CITY OF BELMONT

ORDINARY COUNCIL MEETING

MINUTES

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MINUTES OF THE ORDINARY COUNCIL MEETING HELD IN THE CITY OF BELMONT CIVIC CENTRE, 215 WRIGHT STREET, CLOVERDALE, ON MONDAY, 27 OCTOBER 2003, COMMENCING AT 7.34PM

PRESENT

Cr P Passeri, JP, Mayor	West Ward
Cr A Richardson, JP, Deputy Mayor	West Ward
Cr M Blair	Central Ward
Cr G Godfrey	East Ward
Cr M Bass	East Ward
Cr P Marks	East Ward
Cr J Powell	South Ward
Cr B Whiteley	South Ward

IN ATTENDANCE

Mr N Hartley	Acting Chief Executive Officer
Mr R Lutey	Director - Engineering
Mr N Deague	Director – Development
Mr S Cole	Director – Corporate Services
Mr P Varris	Acting Director – Community and Executive Services
Ms A Forte	Human Resources Manager

MEMBERS OF THE GALLERY

There were 36 attendees in the gallery.

1 OFFICIAL OPENING

The Mayor opened the meeting at 7.34pm and welcomed those in attendance.

2 APOLOGIES & LEAVE OF ABSENCE

2.1 APOLOGIES

Cr E Teasdale	South Ward

2.2 LEAVE OF ABSENCE

Nil.

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3 DECLARATIONS OF INTEREST

- In accordance with the City of Belmont's Code of Conduct, Councillor Marks declared an interest that could give rise to a reasonable belief that his impartiality may be adversely affected. The interest is in Item 11.3 (Item 10.6.4 of the Planning & Development Committee Minutes dated 20 October 2003). The nature of the interest being that he owns property in the near vicinity.
- Mr Chris O'Neil has declared a financial interest. The interest is in Item 11.3 (Item 10.6.8 of the Planning & Development Committee Minutes dated 20 October 2003). The nature of the interest being that he will be remunerated for preparing the report.
- In accordance with the City of Belmont's Code of Conduct, Councillor Marks declared an interest that could give rise to a reasonable belief that his impartiality may be adversely affected. The interest is in Item 11.3 (Item 10.7.1 of the Planning & Development Committee Minutes dated 20 October 2003). The nature of the interest being that he may attend the Conference.
- In accordance with the City of Belmont's Code of Conduct, Mr Neville Deague declared an interest that could give rise to a reasonable belief that his impartiality may be adversely affected. The interest is in Item 11.3 (Item 10.7.1 of the Planning & Development Committee Minutes dated 20 October 2003). The nature of the interest being that he may attend the Conference.
- In accordance with the City of Belmont's Code of Conduct, Mr Ted Teasdale declared a financial interest that could give rise to a reasonable belief that his impartiality may be adversely affected. **The interest is in Item 11.4 (Item 10.7.2 – Accounts for Payment, of the Resources and Policy Committee Minutes dated**
  21 October 2003). The nature of the interest being that his wife is the recipient of a Sister City honorarium from Council.
- In accordance with the City of Belmont's Code of Conduct, Mr Ted Teasdale declared a financial interest that could give rise to a reasonable belief that his impartiality may be adversely affected. **The interest is in Item 11.4 (Item 10.7.6 – 2003/2004 October Budget Review, of the Resources and Policy Committee Minutes dated 21 October 2003). The nature of the interest being that he is a Director of Leisure Australia, receiving payment (the item contains issues regarding the Belmont Oasis and the Ascot Water Playground).**
- In accordance with the City of Belmont's Code of Conduct, the Acting Chief Executive Officer, Mr Neil Hartley declares an interest that could give rise to a reasonable belief that his impartiality may be adversely affected. The interest is in Item 12.3 of tonight's agenda. The nature of the interest being Mr Hartley represents the City of Belmont on the Belmont Community Recreation Association Inc (the Oasis Lessee).

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Item 3 – Continued …

- Mr Neil Hartley Acting Chief Executive Officer declared a financial interest. The interest is in Item 12.2 of tonight's agenda. The nature of the interest is that Mr Hartley is the current Acting Chief Executive Officer and may apply for the CEO position. In addition he is currently receiving a higher duties allowance whilst Acting CEO.
- Councillor Passeri declared a financial interest. The interest is in Part 2 of Item 12.1 of tonight's meeting. The nature of the interest being that Cr Passeri has shares and superannuation in AMP.

4 ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

4.1 ANNOUNCEMENTS

Nil.

4.2 DISCLAIMER

No responsibility whatsoever is implied or accepted by the City of Belmont for any act, omission or statement or intimation occurring during Council or Committee meetings.

The City of Belmont disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings.

Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation or approval made by any member or Officer of the City of Belmont during the course of any meeting is not intended to be and is not taken as notice of approval from the City of Belmont.

The City of Belmont warns that anyone who has any application lodged with the City of Belmont must obtain and should only rely on ***written confirmation*** *of the outcome of the application, and any conditions attaching to the decision made by the City of Belmont in respect of that application.*

*****7.36pm The Acting Chief Executive Officer read aloud the above disclaimer.**

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5 PUBLIC QUESTION TIME

*****7.37pm For the benefit of the public present the Acting Chief Executive Officer stated the rules of Question Time.**

5.1 RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETING

5.1.1 Mr Peter Stewart, 275 Peet Road, Roleystone

Mr Stewart asked the following question at the Ordinary Council Meeting held on Monday, 22 September 2003, which was taken on notice. Correspondence was forwarded to Mr Stewart on 2 October 2003 details below:

3. Will the Mayor initiative moves to reclaim ratepayers funds, expended with Urban Focus and others, since November 1999?

   Notwithstanding the legal issues involved, it would be premature to consider such an option at this point in time.

5.1.2 Mr Rob Greenwood, 151 Coolgardie Avenue, Redcliffe

Mr Greenwood asked the following question at the Ordinary Council Meeting held on Monday, 22 September 2003, which was taken on notice. Correspondence was forwarded to Mr Greenwood on 2 October 2003, details below:

4. Has Council considered how much further the children of Redcliffe and Ascot will have to travel and at what cost to Faulkner Park, and, if Council's five 'free' tickets to the Oasis Leisure Centre offer to past users of the Ascot Water Playground (out of ratepayers funds) will be continued each year?

   Council is aware of the entrance cost differences between the two facilities and the fact that travel distances will be affected by the closure of the Ascot Water Playground. In regard to the 'free' tickets to the Oasis, the report (Comex Minutes dated 9 September 2003, Item 10.1.3) clearly highlights in several locations that the compensation is 'one off' with the recommendation reading as follows - "Provide City of Belmont Residents who previously utilised the Ascot Water Playground 'one off' compensation in the form of five family passes redeemable at the Belmont Oasis Leisure Centre for the period October 2003 – March 31 2004." Notwithstanding, Council has in the past forwarded free family passes to the City's residents with the rate notices, and it may again do so in future if funds permit.

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5.1.3 Mrs Lorraine Hitt, 14 McLachlan Way, Belmont

Mrs Hitt asked the following question at the Ordinary Council Meeting held on Monday, 22 September 2003, which was taken on notice. Correspondence was forwarded to Mrs Hitt on 2 October 2003, details below:

1. Why has Council refused the request to have a resident/ratepayer on Council's Public Open Space Rationalisation Committee?

   The group's correct title is the Public Open Space Strategy Forum. The Public Open Space Strategy Forum is an internal group made up of officers and Councillors. Its function is "to assist the CEO to manage and review the provision of public open space within the City of Belmont". The group has no delegated authority so all decisions requiring Council authority must be decided by the Council. Generally, community consultation will follow or precede Council deliberations on public open space considerations. On the basis that the Councillors (as is outlined in Section 2.10 of the Local Government Act) "represents the interests of electors, ratepayers and residents of the district", it is not considered that additional 'resident/ratepayer' representation is required, at least at this point in time.

5.1.4 Mr Michael Ryan, 60 Riversdale Road, Rivervale

Mr Ryan asked the following questions at the Ordinary Council Meeting held on Monday, 22 September 2003, which was taken on notice. Correspondence was forwarded to Mr Ryan on 7 October 2003 details below:

1. Mr Ryan asked why the Agenda for the Ordinary Council Meeting of 22 September 2003; the Minutes for the Special Council Meeting of 17 September 2003; the Minutes for the Executive Committee meeting of 16 September 2003 and the attachments being the Minutes of 24 February 2002 and 3 July 2001; the Minutes of the Works and Technical Services Committee meeting of 8 September 2003; the Community and Executive Services Committee of 9 September 2003; the Planning and Development committee Meeting of 15 September 2003; and the Resources and Policy Committee meeting of 16 September 2003 were not available in the Library until this morning, and then only after Mr Ryan requested by phone that they be made available?

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Item 5.1.4 – Continued …

On Friday, 19 September 2003, due to the lateness of the collation of the agenda documents, Council Officers were unfortunately unable to deliver the agenda documents to the Library before it closed at 5.00pm. To enable public access on the opening of the Library, arrangements were endeavoured to be made for Library staff to retrieve the agenda documents from the Civic Centre building on Saturday, 20 September 2003, however due to their inability to access the security controlled areas in the Executive Services area of the Civic Centre building, this did not eventuate.

Alternative practices have now been put in place to ensure all copies of the agendas/minutes will be available in the Library from Saturday morning, even if collation delays again occur.

2. Mr Ryan advised that Library staff told him on Saturday 19 September 2003 that the Agenda and Minutes were available on the Council's web site, but as at the time of asking these questions, the Minutes of the Special Council Meeting of 17 September 2003 and the minutes of the Works and Technical Services meeting of 8 September 2003 are apparently not on the Council's web site, and Mr Ryan asked why?

   Council has investigated the matter of the information not being available on its Web Site and has found that due to an Internet coding error, this information did not appear on the Web Site on the date required. Both minutes are now on the City's Web Page.

4. Mr Ryan asked why is page 14 of the Minutes of the Special Council Meeting of the 17 September 2003 in the Library different to the version in Council this evening.

   After investigation, it has been confirmed that a collating error had occurred in the photocopying of 12 of the 33 copies of the Minutes of the Special Council Meeting distributed. These 12 copies were distributed to the Library (2) and the other copies (10) were for internal staff use.

   It should be noted that all other minute copies distributed were correct and also, the correct version of the minutes were available on the Web Page for public access.

   Our apologies for any inconvenience caused.

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5.2 QUESTIONS ON WHICH WRITTEN NOTICE HAS BEEN GIVEN PRIOR TO THE MEETING

5.2.1 Mr Clive Coombes, 317 Wright Street, Cloverdale

The following questions relate to incidents that occurred during a ratepayers meeting held on 16 October, to discuss the future of the Ascot Water Playground.

1. Is the Mayor aware that during the course of the meeting a male person sitting at the back of the room:

   a. "told me to be quiet when I was directing comments at another ratepayer;
   b. made a similar comment to Mr M Ryan;
   c. called Mr R Greenwood "a …(argumentative comment removed)" while he was making a comment to the floor;
   d. made a comment to Mr M Ryan while he was standing at the rear of the room, which prompted Mr Ryan to respond by stepping forward and speaking quietly to the person."

   The Mayor advised that in response to points a and b, no, however since making enquiries he was told that both people were asked to be quiet so the speakers in the room could be heard by those in attendance;

   In respect to point c, the Mayor advised, no; and

   In respect to point d, the Mayor advised, no. The Mayor further stated that he did see Mr Ryan move quickly over to behind that area and place his hand on someone. After making comment to Mr Ryan, he then walked up to the Podium for the second time that evening, and had a very animated discussion me [the Mayor]. After this, the lady speaking finished what she was saying, and the Mayor closed the meeting.

