



**CITY OF BAYSWATER**

**MINUTES**

**OF THE**

**SPECIAL MEETING**

**OF COUNCIL**

**18 December 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 Monday, 18 December 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 7.13 pm.

**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

Chairperson

North Ward

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

Central Ward

Cr Victor Rosenberg

South Ward

Cr Terry Gaunt

**Officers**

Mr Mario J. Carosella  
Mr Ted Budzinski  
Mr Bob Jarvis  
Mr Martyn Glover  
Ms Francesca Lefante  
Mrs Miranda Mastin

Chief Executive Officer  
Director of Finance  
Director of Administration and Community Services  
Director of Technical Services  
Director of Planning and Development Services  
Minutes and Agenda Coordinator

**Apologies**

Cr Barry McKenna

**Leave of Absence**

Cr Sonia Turkington  
Cr Michael Sabatino

**Observers**

2 Public

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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.

**The following questions were submitted in writing:****1 Mr Tony Green, Bayswater City Residents Association (Inc), PO Box 1639, Morley**

1. Why is the Council still allowing ratepayers' money to hemorrhage (around four million dollars to date) into the Noranda Sports Complex when they have still not had the land vested in the City of Bayswater after nearly seven years, and it is still vested in the City of Swan?
2. When is the land comprising the Noranda Sports Complex and the Lightning Swamp Bushland going to be vested in the City of Bayswater, or are there other plans which we, the ratepayers should know about?

*His Worship the Mayor Cr Kenyon, JP thanked Mr Green for his questions and advised that Council is currently considering all issues relating the Noranda Sports Complex with the City of Swan. A meeting will be held in the new year with the with the Councillors of both Bayswater and Swan to further discuss these issues.*

*The Chief Executive Officer clarified that the land is indeed vested in the City of Bayswater. The Director of Technical Services added that there may be confusion as the land is vested in the City of Bayswater, however it falls within the City of Swan's boundaries and that this is the issue that is being negotiated.*

**The following question was asked verbally:**

3. If land is vested in the City of Bayswater why do Bayswater's Rangers not have authority to go into the Swamp and take action against people? This is where many ratepayers are getting confused.

*The Director of Administration and Community Services responded on behalf of the Mayor and advised that the City of Bayswater has management control over the land because it has been vested in the City, however, as stated earlier, the land falls within the borders of the City of Swan and it is the City of Swan who has refused to authorise Bayswater's Rangers to carry out local law control within the area.*

A copy of the written questions and Council's written response is at [Appendix 1](#).

**The following questions were submitted in writing:****2. Mr John Williams, 54 Matthews Close, Noranda**

1. How can Council adopt the plan in relation to Della Road Improvements which was not addressed in regard to final discussion on design of access along Della Road?
2. The design access – Della Road has not been presented to interested / affected parties, such as residents, Friends group, Nursery, City of Swan etc

3. Does the Della Road Improvements compliment the future uses / requirements at the Noranda Sporting Complex?
4. Why was not proposals outlining different designs of Della Road access / improvements presented to DPI to satisfy local residents concerns. This opportunity window has existed since public meeting held in February 2005?
5. This opportunity window has existed since the public meeting held in 2005.
6. Why has the Della Road improvements not taken into account and relevance of past minute to Council regarding Della Road?

*His Worship the Mayor thanked Mr Williams for his questions and advised that this item appears on tonight's Agenda and will be deliberated on later in the meeting. A written response to all questions raised will be provided.*

A copy of the written questions and Council's written response is at Appendix 2.

#### **4 APPLICATIONS FOR LEAVE OF ABSENCE**

**4.1 Applicant: Cr Lou Magro**  
**File: 3.1.6.1**

Cr Lou Magro requested Leave of Absence from 2 January to 10 January 2006 inclusive.

#### **COUNCIL RESOLUTION**

**CR MARLENE ROBINSON MOVED, CR GRAHAM PITTAWAY SECONDED that Leave of Absence be granted as follows:**

- **Cr Lou Magro from 2 January to 10 January inclusive.**

**CARRIED**

#### **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 18 December 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 18 December 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 18 December 2006:

Nil.

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

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

**CARRIED**

**6.1 Performance Review of the Chief Executive Officer and Directors 2005/2006**

**File No: 16.1**

**Officer: Chief Executive Officer**

Application

To defer the presentation of a report on the annual performance reviews of the Chief Executive Officer and the City's Directors for 2005/2006 until February 2007.

Background

In accordance with Section 5.38 of the *Local Government Act 1995* a performance review of the Chief Executive Officer and the City's Directors for the period 2005/2006 are to be conducted.

Comment

Due to the City's meeting schedule being brought forward for the month of December, and the number of projects and issues currently being reviewed the annual reviews have not been conducted. Therefore, it is requested Council resolve to defer the presentation of the performance review report to a later date in February 2007.

Voting Requirements

Simple Majority Required

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

**CR IAN MCCLELLAND JP MOVED, CR GRAHAM PITTAWAY SECONDED the Officer recommendation that:**

**A report on the Performance Reviews of the Chief Executive Officer and the Directors for 2005 / 2006 be deferred until February 2007.**

**CARRIED**

**7 PETITIONS**

Nil.

