18 November 2009

Ordinary Council Meeting
10 November 2009
Appendix 1:

Ms Victoria Linton
49 Grafton Road
BAYSWATER WA 6053

Dear Ms Linton

**PUBLIC QUESTION TIME
ORDINARY MEETING OF COUNCIL – 10 NOVEMBER 2009**

Reference is made to your question raised during Public Question Time at the Ordinary Meeting of Council on Tuesday, 10 November 2009. I provide the following response to this question:

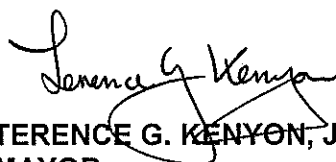
Question 1:

Can Council please update the public on the progress for the Riverside Gardens Café proposal and survey? The reason for asking is that a dog walker at Riverside Gardens was recently told by a Ranger that the café proposal was going ahead. Is this true?

Answer Q1:

At this point in time Council has not considered the submissions received nor made any decision on the Riverside Gardens Café proposal. Council will need to consider and discuss the issue further at a meeting to be held in the near future. It is noted that the community, and in particular those that made submissions during the public consultation period, will be duly informed once a further decision on the matter has been reached by Council.

Yours sincerely


**TERENCE G. KENYON, JP
MAYOR**



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Cr Terry Kenyon JP
Mayor

Ordinary Council Meeting
10 November 2009
Appendix 2:

18 November 2009

Mr Ken Belcher
53 Broadway Avenue
EMBLETON WA 6062

Dear Mr Belcher

**PUBLIC QUESTION TIME
ORDINARY MEETING OF COUNCIL – 10 NOVEMBER 2009**

Reference is made to your question raised during Public Question Time at the Ordinary Meeting of Council on Tuesday, 10 November 2009. I provide the following response:

Although the current tip passes specify that they can be only used for a 4 x 6 trailer, Cleanaway has advised that the gate operators normally allow entry to any sized trailer. The only exception would be if it contained banned materials or if it far exceeded the weight of a reasonable domestic load. In future, to resolve issues such as this, it is proposed that the reference to a 4 x 6 trailer be deleted and replaced with a reference to "A Maximum of 300kgs" which would allow the same equivalent in weight that a 3 cubic metre bulk bin would hold.

Discussions with Cleanaway staff have not revealed the reason why your trailer was refused entry as they require details of the date and time of the incident so they can speak to the gate operator.

I regret any inconvenience that you have experienced due to this incident and I appreciate you bringing the matter to my attention. Please contact the City's Acting Manager Environmental Health, Mr Glenn Sargeson, on (08) 9272 0688 should you wish to discuss the matter further.

Yours sincerely

**TERENCE G. KENYON, JP
MAYOR**



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Cr Terry Kenyon JP
Mayor

18 November 2009

Ordinary Council Meeting
10 November 2009
Appendix 3:

Mr Ian Walters
124 Lawrence Street
BEDFORD WA 6052

Dear Mr Walters

**PUBLIC QUESTION TIME
ORDINARY MEETING OF COUNCIL – 10 NOVEMBER 2009**

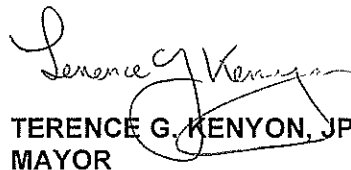
Reference is made to questions raised during Public Question Time at the Ordinary Meeting of Council on Tuesday, 10 November 2009, regarding the financial statements and associated matters between the EMRC and the City of Bayswater.

As a result of your ongoing concerns, the City has arranged a meeting to be held at the City of Bayswater, Civic Centre, 61 Broun Avenue, Morley on Thursday, 26 November 2009 at 1:00pm between yourself, the Chief Executive Officer of the EMRC, Mr Peter Schneider, the Chief Executive Officer of the City of Bayswater, Ms Francesca Lefante and the City of Bayswater Director of Finance, Mr Ted Budzinski.

I understand that this information has also been conveyed to you over the telephone by City Officer's.

I have attached the relevant pages of the minutes that list questions raised at the meeting and subsequent responses given on the night. Furthermore, I look forward to the resolution of these matters.

Yours sincerely


**TERENCE G. KENYON, JP
MAYOR**

Attach.