2. Does the Mayor admit that despite accusing Mr M Ryan of threatening the person as detailed in Q1, he later informed me that he did not actually hear any threat that he accused Mr Ryan of making?

   The Mayor referred the meeting to his answer at Question 1 d.

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Item 5.2.1 – Continued…..

3. Is the Mayor aware that following the conclusion of the ratepayers meeting when Mr Coombes asked him what Mr Ryan had said to threaten him, the following occurred -

   a. "I was told to mind my own business, that he knew that I was Clive Coombs who wrote letters to the Community News, and if I had so much to say I should stand for Council;
   b. The lady sitting next to the person, told him to back off and to leave it. At this point, I suggested that he should listen to his mother, who I assumed she was;
   c. The person referred to in these questions, then jumped up squared up to me and suggested that if I was prepared to step outside he would bash me up. I then called out to the Mayor."

   The Mayor advised that in respect to points a, b and c, no, however, since making enquiries he had been told by many who were present that at no time was Mr Coombs told he would be "bashed up".

4. Does the Mayor consider the above, a threat made to a ratepayer at a meeting under his control?

   The Mayor referred the meeting to his answer at Question 3.

5. Is the Mayor aware of the identity of the person being referred to? If the answer is yes, who is he?

   The Mayor advised, not at the time, however the person referred to is his son who considered that he was being provoked and may have verbally responded in the same manner.

6. If the person is in fact related to the Mayor, as has been suggested, did the Mayor invite this person to the meeting with the intention of being disruptive by heckling anyone who opposed the actions of the Council?

   The Mayor advised, no, his son attended the meeting in company with his mother. He is a mature adult and a ratepayer of the City. He was quite entitled to attend the meeting and, in fact, he was opposed to the closure of the playground.

7. Under the circumstances will the Mayor offer to resign so that the City can be run by a Councillor who is able to exercise more control over members of his family.

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Item 5.2.1 – Continued…..

The Mayor advised that there is no need to do as Mr Coombs suggests, and any proposal that he should 'control' members of his family in the way outlined is repugnant to him.

5.2.2 Mr Paul Hitt, Belmont Residents/Ratepayers Action Group Inc c/- 14 McLachlan Way, Belmont

1. Will Council construct a continuation of the cycle way that currently ends at the eastern perimeter of Garvey Park? This would entail construction of the cycleway past Hilton Grove and through land that is adjacent to the Swan River towards Water and Ivy Street. At present some of this land may be illegally fenced and access is restricted to the general public.

   The Mayor advised that it is the City's intention to continue the shared path along the river foreshore in this area at some time in the future. The development of the network will however be somewhat constrained until all of the necessary river foreshore land is acquired by the state and becomes available to the City as Regional Open Space. In the meantime, the existing paths in Fauntleroy Avenue and Hay Road provide adequate connectivity to the existing shared path network along the river foreshore for cyclists and pedestrians.

2. Will Council state, why a cycle way was constructed in Esther Street when Sinclair Street, which is one street away and runs parallel and covers the same distance.

   The Mayor advised that a cycleway was constructed on Esther St as it forms part of the Perth Bicycle Network. Esther Street forms part of route SE16 which links Roberts Road and Belvedere St to provide a cycle network through the City. Sinclair Street is not part of that Perth Bicycle Network route.

3. What is the current level of waste being discarded from the Council's recycling bins after sorting and is any of the recycled material being dumped in landfill at the present time?

   The Mayor advised that all of the City's recyclable products collected from its recycling kerbside collection (yellow bins) are transported to Cleanaway's Materials Recovery Facility sorting plant in Bayswater. Currently approximately 3,000 tonne of recyclable waste is collected from our 13,811 households each year. Of the waste collected approximately 32.4% is found to be non-recyclable after sorting. This non-recyclable waste is then transferred to landfill.

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Item 5.2.2 – Continued…..

Cleanaway sorts and separates the recyclable material into different categories of product such as paper, plastics, glass, etc. Cleanaway has markets for the sale of the recyclable product with the material usually being containerised and shipped offshore. Appropriate disposal of the recyclable material is part of the City's contract with Cleanaway. Please refer also to the answer at (3) above.

4. The Council Chambers is currently inaccessible to the frail, aged and people who are confined to wheelchairs and this facility is likely to be inaccessible for a considerable period in the future. Is Council aware that there are legal obligations to ensure, all public building are to accessible to people with disabilities and;

   Will the Belmont City Council hold future meetings in facilities that have adequate wheelchair access, or provide appropriate access to people with disabilities to this Chamber?

   The Mayor advised that the Disability Discrimination Act does not address the issue of providing disabled access during renovation of public buildings, however discussion with a representative of the Disability Services Commission has highlighted that it would be desirable for disabled access to be provided during the upgrading of the Civic Centre. Discussions will be initiated with the Disability Services Commission as to the options Council might have available to it during the current Civic Centre renovations.

5.2.3 Mr Paul Dezille, 100 Williamson Avenue, Belmont

Mr Dezille referred to the Mayor's open letter to Ratepayers in the Community Newspaper of 14th October 2003 regarding the resignation of the Chief Executive Officer, and the fact that a Recruitment Agency would be hired to "Find a suitable replacement" for the retiring C.E.O.

1. Who will be responsible for the final decision to appoint a person to this position?

   The Mayor, Cr Peter Passeri advised that Council makes the final decision.

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Item 5.2.3 – Continued…..

2. What experience does that person have in Human Resources techniques?

   The Mayor advised that Council would take advice from its Human Resources Manager and the appointed Consultant as necessary, throughout the process. The successful Recruitment Agency will need to meet stringent set requirements on a range of parameters before being appointed to assist in the process.

3. Does Council, or whoever is responsible, believe in promotion by credit?

   The Mayor advised that the City often promotes its internal staff based on a system of fairness and merit, however for its senior staff, it believes that it is industry 'best practice' to invite interest in the position from a broader base to reassure Council and residents that the position has been filled by the best applicant available.

4. Why waste ratepayer money on a Recruitment Agency when a very efficient Deputy C.E.O. who could carry on with the job he has been doing on many occasions?

   The Mayor advised that whilst the Council has a great deal of confidence in the Deputy Chief Executive Officer, the answer at Question 3 prevails.

5.2.4 Mr Rob Greenwood, 151 Coolgardie Avenue, Redcliffe

1. Can our Council please confirm that the result of the last referendum on the Ascot Water Playground (AWP) issue showed 80% of Residents in favour of retaining the Ascot Water Playground?

   Cr Marks, Presiding Member of the Ascot Water Playground Focus Group, advised that the referendum held in May 1999 returned a vote of 6,224 votes in favour of retaining the Ascot Water Playground at the existing location, and 1,538 votes supporting that the facility be closed and the land sold, with 36 votes informal. This represents a 79.81% 'yes' vote of the 7,798 votes cast. This should be considered in respect to those 19,900 residents/ratepayers enrolled to vote at the time, and therefore 39% of eligible City electors voted in favour of its retention.

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Item 5.2.4 – Continued…..

2. If our Council believes that there has been a shift in public opinion on this issue, was a new referendum conducted prior to Council taking the recent decision to close the AWP?

   Cr Marks advised, no. The decision to close the Ascot Water Playground was based on sound environmental, social and financial issues. The 1997 report foreshadowed its eventual closure and the latest commissioned report recommended that it occur.

3. Can our Council please confirm that more than 40,000 people per year have been using the Ascot Water Playground over previous years?

   Cr Marks advised, no, and noted that in the Ascot Water Playground Assessment Report it was estimated that there were between 140,000 and 150,000 visits in the 1983/84 season. In 1996/97 it was estimated that there were approximately 30,000 visits. Figures in recent times peaked at a high of approximately 39,000 visits in 2000/2001 and has declined through to approximately 28,000 visits last year. It should be then noted that surveys have indicated that 80% of those visits are from non-Belmont residents.

4. What consultation process did our Council undertake to contact those tens of thousands of Ascot Water Playground users to find out their views?

   Cr Marks advised that it would not be practicable to specifically target consultation with the users/patrons of the Ascot Water Playground as they can generally only be identified upon admission to the facility.

5. For example; did our Council write to every school, pre school, kindy and playgroup in the City of Belmont to obtain their views on the proposed closure?

   Cr Marks advised, no and referred to his answer for questions 2 and 4.

6. Did Council advertise in the wider Perth press to alert Ascot Water Playground users from outside the district of the proposed closure and to request their views?

   Cr Marks advised, no and commented that his interest was in the local Belmont community and again referred to his answer for questions 2.

7. How many Residents of the City of Belmont previously using the Ascot Water Playground each year are likely to be adversely affected by the closure?

   Cr Marks advised that the City estimates that some 500 – 700 families of actual Belmont residents used the Ascot Water Playground annually.

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Item 5.2.4 – Continued…..

8. Can an Officer please read to us the AWP survey report on which was based the Council's statement that 'only 20% of Ascot Water Playground use is by Belmont Residents'?

   Cr Marks advised that the report is on the City's Internet site and in the Ruth Faulkner Public Library. It is not considered appropriate to read out various portions of this report at Question Time, as the information is already publicly available.

9. Who conducted that survey, over which days, and, at what time of the year, and, can we rely on the accuracy of the figures given or on the above statement?

   Cr Marks advised that the survey data was collated by the YMCA of Perth (the managers of the facility through to the end of last season), and his recollection was that the survey was conducted during January and he considers that the information is accurate and reliable.

10. How many Belmont Residents use facilities such as beaches, playgrounds, or parks, provided and maintained by Councils outside of Belmont?

    Cr Marks advised that there is no data available, in order for him to answer the question.

11. Therefore, doesn't Belmont Council have a moral obligation to maintain regional facilities such as the Ascot Water Playground that attract people to and cater for their needs in our city?

    Cr Marks advised that Council in making its decision, considered its 'obligation' to maintain regional facilities.

12. What is the spin-off to local businesses from those tens of thousands of people attracted to this City each year by the Ascot Water Playground?

    Cr Marks stated that whilst there may well be a limited 'secondary – spend' spin off to local businesses (e.g.- McDonalds), it was not seen relevant on this occasion, particularly in light of the demographics of the facility patrons – families with young children.

13. What grounds does Council have for believing that there has been a significant change in the 80% of Residents in favour of retaining the Ascot Water Playground, as determined by the last referendum?

    Cr Marks reiterated that it is not accurate to say 80% of the residents, and referred to his answer to Question 2.

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Item 5.2.4 – Continued…..

14. Then why wasn't a new referendum of Residents conducted before the current decision was taken by Council to close the Ascot Water Playground?

    Cr Marks stated that this matter was explained at the Special Electors Meeting held the 16th October and noted that there probably would not be a significant change from the outcome of the earlier referendum.

15. Is it fair to expect each Redcliffe and Ascot child to travel six kilometres to the Oasis, how long will it take and at what cost (including entry fees) each time they use the Oasis Leisure Centre in Faulkner Park, if the Ascot Water Playground is closed?

    Cr Marks noted that it is not six kilometres from Redcliffe to the Belmont Oasis, and that the distance will not be significantly further than that required by other residents in the City.