**COUNCIL RESOLUTION**

**At 7.42 pm, CR IAN MCCLELLAND JP MOVED, CR LOU MAGRO SECONDED, that the doors be closed to the public to allow for Deputation (i).**

**CARRIED**

*Mr Carosella withdrew from the meeting at 7.44 pm and returned at 7.45 pm.*

**8 DEPUTATIONS****8.1 Administration Centre Upgrade - Appointment of Tenderer Loose Furniture**

**Location: 61 Broun Avenue, Morley**

**File No: PF/141**

**Officer: Chief Executive Officer and Director of Planning and Development Services**

**8.2 Appointment of Tenderer - Noranda Regional Sporting Complex**

**Location: Lot 102, Reid/Tonkin Highways, Noranda**

**File No: PF/138-02**

**Owner: City of Bayswater**

**Officer: Director of Planning and Development Services**

Mr Terry Holton of Holton Connor & Associates was in attendance at the meeting from 7.42pm until 7.58 pm in respect to Items 9.4 and 9.5.

<i>Item 9.4 was dealt with immediately following this Deputation.</i>
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*This Item was dealt with immediately following Item 9.5.*

*At 7.58 pm the doors were opened to the public.*

*Ms Lefante and Mr Carosella returned to the meeting at 7.59 pm.*

## 9 BUSINESS

*Mr Carosella withdrew from the meeting at 8.00 pm and returned at 8.01 pm.*

### 9.1 Single Dwelling

**Location:** Lot 32 No 10 Paine Road, Morley

**Attachments:** [Location Plan and photos and Site and Floor plans](#)  
[Tabled Letter](#)

**File No:** PAI-2/10

**Applicant:** Richard Habekost

**Owner:** Richard Habekost

**Officer:** Director of Planning and Development Services

**Refer:** Nil.

#### Application

MRS Form 1 and plans dated 27 November 2006 have been received for the additions to a single dwelling on a green title block at Lot 32 No 10 Paine Road, Morley.

1. The proposal of additions to an existing single dwelling, on a proposed front battle axe green title block. The applicant proposes to construct a parapet wall along the shared boundary with the adjoining property at No. 12 Paine Road.
2. Council consideration is required for determination as one submission was received objecting to the proposed parapet wall.

#### Background

At the Ordinary Meeting of Council held on Tuesday, 12 December 2006 Council considered this application as Urgent Business Item 7.3. However, the Council agreed that more time was required to read / analyse the item before a decision could be made and subsequently resolved the following:

*“That Item 7.3 ‘Single Dwelling’ be deferred to the Special Meeting of Council to be held on Monday, 18 December 2006”*

Background details of the Application are as follows:

<b>Town Planning Scheme No. 24 Zoning:</b>	Residential R20 / 25
<b>Use Class:</b>	Single Dwelling - P
<b>Lot Area:</b>	794m <sup>2</sup> currently a proposed green title subdivision
<b>Existing Land Use:</b>	Residential
<b>Surrounding Land Use:</b>	Residential
<b>Size/Nature of Proposed Development:</b>	Additional bathroom, walk in wardrobe and carport.

SCHEME PROVISIONS		REQUIRED	PROVIDED
Setbacks –	Side N	1.0m	20.0/27.0m
	Side W	1.0m	0m
	Side E	1/1.5m	5.0m
	Rear S		9.0/.700m
Minimum Lot Area		445m <sup>2</sup>	794m <sup>2</sup> proposed lot 1 445m <sup>2</sup> , lot 2 349m <sup>2</sup>
Minimum Open Space		50%	57%
Parking		2 bays	2 bays

\* An objection has been received from the adjoining neighbour.

#### Submission

1. One submission was received in response to neighbour request for comment regarding the parapet wall, as follows:

“We object to these plans, i.e. do not approve of wall being on the boundary”

#### Comment

##### Compliance with Scheme and R Code Requirements

1. Assessment of the application indicates that the proposed development complies with the City’s Scheme, Council Policies and Acceptable Development Criteria of the R-Codes in terms of setbacks, overshadowing and overlooking. The proposed parapet wall for 10 Paine Road is the only exception which requires consideration under the Performance Criteria of the R-Codes as required by Council’s Buildings on Boundary Policy.

Comment of Submissions*Buildings on Boundary*

2. The proposed garage boundary wall for 10 Paine Road has a length of 5.63 metres with a height of 2.657 metres. The proposed boundary wall meets with the criteria prescribed in the Acceptable Development provisions which provide for walls not higher than 3.5 metres with an average of 3.0 metres for 2/3 length of the balance of the boundary behind the front setback, to one side boundary. Where a neighbour objects to a building on the boundary the proposal is to be considered under the Performance Criteria of the R-Codes.

3. The Performance Criteria of the R-Codes states that:

*'Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:*

- make effective use of space;*
- enhance privacy;*
- otherwise enhance the amenity of the development;*
- not have any significant adverse effect on the amenity of the adjoining property; and*
- ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.'*

4. The parapet wall is proposed to be located on the east (side) boundary of the objector's property. As the parapet wall is located on the eastern boundary it will have no impact to the neighbour's property. In addition, the existing dwelling is set back approximately 2.5 metres from the proposed parapet wall which reduces the visual impact.

Summary

The proposed development meets with the criteria prescribed in the Acceptable Development Provisions of the Residential Design Codes, the City's Town Planning Scheme No. 24 and Council Policies. The development, in particular the proposed parapet wall on the boundary, is not anticipated to have a detrimental affect on the residential amenity of adjoining property. Therefore the proposal is supported.

