CITY OF ARMADALE

MINUTES

OF CITY STRATEGY COMMITTEE HELD IN THE COMMITTEE ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 15 APRIL 2003, AT 7.00 PM.

PRESENT:  
Cr G M Hodges  Chair
Cr V L Clowes-Hollins
Cr D L Hopper JP
Cr J H Munn JP CMC  7.07pm – 9.10pm
Cr L Reynolds JP
Cr J A Stewart
Cr H A Zelones JP

APOLOGIES:  
Nil

OBSERVERS:  
Cr R C Stubbs AM

IN ATTENDANCE:  
Mr R S Tame  -  Chief Executive Officer
Mr A F Maxwell  -  Executive Director Corporate Services
Mr W A Bruce  -  Executive Director Technical Services
Mr I MacRae  -  Executive Director Development Services
Mr C Askew  -  Director Community Services
Mr N Cain  -  Executive Manager Business Services
Mr G Davies  -  Manager Technical Services
Mrs S D’Souza  -  CEO’s Executive Assistant

Public - Nil
DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings was not read by the Chairman, given no members of the public were present at the meeting.

DECLARATION OF MEMBERS’ INTERESTS

Nil

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RESOLVED

Minutes of the City Strategy Committee Meeting held on 11 March 2003, be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN

INFORMATION BULLETIN – ISSUE NO.7/2003

The following items were included for information in the “City Strategy section”

- Progress Report on Contingency, Operational and Strategic Projects
- Report on Outstanding Matters

Committee noted the information and no items were raised for further report.
INDEX

CITY STRATEGY COMMITTEE

15 APRIL 2003

COUNCILLORS' ITEMS

Cr Munn – Gateway to Armadale Link........................................................................................................34
Cr Stewart – ARA Profile at Council Events.................................................................................................34
Cr Stewart – Promotions – Photos of Ward Members in Media items .........................................................34
Cr Stewart – Resources in the Councillors’ Office........................................................................................34

FINANCIAL & CORPORATE

COUNCIL FIVE YEAR PLAN & BUDGET TIMETABLE 2003-04.................................................................10

MISCELLANEOUS

2003 LGMA NATIONAL CONGRESS - ADELAIDE................................................................................26
ARMADALE REDEVELOPMENT AUTHORITY ..........................................................................................20
COUNCIL TENT DISPLAYS AT FESTIVALS AND EVENTS...................................................................29
PROPOSAL FOR A LOCAL GOVERNMENT DISCIPLINARY TRIBUNAL........................................31

STRATEGIC PLANNING

TONKIN HIGHWAY EXTENSION MILLS STREET WEST (MARTIN) TO THOMAS ROAD (BYFORD).................................4
In Brief:

- Discusses the impact of the project exclusions from the prime Tonkin Highway Extension Contract on the City.
- **Recommend**
  - That Council expresses its extreme disquiet that the full value to its community of the State Government’s investment in the Tonkin Highway extension will not be realised due to the exclusions from the Contract which greatly reduce the project’s efficiency in the area of:
    - community connectivity;
    - road user safety;
    - community amenity;
    - Metropolitan development growth equity
  - That Council advise the Hon. Minister for Planning and Infrastructure and the Commissioner of Main Roads Western Australia of the Council’s priorities for works to be added.

Tabled Items
Nil.

Officer Interest Declaration
Nil.

Strategic Implications
Physical Infrastructure
Develop an integrated transport system including safety aspects.

Legislation Implications
Full assessment of all relevant legislation indicates no restriction.

Council Policy/Local Law Implications
General assessment has not revealed any applicable Policies/Local Laws.

Budget/Financial Implications
Nil.

Consultation
Main Roads WA

BACKGROUND

The Cities of Armadale and Gosnells and the Shire of Serpentine-Jarrahdale established a Pre-Construction Activities Working Group of senior technical officers to work with Main Roads Western Australia (MRWA) to ensure that the planning and project management work on the Tonkin Highway Extension Project was progressed speedily and effectively. Since the early 1990’s, the City has repeatedly presented (to the State Government) the benefits of the
Tonkin Highway project to the regional (and State) community. These benefits justified the State Government’s commitment and investment in the project.

During the course of project planning, the City’s representatives have highlighted those aspects that maximise the projects community benefit. These included the highway’s relationship to adjoining Brookdale and Westfield communities, intersections with Armadale Road, Ranford Road and Forrest Road, the Corfield Street – Seaforth Avenue link, Champion Drive – Garden Street link, Lake Road rail-crossing, Champion Lakes project, and other matters.

In July 2002 MRWA advised that Seaforth Avenue and Corfield Street would be constructed to intersect the Tonkin Highway, provided the two Cities (Gosnells & Armadale) agreed to the closure of Seaforth Avenue, enabling shortening of bridge works.

However, the tendering process for the Design and Construct Contract failed to deliver a number of key opportunities as the contract price is substantially in excess of rates for the Kwinana Freeway and Roe Highway extension contracts. On 6th February 2003, MRWA wrote to the City indicating that a number of significant components of the Project had been excluded from the prime contract see Attachment “A-2”. This led to a meeting with the Minister for Planning & Infrastructure and Member for Armadale, the Hon Alannah MacTiernan, attended by the Mayor, Chair of Technical Services, CEO and Executive Director Technical Services. The Commissioner for Main Roads and MRWA officers also attended. The meeting confirmed the project’s financial constraints. Subsequent advice received from the Minister for Planning and Infrastructure on the 8th April 2003 stated that the Principal Shared Path, between Corfield Street and Armadale Road, would now be included as part of the “package of priced options” for the Project see Attachment “A-2”.

The exclusions have substantial adverse impacts on one or more of:

- community connectivity
- road user safety,
- community amenity
- Metropolitan Growth equity.

At its meeting of 25th February 2003 the City of Gosnells passed the following recommendation see Attachment “A-2”:

“That Council adopt the position that the construction of the Corfield Street extension is a high priority and reiterate to the Minister for Planning and Infrastructure the previous commitment, in writing from the Commissioner of Main Roads Western Australia, to fund the cost of the Corfield Street construction as part of the closure of Seaforth Avenue and development of the Corfield Street / Tonkin Highway interchange and urge the Minister to identify necessary sources of funding and that this Council asks the CEO to contact the CEO of the City of Armadale with a view of making a joint approach to the Minister for Planning and Infrastructure and all local politicians regarding the concerns of both municipalities.”
As a result a meeting was held between the Mayors, CEOs and senior technical officers of the Cities of Armadale and Gosnells. The meeting decided that a mutually supportive approach to the appropriate State Government Ministers and Agencies on the exclusions be developed. (The City does not agree that “construction of the Corfield Street extension from Eileen Street to Lake Road remains a local government responsibility”. The State Government wishes to close the Lake Road rail crossing. The Tonkin Highway project is required to link to the local road network to provide community benefit. These are clearly project responsibilities).

COMMENT

1. Community Connectivity

Shortening the bridge over Albany Highway and South West Railway by closing Seaforth Ave and realigning Seaforth Ave and Corfield St to intersect with the Tonkin Highway was identified as a significant saving. MRWA agreed, in their letter of 12 July 2002, (see Attachment “A-2”) to assist with funding for the construction of the Corfield Street extension in the City of Gosnells and the realignment of Seaforth Avenue in the City of Armadale, provided the two Cities agreed with closure of Seaforth Avenue at the Tonkin Highway bridge. However, apparently as a consequence of the incapacity of MRWA’s design and construct tendering process to deliver the actual savings of the bridge-shortening facilitated by the closure of Seaforth Avenue, this agreement is being repudiated by MRWA. Indeed, the tendering process has failed to deliver a competitive price for the entire project.

The consequence of this repudiation is that, if MRWA does not fund the realignments, the bridge will have to be built on the longer arrangement with Seaforth Avenue maintained on its current alignment. Consequently, Blackspot intersections at Albany Highway / Lake Road and Lake Road / Seaforth Ave and a Blackspot railway crossing at Lake Road will all be retained. Further, grade separation structures and earthworks will be constructed now, but not used for some time, if ever; or - even worse – a substantial project to rework the eventual Corfield Street/ Seaforth Avenue/ Tonkin Highway intersection will have to be undertaken in the future, once the Project is opened, at greater expense to the community than if the work was completed now.

The deviation of Seaforth Avenue onto Westrail land to accommodate the bridge construction works is totally unacceptable to the City of Armadale for any period beyond the construction phase. It also leaves the Cities of Armadale and Gosnells with a costly project to connect its communities to the Tonkin Highway. Hence the use of this very sub-standard alignment to garner savings to the Project, while leaving the expense of re-establishing community connectivity to the Cities of Armadale and Gosnells, is not acceptable.

It must also be stated that any disruption to the existing community connectivity is always required to be reinstated as part of the Project costs. This position is not being honoured by requiring the Cities of Armadale and Gosnells to fund the roadworks required to maintain community connectivity between Kelmscott and Gosnells on the western side of the Railway. To ensure that the Project is completed
satisfactorily, the Cities of Armadale and Gosnells require MRWA to honour its original commitment to fully fund the works to connect Corfield Street and Seaforth Avenue to the Tonkin Highway, in the configuration agreed by both Councils.

2. Road User Safety

The dualling of Armadale Road, between the existing dual carriageway just east of the Wungong Brook bridge and the Tonkin Highway intersection, was always considered by Council to be an essential component of the project. As the Southern Link Road has yet to be determined, the Albany and South Western Highways remain significant arterial freight routes. Consequently, heavy freight will be using Armadale Road as the principal access route to the Tonkin Highway. The use of the single carriageway configuration for an indeterminate period is totally unacceptable for road user safety reasons. The crash statistics for Armadale Road between Wungong Bridge and Forrest Road are 85 accidents over 5 years. On the 15th March 2003, a fatal crash involving a freight vehicle occurred, greatly reinforcing Council’s anxiety about the long-term continuation of the single carriageway. It is also the City of Armadale’s considered view that the crash record of the road could attract Blackspot funding of approximately $4m on two sections over two years from Federal and State Blackspot Funding.

It is unlikely that Council will remove the current permit for heavy freight to use Albany Highway between the Tonkin Highway and Armadale Road, passing through Kelmscott town site, or will permit heavy freight vehicles to use Armadale Road between the Tonkin Highway and the existing dual carriageway to the east. It is apparent that such an outcome would have a significant negative medium-term impact on the actual network benefit delivered by the Extension, relative to its potential network benefit, so rendering the Project sub-optimal until the dualling is completed.