16. How will Council's proposed 'one off' offer of 5 free passes to the Oasis Leisure Centre compensate Ascot and Redcliffe families for their ongoing daily and yearly additional transport and admission costs to the Belmont Oasis Leisure Centre if their local Ascot Water Playground remains closed?

    Cr Marks noted that this issue was also raised at the Special Electors Meeting, and will be considered by Council this evening.

17. Is it either reasonable or sustainable for Redcliffe and Ascot families to travel or accompany their children to travel the six kilometres to the Belmont Oasis Leisure Centre, (when their children can presently ride or walk to their local Ascot Water Playground)?

    Cr Marks noted again that notwithstanding that it is not six kilometres from Redcliffe to the Belmont Oasis, the distance will not be significantly further as that required by other residents in the City.

18. What safe swimming and learning to swim facilities for families and children will there be in Ascot and Redcliffe if the Ascot Water Playground is closed?

    Cr Marks stated that there would be one facility for all of the City's residents, that being the Belmont Oasis.

19. Are we likely to see deaths of Belmont children from drowning, or from meningococcal infection, or from being hit by a powerboat, or, even from shark attack (all of which can and do happen from swimming in the Swan River), and are Councillors prepared to accept their responsibility for such deaths, if the Ascot Water Playground is closed?

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Item 5.2.4 – Continued…..

Cr Marks advised that this matter is an issue shared in common with all other local governments, which encompass the river or ocean within, or abutting its boundary. A claimant against Council under the circumstances described would need to prove negligence by Council.

20. Can an Officer please read us the report from the Swan River Trust stating that 'Chlorine from the Ascot Water Playground was leaking into the Swan River' (and claimed by Councillor Marks as a reason for his wanting Ascot Water Playground closed?)

    Councillor Marks stated that the letter from the Swan River Trust was read at the Special Electors Meeting and is available on the City's web site and at the Library. Cr Marks outlined the City's responsibilities towards the environment and the Swan River.

21. And, Councillor Marks, As Chair of the AWP committee; Why didn't you ensure that regular maintenance was carried out by Belmont Council to keep the Ascot Water Playground fully maintained and in a safe operational condition, rather than letting the facility 'run down' to the extent that major refurbishment is now required?

    Councillor Marks advised that the Ascot Water Playground was adequately maintained and this can be verified by the expenditure commitment by Council of over $200,000 pa in previous years. This expenditure obviously cannot address the greater issues that arise due to the inappropriateness of the facility for current and future environmental, social and liability aspects.

22. Was letting the Ascot Water Playground facility run down part of a long term plan by our Council to force its closure?

    Councillor Marks advised, definitely not, there was no plan as suggested by the question.

23. What safe local water recreational facilities for children, youth and families will remain in Redcliffe and Ascot if the Ascot Water Playground is closed?

    Councillor Marks noted that the Belmont Oasis Leisure Centre would be available to all the residents of the City.

24. If our Council doesn't continue to provide safe, affordable recreation facilities for children and youth across the City, what is the likely future cost in graffiti, vandalism, violence, and all other expressions of social disadvantage in this City?

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Item 5.2.4 – Continued…..

Cr Marks advised that, notwithstanding that the Ascot Water Playground was specifically focused on families with young children, and unlikely to be a factor in the issues outlined, the City has been very progressive in its Youth oriented recreational activities, as evidenced by the skate park and the recently opened bike park. These are located close to the City centre, the high school and the Police Station.

25. If we agree that we need a referendum on the Ascot Water Playground, after proper advertising and consultation with the general user public, will Council call a second Special Electors Meeting to fully consider the future of this facility?

    Cr Marks noted that a referendum had been held in 1999, a Special Electors Meeting was held on the 16th October 2003,at which the Council outlined the reasons for closing the Ascot Water Playground and its plans to incorporate the leisure opportunities in to the Oasis and Faulkner Park.

The Acting Chief Executive Officer noted that he had to hand approximately 30 additional written questions received at 5.57pm this evening.

BLAIR MOVED, RICHARDSON SECONDED, that the additional written questions be taken on notice and be answered in the normal course of business.

CARRIED 6 VOTES TO 2

For: *Passeri, Richardson, Blair Marks, Powell, Godfrey*

Against: *Bass, Whiteley*

*****8.10pm The Mayor announced that the time allotted for Question Time had elapsed. The Mayor suggested that he would be prepared to take questions from the floor from those in the gallery who had not already asked questions. Several members of the gallery indicated their desire to ask questions.**

GODFREY MOVED, POWELL SECONDED, that Question Time be extended for a further fifteen minutes.

CARRIED 8 VOTES TO 0

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*****8.11pm Due to continuous interjections from a member of the public gallery (Mr Peter Stewart) that impeded the progress of the meeting, the Mayor adjourned the meeting for a short period.**

Prior to reconvening the meeting, the Mayor requested that the Acting Chief Executive Officer read the relevant sections of the Standing Orders pertaining to the conduct of the Public Gallery. The Acting Chief Executive Officer read out the following: -

8.6 Prevention of Disturbance

(1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate and must take direction from the person presiding whenever called upon to do so.

(2) No person, is to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

(3) Any person interrupting the proceedings of the Council or the committee shall, when so directed by the Mayor or Presiding Member, forthwith leave the Council Chambers or Committee Meeting Room.

*****8.17pm The Mayor reconvened the meeting.**

*****8.19pm Due to the continued interruption to the conduct of the meeting (by Mr Peter Stewart) the Mayor again adjourned the meeting and asked that Mr Stewart leave the Civic Centre building. The Acting Chief Executive Officer contacted the Police Services to confirm the City's ability to remove a member of the Public Gallery. Upon receiving advice (via the Police) from the Acting Chief Executive Officer the Mayor instructed the Security Guard to remove Mr Stewart from the Council Chambers in accordance with S82 of the Police Act.**

*****8.25pm Upon Mr Stewart departing the Council Chambers, the Mayor reconvened the meeting.**

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5.3 QUESTIONS FROM THE FLOOR

5.3.1 Mrs Lynne Coops, 12 Mathews Place, Belmont

Mrs Coops referred to the late item from the Resources and Policy Committee concerning Mr Dornford's claim for reimbursement of his Inquiry costs and noted that these costs appear to include costs incurred by Cr Bass.

How is Mr Dornford allowed to claim for Cr Bass's Inquiry expenses as well as his own?

The Mayor advised that he understood that Mr Dornford has withdrawn the portion of his original claim that included Cr Bass' legal costs.

The Acting Chief Executive Officer advised that the City had upon receiving Mr Dornford's original claim, corresponded with him (via his legal advisors) seeking further details, which were required in order to process his claim. Following the receipt of that information, additional details were needed and these were also provided. Copies of the correspondence referred to is included as an attachment to the item the subject of this question. It should be noted that Cr Bass' comments on the accuracy of Mr Dornford's claims are also recorded (in 'Committee Comment') in the referenced Resources & Policy item.

Why are Mr Dornford's costs 30 times greater than the other Councillors' and Councillor Bass' costs 10 times greater?

The Mayor advised that he was unable to answer this question.

Mrs Coops noted that the itemised account from Hammond Worthington representing Mr Dornford and Cr Bass, and expressed concern that the account details telephone attendance and contact with 6PR, West Australian Newspaper, and the Southern Gazette. Mrs Coops queried the relevance of these matters to the Inquiry and asked whether the Council will be prepared to forward the account to a relevant investigating authority?

The Mayor advised that the matter would be referred to the Department of Local Government and Regional Development for advice and to any other relevant authorities as deemed appropriate.

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5.3.2 Ms Christine Murphy, 38 Natham Square, Swan View

Mrs Murphy noted that she and her family have been using the Ascot Water Playground for 9 years, and queried how many lifeguards the Belmont Oasis will put on in light of the likely increased patronage due to the closure of the Ascot Water Playground?

The Acting Chief Executive Officer advised that the Belmont Oasis Leisure Centre is managed by a professional recreation facility management organisation and is regularly audited by the Royal Life Saving Association. The Centre will employ the appropriate number of staff according to the standards set, based generally on the number of patrons entering the facility; he expressed his confidence in the safety practices of the Centre.

5.3.3 Mr William Elkes, 55 Riversdale Road, Rivervale

Mr Elkes queried what power the Council had in removing a member of the Public Gallery for disorderly behaviour, and what power does it have should the ejected person choose to return and behave in an appropriate manner?

The Acting Chief Executive Officer advised that the powers are derived from the City's Standing Orders and (following advice earlier this evening from the Police) Section 82 of the Police Act, and Council can act through the City's contracted security guards. He suggested that in light of the extended process undertaken prior to a person being required to leave the meeting, it would be most inappropriate for a person ejected from the Public Gallery to return to the Chambers during the course of that meeting.

5.3.4 Mr Michael Ryan, 60 Riversdale Road, Rivervale

Mr Ryan referred to the questions he raised for the last Community and Executive Services Committee, which were ruled not to comply with question time rules, and were subsequently answered in a letter from the City dated 22 October 2003. Mr Ryan noted that question 4 of those questions requested when would the details of the payments made to the departed Chief Executive Officer be made available, to which the City advised that in accordance with Section 5.95 (5) of the Local Government Act, the remuneration amount paid is currently available. Mr Ryan stated that he was subsequently advised that the total payment was $323,883 comprising salary, remuneration and benefits/entitlements. Mr Ryan again requested the details of the payment and the method of calculation?

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Item 5.3.4 – Continued…

The Acting Chief Executive Officer advised that his interpretation of the Act was that only the total package figure was required to be available and not the individual components. He advised that should the Department of Local Government and Regional Development determine otherwise, he would meet their requirements.

5.3.5 Ms Natalie Borbely, 1 Daglish Road, Redcliffe

Ms Borbely enquired why, at the Special Electors Meeting, did the Mayor chose to label people opposed to the closure of the Ascot Water Playground as "three or four hundred trouble makers"?

The Mayor advised that he had said "three or four trouble makers".

Ms Borbely asked why does the Mayor make promises he cannot keep, as he promised to send to her a copy of the letter from the Swan River Trust, and failed to do so?

The Mayor noted that the letter was published on the City's web page and was available at the Library, and was also displayed on the screen during the PowerPoint presentation at the Special Electors Meeting. He apologised for not forwarding a copy direct to Ms Borbely as he thought the above measures were sufficient.

5.3.6 Mr Paul Hitt, 14 McLachlan Way, Belmont

Mr Hitt enquired why the Special Electors Meeting minutes did not include all the questions asked verbatim?

The Acting Chief Executive Officer noted that the issue of 'verbatim' recording of questions had been raised by the gallery on several occasions previously, and he again referred to Regulation 11 of the Local Government (Administration) Regulations 1996 which states: -

> *"the content of minutes of a meeting of a Council or a committee is to include: ….(e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question".*

Although there is no requirement to record verbatim minutes, the City often includes preambles to questions where it may assist a reader of the Minutes to understand the context of the question.

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*****8.44pm** **As the time allotted for the extension of question time had expired, the Mayor declared Public Question Time closed.**

Due to repeated interjections from a member of the public gallery (Mr Rob Greenwood) that impeded the progress of the meeting, the Mayor adjourned the meeting for a short period.