Policy Implications

Nil.

Financial Implications

Nil.

Voting Requirements

Simple Majority Required

**SUSPENSION OF STANDING ORDERS**

**At 8.07 pm, CR LOU MAGRO MOVED, CR MARLENE ROBINSON SECONDED that Standing Orders be suspended.**

**CARRIED**

**Officer's Recommendation**

That planning approval is granted for the construction of a dwelling on Lot 32 No. 10 Paine Road, Morley, in accordance with the application dated 27 November 2006, subject to the following planning conditions:

1. This approval is valid for a period of two (2) years from the date of this letter. If the development/use, the subject of this approval, is not **SUBSTANTIALLY COMMENCED** within two years, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.
2. The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.
3. The development complying with any details marked in red on the approved plans.
4. In accordance with the *Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989*, a building licence application must be obtained prior to the commencement of any building works
5. This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the *Dividing Fences Act 1961*.
6. On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition.
7. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development. Where the Water Corporation reticulated sewer is not available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region.
8. Any existing septic system is to be decommissioned to the satisfaction of the City of Bayswater and in accordance with the *Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No.2) 1997*.

9. All stormwater and drainage runoff produced onsite is to be disposed of onsite via the use of soakwells. The size of the soakwells are to be calculated by use of the formula  $VOL(m^3) = AREA (m^2) \times 0.0125$ , where VOL is total storage volume of soakwells and AREA is total roofed and paved areas. Connection to the City's stormwater system, where available, may be permitted as an overflow only if to the satisfaction of the City of Bayswater.
10. All vehicle crossings being upgraded, designed and constructed to the satisfaction City of Bayswater. Payment for the crossover is required prior to the issue of a building licence.
11. The existing and/or proposed driveways being constructed with brick paving to the satisfaction of the City of Bayswater.

*The Council considered this item and changed the Officer recommendation as they agreed that the ensuite parapet wall should be setback 50mm to retain the existing fence.*

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

**CR GRAHAM PITTAWAY MOVED, CR TERRY KENYON JP SECONDED an amendment to the Officer's recommendation:**

**That planning approval is granted for the construction of a dwelling on Lot 32 No. 10 Paine Road, Morley, in accordance with the application dated 27 November 2006, subject to the following planning conditions:**

1. **The ensuite parapet wall be setback 50mm to retain the existing fence.**
2. **This approval is valid for a period of two (2) years from the date of this letter. If the development/use, the subject of this approval, is not SUBSTANTIALLY COMMENCED within two years, the approval shall lapse and be of no further effect. Where an approval has lapsed, no development/use shall be carried out without the further approval of the City having first been sought and obtained.**
3. **The development shall be carried out only in accordance with the terms of the application as approved herein, and any approved plan.**
4. **The development complying with any details marked in red on the approved plans.**
5. **In accordance with the Local Government (Miscellaneous Provisions) Act 1960 and Building Regulations 1989, a building licence application must be obtained prior to the commencement of any building works**
6. **This approval does not authorise any interference with dividing fences, nor entry onto neighbouring land. Accordingly, should you wish to remove or replace any portion of a dividing fence, or enter onto neighbouring land, you must first come to a satisfactory arrangement with the adjoining property owner. Please refer to the Dividing Fences Act 1961.**
7. **On completion of construction, all excess articles, equipment, rubbish and materials being removed from the site and the site left in an orderly and tidy condition.**

- 8. The applicant is to make arrangements to the satisfaction of the Water Corporation for the provision of reticulated sewerage to all lots/units within the subdivision/development. Where the Water Corporation reticulated sewer is not available the premises are to be connected to an approved wastewater treatment system which complies with the requirements of the Treatment of Sewage and Disposal of Effluent and Liquid Waste Regulations and the Government Sewerage Policy Perth Metropolitan Region.**
- 9. Any existing septic system is to be decommissioned to the satisfaction of the City of Bayswater and in accordance with the Treatment of Sewage and Disposal of Effluent and Liquid Waste Amendment Regulations (No.2) 1997.**
- 10. All stormwater and drainage runoff produced onsite is to be disposed of onsite via the use of soakwells. The size of the soakwells are to be calculated by use of the formula  $VOL(m^3) = AREA (m^2) \times 0.0125$ , where VOL is total storage volume of soakwells and AREA is total roofed and paved areas. Connection to the City's stormwater system, where available, may be permitted as an overflow only if to the satisfaction of the City of Bayswater.**
- 11. All vehicle crossings being upgraded, designed and constructed to the satisfaction City of Bayswater. Payment for the crossover is required prior to the issue of a building licence.**
- 12. The existing and/or proposed driveways being constructed with brick paving to the satisfaction of the City of Bayswater.**

**The Amendment was put and**

**CARRIED**

**The Amendment became the Motion.**

**The Motion was put and**

**CARRIED**

**9.2 Maylands Multi-Purpose Centre - Preliminary Concept Design Brief****Attachments:** [Letter from the Minister](#)  
[Notes from Councillors Workshop](#)  
[Option 5](#)**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**  
**Item 9.2 : SMC : 02.08.06**  
**Item 9.6 : SMC : 31.10.06**  
**Item 9.7 : SMC : 31.10.06**Application

To provide a brief to the architect James Christou to develop preliminary concept designs for the Maylands Multipurpose Centre based on the original brief and including building footprint and other comments from councillors as a result of the workshop held on Saturday, 7 October 2006.