Whilst it is acknowledged that during concept planning for the Tonkin Highway / Armadale Road MRWA proposed an at grade intersection, that planning also included a grade separation at Forrest Road to maintain community connectivity. During the pre-construction phase, the crossing of the Tonkin Highway at Forrest Road was removed at Council’s initiative and the funds saved reallocated to the grade separation of the Tonkin Highway / Armadale Road intersection. It is noted with great anxiety that the reversion to an at grade intersection will immediately produce an intersection in the worst top 40 – 60 intersections in the Perth Metropolitan Area (ranked by crash costs). Again, there would appear to be some proactive opportunity to access Blackspot funding to upgrade the intersection to prevent this outcome.

3. Community Amenity

The proposed surface treatment and noise walls deliver only the minimum standard of noise abatement throughout an area that is planned for a substantial, high quality, land development. Indeed, one of the principal social benefits to be produced by the extension is the impetus to expand the supply of quality developable land in the South East Metropolitan Corridor. The noise management proposed for the Project singularly fails to accomplish this outcome and does not deliver outcomes considered standard to other metropolitan communities.
4. Metropolitan Growth Equity

The standard of quality of the Tonkin Highway extension is more at the level of a rural road, rather than that of a major urban transport artery. This is in strong contradiction to the transport corridors in the North West and South West Corridors. Consequently, the quality of development on the Western and Eastern corridors of the Metropolitan Area is seriously biased against the inland Corridors. There is already a serious imbalance in development along the coast compared to the scarp and construction of a “substandard” highway only compounds this inequity.

CONCLUSION

It seems to be a significant social, environmental and economic tragedy to construct a $150m project which, for a handful of percentage points of extra expenditure, would deliver a major impetus to the overall development of the transport network and the balanced development of the Metropolitan Area.

Finally, Council is most concerned and aggrieved that the outsourcing and tendering process so vigorously pursued by State Governments over recent years, has come to an end point which delivers a reduced standard project at a premium price. This failure represents yet another disadvantage to the communities of the South East Metropolitan Corridor, and in particular to those of the Cities of Armadale and Gosnells, and the Shire of Serpentine Jarrahdale.

Cr Munn joined the meeting at 7.07pm

The Executive Director Technical Services briefed Committee on the fundamental aspects of the Tonkin Highway project as detailed in the report.

Committee expressed grave concerns with the proposed exclusions to the original Tonkin Highway Extension Contract. It was suggested that Council urgently revisit the history of the Tonkin Highway Extension Campaign and that the two Cities (Armadale and Gosnells) urgently take a united approach to the Minister and MRWA regarding the inequities of a project that is considered crucial for development of the south east corridor.

Committee noted the Minister’s letter of 4th April 2003 attached to this agenda confirming the funding for the principal shared path between Corfield Street and Armadale Road.

To enable urgent attention to the course of action proposed it was requested that the Mayor call a special meeting of Council on Wednesday 16 April 2003 at 7.30pm.

Cr Stubbs left the meeting between 7.40pm and 7.42pm

CS16/4/03 RECOMMEND

1. That Council expresses its extreme concern that the full value to its community of the State Government’s investment in the Tonkin Highway extension will not be realised, due to the exclusions from the Prime Contract which greatly reduce the project’s efficiency and effectiveness in the areas of:
• community connectivity;
• road user safety;
• community amenity;
• Metropolitan development growth equity

to the Premier, Hon. Minister for Planning and Infrastructure, the Hon. Minister for Road Safety, the Leader of the Opposition, the Members for Armadale, Southern River and Roleystone, the Director General of the Department for Planning and Infrastructure, the Commissioner of Main Roads Western Australia, the Commissioner of Police and the Chairman of the Road Safety Council.

2. That Council advise the Hon. Minister for Planning and Infrastructure and the Commissioner of Main Roads Western Australia that the Council’s priorities for works to be added to the Contract are:

i) the inclusion of the Corfield Street / Seaforth Avenue constructions to intersect the Tonkin Highway as planned and funded by Main Roads Western Australia as advised in their correspondence dated 12 July 2002.

ii) the dualling of Armadale Road between Forrest Road and Wungong Brook be undertaken as a fundamental component of the Project to remove a serious Blackspot with full funding from either the Federal or State Blackspot Programme.

iii) the grade separation of Armadale Road / Tonkin Highway be undertaken using Blackspot funding in order to avoid the immediate creation of a high-ranking Metropolitan Blackspot.

iv) the provision of noise management appurtenances and measures, including road surface and noise walls, which ensure urban development adjacent to the Tonkin Highway is not compromised compared to land adjacent to other main roads within the metropolitan area.

3. That the Hon. Minister for Planning and Infrastructure be thanked for the provision of additional funds to provide the Principal Shared Path between Corfield Street and Armadale Road.

4. That the City of Gosnells be informed of the City of Armadale’s position on the exclusions from the Tonkin Highway Extension Contract.

Moved Cr Hopper
Motion Carried (7-0)
In Brief:
This Report presents:
- the Proposed 2003-04 Budget Timetable for consideration and approval, and
- the preliminary 5 Year Forward Plan as a basis for Councillor Workshops to develop the Principal Activity Plan (for approval at the May 19th Council Meeting) and Budget 2003/04.

**Officer Interest Declaration**
Nil

**Strategic Implications**
Corporate Services – the sound financial management of Council will be measured by:
- level of excellence in financial audit reports,
- level of contribution of rates to total revenue,
- affordability of rating levels,
- the Council’s debt ratio,
- the long term financial viability of Council,
- adequate funding of Council facilities and services.

**Legislation Implications**
Local Government Act 1995
- Part 5 Administration – Division 5 – Planning Principal Activities – Sections 5.56 to 5.58,
- Part 6 Financial Management – Division 2 – Annual Budget – Section 6.2

**Council Policy/Local Law Implications**
Nil

**Budget/Financial Implications**
The 5 Year Forward Plan will guide both the Principal Activity Plan and the 2003-04 Annual Budget.

**Consultation**
Extensive internal consultation

**BACKGROUND and DETAILS OF PROPOSAL**

In earlier review of the City’s current Budget position, the CEO advised of the prospect of conducting a number of workshops to enable free discussion on the City’s financial strategy, leading to adoption of the forthcoming 2003-04 Budget.

This report is presented to commence that process, noting that the first Workshop is tentatively scheduled for Wednesday, 16 April 2003 at 5.30pm
The proposed 2003-04 Budget Timetable and preliminary information relating to the 5 Year Forward Plan, is presented for consideration and commencement of the financial planning process.

1. Proposed 2003-04 Budget Timetable

The proposed timetable to facilitate the adoption of the 2003-04 Council Budget is presented for Council’s consideration and approval in the following recommendation to this report. Aspects to note about the proposed timetable are as follows:

- The proposed Budget adoption date of 5th August 2003 is consistent with the date the current years’ budget was adopted, ie. 6th August 2002 – the adoption date cannot practically be any earlier due to unavailability of the valuation data and rate in the $ for the Emergency Service Levy till mid May.
- The proposed Budget adoption date:
  - enables the Annual General Meeting of Electors to be held at an earlier time as has occurred for the last 2 years, and
  - allows for a considered approach to the Budget and an orderly closure of the current year’s accounts,
- Where possible and practicable the timetable fits in with scheduled Council and Committee meeting dates to maximize the participation of Councillors and the public,
- Provision is again made in the timetable for the Draft Budget to be publicly advertised – the public comment period is scheduled to occur following the 16 June Council meeting and run concurrently with the 21 day public comment period on the proposed rates.

2. Proposed 5 Year Forward Plan and Principal Activity Plan

The 5 Year Forward Plan will guide both the Principal Activity Plan and 2003-04 Annual Budget.

Background

In June 2000 Council will recall combining its 5 year programs for works and services into an all-encompassing 5 Year Forward Plan. In formulating the 5 Year Plan priority was given to future key economic development and strategic initiatives which, if successful, would provide future income that enabled the City to provide programs and services in a sustainable manner. A number of key principles would underpin the Plan.

To recap, those previous directions and principles are summarised as follows:

**Key Strategic Initiatives**
- City Centre Development including the cinema proposal,
- Tonkin Highway,
- Armadale Golf Course
- Council Information Technology development
- City Image Enhancement & Promotion
- Neighbourhood Improvement Program
- Environmental projects
- Forrestdale Business Park
Key Principles

- That the savings on debt service costs ($550,000 in 2002-03 and thereafter $1,100,000 each year) be applied towards key strategic projects which would serve to generate long term economic, community and financial benefits and position the City to more effectively respond to business demands and challenges.

- That the Plan include future years rate revenues from key strategic initiatives, i.e. Forrestdale Business Park, Major Retail Development (Harvey Norman), Armadale Shopping City Redevelopment, Residential Estates (Brookdale and Forrestdale).

- Relating investment to these revenue outcomes enables initiation of key strategic projects, resulting in a deficit budget in the earlier years of the Plan in the knowledge that these deficits could be repaid from future income and debt service savings. The Plan has been structured such that there is no commitment to expenditures that cannot be repaid from future confirmed savings and/or revenues. This principle must be maintained in any subsequent variations to the Plan.

These original key strategic initiatives and principles have remained robust and relatively unchanged over time despite significant review required as financial circumstances change. As Council nears the end of its planned deficit budget period, it is necessary to address the later years of the Plan both in terms of financial strategy and the direction and priority Council wishes to apply as its funding position improves. A series of discussions and workshops will be required to cover the many issues involved.

Since Council considered its current financial position (Mid-year Budget Review) considerable work has been done on reviewing the Five Year Plan. A summary of this work is presented at Attachment A-3 – to these Minutes. It is to be noted that the estimates presented are still of a preliminary nature. However, in the spirit of “work in progress”, it provides a reliable basis upon which to develop the Plan via scheduled workshops with elected members.

The 5 Year Forward Plan

The revised 5 Year Forward Plan 2003-04 to 2007-08 is, with relatively minor variation, on target with the priorities confirmed 12 months ago.