*****8.48pm** **Due to the continued interruption to the conduct of the meeting, the Mayor instructed the Security Guard to remove Mr Greenwood from the Council Chambers in accordance with S82 of the Police Act.**

*****8.50pm** **Upon receiving a verbal assurance from Mr Greenwood that he would abide by the Standing Order requirements pertaining to the conduct of members of the Public Gallery, the Mayor withdrew his instruction for Mr Greenwood to be removed from the Council Chambers, and reconvened the meeting.**

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6 CONFIRMATION OF MINUTES

6.1 ORDINARY COUNCIL MEETING HELD 22 SEPTEMBER 2003

RICHARDSON MOVED, GODFREY SECONDED, that the minutes of the Ordinary Council Meeting held on 22 September 2003, as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 8 VOTES TO 0

6.2 SPECIAL COUNCIL MEETING HELD 8 OCTOBER 2003

RICHARDSON MOVED, BLAIR SECONDED, that the minutes of the Special Council Meeting held on 8 October 2003, as printed and circulated to all Councillors, be confirmed as a true and accurate record.

CARRIED 6 VOTES TO 2

For: *Passeri, Richardson, Blair Marks, Powell, Godfrey*

Against: *Bass, Whiteley*

7 QUESTIONS BY MEMBERS ON WHICH DUE NOTICE HAS BEEN GIVEN (WITHOUT DISCUSSION)

Nil.

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8 PETITIONS AND MEMORIALS

8.1 PETITION – CLOSURE OF ASCOT WATER PLAYGROUND

Report by Community and Executive Services Division

LOCATION

99 Mathieson Road, Ascot

APPLICANT

Ms L Hitt and other petitioners.

FILE REFERENCE

33/020 Ascot Water Playground Management

DISCLOSURE OF INTEREST

The author has not needed to make a disclosure of interest in respect to this matter.

DATE

23 October 2003.

SUMMARY

To advise Council of a petition received at the Special Electors meeting held 16 October 2003, seeking for Council to reconsider its August 2003 decision to close and sell the Ascot Water Playground.

BACKGROUND

A petition was submitted by Ms Lorraine Hitt during the course of the Special Electors Meeting on 16 October 2003, containing 311 signatures (of which 78 petitioners reside outside the City). The petition states: -

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Item 8.1 – Continued …

"We, the undersigned, request the Council of the City of Belmont to:

(a) reconsider its August 2003 decisions (made without community consultation) to close and sell the Ascot Water Playground;

(b) honour (sic) the community's decision (made by referendum) to retain the Ascot Water Playground in the community's ownership and maintain its operations for the benefit and enjoyment of the City's residents and the broader community; and

(c) approve funding for the required repairs to the Ascot Water Park and Playground so that it can be reopened to the public prior to the 2003 summer."

COMMENT

The petition has been referred to the Community and Executive Services Division for investigation.

CONSULTATION

The City has undertaken no public consultation further than that of the Special Electors Meeting at this stage.

STATUTORY ENVIRONMENT

Not applicable for the receipt of a petition.

POLICY IMPLICATIONS

Not applicable for the receipt of a petition.

FINANCIAL IMPLICATIONS

Not applicable for the receipt of a petition.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Not applicable for the receipt of a petition.

ENVIRONMENTAL IMPLICATIONS

Not applicable for the receipt of a petition.

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Item 8.1 – Continued …

VOTING REQUIREMENT

Simple Majority required only.

BLAIR MOVED, GODFREY SECONDED, that the petition be received and that Council note that the issues contained within the petition are to be considered by it in tonight's agenda, specifically Item 12.3 – 'Special Electors Meeting – Ascot Water Playground – 16 October 2003'.

CARRIED 8 VOTES TO 0

8.2 PETITION – ASCOT WATER PLAYGROUND AND VOTE OF NO CONFIDENCE IN THE MAYOR

The Mayor accepted a petition from a member of the Public Gallery and requested the Acting Chief Executive officer to read it aloud.

The petition states: -

"We, the undersigned, being electors of the City of Belmont, request that a special meeting of the residents and ratepayers be held to discuss (a) the Council's August 2003 decision to close and sell the Ascot Water Playground (b) a vote of no confidence in the Mayor.

I confirm that this request is served on behalf of the above listed signatories of electors of the City of Belmont, and that prior to signing, the listed persons were properly informed of the purpose of the request for an electors meeting."

The Acting Chief Executive Officer noted that upon a quick perusal, the petition appeared to contain almost 200 signatories.

BLAIR MOVED, POWELL SECONDED, that the petition be received.

CARRIED 8 VOTES TO 0

9 BUSINESS ADJOURNED FROM A PREVIOUS MEETING

Nil.

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10 CORRESPONDENCE

10.1 LEAVE OF ABSENCE

10.1.1 Cr Godfrey - Leave Of Absence

Report by Community and Executive Services Division.

LOCATION

Not Applicable.

APPLICANT

Councillor G Godfrey.

FILE REFERENCE

35/003 Leave of Absence.

DISCLOSURE OF INTEREST

Not Applicable.

DATE

23 October 2003

SUMMARY

There are legislative requirements pertaining to the attendance of Councillors at meetings of Council, and which outline the limitations in respect to absences from these meetings.

Councillor Godfrey has requested leave of absence from all Council and Committee meetings for the period 9 November to 19 November and 29 November and 5 December 2003 inclusive.

BACKGROUND

Councillor Godfrey has requested leave of absence from all Council and Committee meetings for the period 9 November to 19 November and 29 November and 5 December 2003 inclusive.

COMMENT

Nil.

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Item 10.1.1 – Continued …

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Section 2.25 (1) of the Local Government Act 1995 – 'Disqualification for failure to attend meetings', states that a Council may, by resolution, grant leave of absence, to a member.

The Act further prescribes that leave is not to be granted to a Councillor in respect to more than six consecutive ordinary Council meetings without Ministerial approval, and that any approval is to be recorded in the minutes of the meeting.

A Councillor who is absent, without first obtaining leave from Council, throughout three consecutive ordinary Council meetings will be disqualified from the position of Councillor.

POLICY IMPLICATIONS

Council's Policy C1.3.2 – 'Councillor Non Attendance – Council Meetings', has as its objective to ensure that Councillors remain responsible for their own attendance record at Council meetings.

Council's Policy C1.3.3 – 'Committee Member Non Attendance – Committee Meetings', has as its objective to ensure that Councillors are responsible for arranging for their replacement at committee meetings when they cannot attend.

FINANCIAL IMPLICATIONS

There are no significant financial implications evident.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

There are no significant implications evident.

ENVIRONMENTAL IMPLICATIONS

There are no significant implications evident.

VOTING REQUIREMENT

Simple majority.

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Item 10.1.1 – Continued …

BLAIR MOVED, RICHARDSON SECONDED, that Councillor Godfrey be granted leave of absence from all Council and Committee meetings for the period 9 November to 19 November, and 29 November to 5 December 2003, inclusive.

CARRIED 8 VOTES TO 0

10.1.2 Cr Passeri - Leave Of Absence

Report by Community and Executive Services Division.

LOCATION

Not Applicable.

APPLICANT

Councillor P Passeri, JP.

FILE REFERENCE

35/003 Leave of Absence.

DISCLOSURE OF INTEREST

Not Applicable.

DATE

23 October 2003

SUMMARY

There are legislative requirements pertaining to the attendance of Councillors at meetings of Council, and which outline the limitations in respect to absences from these meetings.

Councillor Passeri has requested leave of absence from all Council and Committee meetings for the period 31 October to 13 November and 22 November and 27 November 2003 inclusive.

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Item 10.1.2 – Continued…

BACKGROUND

Councillor Passeri has requested leave of absence from all Council and Committee meetings for the period 31 October to 13 November and 22 November and 27 November 2003 inclusive.

COMMENT

Nil.

CONSULTATION

Nil.

STATUTORY ENVIRONMENT

Section 2.25 (1) of the Local Government Act 1995 – 'Disqualification for failure to attend meetings', states that A Council may, by resolution, grant leave of absence, to a member.

The Act further prescribes that leave is not to be granted to a Councillor in respect to more than six consecutive ordinary Council meetings without Ministerial approval, and that any approval is to be recorded in the minutes of the meeting.

A Councillor who is absent, without first obtaining leave from Council, throughout three consecutive ordinary Council meetings will be disqualified from the position of Councillor.

POLICY IMPLICATIONS

Council's Policy C1.3.2 – 'Councillor Non Attendance – Council Meetings', has as its objective to ensure that Councillors remain responsible for their own attendance record at Council meetings.

Council's Policy C1.3.3 – 'Committee Member Non Attendance – Committee Meetings', has as its objective to ensure that Councillors are responsible for arranging for their replacement at committee meetings when they cannot attend.

FINANCIAL IMPLICATIONS

There are no significant financial implications evident.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

There are no significant implications evident.

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Item 10.1.2 – Continued…

ENVIRONMENTAL IMPLICATIONS

There are no significant implications evident.

VOTING REQUIREMENT

Simple majority.

RICHARDSON MOVED, GODFREY SECONDED, that Councillor Passeri be granted leave of absence from all Council and Committee meetings for the period 31 October to 13 November and 22 November to 27 November 2003, inclusive.

CARRIED 8 VOTES TO 0

10.2 GENERAL

Nil.

10.3 LATE CORRESPONDENCE OF AN URGENT NATURE

Nil.

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11 REPORTS OF COMMITTEES

11.1 WORKS AND TECHNICAL SERVICES COMMITTEE MEETING HELD 13 OCTOBER 2003

Receipt of Minutes

***BLAIR MOVED, POWELL SECONDED*, that the minutes of the Works and Technical Services Committee meeting held on 13 October 2003, as printed and circulated to all Councillors, be received.**

CARRIED 8 VOTES TO 0

WITHDRAWN ITEMS

Item 10.1.1 was withdrawn at the request of Cr Godfrey.

ADOPTION OF THE BALANCE OF THE REPORT

***BLAIR MOVED, WHITELEY SECONDED*, that recommendation items 8.1, 10.2.1 to 10.2.4, 10.3.1, and 10.4.1 to 10.4.3 of the Works and Technical Services Committee meeting held on 13 October 2003, be adopted en bloc (i.e. with the exception of item 10.1.1).**

CARRIED 8 VOTES TO 0

11.1.1 Withdrawn Item 10.1.1 – Installation of Corocord Macro Spacenet 3140

***GODFREY MOVED, MARKS SECONDED*, that due to concerns with safety, stress on the environment and the significant cost of the equipment, that at this point of time Council not approve the installation of a Corocord Spacenet at Tomato Lake.**

LOST 3 VOTES TO 5

For: *Passeri, Bass, Godfrey*

Against: *Blair, Whiteley, Marks, Powell, Richardson*

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Item 11.1.1 – Continued …

MARKS MOVED, POWELL SECONDED, that due to concerns with safety, stress on the environment and the significant cost of equipment, the Committee Recommendation not be adopted and the matter be referred back to the next Works and Technical Services Committee Meeting.

CARRIED 7 VOTES TO 1

For: *Passeri, Bass, Godfrey, Marks, Whiteley, Powell, Richardson*

Against: *Blair*

11.2 COMMUNITY AND EXECUTIVE SERVICES COMMITTEE MEETING HELD 14 OCTOBER 2003

Receipt of Minutes

RICHARDSON MOVED, POWELL SECONDED, that the minutes of the Community and Executive Services Committee meeting held on 14 October 2003, as printed and circulated to all Councillors, be received.

CARRIED 8 VOTES TO 0

WITHDRAWN ITEMS

Nil.

ADOPTION OF THE REPORT

RICHARDSON MOVED, POWELL SECONDED, that recommendation items 8.1, 10.1.1 and 10.1.2 of the Community and Executive Services Committee meeting held on 14 October 2003, be adopted en bloc.