Background

The following report and recommendations were provided to the Special Meeting of Council held on Tuesday, 31 October 2006, at which Council resolved:

*“This item be deferred to a future meeting of Council, pending the result of the deputation to be held between the Minister of Police and Emergency Services, the Local Member for Maylands, His Worship the Mayor, South Ward Councillors and the Chief Executive Officer, as detailed in Item 9.6”.*

The meeting with the Minister, Local Member, Mayor, South Ward Councillors and the Chief Executive Officer to discuss the City’s proposed purchase of the Maylands Police Station was held on the 22 November, 2006. As advice on the disposal of the Police Station has now been confirmed, it is now appropriate to make the determination requested in the recommendations of this report to move the project on. A copy of the letter from the Police Department is at **Attachment 1**. The letter from the Minister is positive, and subject to the final sale to the City, provides for a way forward and a police presence in the precinct for at least twelve (12) months.

Councillors attended a workshop on site at the proposed location for the Maylands Multipurpose Centre on Saturday, 7 October 2006. The workshop was called as a direct response to Council’s resolution at its Special Council meeting on 2 August 2006 which required that the choice of building footprint 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.

At the workshop, councillors were also able to gain an appreciation of the size of the site and the condition of the sports hall (courts) in the existing Alma Venville Centre. The notes of the workshop, including a summary of councillors’ comments, are provided as at **Attachment 2**.

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It was generally agreed that the existing sports halls (courts) were in good condition, and therefore Council's original resolution, that provided for two (2) designs, one (1) with the retention of the sports halls, and one (1) with the whole centre demolished and redeveloped, should be adhered to.

There was some discussion during the workshop about the relocation of the Maylands Senior Citizens centre into the redevelopment, but it was felt that consultation with the centre's committee and membership was required to ascertain their views on such a proposal.

#### *Contractual Arrangements*

Councillors will recall that James Christou was the successful tenderer for the design stage of the Maylands Multipurpose Centre, and this was approved at the Special Meeting of Council on the 8 June 2004, and a contract was subsequently drawn up and signed and sealed by the City and the Architect on the 23 March 2005.

The contract is written in such a way that the approval from Council is required to move to each stage in the design process. Currently, the Architect is awaiting approval to move to the preliminary concept plans stage, identified in the contract as Stage 1(a) which provides for the architect preparing two preliminary concept design sketch plans – one that includes the retention of the courts at the Alma Venville Centre, and one which includes the demolition of the whole Alma Venville Centre and the design of new facilities.

The preliminary concept design sketch plans must include:

- Site plans showing building locations, access, general external layout
- Elevations to a scale of 1:100
- Indicate preliminary costing (ie site work, building servicing, air-conditioning, electrical fit out etc.)

At the end of this stage the client will nominate two preliminary design options before the architect can move to stage 1(b) which is more detailed preliminary concept plans

The cost for stage 1(a) is \$21,000 inc. GST, plus \$3,800 inc. GST for any additional designs that Council requests. Stage 1(b) provides for a fee to the architect of \$42,000 inc. GST plus \$5,800 inc. of GST for any additional designs requested.

The contract provides the opportunity for the architect to seek to set aside the contract through a frustration clause for time delays between each stage, but the architect has agreed to continue to stage 1(a) despite the time that has elapsed since the signing of the contract. Council may terminate the contract at any stage having given reasonable notice and paying all outstanding funds owed to the architect. From Stage 2 (design development) onwards there is a provision for escalation of fees dependent upon approval time frames to move to each new stage.

Council will be able to assess each stage and the cost implications before proceeding to the next stage.



Comment

In summary, the next step for the architect in preparing preliminary concept designs for Council's consideration will be guided by:

1. The original tender brief which stated that the design elements will be:
  - Library;
  - Children's Centre / Child Care Facility;
  - Community Centre and associated Facilities;
  - Function Hall;
  - Youth Facilities;
  - Shop Front office for the City of Bayswater;
  - Recreational Sports facility; and
  - the requirement that two (2) designs be submitted, one (1) that incorporates elements of the existing Alma Venville Centre and one (1) that includes the demolition of the facility and the inclusion of new recreation facilities in the design.
  
2. Comments from the councillor's workshop, which provide for:
  - buildings to be double storey at the rear of the site, with smaller buildings on public open places with walkways and safety design in mind;
  - the majority of the building being incorporated into the line of the existing Alma Venville Centre (Architect's Option 5) and in one design option the new buildings being added on to the existing sports courts (with refurbished exterior). It was acknowledged by several councillors at the workshop that the cost of replacing the sports halls would be prohibitive and that the courts appeared to be in good condition;
  - reduction in plantings at the Eighth Avenue end of the existing recreation centre is required to improve security and line of sight through the redevelopment;
  - the War Memorial is to remain in its present location with designs being sympathetic to its importance and access;
  - car parking could be included in the middle of the site to allow safer access to library and community facilities out of hours, with car parking being well lit and with low plantings on borders;
  - in general terms councillors wanted the redevelopment to provide for access day and night with patrons having a sense of security in using car parks and walkways through good lighting and good design; and
  - design to be completed in about six (6) to nine (9) months time ready for redevelopment.