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3. Mr Tony Anstee, 31 Hamersley Avenue, Morley

At the Council meeting of 27 Oct 2009 Cr Blanchard made a vile and insulting attack upon the ratepayers of the City of Bayswater accusing them of attending Council meetings for “freebies” and to get drunk and start fights. In light of this unprecedented and unwarranted attack I ask 3 Questions:

Question 1:

Will Council call upon Cr Blanchard to make a full and public apology to all the ratepayers of the City of Bayswater?

Question 2:

It is apparent that Cr Blanchard has issues with and a dislike of ratepayers, I therefore ask Council to move a motion of censure against this Cr and call upon him to resign from Council with immediate effect.

Question 3:

Has Council a code of conduct? If no please make one and if yes could the Mayor please enforce such code when Cr’s are speaking of the ratepayers?

His Worship the Mayor, Cr Terry Kenyon, JP advised that he could not respond on comments or questions directed to an individual Councillor, however that there is a Code of Conduct for Councillors and that he would making sure that all Councillors have a copy of this code and that they understand it fully.

4. Mr Dominic Cuscuna, Maylands Park Shopping Centre, Shop 6, 238 Guildford Road, Maylands

Mr Cuscuna was not present during Public Question Time, his questions will be taken on notice and a written reply provided.

5. Mr Ian Walters, 124 Lawrence Street, Bedford

Question 1:

Mr Mayor, I have taken the opportunity to peruse the City’s submission ‘Local Government Reform’ with particular reference to page 21 of the document which states and I quote “The City of Bayswater is fortunate to be debt free therefore has substantial borrowing powers and would gain greater flexibility in this area should this proposal be approved”. Mr Mayor, in view of the City’s advice I feel it is appropriate to congratulate Council and staff upon retirement of debt which, as at 30 June 2008 amounted to \$4,079,370. My question is, can you please advise the source of repayment which resulted in the City being debt free?

The Director of Finance advised that the debt was the result of money that was borrowed for the building of an aged persons home. He further advised that the City was in a position to pay for the building of this facility, however it was decided that the funds would be borrowed as the City was able to secure an excellent rate for the borrowed amount. This debt remained until the money market turned around and at that time the debt was retired from the City’s Reserve Funding Account.

Mr Walters went on to say: So the City of Bayswater hasn’t got any liabilities by the way of borrowings as of tonight, is that what you’re confirming to me?

The Director of Finance advised that the City has a few self supporting loans.

Mr Walters went on to say: Mr Mayor, with the utmost respect, the City is not debt free. It's not debt free, you can argue until the cows come home.

His Worship the Mayor, Cr Terry Kenyon, JP advised that he would further investigate these concerns and provide a written response.

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

Question 2:

I refer to my question at the Special Meeting of Council of 21 October 2009 regarding whether or not the City of Bayswater Executives are satisfied that the EMRC has proper credit risk procedures in place to avoid future similar circumstances preventing any further losses. I thank the City for a response. However, the question was not answered. Mr Mayor, when may I anticipate an answer addressing my question?

His Worship the Mayor, Cr Terry Kenyon, JP advised that he cannot answer questions on behalf of the EMRC, however that he would be happy to pass on any questions.

Mr Walters went on to say: Mr Mayor, I visited the EMRC and spoke to the CEO and he advised me to come to the City of Bayswater. I come to the City of Bayswater and I get told to go to the Eastern Metropolitan Regional Council. With the utmost respect Mr Mayor, who knows what's going on? I don't care what you tell me, tell me one thing and mean it.

The Chief Executive Officer advised that the EMRC are a separate body and as such have their own administration and their administrative practices are in no way governed by the Executive of the City of Bayswater, this includes how the EMRC sets their investment policies and protocol. The Chief Executive Officer further advised that the questions being raised by Mr Walters should be directed toward the EMRC or the EMRC representatives.

Mr Walters went on to say: With the utmost respect Madam CEO, what have we got these Councillors on the EMRC for, if they are not protecting the interest of the ratepayers of the City of Bayswater? I'm not asking you to interfere with the administrative thing, but are you people satisfied, I'm not asking anyone to speak.

His Worship the Mayor, Cr Terry Kenyon, JP advised that there have recently been several new Councillors elected to represent the City of Bayswater on the EMRC. Cr Graham Pittaway has been elected as the Chairman of the EMRC, Cr Alan Radford is elected as a delegate and Cr Barry McKenna is elected as a deputy.

The Deputy Mayor, Cr Barry McKenna advised that the EMRC does have a policy dealing with triple 'A' or double 'A' plus credit rating policies. There has been a significant problem stemmed from a previous Council several years ago, in it's investment policy dealing with what it believed at the time to be a triple 'A' credit rating society, which has subsequently led to a highly complex legal action initiated by the EMRC. He further added that he, along with other Councillors of the EMRC are quite aware of the investment policies that should be followed.