CARRIED 8 VOTES TO 0

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11.3 PLANNING AND DEVELOPMENT COMMITTEE MEETING HELD 20 OCTOBER 2003

Receipt of Minutes

MARKS MOVED, WHITELEY SECONDED, that the minutes of the Planning and Development Committee meeting held on 20 October 2003, as printed and circulated to all Councillors, be received.

CARRIED 8 VOTES TO 0

WITHDRAWN ITEMS

Items 10.6.5 and 10.6.8 were withdrawn at the request of Cr Bass.
Item 10.6.9 was withdrawn at the request of Cr Marks.
Item 12 was withdrawn at the request of Cr Godfrey.

ADOPTION OF THE BALANCE OF THE REPORT

MARKS MOVED, BLAIR SECONDED, that recommendation items including 8.1, 10.1.1, 10.3.1 to 10.3.3, 10.6.1 to 10.6.4, 10.6.6, 10.6.7, 10.6.10 and 10.7.1 of the Planning and Development Committee meeting held on 20 October 2003, be adopted en bloc (i.e. with the exception of items 10.6.5, 10.6.8, 10.6.9 and 12).

CARRIED 8 VOTES TO 0

11.3.1 Withdrawn Item 10.6.5 – Lots 801, 802, 803, 804, 805, 806 and 807 (76) Great Eastern Highway, Rivervale – Conservation Works, Temporary Sales, and Security Office and Carpark

MARKS MOVED, GODFREY SECONDED, that the Committee Recommendation be adopted without amendment or modification.

CARRIED 7 VOTES TO 1

For: *Passeri, Blair, Godfrey, Marks, Whiteley, Powell, Richardson*

Against: *Bass*

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11.3.2 Withdrawn Item 10.6.8 – Lot 377 (10) Kanowna Avenue West & Locock Street, Ascot – Proposed Subdivision

MARKS MOVED, RICHARDSON SECONDED, that the Committee Recommendation be adopted without amendment or modification.

CARRIED 7 VOTES TO 1

For: *Passeri, Blair, Godfrey, Marks, Whiteley, Powell, Richardson*

Against: *Bass*

11.3.3 Withdrawn Item 10.6.9 – Lot 8 (159) McDowell Street, Kewdale – Application for Change of Use from Office / Factory to Hay Storage and Distribution Premises

MARKS MOVED, POWELL SECONDED, that due to further legal advice being received by the City, the Committee Recommendation not be adopted and the matter be referred back to the next Planning and Development Committee for further consideration.

CARRIED 8 VOTES TO 0

11.3.4 Withdrawn Item 12 – Lot 500 (5-7) Noble Street, Kewdale - Subdivision

GODFREY MOVED, WHITELEY SECONDED, that due to concerns regarding the level of parking proposed, the Committee Recommendation not be adopted and the matter be referred back to the next Planning and Development Committee for further consideration.

CARRIED 8 VOTES TO 0

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11.4 RESOURCES AND POLICY COMMITTEE MEETING HELD 21 OCTOBER 2003

Receipt of Minutes

GODFREY MOVED, WHITELEY SECONDED, that the minutes of the Resources and Policy Committee meeting held on 21 October 2003, as printed and circulated to all Councillors, be received.

CARRIED 8 VOTES TO 0

WITHDRAWN ITEMS

Item 10.7.6 was withdrawn at the request of Cr Bass.
Item 10.8.2 was withdrawn at the request of Cr Richardson.

*****9.24pm Councillor Bass requested that Item 12.3 of tonight's meeting be brought forward as Council's decision on that matter would have a bearing on Item 10.7.6 of the Resources and Policy Committee meeting held 21 October 2003.**

GODFREY MOVED, WHITELEY SECONDED, that the Item 12.3 of the Council agenda be brought forward.

CARRIED 5 VOTES TO 3

For: *Passeri, Whiteley, Bass, Marks, Godfrey*

Against *Powell, Richardson, Blair*

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Item 12.3 Brought Forward

12.3 Special Electors Meeting – Ascot Water Playground – 16 October 2003
**** Attachment 1 – Item 12.3 refers**

Report by Community and Executive Services Division

LOCATION

Not applicable.

APPLICANT

Not applicable.

FILE REFERENCE

33/020 Ascot Water Playground Management
126/001 Oasis Management

DISCLOSURE OF INTEREST

In accordance with the City of Belmont's Code of Conduct, the Acting Chief Executive Officer, Mr Neil Hartley declares an interest that could give rise to a reasonable belief that his impartiality may be adversely affected. The nature of the interest being Mr Hartley represents the City of Belmont on the Belmont Community Recreation Association Inc (the Oasis Lessee).

DATE

24 October 2003

SUMMARY

To provide Council with the outcomes of the Special Electors Meeting on the Ascot Water Playground for consideration in regard to Council's August 2003 resolution to close the facility.

SUMMARY

To provide Council with the outcomes of the Special Electors Meeting on the Ascot Water Playground for consideration in regard to Council's August 2003 resolution to close the facility.

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Item 12.3 (B/Fwd) – Continued …

BACKGROUND

In August 2003 Council considered the Strategic Analysis provided by ABV and resolved that: -

1. ***"Accept the Strategic Analysis Report compiled by A Balanced View Leisure Consultants.***

2. ***Implement the immediate closure of the Ascot Water Playground Facility and subsequently –***

   a. ***Initiate discussions with the YMCA of Perth to discuss 'termination terms' for the management of the Ascot Water Playground.***
   b. ***Investigate possible 'one-off' compensation for all Belmont residents at the closure / relocation of the Ascot Water Playground (by way of swimming pool access) , redeemable at Belmont Oasis.***
   c. ***Initiate public notice on the closure of Ascot Water Playground, noting the plans for the Feature Playground.***

3. ***Subject to the undertaking of legislative requirements, Council dispose of the Ascot Water Playground site and adopt the developmental recommendations as indicated in the Strategic Analysis report, and summarised as –***

   a. ***A Feature Playground be developed at Faulkner Park as detailed in the report.***
   b. ***That the opportunities provided at the Ascot Water Playground site be relocated to the Belmont Oasis precinct.***
   c. ***That the Belmont Oasis be redeveloped to include an expanded health club and relocated and expanded Kiosk as per details provided in the report.***
   d. ***Repair and rejuvenate the area around the Ascot Water Playground.***

4. ***Allocate the remaining funds from the sale of the Ascot Water Playground site to -***

   a. ***A refurbishment / upgrade fund of the Belmont Oasis Leisure Centre***
   b. ***A capital works fund for recreational projects (sports field lighting etc).***
   c. ***Garvey Park.***

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5. That Council's Planning Department prepare a report for Council on the most appropriate development opportunity for the Ascot Water Playground site to enable a business plan to be prepared in accordance with section 3.59 of the Local Government Act 1995, taking into account the 1997 report on the Ascot Water Playground, particularly the emphasis on residential/stables rezoning."

At its meeting held 22nd September 2003 Council considered the further implementation of the ABV recommendations and resolved as follows: -

"That …… for the purpose of clarifying Council's intention for the upgrade of the Belmont Oasis Leisure Centre and management tender, Council -

1. Authorise a termination payment to the YMCA of Perth for the amount of $30 000.00 for the immediate closure of the Ascot Water Playground and the termination of the current management agreement.

2. Provide City of Belmont Residents who previously utilised the Ascot Water Playground 'one off' compensation in the form of five family passes redeemable at the Belmont Oasis Leisure Centre for the period October 2003 and March 31, 2004.

1. Note the process of public notification undertaken by the City to inform residents of Ascot Water Playground closure and the proposed developments at Faulkner Park and the Belmont Oasis Leisure Centre.

2. Allocate funds from the current budget for the Ascot Water Playground operational accounts to fund –

i. The termination payment to the YMCA of Perth;
ii. 'One off' compensation to Belmont Residents;
iii. Process of Public Notification of Ascot Water Playground Closure; and
iv. Decommissioning of the Ascot Water Playground.

3. Provide an 'in-house financial analysis' evaluation for the management of the Belmont Oasis Leisure Centre as part of the eventual tender assessment report.

4. Require a further report to be prepared on the potential to progress the Belmont Oasis Leisure Centre management tender, with the tender being awarded at the earliest opportunity, acknowledging that alternative funding sources (to the sale of the Ascot Water Playground) is first required and also, that the winning tenderer needs to be involved in the development of the redesign plans for the Oasis (which is to include shaded outdoor shallow water playground features, suitable for small children)."

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The City received a petition on ~~24th~~16th September 2003, signed by 157 local residents, seeking a Special Meeting of Electors: - Refer Item 6.1 OCM 17/11/03 – ACollier RIM 29/1/04

> *"We the undersigned, being electors of the City of Belmont request that a special meeting of the residents and ratepayers of the district be held to discuss (a) the Council's August 2003 decision to close and sell Ascot Water Playground; (b) the referendum of several years ago where residents overwhelmingly voted to retain the Ascot Water Playground for use by the local and broader community; and (c) Council's lack of community consultation."*

Councillor Bass in delivering the petition to the Mayor also provided the following details for consideration: -

- Council's August 2003 decision to close the Ascot Water Playground and sell the land on which it is situated;
- Council's urgent review of the August 2003 decision to close the Ascot Water Playground facility and sell the land;
- The refurbishment and/or maintenance of Ascot Water Playground and reopening of the facility for community use by December 2003;
- Council's failure to consult with the community prior to making a decision to close the Playground and sell off the land; and
- Council's failure to have regard for the community referendum decision to keep the Ascot Water Playground open for the benefit of the City's residents and the wider community.

The Mayor subsequently called for this Special Meeting of Electors to be convened.

The Special Electors Meeting regarding the Ascot Water Playground was held in the Civic Centre on Thursday, 16th October 2003. Minutes of this meeting are circulated as an attachment.

The attendance register reflects attendance by 52 members of the public.

During the course of the meeting 28 people made comment or asked questions.

Those speaking in support of the closure of the Ascot Water Playground outlined the following points:

- Detrimental social impact on surrounding residents, including; anti-social behaviour, vandalism, crime, speeding traffic and trespassing.
- Incompatible with the stables zone. The combination of children and racehorses in near vicinity is dangerous.
- Negative environmental impact on the river.

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Speakers who expressed objections to the decision to close the site, outlined the following points:

- Council's lack of recent consultation with the community before making the decision.
- Loss of such a unique riverside facility for future generations.
- Loss of this particular area of public open space.
- Relocation of facilities to the Oasis Leisure Centre will present obstacles to families, including; increased expense and concern on the appropriateness of the proposed facilities for young children.

Discussions occurring at the Special Electors meeting included the following items for Council's consideration: -

- Community expectations that greater public consultation take place in matters that affect the wider Belmont community.
- Several requests for Council to reconsider the decision to close and sell part of the Ascot Water Playground site and make the necessary budget allocations to improve the site as required.
- A suggestion that the whole of the Ascot Water Playground site be retained for passive recreation.
- Several requests for Council to examine the cost of entry to the Belmont Oasis Leisure Centre swimming pools, as it is currently perceived as prohibitive for families. Further to this it was requested that Council consider subsidising entry for Belmont residents.
- Request that in developing the new children's water play area at the Oasis, if Council could consider designing for entry directly from the proposed feature playground, so that families can avoid the higher costs of entry to the Oasis Centre.
- Concern that the Ascot Water Playground site is currently unsafe and should be made so, at the earliest opportunity.