Policy Implications

Nil

Financial Implications

Nil

Voting Requirements

Simple Majority Required

Officer's Recommendation

That:

1. the Architect James Christou be asked to complete Stage 1A of the Contract, that is the preliminary concept design – preliminary design drawings – incorporating the facility elements as prescribed in the tender documents but also taking into account the following:
  - Buildings to be double storey at the rear of the site, with smaller buildings on public open places with walkways and safety design in mind.
  - Design to be completed in about six (6) to nine (9) months time ready for redevelopment.
  - The majority of the building being incorporated into the line of the existing Alma Venville Centre (Architect's Option 5) and in the alternative required design option the new buildings being added on to the existing sports courts (with refurbished exterior).
  - Reduction in plantings at the Eighth Avenue end of the existing recreation centre is required to improve security and line of sight through the redevelopment.
  - The War Memorial is to remain in its present location with designs being sympathetic to its importance and access.
  - Car parking could be included in the middle of the site to allow safer access to library and community facilities out of hours, with car parking being well lit and with low plantings on borders.
  - In general terms the redevelopment to provide for ease of access day and night for patrons with them having a sense of security in using car parks and walkways through good lighting and good design.
2. consultation commence with the Maylands Senior Citizens Centre Committee to ascertain their interest in having new facilities provided for them as part of the Multipurpose Centre; and
3. negotiations continue with the WA Police to progress the sale of the Maylands Police Station to the City, and a further report be provided to Council when information is available on the timing of the listing with the Property Asset Clearing House.

*Council considered this item and changed the Officer's recommendation as they agreed:*

- *The conditions of the proposed car park required amendment.*
  - *That two (2) concept designs should be prepared, both of which should incorporate the Alma Venville Centre – sports courts, with one (1) to include provision of the Senior Citizens Centre; and*
  - *That the Mayor and Chief Executive Officer should meet with representatives of the Maylands Senior Citizens Centre to determine their interests in the proposed Maylands Multipurpose Centre.*
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**COUNCIL RESOLUTION**  
**(OFFICER'S RECOMMENDATION)**

**CR LOU MAGRO MOVED, CR TERRY GAUNT SECONDED an amendment to the Officer's recommendation:**

**That:**

- 1. the Architect James Christou be asked to complete Stage 1A of the Contract, that is the preliminary concept design – preliminary design drawings – incorporating the facility elements as prescribed in the tender documents but also taking into account the following:**
  - Buildings to be double storey at the rear of the site, with smaller buildings on public open places with walkways and safety design in mind.**
  - Design to be completed in about six (6) to nine (9) months time ready for redevelopment.**
  - The majority of the building being incorporated into the line of the existing Alma Venville Centre (Architect's Option 5) and in the alternative required design option the new buildings being added on to the existing sports courts (with refurbished exterior).**
  - Reduction in plantings at the Eighth Avenue end of the existing recreation centre is required to improve security and line of sight through the redevelopment.**
  - The War Memorial is to remain in its present location with designs being sympathetic to its importance and access.**
  - Car parking to be included to allow safer access to library and community facilities out of hours, with car parking being well lit and with low plantings on borders, and that the entrance will be from Ninth Avenue.**
  - In general terms the redevelopment to provide for ease of access day and night for patrons with them having a sense of security in using car parks and walkways through good lighting and good design.**
- 2. consultation commence with the Maylands Senior Citizens Centre Committee to ascertain their interest in having new facilities provided for them as part of the Multipurpose Centre;**
- 3. negotiations continue with the WA Police to progress the sale of the Maylands Police Station to the City, and a further report be provided to Council when information is available on the timing of the listing with the Property Asset Clearing House; and**
- 4. the Chief Executive Officer be authorised to instruct James Christou and Associates to prepare two (2) concept designs, with both to incorporate the Alma Venville Centre – sports courts, and with one (1) design to include a provision for the inclusion of the Maylands Senior Citizens Centre; and**
- 5. that a meeting be held between His Worship the Mayor, the Chief Executive Officer and representatives of the Maylands Senior Citizens Centre to determine if the senior citizens have an interest in the establishment of new facilities within the proposed Maylands Multipurpose Centre.**

**The Amendment was put and**

**CARRIED**

**The Amendment became the Motion.**

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**The Motion was put and**

**CARRIED**

- 9.3 Della Road Improvements**  
**Attachments:** [Report OMC 12.12.06](#)  
[Plan No. 14/04](#)  
**File No:** PF/138-02; DEL-4  
**Officer:** Director of Technical Services  
**Refer:** Item 13.2.1 OMC 21.11.06  
Item 13.2.2 OMC 12.12.06

#### Application

To reconsider the location of the gate on Della Road for the purposes of preventing access to Noranda Regional Sporting Complex.

#### Background

Council at its Ordinary Meeting of Council of 12 December 2006 resolved that Item 13.2.2 'Della Road Improvements' of the Technical Services Committee be deferred until the Special Council Meeting of Monday, 18 December 2006. A copy of the report of 12 December 2006 is attached.

The point of conjecture is whether the public were misinformed with respect to the final location of the locked gate.