Principles and factors that have been taken into account in preparing the preliminary Plan are summarised as follows:

- A “real” rate income of +2.5% per annum as determined with last year’s Plan,
- Both the revenue and expenditure estimates are based on current 2002-03 dollar value terms, that is, an inflationary factor covering the increased cost of doing business will be subsequently added to the majority of the expenditure and revenue estimates, including rates. The likely inflationary factor based on the Australian Bureau of Statistics’ December 2002 quarter Consumer Price Index, is 3%,
- The findings and trends from the recent December 2002 Half Yearly Budget Review,
The impact of the Emergency Service Levy which comes into operation from 1\textsuperscript{st} July 2003,

- A review of the quantum and timing of development rate revenue estimates,
- A review of current strategic initiative project cost estimates,
- The full year effect of having now retired the majority of Council’s prior capital debt,

Key aspects to note about these figures include:-

- Due to the principles above and financial impact outlined in the Table-1 below it is necessary to extend the planned deficit Budget by one year, ie. whereas the previous Plan identified a return to a balanced budget position in 2005-06, this will now occur the following year 2006-07. This is shown in the following chart:

\textbf{Chart-1}

\begin{center}
\begin{tabular}{|c|c|c|c|c|c|c|c|c|}
\hline
\textbf{Years} & \textbf{Before} & \textbf{Now} \\
\hline
00-01 & -360 & -360 \\
01-02 & -700 & -700 \\
02-03 & -1220 & -1220 \\
03-04 & -1380 & -1420 \\
04-05 & -570 & -910 \\
05-06 & 220 & -300 \\
06-07 & 0 & 990 \\
07-08 & 0 & 2590 \\
\hline
\end{tabular}
\end{center}

Note: approx $1.4m is the maximum allowable deficit.
Hereunder is a listing of the more significant revenue and cost variations that have impacted (both positively and negatively) on the 5 Year Plan Estimates:

### TABLE 1

<table>
<thead>
<tr>
<th>Details</th>
<th>R/E</th>
<th>Impact</th>
<th>03-04</th>
<th>04-05</th>
<th>05-06</th>
<th>06-07</th>
<th>07-08</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Technical Services Directorate</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Mte on BFS &amp; SES Buildings funded by ESL</td>
<td>E</td>
<td>Pos</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>75</td>
</tr>
<tr>
<td>Civil Construction - Roads Program</td>
<td>E</td>
<td>Neg</td>
<td>0</td>
<td>0</td>
<td>-206</td>
<td>-206</td>
<td>-206</td>
<td>-618</td>
</tr>
<tr>
<td>Maintenance of Additional Skate Parks</td>
<td>E</td>
<td>Neg</td>
<td>-20</td>
<td>-20</td>
<td>-20</td>
<td>-20</td>
<td>-20</td>
<td>-100</td>
</tr>
<tr>
<td>Additional Maintenance &amp; Works Rec Centre &amp; PCYC</td>
<td>E</td>
<td>Neg</td>
<td>-50</td>
<td>-50</td>
<td>-50</td>
<td>-50</td>
<td>-50</td>
<td>-250</td>
</tr>
<tr>
<td>Additional Maintenance &amp; Works Leased Facilities (sporting clubs)</td>
<td>E</td>
<td>Neg</td>
<td>-30</td>
<td>-30</td>
<td>-30</td>
<td>-30</td>
<td>-30</td>
<td>-150</td>
</tr>
<tr>
<td>Emergency Service Levy on all Council Buildings</td>
<td>E</td>
<td>Neg</td>
<td>-50</td>
<td>-50</td>
<td>-50</td>
<td>-50</td>
<td>-50</td>
<td>-250</td>
</tr>
<tr>
<td>Civil Construction - Variations to Programs</td>
<td>E</td>
<td>Neg</td>
<td>144</td>
<td>-148</td>
<td>-7</td>
<td>-64</td>
<td>-155</td>
<td>-230</td>
</tr>
<tr>
<td>sub total</td>
<td></td>
<td></td>
<td>9</td>
<td>-283</td>
<td>-348</td>
<td>-405</td>
<td>-496</td>
<td>-1523</td>
</tr>
<tr>
<td><strong>Development Services Directorate</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Town Planning Amendment Fees - new revenue item</td>
<td>R</td>
<td>Pos</td>
<td>15</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>55</td>
</tr>
<tr>
<td>City Centre Developments</td>
<td>E</td>
<td>Neg</td>
<td>139</td>
<td>-121</td>
<td>14</td>
<td>-110</td>
<td>-80</td>
<td>-158</td>
</tr>
<tr>
<td>Town Planning Fines &amp; Penalties - decrease reflecting 02-03 actuals</td>
<td>R</td>
<td>Neg</td>
<td>-31</td>
<td>-31</td>
<td>-31</td>
<td>-31</td>
<td>-31</td>
<td>-155</td>
</tr>
<tr>
<td>Structure Plans adoption Fees</td>
<td>R</td>
<td>Neg</td>
<td>-10</td>
<td>-10</td>
<td>-10</td>
<td>-10</td>
<td>-10</td>
<td>-50</td>
</tr>
<tr>
<td>Legal Expenses - general increase in activity &amp; costs</td>
<td>E</td>
<td>Neg</td>
<td>-9</td>
<td>-9</td>
<td>-9</td>
<td>-11</td>
<td>-14</td>
<td>-52</td>
</tr>
<tr>
<td>Town Planning Salaries Adjustment (reduction)</td>
<td>E</td>
<td>Pos</td>
<td>25</td>
<td>18</td>
<td>0</td>
<td>0</td>
<td>43</td>
<td></td>
</tr>
<tr>
<td>Town Planning Business Park Revenue Adjustment (reduction)</td>
<td>R</td>
<td>Neg</td>
<td>-10</td>
<td>-10</td>
<td>-10</td>
<td>-10</td>
<td>-10</td>
<td>-50</td>
</tr>
<tr>
<td>Salaries Increase - Long Service Leave</td>
<td>E</td>
<td>Neg</td>
<td>-17</td>
<td>-65</td>
<td>-53</td>
<td>-57</td>
<td>-51</td>
<td>-243</td>
</tr>
<tr>
<td>sub total</td>
<td></td>
<td></td>
<td>102</td>
<td>-218</td>
<td>-89</td>
<td>-219</td>
<td>-186</td>
<td>-610</td>
</tr>
<tr>
<td><strong>Corporate Revenues and Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>GRV Rates</td>
<td>R</td>
<td>Pos</td>
<td>62</td>
<td>63</td>
<td>65</td>
<td>67</td>
<td>68</td>
<td>325</td>
</tr>
<tr>
<td>UV Rates</td>
<td>R</td>
<td>Pos</td>
<td>47</td>
<td>50</td>
<td>52</td>
<td>53</td>
<td>54</td>
<td>256</td>
</tr>
<tr>
<td>Interest on Investments</td>
<td>R</td>
<td>Pos</td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>21</td>
<td>105</td>
</tr>
<tr>
<td>Emergency Service Levy Commission</td>
<td>R</td>
<td>Pos</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>250</td>
</tr>
<tr>
<td>Insurance Renewal - Pub Liability, Prof Ind, D&amp;O, Property &amp; Motor</td>
<td>E</td>
<td>Neg</td>
<td>-132</td>
<td>-150</td>
<td>-137</td>
<td>-137</td>
<td>-137</td>
<td>-693</td>
</tr>
<tr>
<td>Vehicle Replacements (other than the Tech Services Directorate)</td>
<td>E</td>
<td>Neg</td>
<td>-73</td>
<td>-8</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>-71</td>
</tr>
<tr>
<td>Development Rates</td>
<td>R</td>
<td>Neg</td>
<td>-52</td>
<td>-300</td>
<td>-100</td>
<td>-2</td>
<td>8</td>
<td>-446</td>
</tr>
<tr>
<td>Interim Rates</td>
<td>R</td>
<td>Neg</td>
<td>-75</td>
<td>-93</td>
<td>-111</td>
<td>-120</td>
<td>-120</td>
<td>-519</td>
</tr>
<tr>
<td>Late Payment Interest Penalty</td>
<td>R</td>
<td>Neg</td>
<td>-27</td>
<td>-29</td>
<td>-29</td>
<td>-29</td>
<td>-29</td>
<td>-143</td>
</tr>
<tr>
<td>Aquatic Centre Kiosk Lease Revenue</td>
<td>R</td>
<td>Neg</td>
<td>-14</td>
<td>-14</td>
<td>-14</td>
<td>-14</td>
<td>-14</td>
<td>-70</td>
</tr>
<tr>
<td>Former Admin Building DCD Lease Revenue</td>
<td>R</td>
<td>Neg</td>
<td>-4</td>
<td>-6</td>
<td>-7</td>
<td>8</td>
<td>-8</td>
<td>-33</td>
</tr>
<tr>
<td>Heritage FM Radio - error in estimates</td>
<td>R</td>
<td>Neg</td>
<td>-6</td>
<td>-6</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-12</td>
</tr>
<tr>
<td>sub total</td>
<td></td>
<td></td>
<td>-262</td>
<td>-483</td>
<td>-263</td>
<td>-183</td>
<td>-172</td>
<td>-1363</td>
</tr>
<tr>
<td><strong>Community Services Directorate</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BFS &amp; SES Expenditure funded by ESL</td>
<td>E</td>
<td>Pos</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td>1250</td>
</tr>
<tr>
<td>SERRAG Contribution</td>
<td>E</td>
<td>Neg</td>
<td>-3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-3</td>
</tr>
<tr>
<td>Recreation Centre - increase in cost underwriting commitment</td>
<td>E</td>
<td>Neg</td>
<td>-30</td>
<td>-30</td>
<td>-30</td>
<td>-30</td>
<td>0</td>
<td>-120</td>
</tr>
<tr>
<td>Salaries - Long Service Leave</td>
<td>E</td>
<td>Neg</td>
<td>-13</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>-13</td>
</tr>
<tr>
<td>History House Museum - salary adjustment &amp; increased operating costs</td>
<td>E</td>
<td>Neg</td>
<td>-10</td>
<td>-5</td>
<td>-5</td>
<td>-5</td>
<td>-5</td>
<td>-30</td>
</tr>
<tr>
<td>Cultural Events - general cost increases, ie. size &amp; number of</td>
<td>E</td>
<td>Neg</td>
<td>-20</td>
<td>-20</td>
<td>-20</td>
<td>-20</td>
<td>-20</td>
<td>-100</td>
</tr>
</tbody>
</table>
The estimates include the following strategic initiative cost and development rate revenue estimates, ie.