A petition containing 311 signatories was submitted in the course of the meeting and is the subject of a separate report to this Ordinary Council meeting. It is appropriate however, that the requests made within this petition are part of the considerations of this report. The petition requests: -

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"We, the undersigned, request the Council of the City of Belmont to

(d) reconsider its August 2003 decisions (made without community consultation) to close and sell the Ascot Water Playground;

(e) honour (sic) the community's decision (made by referendum) to retain the Ascot Water Playground in the community's ownership and maintain its operations for the benefit and enjoyment of the City's residents and the broader community; and

(f) approve funding for the required repairs to the Ascot Water Park and Playground so that it can be reopened to the public prior to the 2003 summer."

COMMENT

In view of the extensive consideration already given by Council in recent years and in the lead up to making its decisions in August and September 2003, it is considered that no information was provided through the Special Electors meeting which would warrant a reversal of these decisions.

Whilst the petition serves to highlight that there remains a level of support in the Belmont community for the retention of the Ascot Water Playground, it is believed that Council's considerations have appropriately weighed all associated facts and contingencies and a decision has resulted, based on the greater long term good of our whole community.

There are however arising from the meeting, suggestions that warrant Council's further investigation and consideration and it is proposed that these suggestions be referred to the appropriate Standing Committee(s).

CONSULTATION

The content of this report is the outcome from consultation occurring at the publicly advertised Special Electors Meeting on 16th October 2003.

STATUTORY ENVIRONMENT

The more relevant provisions of the Local Government Act 1995 are section 3.18, which provides that a Local Government is to satisfy itself that services and facilities it provides are necessary or desirable for the good government of persons in the district, and: -

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- Integrate and co-ordinate with other public services and facilities;
- Not duplicate services or facilities with other public or private services or facilities; and
- Will be managed efficiently and effectively.

Section 5.33 of the Local Government Act 1995 provides that for decisions made at Electors' meetings: -

(1) All decisions made at an electors' meeting are to be considered at the next ordinary council meeting or, if that is not practicable —

(a) at the first ordinary council meeting after that meeting; or

(b) at a special meeting called for that purpose, whichever happens first.

(2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.

Local Government (Administration) Regulations 1996 Regulation 10 - Revoking or changing decisions made at council or committee meetings s5.25(e) would be applicable if Council chose to vary the resolutions of August and September 2003: -

(1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported -

(a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority*;* or

(b) in any other case, by at least $^{1}/_{3}$ of the number of offices (whether vacant or not) of members of the council or committee,

inclusive of the mover.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made -

(a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority*;* or

(b) in any other case, by an absolute majority.

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(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

POLICY IMPLICATIONS

There are no specific policy implications evident.

FINANCIAL IMPLICATIONS

If Council chooses to reverse the decision to close the Ascot Water Playground then:

- Council would need to immediately identify a minimum level of funding of approximately $130,000 to carry out the required rectification works at the Ascot Water Playground.
- Council would need to review the implications for the Belmont Oasis Centre and identify funding to undertake the developments proposed via the consultants report.
- In the longer term, Council would need to commit future funding allocations in order to undertake a comprehensive assessment and redevelopment of the Ascot Water Playground site. This would require a substantial financial commitment.

If Council chooses to reaffirm its decision to close the Ascot Water Playground then the financial implications remain unchanged from those reported in August and September 2003.

Financial implications associated with the suggestions arising from the Special Electors meeting will be assessed in the considerations by each Standing Committee.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

Green Belmont – Environmental Management
"Raise the quality of water flowing from drains into the Swan River".

Living Belmont – Parks and Recreation Facilities
Progressively upgrade sporting and community recreation facilities.

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Operational Plan

Community Strategy C1/5 (a) – *"To pursue the recommendations of the Ascot Water Playground Assessment Report (November 1997)".*

Community Strategy C1/5 (e) *"To maximise the usage and value of the Oasis Leisure Centre to our community".*

Community Strategy C5/6 (a) *"To identify needs and prepare construction programmes for community buildings throughout the City of Belmont, including where appropriate, remodelling current sporting facilities into multi-purpose community buildings".*

ENVIRONMENTAL IMPLICATIONS

The Swan River Trust have advised that the discharge of wastewater from the Ascot Water Playground is prohibited and must be rectified.

In addition, it has been identified that the current chemical storage facilities at the Ascot Water Playground are inadequate and located in too close proximity to the river, causing a potential environmental hazard. This matter must also be rectified.

VOTING REQUIREMENT

Simple majority required, unless Council chooses to revoke or substantially change the effect of the resolutions of August and September 2003, then Local Government (Administration) Regulation 10.1(b) would apply requiring a vote of "at least $^1/_3$ of the number of offices (whether vacant or not) of members of the council" prior to a revocation motion being able to be considered.

OFFICER RECOMMENDATION

That Council:-

1. Confirm its relevant decisions of August and September 2003 in regard to the Ascot Water Playground.

2. Note the suggestions received through the Special Electors Meeting – Ascot Water Playground on 16th October 2003, examine the cost of entry to the Belmont Oasis Leisure Centre swimming pools and consider options to subsidise entry for Belmont residents.

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3. Note the suggestion received through the Special Electors Meeting that the whole of the Ascot Water Playground site be retained for passive recreation and refer this comment to the Planning and Development Committee for consideration.

***BASS MOVED, WHITELEY SECONDED*, that –**

In response to the community's concern at the City's lack of consultation prior to Council's August 2003 decision to close the Ascot Water Playground, and sell the land on which it is located, and the views expressed by residents at the October 16 Electors' Meeting, the minutes of the electors' meeting not be accepted in the current form due to reporting defects, and the issue be referred back to the REPOL Committee so that:

(a) A review of Council's process and decision regarding the sale of the Ascot Water Playground land be undertaken to determine whether the process fully complies with statutory legislation in relation to major land transactions; and

(b) In consideration of the Acting CEO's comments as contained in the electors' meeting report, namely that a further review of alternatives to selling the land is to be undertaken, no further demolition be progressed at the Ascot Water Playground until this review is completed and a report provided to Council;

(c) As part of the review, Council hold a Special Meeting of Council to consider revoking the August 2003 decision to close the Ascot Water Playground community facility, and amend the budget accordingly to prioritise the maintenance upgrade of the Ascot Water Playground for re-opening for public use in the 2003/4 summer season; and

(d) In recognition of the Acting CEO's reported comments regarding the City's consideration of alternative measures to the sale of land, that no loans be commenced on the basis of the sale of the Ascot Water Playground land until such time as these issues are resolved; and

(e) The Quarterly Budget Review be amended accordingly.

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The Acting Chief Executive Officer advised that the motion in its present form would require a recision of Council's resolution of Item 11.2.1 at its meeting held 22 September 2003. As such the legislative requirements as outlined in the report would need to be complied with, that the above motion will require the support of at least four Councillors (i.e. ⅓ of Councillors whether present or not).

The Mayor requested a show of hands to determine the level of support for the motion. Cr Bass and Cr Whiteley indicated their support.

MOTION LAPSED

GODFREY MOVED, BLAIR SECONDED, that Council –

1. ***Confirm its relevant decisions of August and September 2003 in regard to the Ascot Water Playground.***

2. ***Note the suggestions received through the Special Electors Meeting – Ascot Water Playground on 16th October 2003, examine the cost of entry to the Belmont Oasis Leisure Centre swimming pools and consider options to subsidise entry for Belmont residents.***

3. ***Note the suggestion received through the Special Electors Meeting that the whole of the Ascot Water Playground site be retained for passive recreation and refer this comment to the Planning and Development Committee for consideration.***

CARRIED 6 VOTES TO 2

For: *Passeri, Richardson, Powell, Blair, Marks, Godfrey*

Against *Bass, Whiteley*

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*****9.43pm The meeting returned to Item 11.4 – Resources and Policy Committee Meeting Held 21 October 2003**

ADOPTION OF THE REPORT

GODFREY MOVED, WHITELEY SECONDED, that recommendation items 4.1, 8.1, 10.1.1, 10.1.2, 10.7.1 to 10.7.5, 10.7.7 to 10.7.10 and 10.8.1 of the Resources and Policy Committee meeting held on 16 September 2003, be adopted en bloc (i.e. with the exception of items 10.7.6 and 10.8.2).

CARRIED 8 VOTES TO 0

11.4.1 Withdrawn Item 10.7.6 – 2003 – 2004 October Budget Review

BASS MOVED, GODFREY SECONDED, that the Committee Recommendation be adopted without amendment or modification.

CARRIED 8 VOTES TO 0

11.4.2 Withdrawn Item 10.8.2 – Departmental Inquiry No.1 – Legal Representation Costs Reimbursement Applications – Mr Dornford

RICHARDSON MOVED, GODFREY SECONDED, that the Committee Recommendation be adopted without amendment or modification.

CARRIED 7 VOTES TO 1

For: *Passeri, Blair, Godfrey, Marks, Whiteley, Powell, Richardson*

Against: *Bass*

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12 REPORTS OF OFFICERS

12.1 INFORMATION ONLY ITEMS

Report by Community and Executive Services Committee.

LOCATION

Not Applicable.

APPLICANT

Not Applicable.

FILE REFERENCE

35/006 Information Material to/from Councillors

DISCLOSURE OF INTEREST

Not Applicable.

DATE

23 October 2003

SUMMARY

The City delivers a variety of information items to Councillors, including internal memorandums, Local Government industry information, newsletters, notices and publications. These items do not require a formal decision by Council, however are provided to assist Councillors in being informed of a range of Council and Local Government related activities.

BACKGROUND

The following is a summary of the general information only items and memorandums delivered to Councillors for the period 26 September to 24 October 2003.

COMMENT

Nil.

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DATED	SUBJECT
26 September 2003	Letter to St Vincent De Paul
26 September 2003	Local Government News – Issue No. 38.03 (19/09/03)
26 September 2003	ALGA News 19 September 2003
26 September 2003	ALGA News Special National General Assembly Bulletin
26 September 2003	Memo Staff Farewell – Ian McCormick
26 September 2003	Memo Special Electors Meeting
26 September 2003	Quiz night 17 October 2003
3 October 2003	Local Government News – Issue No, 39.03 (26 Sept 2003)
3 October 2003	Memo - Councillors Workshop – Conduct of Council & Committee Meetings
3 October 2003	Ordinary Council Minutes 22 September 2003
3 October 2003	Three monthly calendar
3 October 2003	ALGA News – 3 October 2003
3 October 2003	Memo - Public Meeting Amendment No. 34
10 October 2003	Local Government News – Issue No, 40.03 (3 Oct 2003)
10 October 2003	Dept of Environment – Waste Management forum
10 October 2003	Local Government News – Issue No. 41.03
13 October 2003	Cycling in the West
13 October 2003	Western Councillor
13 October 2003	Strategic Direction for Waste Management in WA Venue Confirmation
17 October 2003	Memo – Interim Management Arrangements
17 October 2003	Memo – Fire Break Notice
17 October 2003	WALGA Summary of Current Vacancies
17 October 2003	ALGA News
17 October 2003	Advertising of Amendment No. 38 Draft Local Planning Policy No. 22
17 October 2003	Legal Expenses Reimbursement Inquiry No. 1
17 October 2003	Memo – The Belmont Small Business Awards
17 October 2003	Memo – Integrated Development Plan, Ascot Inn Site
24 October 2003	Local Government News - Issue No. 42.03 (17 Oct 2003)
24 October 2003	Summary of Current Vacancies Issue No. 06.03
24 October 2003	Memo – International Relations Advisor – Japan

CONSULTATION

Nil.