Question 3:

Mr Mayor, I refer to my questions raised at the Ordinary Meeting of Council dated 22/09/09 and Special Meeting of Council dated 21/10/09. Mr Mayor, bearing in mind approximately six weeks has lapsed since the initial question, when can I expect to receive an answer which relates to the question? In order that there is a clear understanding of my question, I will repeat the important aspects. When did the City of Bayswater first become aware of the impairment of the EMRC investments \$3,250,474?

Question 2:

Under what date were the elected representatives of the ratepayers informed of these additional provisions for further loss?

His Worship the Mayor, Cr Terry Kenyon, JP advised that a written response would be provided in regard to these questions.

A copy of Council's written response can be located at [Appendix 3](#).

6. Mr Tony Green, 18 Belfast Street, Morley (Founder Member - Friends of Lightning Swamp Bushland)

Question 1: Item 14.3

We applaud the City of Bayswater for trying to procure funding for this unique project. I would like to take this opportunity to remind Council that this centre was on the original concept plans to develop Lightning Park, and we, the Friends of Lightning Swamp Bushland, have been patiently waiting for more than eight years for something to eventuate. In view of the fact that the centre described in Item 14.3 is incorrectly named and the grant submission may be subject to conditions that we are not totally aware of, will the City of Bayswater give an assurance that the Friends of Lightning Swamp Bushland, and in particular the President, be advised and consulted in future before such actions are taken?

His Worship the Mayor, Cr Terry Kenyon, JP advised that an administrative error had been made with reference to the naming of this Item and that it would be corrected. He further stated that Council endeavours to keep the community informed of its dealings, however in this instance time is of the essence as grant funding is available from the Federal Government and in this instance the goal was to achieve funding for this project and it was pertinent to seek community consultation at this time, however rest assured that the Friends of Lightning Swamp Bushland will be kept informed of further progress of this Item.

Mr Green went on to say: Our initial concerns were whatever conditions were on this grant, because we have to put up with those then and we haven't even been consulted.

His Worship the Mayor, Cr Terry Kenyon, JP advised that the Council, along with the new Councillors of the North Ward wanted to expedite this grant submission as it has been on the Agenda for quite some time and we were looking to try and source funding for the project.

A copy of Council's written response can be located at [Appendix 4](#).

7. Mr Ron Snelgar, 178 Grand Promenade, Bedford

Question 1:

Is the Road off Brown Street behind the shops including IGA a gazetted road for general use by ratepayers or is it restricted to service vehicles and owners/users of the shops? (Corner of Craven & Grand Promenade, Bedford).



Francesca Lefante
Chief Executive Officer

FROM THE OFFICE OF THE CHIEF EXECUTIVE OFFICER
CITY OF BAYSWATER

18 November 2009

Ordinary Council Meeting
10 November 2009
Appendix 4:

Mr Tony Green
18 Belfast Street
MORLEY WA 6062

Dear Mr Green

**PUBLIC QUESTION TIME
ORDINARY MEETING OF COUNCIL – 10 NOVEMBER 2009**

Reference is made to your question raised during Public Question Time at the Ordinary Meeting of Council on Tuesday, 10 November 2009.

A verbal response to your question was provided on the night by the Mayor. I have provided a copy of Item 3 'Public Question Time' containing the written responses to your questions.

I trust the information provided is satisfactory to your requirements.

Yours sincerely

**FRANCESCA LEFANTE
CHIEF EXECUTIVE OFFICER**

Attach:



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Website: www.bayswater.wa.gov.au

Question 2:

Under what date were the elected representatives of the ratepayers informed of these additional provisions for further loss?

His Worship the Mayor, Cr Terry Kenyon, JP advised that a written response would be provided in regard to these questions.

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Mr Green went on to say: Our initial concerns were whatever conditions were on this grant, because we have to put up with those then and we haven't even been consulted.

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A copy of Council's written response can be located at [Appendix 4](#).

7. Mr Ron Snelgar, 178 Grand Promenade, Bedford

Question 1:

Is the Road off Brown Street behind the shops including IGA a gazetted road for general use by ratepayers or is it restricted to service vehicles and owners/users of the shops? (Corner of Craven & Grand Promenade, Bedford).