### Table –2

#### Strategic Initiative Cost Estimates

<table>
<thead>
<tr>
<th>Details</th>
<th>Estimates - $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>03-04</td>
</tr>
<tr>
<td>Marketing &amp; Promotions</td>
<td>50</td>
</tr>
<tr>
<td>Leased Buildings Maintenance</td>
<td>30</td>
</tr>
<tr>
<td>City Centre Development</td>
<td>185</td>
</tr>
<tr>
<td>Computer Systems</td>
<td>80</td>
</tr>
<tr>
<td>Community Develop't Needs Framework</td>
<td>10</td>
</tr>
<tr>
<td>Neighbourhood Improvement Project</td>
<td>50</td>
</tr>
<tr>
<td>Environmental Projects</td>
<td>100</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>505</strong></td>
</tr>
</tbody>
</table>

#### Strategic Development Rate Revenue Estimates

<table>
<thead>
<tr>
<th>Details</th>
<th>Estimates - $'000</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>03-04</td>
</tr>
<tr>
<td>Armadale Shopping City Redevelopment</td>
<td>108</td>
</tr>
<tr>
<td>Forrestdale Business Park</td>
<td>54</td>
</tr>
<tr>
<td>City Centre Developments</td>
<td>82</td>
</tr>
<tr>
<td>Residential Estates (Brookdale &amp; Forrestdale)</td>
<td>51</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>133</strong></td>
</tr>
</tbody>
</table>

N.B. A Chart showing the above strategic initiative revenue, cost and funding source trends, is presented at Attachment A-4.

In the first (3) years of the Plan, there is little, if any, funding capacity to accommodate additional “new projects”. A number of new projects/initiatives have been raised by Directorates BUT NOT INCLUDED in the Plan. These will be considered at a later stage in
discussion and then referred to the subsequent Committee Budget Meetings for consideration and review.

The Plan does not include the “unfunded projects” identified last year when determining the 5 Year Plan. These projects estimated for the (4) years 02-03 to 05-06) included:

- Path program - $500,000
- Tree Management Plan - $300,000
- City Administration Accommodation - $450,000 (one year)
- Community Plan – Strategic Directions - $72,000
- Community Plan Programs - $550,000
- Indoor heated Pool Facility -

**NOTE: further details of these projects are presented at Attachment A-5**

Commencing the year 2006-07 and thereafter, the Plan returns to a “balanced budget position” **NOTE: this position is of course subject to the development rate revenues in the years preceding being realised and there being no extraordinary items of expenditure.** Assuming the development rates will be realised and no extraordinary costs occur, not only does the Plan as expected show a return to a balanced position, but as well it begins to show an added funding capacity which includes the annual savings on debt retirement and increasing return from the City’s development strategy (refer to the following chart). This added anticipated capacity will present Council with the opportunity and challenge to continue its strategic approach towards a sustainable future. It needs to consider whether current programmes justify continued (or increased) expenditure. It needs to consider new directions in the City’s development and proper financial planning, such as a more appropriate level of Reserve provisioning. Suggested areas not adequately provisioned at this time are Asset Preservation (Buildings, Plant, Facilities, Property & Reserves), Computer Systems Technology, General Insurance and Staff Long Service Leave. Further details on this subject are currently being developed for presentation at the Councillors’ Workshop.

It is considered important to approach this subject cautiously and strategically. Council will be aware how quickly amounts of say, 0.5 millions are consumed on single programmes. A $1 million per annum allocation to capital works (10 years) will gain a $5 million or $6 million project now.

As we are approximately 4 years away from this point, it will be adequate to make “strategic” indication, rather than “project”. It will also be necessary to consider pressures for new programmes already becoming apparent. Finally, the demands of growth with the proposed redevelopment of Armadale will also contain new challenges for funding.

The following Chart-2 indicates the positive trend of Revenue Vs Expenditure, based on current programmes (i.e. no Strategic Initiatives).
These and other financial matters will be subject of ongoing discussion over the ensuing weeks.

The Chief Executive Officer and Executive Director Corporate Services presented Committee with work done to date on a review of the Five Year Plan, which included
- those significant revenue and expenditure variations that will have an impact on the Five Year Plan, and
- the extension of the planned deficit Budget by one year due to the proposed variations to the Five Year Plan.

Committee discussed the principles and approach to the Five Year Plan Review and agreed to the approach suggested for the councillor workshop scheduled for Wednesday 16th April 2003 and subsequent Budget timetable.

CS17/4/03 RECOMMEND

1. That Council approve the following 2003-04 Budget Timetable;

<table>
<thead>
<tr>
<th>Date</th>
<th>Committee/Council Meeting</th>
<th>Task/Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td>between the</td>
<td>Council Workshops (at least 2 sessions)</td>
<td>• consider and formulate the framework/outline of the 5 Year Plan having regard for aspects such as for example:</td>
</tr>
<tr>
<td>16.4.03 and</td>
<td></td>
<td>✓ rate growth &amp; CPI factor</td>
</tr>
<tr>
<td>2.5.03</td>
<td></td>
<td>✓ deficit funding levels</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ key strategic directions and resultant projects funding</td>
</tr>
<tr>
<td>13.5.03</td>
<td>City Strategy Ordinary Meeting</td>
<td>• based on the outcomes from the Councillor Workshops, consider and make recommendation to Council on:</td>
</tr>
</tbody>
</table>

Note: these estimates DO NOT include the strategic initiative revenues and costs.
<table>
<thead>
<tr>
<th>Date</th>
<th>Committee/Council Meeting</th>
<th>Task/Outcomes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>✓ Rate growth and CPI factors</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ Establishment Levels</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ Member fees and allowances</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ 5 Year Plan Estimates</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ Principal Activity Plan</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ Strategic Initiatives/Projects funding</td>
</tr>
<tr>
<td>19.5.03</td>
<td>Council Meeting</td>
<td>• consider and resolve:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ Principal Activity Plan for advertising/comment purposes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ 5 Year Plan Estimates with the first years’ estimates being the guide for Standing Committees to prepare their detailed budgets</td>
</tr>
<tr>
<td></td>
<td></td>
<td>✓ Establishment Levels</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NB: the public comment period for the PAP is 42 days, ie. 22.5.03 to 3.7.03</td>
</tr>
<tr>
<td>week</td>
<td>Special Development &amp;</td>
<td>• consider, resolve and refer draft Committee Budgets to June City Strategy</td>
</tr>
<tr>
<td>commenci</td>
<td>Technical Services meetings</td>
<td></td>
</tr>
<tr>
<td>ng 19.5.03</td>
<td></td>
<td></td>
</tr>
<tr>
<td>27.5.03</td>
<td>Community Services Ordinary Meeting</td>
<td>• consider, resolve and refer draft Community Services Committee Budget to City Strategy</td>
</tr>
<tr>
<td>By 30.5.03</td>
<td>Rating Review Working Party</td>
<td>• to recommend to the City Strategy Committee the proposed rates for advertising/comment purposes</td>
</tr>
<tr>
<td>(at least 2 mtgs – dates to be confirmed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.6.03</td>
<td>City Strategy Ordinary Meeting</td>
<td>• consider the draft budgets from each of the other committees to formulate a “corporate” draft budget position,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• consider the proposed rates</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• make recommendation to Council on draft budget and proposed rates for advertising/comment purposes</td>
</tr>
<tr>
<td>16.6.03</td>
<td>Council Meeting</td>
<td>• consider and resolve the draft budget and proposed rates for advertising/comment purposes</td>
</tr>
<tr>
<td></td>
<td></td>
<td>NB: the public comment period for the proposed rates is 21 days, ie. 24.6.03 to 15.7.03 – the draft budget will be advertised concurrently with the proposed rates. The PAP public comment period concludes 3.7.03</td>
</tr>
<tr>
<td>week</td>
<td>City Strategy Special Meeting</td>
<td>• consider public comment made on the PAP, draft budget, proposed rates and other budget matters arising and accordingly recommend to Council the budget to be adopted</td>
</tr>
<tr>
<td>commenci</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ng 21.7.03</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.8.03</td>
<td>Council Meeting</td>
<td>• consider and adopt the 2003-04 Annual Council Budget</td>
</tr>
</tbody>
</table>
2. That Council receive the preliminary Five Year Plan information and estimates as presented in this Report as the basis for the scheduled Councillor Workshops on the 5 Year Forward Plan, Principal Activity Plan and 2003/04 Budget.

Cr Clowes-Hollins left the meeting between 8.25pm and 8.27pm

Moved Cr Clowes-Hollins

Motion Carried (7-0)
ARMADALE REDEVELOPMENT AUTHORITY

WARD : All
FILE REF : PSC/30
DATE : 10 Apr 2003
REF : RST
RESPONSIBLE MANAGER : Chief Executive Officer

**In Brief:-**
- Report provided on matters currently in train with the Armadale Redevelopment Authority.
- It is recommended that:-
  - Council write to the Minister for Planning & Infrastructure seeking continued State Government financial commitment to the ARA and associated critical projects.
  - the ARA be advised that the City remains supportive of the Collaborative Research project for Brookdale area; and
  - progress on other matters in train with the ARA be noted.

Tabled Items
Nil

Officer Interest Declaration
Nil

Strategic Implications
Strategic Plan objective to create an integrated Regional Centre with a full range of services.

Legislation Implications
Town Planning Scheme No.2 and No.3
Armadale Redevelopment Act 2001

Council Policy / Local Law Implications
N/A

Budget / Financial Implications
Potential to broaden rate base and resultant income as a consequence of accelerated investment and development.

Consultation
- Armadale Redevelopment Authority
- Landcorp

BACKGROUND

The City received a progress report on matters relevant to the Armadale Redevelopment Authority at its December 2002 City Strategy meeting, followed by a briefing session held on 20th January 2003 with the Chairman and members of the ARA Board.
The CEO provided an informal update to the March 2003 City Strategy meeting and a further briefing session was scheduled with the Chairman and Board representatives for Monday, 14 April 2003. Councillors have been forwarded with confidential briefing notes following ARA Board meetings in March and April.

The following report provides a public update on matters under consideration between the City and the ARA Board.

The report will be based on advice received from the ARA, with comments on the City’s progress on such matters or, where required, a recommendation.

Many issues are reported separately (e.g. Rail Station project, Council’s Cinema project, Champion Lakes).

**City of Armadale Representation on the ARA Board**

The appointment of Members Reynolds and Zelones expires on 30 June 2003. The ARA Board has requested that the City of Armadale consider the nominations of two Councillors at its first meeting following the declaration of polls after the 3 May elections.

*Comment:* Will be dealt with in conjunction with Council Committees and delegates at Council Meeting scheduled for 5 May 2003.

**Smart Community**

Mr Mal Bryce will be invited around June/July to conduct a seminar in Armadale on opportunities gleaned from his work with the City of Ipswich, Queensland, where he led creation of a Smart (Technology) Community. Ipswich has many parallels to Armadale.

*Comment:* Mr Bryce’s work is known to the City and will be received with interest.

