



# **CITY OF BAYSWATER**

## **MINUTES**

### **OF THE**

## **SPECIAL MEETING**

### **OF COUNCIL**

**2 August 2006**

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**CITY OF BAYSWATER**

**Minutes** of the Special Meeting of the Bayswater City Council which took place in the Main Hall, Peninsula Cultural and Community Centre, 219 Railway Parade, Maylands on Wednesday, 2 August 2006.

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**MINUTES**

**1 OFFICIAL OPENING**

The Chairperson, His Worship the Mayor CR KENYON, JP, welcomed those in attendance and declared the meeting open for the special business of Council at 7:26pm.

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

**In Attendance**

West Ward

Cr Terry Kenyon JP, Mayor  
Cr Marlene Robinson  
Cr Alan Radford

North Ward

Cr Ian McClelland, JP, Deputy Mayor  
Cr Graham Pittaway, OAM

Central Ward

Cr Barry McKenna  
Cr Michael Sabatino  
Cr Victor Rosenberg

South Ward

Cr Terry Gaunt  
Cr Sonia Turkington

**Officers**

Mr Mario J. Carosella	Chief Executive Officer
Mr Ted Budzinski	Director of Finance
Mr Bob Jarvis	Director of Administration & Community Services
Mr Martyn Glover	Director of Technical Services
Ms Francesca Lefante	Director of Planning and Development Services
Mrs Miranda Mastin	Minutes and Agenda Coordinator

**Apologies**

Cr Lou Magro

**Leave of Absence**

Nil.

**Observers**

Nil.

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**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.

Nil.

**4 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5 DECLARATIONS OF INTEREST**

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 Special Council Meeting held on 2 August 2006:

Nil.

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 Special Council Meeting held on 2 August 2006:

Nil.

In accordance with Clause 34C of the *Local Government (Administration) Regulations 1996* the following disclosure of interests affecting impartiality were made at the Special Council Meeting held on 2 August 2006:

Date	Name	Item No.
2.08.06	Mr Carosella	6.1 Request for Renaming of Bayswater Neighbourhood Centre

**6 URGENT BUSINESS****COUNCIL RESOLUTION**

**CR IAN MCCLELLAND, JP MOVED, CR TERRY GAUNT SECONDED, that Item 6.1 be dealt with as Urgent Business.**

**CARRIED**

**6.1 Request for Renaming of Bayswater Neighbourhood Centre**

**Location: 42 Rudloc Road, Morley**  
**File No: PB/054 : RUD-30/42**  
**Applicant: His Worship the Mayor**  
**Officer: Chief Executive Officer**  
**Refer: Nil.**

<b>CONFIDENTIAL ITEM</b>
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Application

His Worship the Mayor, Cr Terry Kenyon, JP, has requested that the Council consider renaming the City of Bayswater Neighbourhood Centre located at 42 Rudloc Road, Morley in honour of a long-time resident who has contributed significantly, by way of volunteer work, to the City of Bayswater.

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.

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

**CR GRAHAM PITTAWAY, OAM, MOVED, CR TERRY GAUNT SECONDED the Officer's Recommendation:**

**That:**

- 1. the Council support the renaming of the City of Bayswater Neighbourhood Centre to the '\_\_\_\_\_ Neighbourhood Centre';**
- 2. a civic function is held in honour of \_\_\_\_\_ and to publicly announce the renaming of the Centre; and**
- 3. the renaming of the centre remain confidential until announced by His Worship the Mayor at the civic function.**

**CARRIED UNANIMOUSLY**

**7            PETITIONS**

Nil.

**8            DEPUTATIONS**

Nil.

**9 BUSINESS****SUSPENSION OF STANDING ORDERS**

At 7.41pm, CR MICHAEL SABATINO MOVED, CR GRAHAM PITTAWAY, OAM SECONDED that Standing Orders be suspended.

**CARRIED**

- 9.1 Local Government Structural and Electoral Reform in Western Australia**  
**File No: PF/167; PF/100**  
**Officer: Chief Executive Officer**  
**Refer: SMC Item 8.7 04.07.06**

Application

For Council to consider the wording of its preferences for the conduct of Council elections that incorporates the views of the whole Council.