The Deputy Mayor, Cr Barry McKenna advised that he believed the Street referred to was a Right of Way (ROW). His Worship the Mayor, Cr Terry Kenyon, JP advised that he would have the City's Officer's investigate this matter and a written response would be provided.

Mr Snelgar went on to say: If it is a right of way, is it possible to have a couple of signs put up stating that it is a right of way for use of service vehicles and other occupiers? Because, generally the public just use it as a shortcut from Grand Promenade to Craven Street and vice versa.



Cr Terry Kenyon JP
Mayor

FROM THE OFFICE OF THE MAYOR
CR TERENCE G KENYON JP, WEST WARD
CITY OF BAYSWATER

18 November 2009

Ordinary Council Meeting
10 November 2009
Appendix 5:

Mr Ron Snelgar
178 Grand Promenade
BEDFORD WA 6052

Dear Mr Snelgar



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**PUBLIC QUESTION TIME
ORDINARY MEETING OF COUNCIL – 10 NOVEMBER 2009**

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Question 1:

Is the Road off Brown Street behind the shops including IGA a gazetted road for general use by ratepayers or is it restricted to service vehicles and owners/users of the shops? (Corner of Craven and Grand Promenade, Bedford).

Answer Q1:

The road in question is not a gazetted road.

Question 2: (Verbal)

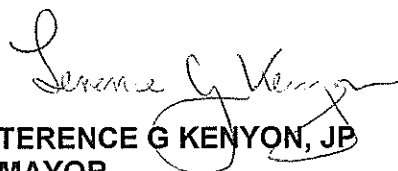
If it is a right of way, it is possible to have a couple of signs put up stating that it is a right of way for use of service vehicles and other occupiers? Because, generally the public just use it as a shortcut from Grand Promenade to Craven Street and vice versa.

Answer Q2:

Arrangements have been made for signs to be erected advising that the right of way is for use by service vehicles only.

Should you require any further information, please contact the City's Director of Technical Services, Mr Doug Pearson, on (08) 9272 0650.

Yours sincerely


**TERENCE G KENYON, JP
MAYOR**



Francesca Lefante
Chief Executive Officer

FROM THE OFFICE OF THE CHIEF EXECUTIVE OFFICER
CITY OF BAYSWATER

18 November 2009

Mr Bill Vos
6 Young Street
BAYSWATER WA 6053

Ordinary Council Meeting
10 November 2009
Appendix 6:

Dear Mr Vos

PUBLIC QUESTION TIME
ORDINARY MEETING OF COUNCIL – 10 NOVEMBER 2009

Reference is made to your question raised during Public Question Time at the Ordinary Meeting of Council on Tuesday, 10 November 2009. I provide the following response to this question:

Question 1: (Verbal)

My question is in relation to the Code of Conduct by Councillors. Before the last election, and I brought this up with Francesca the CEO who gave me a very good answer and I'm quite satisfied with the answer in regard to the use of surveillance video in the foyer area of the Council, I was threatened by two Councillors that the video would be put on 'U Tube', accusations were laid at me and my wife in regard to that video, which I haven't had apologies for even though I have emailed the main instigator. Fortunately, he is no longer a Councillor so I'm quite happy to let that go, but there were other Councillors involved in accusing me and my wife of running a 'smear' campaign against Councillors and I'm extremely disappointed that Councillors that can add two and two together and come up with about five hundred and fifty. Secondly, I thought the matter had been basically resolved by the CEO but last week one of the Councillors on a questions on one of the items on the Agenda stated that he would be able to view surveillance camera footage of ratepayers on how much they drink and how many bottles of whatever they were drinking, whether it was cool drink and I'm very disappointed that the CEO let that one go when she had written me a letter very clearly stating video footage would only be used to find out illegal activities. So I'm just wondering whether the Code of Conduct could be extended and possibly the rules for using video footage could be written up reasonably quickly. All I really require from you is an assurance that no video footage would be given to a Councillor, any member of the public without letting some authority look at it first to make sure it isn't an illegal activity before it used by Councillors to put on 'U Tube' or take photographs of and spread around to other people. Thank you.

Answer Q1:

Further to our discussion following the Council Meeting of 10 November 2009, the City is in the process of developing a policy and protocols in relation to camera surveillance material.

It is noted that the Mayor advised that Council does have a 'Code of Conduct' and that this will again be distributed to all Councillors. The 'Code of Conduct' can be viewed on the City's website under the 'Publications'tab.

Yours sincerely

FRANCESCA LEFANTE
CHIEF EXECUTIVE OFFICER



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