**Neighbourhood Improvement Project**

The Board endorsed a contribution of $50,000 in 2003/04 to the pilot NIP project subject to: confirmation of the ARA Budget, acceptance of the pilot scheme methodology, and agreed matching funding provided by the City of Armadale and Department of Housing and Works.

*Comment:* This will also be considered during Council Budget deliberations.

**City of Armadale Communication**

The need for clear ARA communication to City of Armadale Councillors on ARA activities was considered by the Board. It was resolved to provide a summary of actions and decisions to the City for circulation to Councillors following each Board meeting.

*Comment:* Confidential summaries received and appreciated.
Champion Lakes Test Bore

To ensure every effort is made to secure the Champion Lakes Project, the Board agreed to prefund the exploration bore to the Yarragadee Aquifer to a figure of $255,000 subject to it having the first call on any project income to recoup this prefunding. The ARA appreciates the risk involved in the prefunding of the bore should the project not proceed.

Comment: The City and ARA have worked tirelessly to achieve this project. It is unfortunate that neither the Waters and Rivers Commission or WaterCorp were prepared to fund this essential drilling, originally quoted to cost over a million dollars.

The ARA have accepted the urgency of establishing a proven water supply to both the Whitewater project and rowing course, and advanced the $255,000 funding.

In April, the Board agreed to award the drilling contract to Drilling and Grouting Services who will commence drilling on 28 April to establish the bore to the Yarragadee Aquifer. The EPA will consider the DEP’s report on the Public Environmental Review submissions on 24 April.

Comment: The outcome of drilling is awaited with interest. It is anticipated that the water will be slightly saline (i.e. not potable) which means it is not depleting the aquifer required for metropolitan water supply. However, it will not be saline enough to affect buoyancy or suitability for the Champion Lakes development. It is also possible that the water will be ‘produced’ at a temperature opening other opportunities for its use.

Champion Lakes Status

The ARA has organised a meeting with the City and the WAPC to fully brief the WAPC on the project and agree to short term funding commitments.

The White Water Park is now likely to be advertised for expressions of interest through the Department of Sport and Recreation. The ARA will work closely with the Department through this process.

Comment: A meeting has now been held with the Chair and members of the WA Planning Commission, MRWA and ARA. Council was represented by the Mayor, CEO and Executive Director Development Services. The WAPC is the essential underwriting authority to the early stages of the project. While support has been assured administratively through successive Steering Groups, the Commission has yet to confirm funding. This has now been addressed with a report detailing anticipated cash-flow on the project.

Other priority matters considered were the necessity for a formal statement on the preferred location for the Whitewater park. (The WAPC own all three metropolitan sites under consideration and while Champion Lakes has been stated as preferred, no formal decision has been made by the Commission.)
**City Centre Housing**

The Board requested the development of a strategy to encourage quality housing in the City Centre.

*Comment:* Working closely with the City of Armadale’s Development Services staff.

**Rail Station Development Approval**

The DA for the new rail station has been submitted to the City and referred to the ARA. The ARA is keen to work closely with the City to provide a quick turnaround on this application for works to commence in May.

The architectural firm of Donaldson and Warn has been appointed to provide initial design parameters for the rail station office buildings.

*Comment:* Reported to Special Development Services Committee meeting held on 31st March 2003.

**ARA Signage**

The Board has agreed to erect signage at the City Centre, Forrestdale Business Park, South Armadale and Champion Lakes identifying these areas as being under the jurisdiction of the ARA.

*Comment:* Discussed with the ARA. These will be for public information but also to promote the anticipated land development. The ARA will be reminded of Council’s Local Laws.

**Canberra Delegation**

The Board agreed to send a delegation (Chairman, Cr Linton Reynolds, Executive Director) to Canberra in late May at the invitation of the Member for Canning, Don Randall MHR. The Board agreed to extend an invitation to the CEO of the City of Armadale to join the delegation led by the Chair, Gerry Gauntlett.

Issues to be canvassed cover: sport (Champion Lakes); Aboriginal affairs (possible Interpretive Centre at Champion Lakes); education (tertiary student places for Armadale); Federal Government office accommodation in Armadale; and environmental research support for Brookdale studies.

*Comment:* The CEO will be on standby if the City requires attendance.
Generic Logo/Symbol for Armadale

It was agreed that the possibility of developing a generic image for the Armadale region should be explored by management.

Comment: A possible tourism/region logo – needs more discussion.

2003-04 to 2005-06 Budget

The Government has agreed to provide a base level of funding to the ARA to cover operational expenses and some capital works. Following completion of the Redevelopment Scheme, the ARA can request further funding to implement the Scheme.

Comment: The City needs to remind the State Government of its commitment to Armadale Redevelopment and the need to commit funds to the projects under development by the ARA.

Sustainability Strategy

A draft Sustainability Strategy has been prepared. The Board agreed to seek stakeholder comment on the draft strategy. Stakeholders include the City of Armadale, environmental agencies, tertiary institutions, State Government and property groups.

Comment: In close consultation with the City of Armadale’s Executive Director Development Services.

Disability Forum

The Community Reference Group will host a forum on disability issues in Armadale in June 2003.

Comment: Noted – needs liaison with City of Armadale’s Disability Services Committee.

Forrestdale Business Park

Submissions to the engineering staging brief have been received and will be considered by the owners representatives, City of Armadale and the ARA. The staging plan will define the development front and implementation timing.

Comment: Noted that the ARA are focused on the Business Park as a key strategy. This will come into closer focus with the commencement of the Tonkin Highway and Champion Lakes projects.

LandCorp Service Agreement

It was agreed to extend the Service Agreement with Landcorp to provide corporate and administrative support for a further year.

Comment: Noted
Urban Water Management Research

The Board noted the letter from the Department of Premier & Cabinet informing the ARA its joint submission for the Premier’s Collaborative Research funding was unsuccessful. It was agreed to continue with the research project.

Comment: The City should remain committed to this project. The Water Corporation have been invited to contribute $50,000 and CSIRO and the Federal Government will also be invited to participate.

City of Armadale Invitation to Meet Board

The Board agreed to the City of Armadale’s invitation to meet at 5.30pm on 14th April to discuss issues of mutual interest.

Comment: Noted.

In response to a query from Committee with regard to the development of a “generic” logo for Armadale, the Chief Executive Officer advised that this matter has not yet been developed and will be taken up during officer meetings.

Committee suggested that with the Community Reference Group could benefit from further briefings from Council on the various initiatives already undertaken i.e. initiatives associated with the seniors, youth, disability services and various other community groups.

CS18/4/03 RECOMMEND

1. That the City write to the Minister for Planning & Infrastructure seeking State Government continued financial commitment to the ARA and the critical projects currently under development.

2. That the ARA be advised that the City remains supportive of the proposed Collaborative Research Project for the Brookdale area and will confirm its commitment following current Budget and Five Year Plan discussions.

3. That progress on other matters in train with the Armadale Redevelopment Authority be noted.

Moved Cr Clowes-Hollins
Motion Carried (7-0)
**REPRESENTATION AT THE 2003 LOCAL GOVERNMENT MANAGERS AUSTRALIAN (LGMA) NATIONAL CONGRESS**

WARD: ALL  
FILE REF: GOV/42; CRS/4  
DATE: 25 March 2003  
REF: RST  
RESPONSIBLE MANAGER: Chief Executive Officer

**In Brief:**
- The LGMA National Congress is to be held in Adelaide from 25th to 28th May 2003.
- The Congress is the premier management conference for Local Government in Australia, with a broad range of papers, trade display and networking opportunities.
- Recommend that
  - the Chief Executive Officer attend the LGMA Congress in Adelaide;
  - consideration be given to elected member representation.

**Strategic Implications**
To foster an effective professional environment and administration of the City’s services.

**Legislation Implications**
Nil

**Council Policy/Local Law Implications**
Council Policy ADM-3 (Conferences, Seminars & Training) and relevant procedure i.e. Elected member attendance to be submitted through the appropriate Committee for deliberation.

**Budget/Financial Implications**
The CEO’s attendance at National Conferences has been allowed for in the current Budget. Elected member attendance (including registration, travel & accommodation) can be accommodated from the current year’s Members Training Budget.

**Consultation**
Nil

**COMMENT**

Local Government Managers Australia advises that its 2003 National Congress is scheduled to be held in Adelaide from Sunday, 25th May to Wednesday, 28th May 2003, as follows:-

*Our best program yet, and with several important innovations, the 2003 National Congress brings together expert opinion, analysis, inspirational keynote speakers and important case studies in a multi-stream event designed to bring tangible benefits to all delegates.*

The Conference programme is shown at Attachment “A-1” to the Agenda and all subjects cover streams which are considered highly relevant to the City’s management direction.
The cost of attendance including early registration, accommodation and flights will be approximately $3,000.

The LGMA Conference is also highly relevant to elected members and is attended by Mayors and Councillors from around Australia.

The Mayor has indicated that he will be unavailable at the time of this event as he will be in Canberra representing the Armadale Redevelopment Authority in a delegation to Federal Government Ministers (see note below).

It is also noted that the timing of Local Government elections restricts opportunity for elected member nomination.

Funds are available for the CEO’s attendance. Elected Member attendance will be charged to the Conferences Members Account No. 1508520.

**Delegation to Canberra**

As reported elsewhere, the Armadale Redevelopment Authority will be sending a delegation (Chair, Gerry Gauntlett, Cr Linton Reynolds and Executive Director, Mr John Ellis) to visit Federal Ministers seeking support for the Champion Lakes project and other Armadale initiatives.

Acknowledging that there is a Local Government election in the interim, the City is also (tentatively) represented by Board member, Cr Linton Reynolds.

The Chief Executive Officer’s name has also been forwarded as a possible member of the delegation, should the Council determine that he should attend.

It had been hoped that the visit could be coordinated with the Adelaide Conference but the timing has been determined by sitting times of Federal Parliament. The visit to Canberra clashes directly with the Adelaide Conference.

The CEO proposes to register for the Conference and should attendance in Canberra be deemed appropriate, will alter plans accordingly.

**CONCLUSION**

The LGMA Congress is the premier Local Government Management conference in Australia and provides an excellent forum for gathering of knowledge and networking with other Local Government leaders.

*Following advice from the CEO on the possible delegation to Canberra, Committee considered that it was appropriate that the City be represented at the LGMA by one of its Executives and indicated its preference for the Chief Executive Officer to be part of the delegation to Canberra.*
CS19/4/03  RECOMMEND

That Cr Hodges and the Chief Executive Officer or his nominee be registered to attend as Council’s delegates to the LGMA National Congress in Adelaide from 25th to 28th May 2003, with costs to be charged to Account Nos. 1508520 and 1355220, respectively.