Background

At its Special Meeting of 4 July 2006 Council considered the Local Government Advisory Board's Executive Summary on its report: *Local Government Reform in Western Australia ensuring the future sustainability of communities* and resolved the following:

*That:*

- 1. the Local Government Advisory Board Executive Summary on Local Government Reform in Western Australia ensuring the future sustainability of communities be received;*
- 2. His Worship the Mayor write to the Minister for Local Government and Regional Development acknowledging his letter dated 19 June, 2006, confirming that the Carpenter government has no intention of forcing Council amalgamation in Western Australia; and*
- 3. the Department of Local Government and Regional Development be advised that if the Local Government Advisory Board has a case in the future for a change in the boundaries between Bayswater and Bassendean, the Council would be willing, following public consultation within the affected communities to discuss the merits of the case.'*

There was a recommendation Four (4) that was deferred to the next Special Meeting of Council. This recommendation dealt with the City of Bayswater's position on electoral reform for local government in Western Australia and was deferred to enable a report to come back to Council to consider the wording of its preferences for the conduct of Council elections that incorporates the views of the whole Council, and includes that elections are compulsory and in-person, and use a numerical system for marking ballot papers instead of ticks.

Council made a submission to the board in 2005 that suggested that the City of Bayswater would want to see the conduct of local government elections to mirror as much as possible the mode and method of elections used by the State and Federal governments in recognition of local government's legitimate role as the third tier of government. It was recognised at the time that there were differences between the three tiers, and in particular the office of mayor/shire president. Bayswater's submission requested that the Advisory Board consider uniformly applying the election of mayor/shire president from among and by the councillors rather than the currently available alternative of popularly elected Mayors and Shire Presidents.

As mentioned in the report to the 4 July meeting, the Advisory Board has made few proposals for change to local government elections, and it is felt that the City of Bayswater should again write to the Board reiterating its position.

#### Comment

It was felt by Councillors that the Council should ensure that the wording of its electoral preferences is unambiguous and wanted to take the time to carefully consider its submission before it being sent to the Board.

#### Voting Requirements

Simple Majority Required

#### Officer's Recommendation

That:

1. the Department of Local Government and Regional Development be advised that the City of Bayswater submits that as the third tier of Government, and the tier closest to the people, local government elections should mirror as close as possible the elections of the State and Federal Government. That is they are:
  - compulsory and in-person;
  - use numbers to record votes, not ticks; and
  - be conducted by the Electoral Commission.
2. the current four (4) year terms for Councillors remain with half of the Offices being vacated every two (2) years for election; and
3. the method of electing the Mayor/Shire President be restricted to being elected by and from among the Councillors after each election – providing for a two (2) year term for Mayors and Shire Presidents.

*Council considered this item and changed the Officer recommendation as they agreed that a report is required to be presented to Council providing further details on postal voting, which will enable a decision to be made regarding the Council's preference on electoral conduct and method.*

**COUNCIL RESOLUTION**

**CR VICTOR ROSENBERG MOVED, CR SONIA TURKINGTON SECONDED:**

**That:**

- 1. the Department of Local Government and Regional Development be advised that the City of Bayswater submits that as the third tier of Government, and the tier closest to the people, local government elections should mirror, as close as possible, the elections of the State and Federal Government;**
- 2. the current four (4) year terms for Councillors remain with half of the Offices being vacated every two (2) years for election; and**
- 3. the method of electing the Mayor/Shire President be restricted to being elected by and from among the Councillors after each election – providing for a two (2) year term for Mayors and Shire Presidents.**

**Footnote**

**Council believe that in mirroring State and Federal Government Elections, Local Government Elections would become compulsory.**

**CARRIED**

- 9.2 Maylands Multi Purpose Centre - Building Development Footprints**
- Attachments:** [Site Plan - Option One](#)  
[Site Plan - Option Two](#)  
[Site Plan - Option Three](#)  
[Site Plan - Option Four](#)  
[Site Plan - Option Five](#)
- File No:** PF/129
- Officer:** Director of Administration and Community Services
- Refer:** Item 6.1 SMC 08.06.04  
Item 8.1 SMC 10.08.04  
Item 13.1 SMC 02.08.05  
Item 10.2 SMC 28.09.05

#### Application

To seek Council's approval of a basic building footprint layout for the proposed Maylands Multipurpose Centre to further inform the next stage of design.

#### Background

Council will recall that the architect James Christou is contracted to prepare designs for the development of the proposed Maylands Multipurpose Centre. This was as a result of a tender for the design phase conducted in late 2003. Council will also recall that at its Special Council meeting of 8 June 2004, it resolved that James Christou and partners was the successful tenderer for the design stage. The final contract with Christou was signed and sealed in early 2005.

The design elements, as outlined in the tender are as follows:

- Library;
- Children's Centre / Child Care Facility;
- Community Centre and associated Facilities;
- Function Hall;
- Youth Facilities;
- Shop Front office for the City of Bayswater; and
- Recreational Sports facility.