The Council's PowerPoint presentation to the final public meeting held in the Council's Reception Area, 61 Broun Avenue, Morley on Monday, 7 February 2005 included a "Master Plan (Plan No. 14/04 attached). The master plan includes a notation of the gate location opposite the northern boundary of Ecosystem Management Services (EMS) Nursery site that the gate is an "Existing Gate – City of Bayswater Controlled". There is no gate at the intersection of Della Road and Matthews Close on the plan.

This is the same plan which was distributed to the public in attendance at the meeting, it is the same plan which was forwarded to the Western Australian Planning Commission (WAPC) and it is the same plan which received conditional approval by the WAPC.

A letter presented to Council during question time at the Ordinary Meeting of Council of 12 December 2006 by Mr John Williams of 54 Matthews Close, Noranda stated the following:

*"From my knowledge in regard to this issue it was acknowledged to undertake a proposed 12 month trial (Satisfying DPI requirement) of a locked gate positioned at the intersection of Della and Matthews but would be only opened during weekly business hours (Mon to Fri) to accommodate EMS Nursery operation. This secured gate would be locked at all other times including weekends but does not prevent pedestrian entrance from Della Road. Also, the existing gate located at the Della Road drain to remain locked except for an emergency."*

It is acknowledged in the minutes of the meeting that this was discussed however the WAPC approval finalised 20 July 2005 supported the trial closure with the locked gate in its current location and not at the intersection of Della Road and Matthews Close.

Comment

It is unfortunate that the Director of Technical Services was not in attendance at the public meetings and the resolutions with respect to the locked gate location were not more specific. However, notwithstanding the above, the WAPC conditional approval is specific and on the approved plan the locked gate is in its current location.

To ensure that the opportunity to access the site illegally was limited, the Technical Services staff included a second locked gate within the Complex adjacent to the carpark. This does not require WAPC approval because it is within the recreation reserve and therefore does not constitute a closed road.

In the report of 12 December 2006, the Director of Technical Services highlighted the arguments for and against a gate at the intersection of Della Road and Matthews Close as follows:

“Arguments For

*If the gate is relocated to the intersection of Della Road and Matthews Close then the ratepayers wish to have vehicular access denied to the Noranda Regional Recreation Complex will be achieved, provided the gate remains closed and locked.*

Arguments Against

*If the gate is relocated to the intersection of Della Road and Matthews Close then:*

- *Patrons wishing to access Lightning Swamp will have to park in either the southern leg of Della Road or Matthews Close either on the road or the verge. It is also noted that the Lightning Swamp public interpretation area has been specifically designed to accommodate disabled access. Forcing patrons to access from Matthews Close could compromise this status.*
- *Public access will be denied to the EMS Nursery, which the Nursery would no doubt dispute.*
- *The Della Road Reserve is located in the City of Swan. Road closures either total utilising Section 58 of the Land Administration Act 1997 or partial utilising Section 3.50 (1a) of the Local Government Act 1995 would require support from the City of Swan. In consideration of their comments to date it would be unlikely that they would support the relocated closure.*
- *The WAPC’s ruling on the emergency access trial would be placed at risk and this could result in the WAPC evoking its option to open Della Road permanently.”*

The Council could request that the WAPC consider the relocation of the gate however, the Director of Technical Services' advice of the probable outcomes are as follows:

- (i) the application would delay the opening of the Complex beyond the winter of 2007 because the WAPC conditions of approval would not be cleared;
- (ii) WAPC could revoke the trial condition and open Della Road to all traffic; and
- (iii) the City of Swan and/or EMS Nursery could object the road closure.

In consideration of the above, it is recommended that the Committee resolution of 6 December 2006 be upheld.

#### Policy Implications

Nil.

#### Financial Implications

The proposed works have been accommodated in the Noranda Regional Sporting Complex budget.

#### Voting Requirements

Simple Majority Required

#### **Officer's Recommendation**

That:

1. the proposed modifications to the intersection of Della Road/Matthews Close as per Drawing No. 39/06 be adopted;
2. the proposed parking, concrete path and cul-de-sac as per Drawing No. 39/06 be adopted;
3. the Director of Technical Services formally write to the Ecosystem Management Services (EMS) Nursery and advise them that in consideration of the environmental values of the adjacent area that they have the choice to:
  - a) design and install a garden bed fronting their property, with plants species from the Bassendean sands complex or preferably Lightning Swamp Species list; or
  - b) have the City install the original Landscaping plan.
4. the planting for the area begin in June 2008 when the environmental condition for planting is most favourable and the planting of the Noranda Buffer strip is also proposed to be completed;
5. the two proposals be forwarded to the Friends of Lightning Swamp for their formal comments; and
6. signage be installed on the northern leg of Della Road notifying that it is a 'No-Through Road', except for emergency vehicles.