Moved Cr Hopper

Motion Carried (7-0)
CITY STRATEGY 29 15 APRIL 2003
COMMITTEE - Miscellaneous

COUNCIL TENT DISPLAYS AT FESTIVALS AND EVENTS

At Council’s meeting on 7th April 2003, Cr Munn referred the following:-

That the necessity of Council Information Tents at Festivals and Shows, who jointly uses the tent, and the staffing of the tents be referred to the City Strategy Committee.

The following comments have been provided by Cr Munn for consideration by Committee:

It is always difficult for some Councillors due to other commitments to attend the tent during the festival or show. We also have many councillors including myself who work over the weekend. The problem is that this puts heavy pressure on those who can attend, and as at the recent Minnawarra Festival unfair and heavy pressure on the Council staff member whose role is to assist for the day.

We should review whether we need the tent, and if we do should it be staffed by officers from different departments, maybe at set times, so residents if they have a special question can attend at the correct time to see the relevant officer. Then councillors can attend when they want and for how long they want with no pressure.

There were times when the other occupants in the tent obstructed the use of our side of the tent. In the heat the smell was intrusive, as was the noise. At times we had to move people away from the entrance to let others in. At the very least we need a bigger tent or two separate tents, maybe adjoining.

The show bags were continuing problems with single children of both sexes returning for multiple handouts. This was very difficult to control and very hard on Councillors and the staff member. The bags were then thrown away outside the tent when pen and chocolates were removed. The “why and what for” of the bags needs to be reviewed.

Committee considered Cr Munn’s comments but suggested that as this was originally a councillor initiative that councillors be canvassed as to –

- the appropriateness of a Council Information tent at Festivals/Events
- how often during the year should such tent displays occur; and
- the availability of councillors to be in attendance at the tent

The Council tent display was originally introduced to give councillors an opportunity to interact and inform the community about the City and its activities. Hence it is considered more appropriate for Councillors rather than staff involvement with the tent displays. Depending on the results of a councillor survey it was suggested that other issues such as location and size of the tent, facilities within the tent and the give-aways be considered by the Standing Order & House Advisory Group for recommendation to City Strategy Committee.
RECOMMEND

That a report be submitted to the City Strategy Committee following the matter being canvassed with councillors.

Moved Cr Zelones

Motion Carried (7-0)
PROPOSAL FOR A LOCAL GOVERNMENT DISCIPLINARY TRIBUNAL

WARD: ALL
FILE REF: GOV/51
DATE: 15 April 2003
REF: RST
RESPONSIBLE: Chief Executive
MANAGER: Officer

Strategic Implications
To foster an effective professional environment for the governance and administration of the City’s services.

Legislation Implications

Council Policy/Local Law Implications
Dependant on outcome of this proposal, Council may develop Policy on dealing with “disciplinary” matters. It may also determine to refer such matters to a specified body or group.

BACKGROUND

WALGA bulletin No.1 – April 2003 and a recent State Council item considered by the South East Metropolitan Zone of the WA Local Government Association, are attached. [Refer Attachment A-1 to the Minutes]

WALGA has established a Reference Group to examine the matter of a Local Government Disciplinary Tribunal.

The Draft Framework for the proposal is with the Minister for Local Government and Regional Development and WALGA is seeking comment from Councils.

COMMENT

The Local Government Association has advocated for a model:-

- which addresses the wide ranging concerns expressed by Councils;
- which is robust, cost effective and timely;
- which protects the rights of individuals who are subject to complaints;
- which provides appropriate and proportionate sanctions for breaches; and
- which enables local determination of complaints where appropriate.
The Key components of the Tribunal proposal are:-

- Establishment of a legislated minimum Code of Conduct, which will be enforceable;
- New system for internal review of complaints by individual Local Governments in relation to minor Code of Conduct breaches (voluntary);
- Use of Peer Support Teams to mediate and, where possible, resolve complaints of minor Code of Conduct breaches (voluntary);
- Establishment of a Standards Panel to deal with breaches of the Code of Conduct; and
- Creation of a Disciplinary Tribunal to deal with complaints of serious breaches of the Code of Conduct and breaches of the Act.

A diagrammatical representation of the draft Tribunal framework is represented below:

Council might ask the Reference Group to consider the following:- (Reference – the Local Government State Council Item – 2/4/03)

1. **Legislating a Minimum Code of Conduct**

   Support a Model Code (which currently exists) but query why it cannot be framed into Local Laws.

3. **Points of Complaints**

   - Is it appropriate that the CEO be the “default” point of complaint where only elected members involved? Could be the Mayor or President?
   - It is not considered appropriate that complaints be “detailed” in Annual Reports.

4. **Consideration of breaches**

   It is not considered appropriate that minor breaches be referred to the Department of Local Government & Regional Development (DLGRD).
6. **A Standards Panel**
   The report makes reference to 3 levels of Standards Panel. Council’s would prefer appointment of a Standards Panel from within their own membership, with perhaps one independent member. It would not seem appropriate to have a Standards Panel of all independent persons making judgements on members’ actions, as well as an over-arching Tribunal.

8. **Role of the Local Government Department**
   See note on “Breaches” in 4

9. **The Local Government Disciplinary Tribunal**
   - It would seem appropriate that a Local Government Tribunal be independent and not part of a wider State Administrative Tribunal.
   - The Tribunal must be able to examine certain matters under the Local Government Act. The current proposal precludes this.

10. **Penalties**
    The Tribunal is proposed to have wide-ranging powers of censure, suspension and disqualification. It will be imperative that natural justice provisions are enshrined in the process.

11. **Disciplinary Framework**
    The process clearly requires further discussion and consultation.

**CONCLUSION**

The South East Zone has asked that responses from member Councils be considered before any ratification of WALGA’s position on this proposal. The Zone also asked why further examination could not be made of the current investigative provisions available to the DLGRD under the current Act?

The above comments are forwarded for discussion and consideration of a Council view.

*Committee acknowledged the concept of a Local Government Disciplinary Tribunal but expressed concern with some of the detailed components of the Tribunal proposal. The draft framework as proposed is too stringent i.e. investigative powers of such a Tribunal needs to be refined.*

**CS21/4/03 RECOMMEND**

That Council make submission to the State Council outlining its queries/concerns on the proposal for a Local Government Disciplinary Tribunal.

Moved Cr Zelones
*Motion Carried (7-0)*
COUNCILLORS’ ITEMS

Cr Stewart – Resources in the Councillors’ Office

As Councillors at times do need to design fliers etc. it was requested that Microsoft Publisher be considered for installation on the computer in the Councillors’ office.

The Chief Executive Officer advised that this item will be referred to the Standing Order & House Advisory Group.

Cr Stewart – Promotions – Photos of Ward Members in Media items.

Requested that the City in promoting various items in the media consider the inclusion of photographs of the appropriate ward members with such articles.

The Chief Executive Officer advised that this item will be referred to the Standing Order & House Advisory Group.

Cr Stewart – ARA Profile at Council Events.

Requested that the ARA be invited to take a high profile at some of Council’s event programmes.

Cr Munn – Gateway to Armadale Link

Requested that Council’s website be looked at with a view of establishing links to various community organisations’ websites within the City.

CS22/4/03 RECOMMEND

That the Councillor’s items regarding –

- Adequate Resourcing of the Councillors Office – Provision of Microsoft Publisher
- Promotions of various media items including photos of appropriate ward councillors
- ARA being invited to take a high profile at some of Council’s event programmes; and
- Establishing links on Council’s website

be referred to the appropriate Directorate for action and/or report back to Committee/Council.

Moved Cr Stewart

Motion Carried (7-0)
CHIEF EXECUTIVE OFFICER REPORTS:

The matters normally addressed in the CEO’s briefing have been covered in the Agenda item on the ARA and recent briefing by the ARA Chair. The Cinema project is to be subject of a presentation on Wednesday, 16th April 2003.

Cr Hodges thanked the elected members and staff for their support during the last couple of years and on behalf of the Committee extended best wishes to Cr Stubbs in the next phase of his life.

Cr Clowes-Hollins thanked the Chair, Cr Hodges for her guidance and support.

MEETING DECLARED CLOSED AT 9.10 PM
# Summary of “A” Attachments

## 15 April 2003

<table>
<thead>
<tr>
<th>Attachment No.</th>
<th>Subject</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A-1</td>
<td>Proposal for a Local Government Disciplinary Tribunal</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- WALGA’s Bulletin</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Copy of the item to State Council</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Minutes of the SE Metro Zone meeting</td>
<td>37–45</td>
</tr>
<tr>
<td>A-3</td>
<td>5 Year Plan Estimates Overview</td>
<td>46</td>
</tr>
</tbody>
</table>
Proposal for a Local Government Disciplinary Tribunal

In Brief

- Endemic problems identified with the current framework for dealing with the improper conduct of elected members.
- Current inquiry system provides one penalty option – sack the entire Council.
- The Association's State Council has given in-principle support to establishing a Disciplinary Tribunal.
- Comments and feedback sought from Local Governments on the proposal.

Introduction

Welcome to the first information bulletin on the proposal to establish a Local Government Disciplinary Tribunal in Western Australia.

This publication is aimed at Mayors/Presidents, Elected Members, CEOs and relevant serving officers, but feel free to distribute it wider to any interested parties.

The bulletin is intended to inform stakeholders about the progress of the proposal, to ensure that Local Governments are aware and understand the key components of the Tribunal model, and to facilitate feedback on any aspects of the proposal.

Regular updates will be provided to member Councils on issues relating to the Tribunal. These updates will include member questions and relevant extracts from any submissions received on the proposal. The next bulletin will focus on answering questions which have been raised by Local Governments in the initial consultation process.

Many people in Local Government will be aware of the increasing number of highly publicised inquiries which have been conducted into the activities of Local Governments. The terms of reference for these inquiries, and the accompanying media coverage, has largely focused on the behaviour of elected members or the action of Councils. Numerous Local Governments, particularly those who have been exposed to a formal inquiry, have expressed significant concerns over the inquiry process, including the policy framework it operates under, procedural effectiveness, time and cost of inquiries and issues relating to procedural fairness and natural justice.

On the other side, concerns continue to escalate in relation to deficiencies in the current legislative framework for dealing with the conduct of elected members.

Codes of conduct are unenforceable, meaning that there are no ramifications for breaches of the Code.