The architect is required to submit two (2) designs for consideration – one that incorporates elements of the existing Alma Venville Recreation Centre (particularly the existing sports halls) and one that includes the demolition of the Alma Venville Centre and a redesigned recreation facility.

A detailed site survey has been done on the site and a copy supplied to the architect to enable the preparation of some basic designs for Council's early consideration.

However, to progress the early design work, the architect is seeking some input from Council on the basic building footprint layouts on the site and to this end has provided a five (5) options for Council's consideration.

The options are provided as **Attachment 1**. It should be noted that Options 1 - 3 would require the removal or relocation of the existing war memorial, and it is felt that this could be a very contentious and negative proposal for the local community. These options also effectively close off much of the access to the site from Guildford Road. Council might, however, wish to see some elements near Guildford Road.

Comment

Option 5 opens up the whole site for access and makes use of the land made available by the proposed purchase of the Police Station to bring car parking into the site. The layout can accommodate either a totally redeveloped recreation facility, or the retention of the sports halls and the addition of new facilities for the community as well as the new Library and Infant Health Centre. Option 5 would see most of the development lying in the same plane as the current recreation facility, and should provide some economies of scale by being almost one discrete work site rather than development on several planes. Another advantage of this option is that the Maylands Library could continue to operate uninterrupted through out the building phase. Councillors will recall that the Maylands Town Hall (currently the library) is not included in the project, although it is anticipated that Council will give consideration to its refurbishment following the completion of the Multipurpose facility.

Recent anti-social behaviour is addressed in Option 5, in that clear lines of sight exist from the shopping centre side of the development right through to Eighth Avenue, and car parking and thus pedestrian traffic is brought right in to the centre of the development. Again, this option should allow public access to much of the gardens for considerable periods of the construction phase, and therefore be seen to be more sensitive to the continuing use of the area by the public. Car parking is broken into two or three sections with this option. The existing Alma Venville parking on Eighth Avenue can be largely retained for use as library parking and possibly parking for use of community facilities and access to Council's proposed information facility. Parking in the interior of the site can be used for Recreation Parking. The parking shown on Option 5 along side Eighth Avenue between the Library and the hall could either be converted from park to parking or retained as park land depending on Council's views on the parking requirements for the centre.

Preliminary discussions with the architect suggest that the retention of the existing sports halls would provide some savings for the project compared to demolition, and, examination of the facade for refurbishment, suggests that this can be done in a way that will marry comfortably with the redeveloped section of the recreation facility and the added Library, Infant Health Centre and community elements.

The option that includes the new library running parallel with Eighth Avenue (Option 4) may create a perceived barrier for pedestrians from Eighth Avenue and hide much of the redevelopment from passing traffic on that side. If Council is seeking an open park feel for the area, with free flow of access right through the sight, then Option 5 or combinations of Options might be considered.

Council's adopted 2006/2007 Budget contains an amount of \$105,000 to further the design stage and the most recent report on the major capital works funding to a Special Council meeting in October 2005 shows the construction phase to be tentatively for the 2007/2008 and 2008/2009 financial years. Councillors will also note that negotiations are currently underway for the purchase of the Maylands Police Station, and a separate report is on this meeting's agenda pertaining to progress on this purchase. The 2006/2007 Budget makes provision of \$550,000 for this purpose.

The building footprint choice has considerable impact on the appearance of the redevelopment from the street, and the movement of people and cars through the development. If buildings are located further up the hill towards Guildford Road, this will create some opportunities with design but also some challenges and possibly additional costs. Councillors may wish to combine elements from the provided options or explore new ideas.

The project is a very important community facility situated in an area that is considered to have significant heritage merit and so the choices for design and placement of buildings are critical to the public perception of the project and making the best use of the space available. For these reasons it is suggested that Council defer the choice of the building footprints to allow a meeting on-site for Councillors to gain a feel for the site's topography, opportunities and challenges.

It is suggested that the Architect, once informed by the basic building footprint decision, proceed to the next stage of providing more detailed concept plans, as provided for in the contract, and would include:

- site plans showing building location, access and general external layout
- indicate elevations to a scale of 1:100
- Indicate /preliminary costing (i.e. site work, building servicing (air conditioning, electrical fit, out etc
- Make any additions or alterations if requested by Council

These plans, as per Council resolution and the contract would provide for the two (2) options: Alma Venville Centre demolished and redeveloped, and, retention of sports halls and redevelopment of the rest of Alma Venville Centre.

Once those plans are available, and have been endorsed by Council, a further round of public comment might be considered.