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STATUTORY ENVIRONMENT

Notwithstanding there might be some legislative implications contained within the various items detailed above, Section 5.92 and 5.93 of the Local Government Act 1995 have a general application in respect to the provision of information to Councillors.

POLICY IMPLICATIONS

Whilst there might be some policy implications contained within the various items detailed above, none are apparent for the purpose of this report.

FINANCIAL IMPLICATIONS

Whilst there might be some financial implications contained within the various items detailed above, none are apparent for the purpose of this report.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

Strategic Plan

Whilst there might be some Strategic Plan implications contained within the various items detailed above, none are apparent for the purpose of this report.

Operational Plan

Whilst there might be some Operational implications contained within the various items detailed above, for the purpose of this report, the following is applicable.

Organisational Strategy O5/1 (c) – *"To keep Councillors informed of relevant industry and officer activities, regular update reports be presented to Council and the respective committees.*

ENVIRONMENTAL IMPLICATIONS

Whilst there might be some environmental implications contained within the various items detailed above, none are apparent for the purpose of this report.

VOTING REQUIREMENT

Simple majority required only.

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OFFICER RECOMMENDATION

1. That the information provided to all Councillors and listed in this "Information Only Items" report (excluding the Analysis of Investments section of the Corporate Services Information Reports) be noted and received.

2. That the Analysis of Investments section of the Corporate Services Information Reports be noted and received.

GODFREY MOVED, BLAIR SECONDED, that

The information provided to all Councillors and listed in this "Information Only Items" report (excluding the Analysis of Investments section of the Corporate Services Information Reports) be noted and received.

CARRIED 8 VOTES TO 0

*****10.05pm Having earlier declared a financial interest, Councillor Passeri departed the Chamber. The Deputy Mayor, Cr Richardson, assumed the Chair.**

GODFREY MOVED, BLAIR SECONDED, that

The Analysis of Investments section of the Corporate Services Information Reports be noted and received.

CARRIED 7 VOTES TO 0

*****10.06pm Cr Passeri returned to the Chamber. The Mayor resumed the Chair.**

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12.2 STAFF MATTER - RECRUITMENT OF CHIEF EXECUTIVE OFFICER

Report by Human Resources Manager

LOCATION

Not Applicable.

APPLICANT

Not Applicable.

FILE REFERENCE

HR001 – Chief Executive Officer Position

DISCLOSURE OF INTEREST

Mr Neil Hartley Acting Chief Executive Officer declared a financial interest. The nature of the interest is that Mr Hartley is the current Acting Chief Executive Officer and may apply for the CEO position. In addition he is currently receiving a higher duties allowance whilst Acting CEO.

DATE

24 October 2003

SUMMARY

Council to consider the most appropriate procedure to progress the filling of the vacant Chief Executive Officer's position.

BACKGROUND

As a result of Mr Bruce Genoni's departure from Council on early retirement/cessation of employment contract with effect from close of business on Friday 10 October 2003, the position of Chief Executive Officer became vacant.

At the Special Council meeting of Wednesday 8 October 2003, it was agreed that Council engage the services of an appropriate external Recruitment Agency to assist in securing the services of a replacement Chief Executive Officer. A report was to be prepared for Council to consider the process to be adopted.

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The last time Council selected a Chief Executive Officer was approximately fourteen years ago when Mr Genoni was appointed. During the intervening years there have been extensive changes to the Local Government operating environment and in particular, the expectations of the community and the sector generally on the process to be followed in appointing to senior positions.

The recent experiences of the City of Joondalup and City of South Perth provide ample evidence of what would be expected of the City of Belmont in the recruitment of the next Chief Executive Officer. The process would clearly need to be able to withstand intense scrutiny and be as transparent as possible.

COMMENT

There are a number of steps that have to be covered in this recruitment exercise and Council will need to decide who has responsibility for these individual stages. Given the need to progress this selection with an appropriate degree of expediency, it would be beneficial if Council delegated certain elements of the process to allow this to occur. It is important to note that delegation refers to processes only as Council retains full responsibility for the final selection of the successful applicant.

It would be particularly useful if the Executive Committee could be involved in confirming amongst other things, the selection of the Recruitment Agency and finalisation of the appropriate selection documentation prior to advertising (including the remuneration package). The selection panel (as appointed by Council), would conduct the interviews and make recommendations to Council on the preferred applicant.

The Human Resources Manager would liaise with all parties to ensure the process proceeded as agreed and would also provide assistance and guidance on the completion of appropriate documentation, production and placement of the advertisement requesting 'Expressions of Interest' from Recruitment Agencies and providing the Executive Committee with a fully documented recommendation on selection of the Recruitment Agency.

It is envisaged that the recruitment process would involve the following :

1. Appointment of the selection panel
2. Agreement on remuneration package for the position
3. Appointment of Recruitment Agency
4. Development of a new Job Description Form and Selection Criteria
5. Placement of the Job advertisement
6. Shortlisting process
7. Interviews and selection of preferred applicant
8. Recommendation to Council of preferred candidate
9. Offer of employment

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Issues for Council to consider in the above processes are as follows :

1. Appointment of selection panel

   For ease of operation, the selection panel should consist of no more than four people. It could therefore reasonably consist of the Mayor, the Deputy Mayor, one other Elected Member and a suitably qualified industry representative. It is suggested that the Elected Member might be the Presiding Member of Resources and Policy Committee as it is this committee that normally considers matters affecting staff. The industry representative might be from either the Chamber of Commerce & Industry, Department of Local Government & Regional Development or a Chief Executive Officer from another metropolitan Council.

   Assistance would be provided by the Recruitment Consultant and the Human Resources Manager.

   The panel would be involved in the short-listing of applicants, interviews and recommendation of the preferred applicant to Council.

2. Agreement on remuneration package for the position

   Agreement would need to be reached prior to the placement of the advertisement as under the Act, the advertisement needs to provide specific detail on the remuneration package. The Recruitment Agency can also assist with this issue – see below.

   The Executive Committee could determine the remuneration package within a specified limitation (say 10% plus or minus of the current package), with any variation from these parameters needing to be referred back to Council.

3. Appointment of Recruitment Agency

   To avoid any criticism of the choice of Recruitment Agency, it may be beneficial to advertise in the West Australian newspaper and call for expressions of interest. In this way we will also be able to specify our expectations of the Agency and assess them against this criteria.

   The following are some general principles we would expect the Agencies to address :

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- Preparation of a timeline for the process.
- Provide advice in relation to suitable remuneration based on industry trends.
- Preparation of draft Job Description Form including selection criteria.
- Recommend suitable performance indicators for the position.
- Preparation of Job Information Package.
- Advice and placement of job advertisement.
- Shortlisting of applicants.
- Arrangements for interviews including questions and private venue.
- Preparation of interview report.

4,5,6,7 Development of a new Job Description Form and Selection Criteria, Placement of the Job advertisement, Shortlisting process, Interviews and assistance with the selection of a preferred applicant.

See points 1 & 3 plus the role of the Executive Committee as mentioned above.

Advertising would generally take place in the professional section of the West Australian newspaper and the weekend edition of the Australian newspaper.

Council will need to consider what costs it would cover in relation to interviewing of any interstate applicants. Generally a phone interview would be conducted and if the person was considered a serious contender then consideration would be given to any payment/subsidy of costs of airfare, accommodation etc.

8,9 Recommendation to Council of preferred candidate/Offer of Employment

The selection panel would present Council with full documentation of the process including their preferred applicant and the justification for the selection. Once Council has confirmed selection, the Recruitment Agency would negotiate with the preferred applicant regarding the contract and commencement etc.

The Human Resources Manager would liaise with Council's solicitors McLeod's, in finalising the detail of the contract in accordance with agreed terms and conditions as determined by the Executive Committee.

CONSULTATION

Nil.

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STATUTORY ENVIRONMENT

Section 5.36 and 5.39 of the Local Government Act cover the requirement to engage a Chief Executive Officer under contract once Council is satisfied that …the person is suitably qualified for the position, and with…the provisions of the proposed employment contract. Section 5.40 sets out the principles Council need to apply in the respect of the selection of its employees and in particular merit and equity, with no nepotism or patronage and for the treatment to be fair and consistent with no unlawful discrimination.

Section 5.16 provides for a Local Government to delegate to a committee any of its powers and duties with Section 5.8 defining a Committee as having '3 or more persons'.

The successful Recruitment Agency will be required to meet all applicable legislative requirements (eg Financial Interest, Local Government Act, Privacy Legislation and State Records Act).

POLICY IMPLICATIONS

There are no specific references relevant to the employment of the Chief Executive Officer.

FINANCIAL IMPLICATIONS

Provision has been made within the current budget for the salary of the Chief Executive Officer commensurate with the rate offered to the previous incumbent Mr Bruce Genoni. It is not known what financial level the City will need to commit to for the full recruitment process, however should the amount of expenditure necessitate an adjustment to the current allocation for Consultants and Advertising etc, then it will be referred to the March budget review.

STRATEGIC PLAN/OPERATIONAL PLAN IMPLICATIONS

There are no specific references relevant to the employment of the Chief Executive Officer.

ENVIRONMENTAL IMPLICATIONS

Nil.

VOTING REQUIREMENT

Absolute majority.

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OFFICER RECOMMENDATION

1. That Council extend its delegated authority (DCLG 2) to the Executive Committee for the (limited) purposes of the appointment of a replacement CEO to allow it to take responsibility for:

   1.1 Selection of the Recruitment Agency & confirmation of the process and timeframe to be adopted by the Agency (consultant costs to be charged to account 210.00.0.271 – Consultants).

   1.2 Finalisation of the appropriate selection documentation prior to advertising (ie Job Description Form, Selection Criteria & advertisement format).

   1.3 Finalisation of the remuneration package (within 10% plus or minus of the current package) with any variation from these parameters to be referred back to Council for its decision.

   1.4 Consideration of financial assistance to be provided to any intra/interstate applicants (to a maximum of $1000 per applicant) who the Selection Panel recommends for face-to-face interviewing (to also be costed to account 210.00.0.271).

2 That Council appoints a Selection Panel comprising of the Mayor, Deputy Mayor, the Presiding Member of Resources & Policy Committee, who will then select a suitably qualified industry representative to complete the Panel. The Selection Panel would conduct interviews and make recommendations to Council on the preferred applicant. Council will have full responsibility for the final selection stage of the process.

3 That the Human Resources Manager liaises with all parties to facilitate the process and provides assistance on the completion of documentation (including liaison with McLeod's on the contract based on the Executive Committee remuneration parameters), production and placement of the advertisement for 'Expressions of Interest' from Recruitment Agencies and provides the Executive Committee with a fully documented recommendation on selection of the Recruitment Agency.

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The Mayor noted that the Human Resources Manager had presented a number of options in respect to recommendation 2, these being –

OPTION 1

2. *That Council appoints a Selection Panel comprising of the Mayor, Deputy Mayor/Presiding Member of ComEx, the Presiding Member of Resources & Policy Committee, the Presiding Member of Planning & Development and Presiding Member of Works & Technical Services, who will then select a suitably qualified industry representative to complete the Panel.*

   The Selection Panel would conduct the first internal round of interviews and make recommendations to Council on a shortlist of applicants to be interviewed by Council. Council will have full responsibility for the final selection stage of the process.