The current responsibility for administering the investigation and disciplining of elected members resides with the Minister for Local Government and the Department. This gives rise to questions about the appropriateness of this joint role – investigator, judge and jury. It also creates uncertainty over the capacity for impartial decision making that is free from political influence.

One of the greatest concerns shared by Local Governments is the limitations available for dealing with a Council where improper conduct or breaches of the Act are proven against one or more elected members.

The current system provides only one penalty option – sack the entire Council. There is no capacity to deal individually with those elected members who have acted improperly. Everybody is dismissed, irrespective of whether they have actually done anything wrong.

This is an unacceptable way to treat a democratically elected sphere of government. It also flies in the face of any rights to natural justice and fairness.

It is clear that there is a need for a wider range of penalties other than the option of dismissal. Consultation with Local Governments has shown wide support for a greater range of sanctions where misconduct is proven, ranging from censure at the lower end of the spectrum right through to dismissal as the most serious penalty.

The Association has taken these concerns on board and strongly advocated for wider ranging reforms, including a request for a new framework to effectively deal with misconduct. The current Minister for Local Government, after much negotiation, has given the green light to developing a new framework to address improper behaviour by elected members.

The development of a suitable framework was assigned to a specially convened Reference Group, consisting of representatives from the Association, LGMA, the Department of Local Government and Regional Development, the Ombudsman and the Anti-Corruption Commission.
The Association's role on this Reference Group has been to advocate for:

- a model which addresses the wide ranging concerns expressed by Councils;
- a model which is robust, cost effective and timely;
- a model which protects the rights of individuals who are subject to complaints;
- a model which provides appropriate and proportionate sanctions for breaches; and
- a model which enables local determination of complaints where appropriate.

In April 2003, the State Council and metropolitan and country Zones of the Association considered the first draft of a new disciplinary framework for Local Government, which includes as the key component the establishment of a Disciplinary Tribunal.

The draft framework goes some way to addressing the concerns of Local Governments in relation to the current system for dealing with allegations of improper conduct. However, whilst it provides a new system for scrutinising and dealing with misconduct, it does not address the concerns that are widely held about the process for investigations and inquiries.

The Association is of the firm view that inquiries should sit within the new framework, and has consistently lobbied for this inclusion. The position of the Government to date however, has been that this issue will be re-considered once the trial period for the Tribunal is completed, with a view to eventually abolishing Inquiry Panels.

The Association has been separately pursuing a review of this area with the Director General of the Department. This review has now been given approval to proceed.

Initial consultation on the draft framework identified a number of issues and questions about the proposal. Despite these issues, the vast majority of Zones supported the framework and accordingly, State Council gave in-principle support to the establishment of a Disciplinary Tribunal.

This information bulletin, together with a range of other informational tools, will be employed in the coming months to address issues or questions about the Tribunal proposal, and to ensure that Local Governments are satisfied with the direction that is being taken.

The Association is committed to proceeding cautiously on this matter, given the far-reaching ramifications for Local Government. The consultation process will include actively seeking the comments and feedback of member Local Governments so that these can be incorporated into changes or refinements to the Tribunal model.

The Association's Governance Policy Team, with a view to formulating a position for Local Government to be considered by

---

**Proposal for a Local Government Disciplinary Tribunal**

**Overview on the key components of the Tribunal proposal**

The proposal includes the following key features:

- Establishment of a legislated minimum Code of Conduct, which will be enforceable;
- New system for internal review of complaints by individual Local Governments in relation to minor Code of Conduct breaches (voluntary);
- Use of Peer Support Teams to mediate and, where possible, resolve complaints of minor Code of Conduct breaches (voluntary);
- Establishment of a Standards Panel to deal with breaches of the Code of Conduct; and
- Creation of a Disciplinary Tribunal to deal with complaints of serious breaches of the Code of Conduct and breaches of the Act.

A diagrammatical representation of the draft Tribunal framework is represented below:

![Diagram of the draft Tribunal framework]

A copy of the draft proposal can be obtained from the Association's website at [www.walga.asn.au](http://www.walga.asn.au).

**Comments and Feedback**

Information bulletins will be distributed on a regular basis to member Councils. In addition, updates will be included in Local Government News and Western Councillor. Subject to timing, an information forum may be held as part of Local Government Week.

If you have any questions or would like to make any comments or submissions concerning any aspect of the Tribunal proposal, please contact Nick Wood on 9213 2020 or by e-mail at nwood@walga.asn.au.

All submissions will be considered by the Association's Governance Policy Team, with a view to formulating a position for Local Government to be considered by
5.1 Proposed Local Government Disciplinary Framework (INT0080/NW)

By Nick Wood, Manager Projects and Strategic Development

IN BRIEF

- Reference Group established to develop a draft disciplinary framework for elected members, including the creation of a Local Government Disciplinary Tribunal.
- Draft framework developed and referred to the Minister for Local Government.
- State Council consideration of proposal sought.

BACKGROUND

For some time now, concerns have been raised about the limited abilities for Local Governments to enforce minimum behavioural standards in relation to council members and the lack of an efficient and effective framework to deal with the behavioural problems of individual elected members.

Increased public scrutiny of the internal machinations of Local Governments and the behaviour of elected members has given further weight to the impetus for reforms in this area. In addition, the Minister for Local Government and Regional Development has expressed a desire to divest responsibility in relation to scrutinising the conduct of elected members to an independent body. The findings of the Joint Parliamentary Standing Committee on Delegated Legislation in relation to the City of Perth Code of Conduct Local Law also supported that an independent tribunal be established to deal with breaches of Codes of Conduct.

Following a sustained campaign of lobbying by the Association and LGMA, the Minister for Local Government and Regional Development established a Reference Group in July 2002 to develop a framework for a new system of scrutiny and dealing with misconduct in Local Government. The pinnacle of this new framework was to be the creation of a Local Government Disciplinary Tribunal.


The draft framework model which has been produced by the Reference Group is guided by five principles based on those underpinning the recent British proposals to deal with the conduct of councillors. These principles are:

1. The new system must be robust enough to engender public and council member trust;
2. It must avoid duplication and be easy to understand;
3. It must protect the rights of individuals who are the subject of complaints;
4. It must provide appropriate and proportionate sanctions; and
5. It should deal with problems, where possible, close to their source.

It should be noted that the draft framework model does not address the behaviour of council employees. The Reference Group were of the unanimous view that behavioural concerns associated with employees other than the CEO should be dealt with by the CEO.
This accords with relevant industrial laws and the current provisions of the Local Government Act. It is proposed that behavioural concerns in relation to the CEO be addressed through a process designed specifically to deal with such issues. It should be noted, however, that where they are inextricably linked to the behaviour of elected members, the action of employees may necessarily receive consideration and comment through the processes outlined within the framework.

The draft framework model has now been submitted to the Minister for consideration and is referred to State Council for deliberation.

COMMENTS

The draft model developed by the Reference Group centres on the establishment of a multi-faceted framework which includes:

- a legislated minimum Code of Conduct to be enforced through the disciplinary framework;
- operation of Peer Support Teams and the provision of training and development for elected members on the legislated Code of Conduct;
- formation of Standards Panels to deal with minor allegations of breaches of the legislated Code of Conduct; and
- constitution of a Local Government Disciplinary Tribunal to handle serious allegations of breaches of the legislated Code of Conduct, together with responsibility for breaches of the Local Government Act.

Key aspects of the draft model are detailed below:

1. Legislating a minimum Code of Conduct

The Local Government Act 1995 requires all Local Governments to develop and regularly review their own Codes of Conduct. Bare minimum provisions are included in the Act (such as dealing with the receipt of gifts) which must be included in all Codes of Conduct.

Following the enactment of the 1995 Act, the Association produced a model Code of Conduct to assist member Councils in satisfying the new legislative requirements. This model Code has been widely adopted by many Local Governments. However, the model is fairly broad in content and is hampered by the limited ability to impose effective disciplinary measures for breaches of the Code. Research undertaken by the Association in late 2002 identified that for the majority of Local Governments, the unenforceability of their Codes remains an ongoing concern.

In May 2002, the Association convened a Technical Working Group to review the effectiveness of the model Code of Conduct and to develop a minimum Code of Conduct. It was proposed that the minimum Code consist of behavioural standards which could be enshrined in regulations to the Local Government Act and enforced through an appropriate disciplinary framework. The Technical Working Group is constituted by representatives from the Association, Local Government Managers Australia and the Department of Local Government and Regional Development.

Within the proposed disciplinary framework, it is recommended that minimum standards of conduct be incorporated into regulations, thereby achieving application to all Local Governments. Local Governments would retain the individual discretion to add provisions to the minimum Code as required in keeping with local circumstances; however any additional provisions would not be enforceable through the disciplinary framework. Importantly, a Council would not be able to delete a part of the regulated minimum Code. In this way, the Code would establish universal standards of acceptable conduct for elected members within all Local Governments in Western Australia.

The report and recommendations from the Technical Working Group reviewing the Model Code of Conduct will be presented to State Council for consideration in due course.
2. Types of inappropriate behaviour
The new Code of Conduct being developed will most likely reflect key provisions within the Local Government Act (such as declarations of financial interest) as well as other, otherwise non-legislated, requirements (such as to act honestly or respect fellow council members). Under the scenario of a regulated Code, inappropriate behaviour can be classified into three groupings:

- **A serious breach** - where a provision of the Act or the regulations has been broken (other than a breach of the regulated Code which is not otherwise covered by the Act or regulations);
- **A minor breach** - where an otherwise non legislated provision of the Code has been broken (these breaches will generally relate to attitudes and behaviour towards fellow Council members); and
- **Ongoing breaches** - where there are repeated minor breaches and these interfere with the operations of the Local Government.

3. Points of Complaints
Within the framework, there would be two points of complaint against alleged inappropriate behaviour. One would be to the Department of Local Government and Regional Development (DLGRD). The second would be to a nominated contact position in each Local Government. Consequently, a legislative change would be necessary to require each Local Government to nominate, and publicise as considered appropriate, a point of contact for a complaint.

The default point of contact in a Local Government should be the CEO, with this officer having the power to delegate the function. If the CEO or the alternate point of contact is implicated in the complaint, the complainant would have the opportunity of directly contacting the DLGRD.

There would need to be a close interface between each Local Government’s point of contact and the DLGRD to ensure the system established by the framework operates to best effect.

Local Governments and the DLGRD should keep proper records of complaints and, without identifying complainants, the number and manner in which complaints are dealt with should be detailed in annual reports. Each complainant should receive a formal written response and each point of contact should also provide a confidential report to the DLGRD on each deliberation of the Standards Panel.