#### Voting Requirements

Simple Majority Required

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

**CR TERRY GAUNT MOVED, CR SONIA TURKINGTON SECONDED the Officer's recommendation that:**

**The choice of preferred building footprint for the Maylands Multipurpose Centre be deferred pending a workshop for Councillors on site to allow Councillors to familiarise themselves with the topography of the site, existing buildings, spaces available and some of the challenges and opportunities presented for the redevelopment of the site.**

**CARRIED**

**9.3 Rates Payment Incentive Scheme - Exclusion of Elected Members**

**Attachments:** [Rates Incentive Prizes](#)  
**File No:** 6.2.12  
**Officer:** Director of Finance  
**Refer:** Item 8.4 SMC 04.07.06

Application

To consider the eligibility of elected members and their family members to be included in the City of Bayswater's Rates Payment Incentive Scheme for 2006/2007.

Background

At its Special Council Meeting held on Tuesday, 4 July 2006, it was resolved that a report would be presented to the next Special Meeting of Council clarifying the eligibility of elected members and their family members to be included in the City of Bayswater's Rates Payment Incentive Scheme for 2006/2007.

Over the years, elected members and their family members, as well as employees of the City of Bayswater, have not been eligible to enter the City's Rates Payment Incentive Scheme which is a scheme that this year offers 24 prizes for the prompt payment of rates.

In past years, the condition of entry printed on the prize list mailed with the rate notices has read "*Councillors and employees of the City of Bayswater and their families are ineligible to enter*".

Due to an oversight this year however, the Condition of entry as printed in the budget bulletin read "*Councillors and employees of the City of Bayswater are ineligible to enter*" with the words '*and their families*' being omitted.

At the Special Meeting of Council of 4 July 2006, there was a considerable amount of debate on the matter of considering the eligibility of family members and it was generally understood that elected members should not be eligible to be included in the draw for the prizes as part of the early payment of rates in the City's Rates Payment Incentive Scheme, but it was acknowledged that elected members' family members who did not reside with the elected member should be considered for inclusion in the scheme.

*The Local Government Act 1995* is silent on this issue, however one can associate Section 5.62 which does not include family members or spouse of elected members in the category of '*closely associated persons*' for the purpose of declaring a financial interest if those persons do not reside with the elected member.

The issue of elected members' families or staff members being eligible to win a prize is one of public perception, which is generally the major reason for Councils choosing in the past to exclude such persons from incentive draws.

Comment

The notice for this year has already been sent out with the *Budget Bulletin*. It would appear that the notice for this year satisfies most of the concerns expressed by elected members.

Voting Requirements

Simple Majority Required.

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

**CR MICHAEL SABATINO MOVED, CR SONIA TURKINGTON SECONDED the Officer's recommendation that:**

**The action of deeming Councillors and employees of the City of Bayswater ineligible to enter the City's 2006/2007 Rates Payment Incentive Scheme prize draw, be endorsed.**

**CARRIED**

*Councillors Robinson, McClelland and Gaunt requested that their vote against the resolution be recorded*

- 9.4 Purchase of Maylands Police Station**  
**Location:** 196 Guildford Road, Maylands  
**File No:** PF/129  
**Officer:** Chief Executive Officer  
**Refer:** Item 10.1 SMC 10.02.04  
Item 10.1 SMC 11.03.04  
Item 12.1 SMC 6.04.04  
Item 8.1 SMC 11.05.04  
Item 6.1 SMC 8.06.04  
Item 8.1 SMC 10.08.04  
Item 13.1 SMC 02.08.05  
Item 10.2 SMC 28.09.05

<b>CONFIDENTIAL ITEM</b>
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Application

To report the progress of Council purchasing the Maylands Police Station located at 196 Guildford Road, Maylands.

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:

- (c) A contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting.

**COUNCIL RESOLUTION**

**CR SONIA TURKINGTON MOVED, CR ALAN RADFORD SECONDED:**

**That:**

- 1. His Worship the Mayor and the Chief Executive Officer approval, be given, approval to purchase the Maylands Police Station at a negotiated figure of up to \$500,000;**
- 2. Council advise the Western Australian Police that it requires the Maylands Police Station site by July 2007;**
- 3. the Chief Executive Officer convene a meeting with the Valuer General; and**
- 4. the Chief Executive Officer discuss with Council the vesting of the Maylands Police Station, as another option of acquiring the site.**

**CARRIED**

**RESUMPTION OF STANDING ORDERS**

**At 8.44pm, CR MICHAEL SABATINO MOVED, CR GRAHAM PITTAWAY, OAM SECONDED that Standing Orders be suspended.**

**CARRIED**

**10 CLOSURE**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS, THE CHAIRPERSON, CR KENYON JP, DECLARED THE MEETING CLOSED AT 8.45 PM.**