OPTION 2

2. *That Council appoints a Selection Panel comprising of the Mayor, Deputy Mayor/Presiding Member of ComEx, the Presiding Member of Resources & Policy Committee, the Presiding Member of Planning & Development and Presiding Member of Works & Technical Services, who will then select a suitably qualified industry representative to complete the Panel.*

   The Selection Panel would conduct the first internal round of interviews and make recommendations to Council on their shortlist of applicants for a second round of interviews. When Council agrees on a second round interview shortlist, the Selection Panel conducts the interviews then recommends a preferred applicant to Council. Council would then interview this applicant to either confirm or decline the recommendation. Council will have full responsibility for the final selection stage of the process.

OPTION 3

2. *That Council appoints a Selection Panel comprising of the Mayor, Deputy Mayor/Presiding Member of ComEx, the Presiding Member of Resources & Policy Committee, the Presiding Member of Planning & Development and Presiding Member of Works & Technical Services, who will then select a suitably qualified industry representative to complete the Panel.*

   The Selection Panel would conduct interviews and make recommendations to Council on their preferred applicant. Council would then interview this applicant to either confirm or decline the recommendation. Council will have full responsibility for the final selection stage of the process.

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BASS MOVED, MARKS SECONDED, that

1. Council extend its delegated authority (DCLG 2) to the Executive Committee for the (limited) purposes of the appointment of a replacement CEO to allow it to take responsibility for:

1.1 Selection of the Recruitment Agency & confirmation of the process and timeframe to be adopted by the Agency (consultant costs to be charged to account 210.00.0.271 – Consultants).

1.2 Finalisation of the appropriate selection documentation prior to advertising (ie Job Description Form, Selection Criteria & advertisement format).

1.3 Finalisation of the remuneration package (within 10% plus or minus of the current package) with any variation from these parameters to be referred back to Council for its decision.

1.4 Consideration of financial assistance to be provided to any intra/interstate applicants (to a maximum of $1000 per applicant) who the Selection Panel recommends for face-to-face interviewing (to also be costed to account 210.00.0.271).

2. That Council appoints a Selection Panel comprising of the Mayor, Deputy Mayor/Presiding Member of ComEx, the Presiding Member of Resources & Policy Committee, the Presiding Member of Planning & Development and Presiding Member of Works & Technical Services, who will then select a suitably qualified industry representative to complete the Panel.

The Selection Panel would conduct the first internal round of interviews and make recommendations to Council on a shortlist of applicants to be interviewed by Council. Council will have full responsibility for the final selection stage of the process.

3 That the Human Resources Manager liaises with all parties to facilitate the process and provides assistance on the completion of documentation (including liaison with McLeod's on the contract based on the Executive Committee remuneration parameters), production and placement of the advertisement for 'Expressions of Interest' from Recruitment Agencies and provides the Executive Committee with a fully documented recommendation on selection of the Recruitment Agency.

CARRIED 8 VOTES TO 0

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12.3 SPECIAL ELECTORS MEETING – ASCOT WATER PLAYGROUND – 16 OCTOBER 2003** BROUGHT FORWARD SEE PAGE – 35

**** Attachment 1 – Item 12.3 refers**

13 REPORTS OF DELEGATES

13.1 CR PETER PASSERI – LOCAL GOVERNMENT LAW CONFERENCE, 6 – 7 OCTOBER 2003

Cr Passeri presented the below mentioned report on his and other Councillors' attendance at the abovementioned conference.

The Conference Chairman, Mr David Waddell, commenced the proceedings and introduced the City of Mandurah Mayor Keith Holmes JP, who welcomed all attendees to Mandurah and the Conference.

Keith also spoke on the problems facing many Local Governments throughout the State caused by minority groups flexing their muscles and creating problems by vexatious use of Question Times at Council Meetings, etc.

Margaret Quirk, MLA, Member for Girrawheen, who was representing the **Hon Tom Stephens MLC**, Minister for Local Government and Regional Development, delivered the Opening Address and spoke about the proposed Local Government Tribunal Legislation. The Bill is currently being drafted by Parliament and the State Administrative Council. This will be able to deal with both minor and major breaches by individual elected members.

- It will be able to disqualify for up to five years;
- 'Fine' members the equivalent of their meeting fees;
- Suspend for periods of up to six months, or require a public apology to be issued (depending on the severity of the complaint).

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Also, the Government Review Board is currently reviewing -

- How to deal with abusive and disruptive members of the public at Question Time;
- Why people are not standing for Local Government Elections (mainly in the country). Is it the unrealistic workloads and insignificant monetary remuneration, or the stringent transparency requirements that not even State or Federal Members of Parliament need comply with?

Mr Neil Douglas from Minter Ellison, Lawyers, gave the Keynote Address: 'Good Governance: The lessons from Inquiries from Wanneroo to Belmont'.

He spoke on (amongst others) the following issues –

- The proper roles of the Council, Mayor, other elected Members, the Chief Executive Officer and other employees and the City's residents;
- The Codes of Conduct and current mechanism for dealing with problems;
- Proper roles including functions, powers, responsibilities and relationships;
- Statutory framework, and governance principles that are adaptable to suit the Local Government;
- Good relationships are essential, including trust, confidence and respect;
- Council role under the Local Government Act. To direct and control, provide the financial oversight, to determine policies, be responsible for performance and also represent the interests of the majority of residents. To provide leadership and guidelines, facilitate communication between the community and the Council and participate in the decision making process;
- Council/individual Councillors. It is important to have due voice, otherwise it undermines the Governance of the Council.

Mr Gary Hunt, previous Chief Executive Officer, City of Melville and City of Perth, presented a paper on political realities and management nightmares and his re-evaluation of the roles and relationships and the equation between the elected members and the management and how the existing structures need reform.

Mr Nick Wood from Western Australian Local Government Association, presented a paper 'Why do we need a Local Government Disciplinary Tribunal'. For those who are interested, his paper is also printed in full in the Conference Papers and is available for use.

There was a paper written by Mr Denis McLeod, 'The Gadfly Syndrome: Gadfly or Whistleblower?' and presented by Elizabeth Stevenson in the absence of Mr McLeod who was on leave.

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Gadfly or Whistleblower is a paper that seeks to identify the distinction between a true Whistleblower who under legislation must have a suspicion on reasonable grounds (ACC Act S.14(2)) or belief on reasonable grounds (PID Act S.5(2)) of the official corruption it is reporting, or the Gadfly, the false whistleblower considered to be the author of trivial, vexatious or frivolous complaints that threaten to erode the effective functions of Local Governments.

The paper is well presented and contains some interesting suggestions and measures to combat or alleviate the Gadfly. It is printed in full in the Conference papers and should be read by all. Gadflies are not unique to any particular Council.

Fair Game or Fair Go, a paper presented by Stephen Goode, Chief Executive Officer, City of South Perth, is an officer's view of the 1995 Act. This paper is definitely worth reading and is printed in full in the Conference papers. It makes reference to the intention of the 'new' Act to result in -

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

However, because of the perception of providing open and accountable Government, it leaves the door open for self interest groups to take advantage of Question Time.

Something here is wrong, there are problems that must be addressed sooner rather than later, because -

- They direct and waste community resources;
- They improperly and unfairly impact on the health and well being of elected Members and officers;
- They undermine the confidence of the community in Local Government;
- They devalue the contribution made by Local Government to Society.

Unfortunately, for the genuine person, there are some people who misuse the opportunities provided by the new Act, choosing to use Question Time as private entertainment. This misuse can and has become an enormous burden for Local Governments and a real cost in wasted time, energy, money and other resources.

The Department's response 'We're here to help' a paper prepared by Ms Cheryl Gwilliam, was presented in her absence by Mr Ian Cowie, from the Department of Local Government.

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The Department is currently considering the issue of vexatious complainants, particularly in relation to difficulties at Council meetings. In addition it is also considering the relationship between complaints and the Model for a Local Government Tribunal and the review of Electoral Provisions.

There is a clear indication that there is not widespread wrong doing in Local Government and that the vast majority of elected Members and officers are doing the right thing. In fact, the commitment by most elected Members and staff, is highly commendable.

There were many other papers delivered during the second day, however, they are also printed in full in the Conference papers which I will table with this report.

I believe the Conference was well presented by fact and through the quality of the presenters, ranging from Legal Practitioners, Western Australian Local Government Association, the Department of Local Government and Local Government Professional Officers.

I am certain that the delegates from Belmont received as much enjoyment and value as did I from attending and my thanks to Council for making this possible.

BLAIR MOVED, POWELL SECONDED, that the report of Cr Passeri be noted and received.

CARRIED 8 VOTES TO 0

13.2 CR PETER PASSERI – VARIOUS REPORTS

1. Extreme Fest 17/10/03

   Friday, 17 October 2003 and 5.00pm, I welcomed the many young people to the 2003 Extreme Fest and Electrify event and to officially open the Bike Park on behalf of the Belmont Youth Co-op and Council.

   In attendance were Council's Co-ordinator Recreation Services, Mr Andrew Ward and his assistant Jodie Cronan, and ex-councillor Andrew Murfin. The evening was to have entertainment by some of the best young bands in Perth, Break Dancing, Hacky Sack Demos, Extreme Fest Expression Sessions, a Sausage Sizzle and much more. It was also to show Council's appreciation of the involvement by our young people in the design and construction of the recent extensions of the Bike Park to the Skate Park.

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2. Education Week 20/10/03

On Monday, 20 October 2003, I attended and officially opened Education Week 2003 as guest of Mr Roger Smith, Principal of Kewdale Primary School. In attendance also was Mr Lindsay Usher, District Director for Education, Ms Erin Lyle who organised the event, Principals and Students from all of Belmont Primary Schools and Belmont College, Parents and Friends.

We were welcomed by the Kewdale Primary School, the Belmont City College Band and the Choir from the Cloverdale Primary School prior to Mr Usher and myself making our respective speeches and duties. I believe this is the fifth year that the forum has hosted Education Week and it runs from Monday through to Wednesday.

3. Cloverdale Primary School – Waterwise 22/10/03

On Wednesday, 22 October 2003, I attended the Cloverdale Primary School where the Premier, Dr Geoff Gallop, MLA announced that the school had achieved the status of a Waterwise School.

Dr Gallop was presented with a basket of vegetables grown in the school garden, which was funded by the City.

Mr Jim Gill from the Water Authority presented the school with some awards.

The Cloverdale School in Belmont and the St George School in Shepherton, Victoria were simultaneously awarded the Waterwise status and the dual event was recorded by Video Link between the schools with students and the Principals wishing each other's school well.

3. Third Birthday Meeting – Southern Districts Branch of the Association of Self Funded Retirees – 24/10/03

I attended as a guest the Third Birthday Meeting of the Southern Districts Branch of the Association of the Self Funded Retirees at the Kent Street Bowling Club.

There were many people and dignitaries present and we were welcomed by the President, Dianne Blades who was at the recent National AGM where she was awarded the Maureen Kingston Award for the branch achieving the Greatest Percentage Membership Increase. The second year that a West Australian Branch was the winner.

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There were many members of State Parliament present and they spoke in appreciation of what the A.I.R had achieved for those seniors who have saved for their retirement and therefore are not able to receive pensions, but due to the efforts of A.I.R, now receive many discounts for Council rates etc.

BLAIR MOVED, MARKS SECONDED, that the report of Cr Passeri be noted and received.

CARRIED 8 VOTES TO 0

14 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil.

15 MATTERS FOR WHICH MEETING MAY BE CLOSED

Nil.

16 CLOSURE

There being no further business to discuss, the Mayor declared the meeting closed at 10.16pm.

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