4. Consideration of Breaches
The following division of responsibility for consideration of breaches is proposed within the draft disciplinary framework:

- Serious breaches should be considered by the DLGRD;
- Minor breaches should, in the first instance, be considered by the Local Government’s own internal review processes;
- Ongoing minor breaches should be referred to the DLGRD by the relevant Local Government.

5. Dealing with Minor Breaches
The draft framework enshrines the general principle that minor breaches, generally relating to attitudes and inappropriate behaviour to fellow Council members, should be resolved at the earliest opportunity.

Council members, members of Council committees, employees and community members should all be able to raise a concern about a breach of the Code of Conduct with the point of contact. This person would need to determine if the allegation represents a serious breach. If so, the point of contact should refer the issue to the DLGRD. If not, the Council’s own processes would be used to deal with the matter. The peak element of this process would be the Local Government Standards Panel.
7. Interface between Minor and Serious Breaches

The draft framework proposes that serious breaches should be raised with the DLGRD.

However, because the distinction between serious and minor breaches may be difficult to ascertain in the first instance and complainants may be unaware of the distinction, it is likely that many minor breaches may be reported to the Department while many serious breaches may be reported to a Local Government’s point of contact.

Cross referral of complaints received between the DLGRD and points of contact in Local Government will therefore be vital following initial consideration. However, the DLGRD should also have a right to require the Local Government’s point of contact to put an issue before the Standards Panel, and the Standards Panel should have a right to require the DLGRD to place a matter before the Tribunal. Decisions will also need to be made on ‘mixed’ breaches where a complaint covers both Local Government Act and Code of Conduct matters. It is generally suggested that mixed breaches should be dealt with by the DLGRD.

The Local Government point of contact would also need to refer ongoing breaches of a Local Government’s Code of Conduct to the DLGRD if the Local Government Standards Panel has not been able to resolve the problem. In such cases, the point of contact would need to detail the specific problems encountered and the actions taken.

8. The role of the Department of Local Government and Regional Development

Having received and considered a compliant and determined that there is prima facie evidence to suggest that the breach identified is serious, the DLGRD has four options under the proposed framework. These include:

1. refer the matter to the Local Government Disciplinary Tribunal;
2. investigate the matter (with the outcome being a dismissal of the allegation, a censure or prosecution);
3. investigate the matter and refer it to the Minister with a recommendation to establish an inquiry Panel; or
4. investigate the matter and refer it to another body.

The final three options maintain the current processes within the Local Government Act and are not discussed further in the draft framework. However, it should be noted that the establishment of a Disciplinary Tribunal should, and potentially significantly, reduce the number of matters considered under options two, three and four. This is because the creation of a Tribunal should allow many alleged breaches to be directed to this body, and its processes should enable them to be satisfactorily resolved in a timely and decisive manner before the need for an inquiry arises. Once the Tribunal process has operated for an appropriate trial period, consideration should be given to extending the Tribunal’s powers and abolishing Inquiry Panels.

The Association retains the viewpoint that responsibility for Part 8 inquiries under the Local Government Act should be referred to the Disciplinary Tribunal. Clearly, there is a political imperative for devesting this responsibility to an independent body such as the proposed Tribunal.

9. The Local Government Disciplinary Tribunal

The draft framework proposes that the Local Government Disciplinary Tribunal should be established as an element within the State Administrative Tribunal (SAT), which is currently being developed by the State Government. Consequently, it will need to dovetail with SAT processes and procedures. This view accords with the resolution of State Council in October 2002 in relation to the development of the SAT.

The framework includes the following components for the Local Government Disciplinary Tribunal within the SAT.

- **Powers** - the Tribunal should not have specific investigative powers but conduct hearings and/or review information to enable it to determine a matter. Further, the Tribunal should have the power to require or compel people to appear before it.
It should be noted that the Joint Standing Committee on Delegated Legislation’s report on the City of Perth Code of Conduct Local Law recommended that the Tribunal not have the jurisdiction to inquire into offences under the Local Government Act or other matters that would properly be within the jurisdiction of a court. This situation is not supported by the Reference Group as the Tribunal, as proposed, provides a cost effective mechanism for dealing with certain breaches of the Act which would otherwise require more elaborate and costly mechanisms to resolve.

- **Procedures** - the Tribunal should operate on an inquisitorial basis, seeking to gather the truth to inform its decision making. It should also act as a mediation or arbitration body where necessary to settle disputes. To achieve such outcomes, the Tribunal should have the ability to operate in-camera in circumstances where this approach may facilitate a better outcome. In all other circumstances, hearings should be public. The Tribunal should provide written reasons for any decision it makes.

The Tribunal should operate in accordance with the principles of procedural fairness and make decisions according to the balance of probabilities. While it would be inappropriate to specifically bar legal representation at Tribunal proceedings, the Tribunal should discourage such practices to keep associated costs down. It should also have the ability to refer a matter on to another body if the Tribunal members believe this would be appropriate.

- **Penalties** - the Tribunal should have the power to impose the following penalties:
  - censure;
  - require a public apology;
  - order an elected member to undertake training;
  - order a Local Government to change its processes;
  - suspend an elected member for up to six months (including a loss of relevant meeting allowances and expenses); and
  - disqualify an elected member for a period not exceeding five years.

There are a number of issues which must also be considered in relation to the imposition of the above penalties. These include:

- although the Joint Standing Committee on Delegated Legislation has supported the concept of a Disciplinary Tribunal being given the power to impose fines, the draft framework supports the concept that monetary penalties only be imposed following formal court proceedings. The Tribunal would, however, have the power to order that a member lose relevant meeting allowances and expenses when suspending that person. If allowances are paid annually, the loss would be on a pro-rata basis to the suspension period. Further, if the allowance is paid in advance, the Tribunal could order the repayment of the relevant portion. This principle would also apply in the case of a disqualification;

- the Tribunal should have the power to issue a suspended penalty;

- if a person does not undertake training or make a public apology as required by the Tribunal, the Tribunal should be empowered to impose a harsher penalty;

- the Tribunal should not have the power to disqualify a whole Council and trigger a new election. This is because the Tribunal is designed to be an efficient and effective way of dealing with behavioural problems, not a mechanism for disqualifying a democratically elected Local Government. For such an outcome to occur, the Reference Group considered it appropriate for the Minister for Local Government and Regional Development to participate in the decision making process based on an Inquiry Panel’s recommendation; and

- as the suspension or disqualification of 50% of Council members will preclude a Council from operating (it will not be able to make absolute majority decisions), the Tribunal should not be able to suspend or disqualify this percentage of elected members. Indeed, it could be argued that suspending or disqualifying close to 50% of members could still make it very difficult for a Council to operate effectively. Consequently, the Tribunal should not have the power to suspend or disqualify more than 25% of the members of an individual Council.
• **Appeals** - a person aggrieved by the operations of the Disciplinary Tribunal should have the power to appeal to the Supreme Court on a point of law. Appeals against decisions of the Tribunal should not be allowed.

• **Membership** - the Tribunal should have three (3) members in the main, although there should be flexibility for one (1) person to sit in circumstances considered appropriate. Members should have knowledge of, or experience in, the Local Government sector. A legal practitioner with such knowledge and understanding should be the Chair.

Where the Tribunal members are split in their views, the majority view becomes the unanimous decision.

Standard provisions relating to the replacement of members and disqualification from sitting where there is a conflict of interest (similar to those which operate for the Local Government Advisory Board) should apply.

10. **Diagrammatical Representation of Disciplinary Framework**

The operation of the proposed disciplinary framework for Local Government can be represented as follows:

![Diagram of Disciplinary Framework]

**RECOMMENDATION**

1. That in-principle support be given to the proposed Local Government Disciplinary Framework, including the establishment of a Local Government Disciplinary Tribunal.

2. That the draft framework be referred to the Governance Policy Team for consideration of responses from Member Local Governments prior to final ratification by State Council.
d) Clause 1(7) is of particular concern. It allows for any brothel/prostitution agency office which existed/operated immediately prior to enactment of The Bill to lawfully continue to operate as a use permitted by the TPS. This provision would seem to be based on some notion of Non-Conforming Use (NCU) rights which are allowed for in many town planning schemes including that of The City. This would however be a serious misapplication of the underlying principles of NCU rights which are intended to allow for the continued operation of LEGALLY approved uses where a scheme amendment has subsequently made that use one which is not permissible. The NCU right is essentially therefore an issue of equity extended to approved operators. In contrast The Bill gives any brothel, WHETHER APPROVED OR NOT, the right to continue operation.

There are no legally approved brothels within the City however there may be unapproved brothels in existence given their inherent underground nature where proof of operation is difficult to establish. It is entirely possible that a "creative" operator could fabricate evidence of prior operation and The City would be in the position of having to prove that the brothel did not operate prior to The Bill being proclaimed. In this regard a possible scenario could be that the operator of a legally approved gymnasium or therapeutic massage centre could claim that it was in fact operated as a brothel and seek and obtain formal approval. Also there is no provision in The Bill for the local authority to formally recognise the prior operation of a brothel as would be the case with a regular, non-conforming use reinforcing the difficulties with respect to CLAIMS of prior use of a site as a brothel.

Summary
The Prostitution Control Bill, if enacted in its current form, would undermine a local authority's ability to determine land use, is seen as inequitable in relation to other home-based commercial operations and runs contrary to the principles underlying non-conforming use rights.

Moved Mayor Morris / Seconded Cr Stubbs  CARRIED

Item 5.1 Proposed Local Government Disciplinary Framework
7:08 Cr Hopper left the meeting
7:10 Cr Hopper re-entered the meeting
7:10 Mayor Morris left the meeting
7:12 Mayor Morris re-entered the meeting

RESOLUTION
That the recommendation in the State Council Agenda be replaced with the following:

1. That the draft framework be referred to the Governance Policy Team for consideration of responses from Member Local Governments prior to final ratification by State Council

2. That the Governance Policy Team advise the Association if the refinement of the existing investigative process available to the Department of Local Government and Regional Development (based on the principles of natural justice and procedural fairness) could provide an appropriate disciplinary framework.

Moved Cr Stubbs / Seconded Cr Star  CARRIED

Item 5.6 Inquiry into Cost Shifting

RESOLUTION
That the recommendation be accepted with the following additional point:

3. That the Association ask Australian Local Government Association to consider an inter Government body to look at capacity building and accreditation in Local Government so that it is possible for Local Governments to become agents for the delivery of programs.