*Council considered this item and changed the Officer recommendation as they wished to pursue the option and a locked gate the intersection of Della Road and Matthews Close and included an additional resolution to commence the process.*

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

**CR LOU MAGRO MOVED, CR GRAHAM PITTAWAY SECONDED an amendment to the Officer's recommendation:**

**That:**

- 1. the proposed modifications to the intersection of Della Road/Matthews Close as per Drawing No. 39/06 be adopted;**
- 2. the proposed parking, concrete path and cul-de-sac as per Drawing No. 39/06 be adopted;**
- 3. the Director of Technical Services formally write to the Ecosystem Management Services (EMS) Nursery and advise them that in consideration of the environmental values of the adjacent area that they have the choice to:**
  - a) design and install a garden bed fronting their property, with plants species from the Bassendean sands complex or preferably Lightning Swamp Species list; or**
  - b) have the City install the original Landscaping plan.**
- 4. the planting for the area begin in June 2008 when the environmental condition for planting is most favourable and the planting of the Noranda Buffer strip is also proposed to be completed;**
- 5. the two proposals be forwarded to the Friends of Lightning Swamp for their formal comments;**
- 6. signage be installed on the northern leg of Della Road notifying that it is a 'No-Through Road', except for emergency vehicles; and**
- 7. the Director of Technical Services arrange for a closure of Della Road at Matthews Close in accordance with Sections 3.50 and 3.51 of the Local Government Act 1995, which closes the road to vehicle traffic during the evenings and on weekends but retains pedestrian access.**

**The Amendment was put and**

**CARRIED**

**The Amendment became the Motion.**

**The Motion was put and**

**CARRIED**

<i>Item 9.6 was dealt with immediately following this Item.</i>
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*This Item was dealt with immediately following Deputation (i).*

- 9.4 Administration Centre Upgrade - Appointment of Tenderer Loose Furniture**  
**Location:** 61 Broun Avenue, Morley  
**File No:** PF/141  
**Officer:** Chief Executive Officer and Director of Planning and Development Services  
**Refer:** Item 10.1 : OMC : 15.12.05  
Item 8.2 : SMC : 13.09.06  
Item 9.5 : SMC : 31.10.06

**CONFIDENTIAL ITEM**

Application

To consider:

1. Tender submissions received for the Supply and Installation of Loose Furniture to the City of Bayswater, Administration Centre Building, Broun Avenue, Morley; and
2. Appoint the preferred contractor.

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

Voting Requirements

***ABSOLUTE MAJORITY REQUIRED***

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

**CR ALAN RADFORD MOVED, CR TERRY KENYON JP SECONDED the Officer's recommendation:**

**That:**

1. **Burgtec Pty Ltd as a complying tender is the Preferred Contractor;**
2. **Burgtec Pty Ltd be awarded the Contract for the Supply and Installation of Loose Furniture for the City of Bayswater's Administration Centre at the quoted price of \$161,163.63 (ex GST) (as set out in the Tender Submission (Schedule Attached) and the contract to include the provision for additional furniture to complete unified fit-out of the building;**
3. **the Chief Executive Officer be authorised to sign the contract and issue appropriate documentation; and**
4. **in accordance with the established terms, the Project Control Group will determine and approve any additional loose furniture as part of the furniture contract with Burgtec.**

**CARRIED WITH AN ABSOLUTE MAJORITY**

- 9.5 Appointment of Tenderer - Noranda Regional Sporting Complex**  
**Location:** Lot 102, Reid/Tonkin Highways, Noranda  
**File No:** PF/138-02  
**Owner:** City of Bayswater  
**Officer:** Director of Planning and Development Services  
**Refer:** Item 16.1.06 - SCM 04.04.06  
Item 7.4 : SMC : 04.04.06  
Item 8.13 : SMC : 13.09.06

<b>CONFIDENTIAL ITEM</b>
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Application

To consider the final design and project construction estimate prior to initiation of Tender.

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

Voting Requirements

***ABSOLUTE MAJORITY REQUIRED***

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

**CR GRAHAM PITTAWAY MOVED, CR TERRY KENYON JP SECONDED the Officer's recommendation:**

**That:**

- 1. in accordance with the provisions of the *Local Government (Functions and General Regulations 1995 Regulation 20 Part 1 & 2 Duwal Pty Ltd* are the Preferred Successful Tender in accordance with Tender RFT45 – 2006 dated 22 November 2006 for a maximum price of \$1,631,380.60 inclusive of GST to undertake the Construction of the Noranda Regional Sporting Complex;**
- 2. a building contingency of \$75,000 to be allocated to the project for matters that arise during the course of construction;**
- 3. a Project Control Group, in relation to the contract to construct the Noranda Regional Sporting Complex be established with delegated authority to:**
  - a) Oversee the project, make decisions on fitout details and construction matters;**
  - b) Authorise the expenditure of the contingencies funds (\$75,000);**
  - c) Report periodically to the Council on the status of the project; and**

- d) **The Project Control Group comprises the following:**
- **Mayor, Terry Kenyon;**
  - **Deputy Mayor, Ian McClelland;**
  - **Chief Executive Officer – Mario Carosella;**
  - **Director of Planning and Development Services - Francesca Lefante;**
  - **Manager Building Services – Joe Gomboc; and**
  - **Terry Holton (or a representative from Holton Connor & Associates).**
4. **a Project Working Group be established to deal with the day to day coordination of the contract to construct the Noranda Regional Sporting Complex, which will comprise the Director Planning and Development Services, the Manager Building Services and other technical Council Officers as required; and**
5. **where required in respect of urgent and unforeseen matters in order to progress the development in a timely manner the Chief Executive Officer and Director of Planning and Development Services be delegated authority to expend funds from the contingencies, up to an individual amount of \$10,000, and report back to the Project Control Group as appropriate.**

**CARRIED WITH AN ABSOLUTE MAJORITY**

*Ms Lefante and Mr Carosella withdrew from the meeting at 7.57 pm.*

<i>Item 9.1 was dealt with immediately following this Item.</i>
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*This Item was dealt with immediately following Item 9.3.*

**COUNCIL RESOLUTION**

At 9.04 pm, CR GRAHAM PITTAWAY MOVED, CR LOU MAGRO SECONDED, that the doors be closed to the public to allow for Confidential Items 9.6 through to 9.8 to be discussed.

CARRIED

**COUNCIL RESOLUTION**

At 9.05 pm, CR GRAHAM PITTAWAY MOVED, CR LOU MAGRO SECONDED, that the meeting be adjourned for up to 10 minutes.

CARRIED

**COUNCIL RESOLUTION**

At 9.10 pm, CR GRAHAM PITTAWAY MOVED, CR MARLENE ROBINSON SECONDED, that the meeting be reconvened.

CARRIED

*At 9.10 pm the meeting was reconvened, with all the Elected Members and Council Officers previously present in attendance.*

- 9.6 RA Cook Reserve - Initiate Tender
- |           |   |
|-----------|---|
| Location: | RA Cook Reserve                               |
| File No:  | RES/034                                       |
| Officer:  | Director of Planning and Development Services |
| Refer:    | Item 12.5.8 - OMC 23.08.05                    |
|           | Item 11.5.1 : OMC : 26.10.04                  |
|           | Item 11.5.10 : OMC : 25.01.05                 |

**CONFIDENTIAL ITEM**

Application

To consider:

1. the pre-tender construction estimate; and
2. authorise finalisation of tender documents and the calling of tenders for the construction of the RA Cook Reserve Clubrooms.

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

Voting Requirements

***ABSOLUTE MAJORITY REQUIRED***

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

**CR MARLENE ROBINSON MOVED, CR ALAN RADFORD SECONDED the Officer's recommendation:**

**That:**

- 1. the Document and Construct Tender for the new RA Cook Reserve Clubrooms should include a maximum fixed lump sum to the construction of \$1,000,000 so as to encourage consideration and inclusion of alternatives by the Tenderers; and**
- 2. Council authorise the Director of Planning and Development Services to finalise the tender documents and call Tenders for a Document and Construct Contract for the RA Cook Reserve Clubrooms in accordance with the approved plans and provisions of the *Local Government Act 1995*.**

**CARRIED WITH AN ABSOLUTE MAJORITY**

- 9.7 Whittock Street Aged Care Facility -  
Appointment of Tenderer Loose Furniture/Beds and Mattresses**  
**Location: Lot 69 No 4 Whittock Street, Embleton**  
**File No: WHI-29/4**  
**Officer: Chief Executive Officer and Director of Planning and  
Development Services**  
**Refer: Item 10.1 : OMC : 07.09.05**

<b>CONFIDENTIAL ITEM</b>
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Application

To grant delegated authority for the appointment of the preferred contractors for the loose furniture tenders for the new aged care hostel at 21 Embleton Avenue, Embleton.

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

Voting Requirements

***ABSOLUTE MAJORITY REQUIRED***

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

**CR IAN MCCLELLAND JP MOVED, CR TERRY GAUNT SECONDED the Officer's recommendation:**

**That:**

- 1. in relation to the procurement of loose furniture for the new 70 Bed Aged Care Facility at 21 Embleton Avenue, Embleton, His Worship the Mayor, Cr Terry Kenyon JP, the Deputy Mayor, Cr Ian McClelland JP, Cr Barry McKenna and the Chief Executive Officer be granted delegated authority to determine the preferred contractor for the following Tenders, and issue necessary contracts:
  - 1. Supply of Beds and Mattresses for Aged Care Facility  
Tender No. RFT 51-2006; and**
  - 2. Supply of Loose Furniture for Aged Care Facility  
Tender No. RFT 52-2006.****
- 2. the purchase of additional loose furniture for the new 70 Bed Aged Care Facility at 21 Embleton Avenue, Embleton, be undertaken in accordance with the existing Policy – FSD04.**

**CARRIED WITH AN ABSOLUTE MAJORITY**

- 9.8 Financial Impact of 5 Major Projects on Council's Major Capital Works Reserve**  
**File No: 6.1, PF/141, PF/129, PF/137, PF/138-02, PF/140, WHI-29/4**  
**Officer: Director of Finance**

<b>CONFIDENTIAL ITEM</b>
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Application

To update Council on the financial impact of the five major projects: four funded from the City's Major Capital Works Reserve and one funded from the Aged Persons Homes Reserve, as at 30 November 2006.

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**  
**(OFFICER'S RECOMMENDATION)**

**CR TERRY GAUNT MOVED, CR IAN MCCLELLAND JP SECONDED the Officer's recommendation:**

**That:**

- 1. the report on the estimated long-term capital works to be funded from the Major Capital Works Reserve be received; and**
- 2. the report on the funding for the Whittock Street Hostel estimates be received.**

**CARRIED**

*Cr Magro requested that his vote against the resolution be recorded.*

**RESUMPTION OF STANDING ORDERS**

At 9.36 pm CR LOU MAGRO MOVED, CR MARLENE ROBINSON SECONDED, that Standing Orders be resumed.

CARRIED

**10 CLOSURE**

**THERE BEING NO FURTHER BUSINESS TO DISCUSS THE CHAIRPERSON,  
CR KENYON JP DECLARED THE MEETING CLOSED AT 9.37 PM.**