

# CITY OF ARMADALE

## MINUTES

OF CITY STRATEGY COMMITTEE HELD IN THE COMMITTEE ROOM,  
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY,  
10 DECEMBER 2002, AT 5.30 PM.

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**PRESENT:**

Cr V L Clowes-Hollins	Deputy Chair
Cr A L Cominelli JP	Deputy for Cr Hodges
Cr D L Hopper JP	
Cr J H Munn JP CMC	
Cr L Reynolds JP	
Cr J A Stewart	
Cr H A Zelones JP	

**APOLOGIES:**

Cr Hodges

**OBSERVERS:**

Cr J D Cumming	(5.30pm – 5.40pm)
Cr R C Stubbs AM	(5.30pm to 5.45pm)

**IN ATTENDANCE:**

Mr R S Tame	- Chief Executive Officer
Mr A F Maxwell	- Executive Director Corporate Services
Mr A Bruce	- Executive Director Technical Services
Mr I Macrae	- Executive Director Development Services
Mr JHA Adderley	- Executive Director Development Services
Mr C Askew	- Director Community Services
Mrs S D'Souza	- CEO's Executive Assistant
Mr J Ellis	- Executive Director, ARA

(5.30pm – 5.40pm)

Public - Nil

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## **DISCLAIMER**

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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**

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Nil

## **QUESTION TIME**

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Nil

## **DEPUTATION**

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Mr John Ellis, Executive Director of the Armadale Redevelopment Authority presented the revised plans for the Armadale Railway Station. The plans will be displayed in the Council foyer, the libraries and the ARA office from Friday (13<sup>th</sup> December) morning and will also be displayed at the Community Forum scheduled on Saturday 14<sup>th</sup> December 2002 at 1pm at the Fox & Hound. The public comment period will be up to 24<sup>th</sup> December 2002.

Committee thanked Mr Ellis for the presentation. Mr Ellis retired from the meeting at 5.40pm  
*Cr Cumming retired from the meeting at 5.40pm*

## **CONFIRMATION OF MINUTES**

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### **RESOLVED**

**Minutes of the City Strategy Committee Meeting held on 12 November 2002, be confirmed.**

## **ITEMS REFERRED FROM INFORMATION BULLETIN**

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INFORMATION BULLETIN – ISSUE NO.23/2002.

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.*

# I N D E X

## CITY STRATEGY COMMITTEE

10 DECEMBER 2002

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***CITIES FOR CLIMATE PROTECTION REGIONAL ENERGY GROUP BUSINESS  
PLAN 2003-2006***

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WARD : All  
FILE REF : PSC/031  
DATE : 19 November 2002  
REF : RVD  
RESPONSIBLE : EDDS  
MANAGER

In Brief:-

- ✍ The Regional Energy Group has prepared a Business Plan for 2003-2006.
- ✍ Recommend that Council endorse the Regional Energy Group's Business Plan recognising that the Plan provides a basis to work towards greenhouse gas emission reductions with financial support from the business community.

**Tabled Items**

Regional Energy Group Business Plan

**Officer Interest Declaration**

Nil.

**Strategic Implications**

Council's vision is to be "*Clean, green and prosperous*" and have a community recognised for "*A tradition of innovation - readily embracing new people and new ideas*". The Business Plan will help Council and the community move towards this vision.

**Legislation Implications**

Nil.

**Council Policy / Local Law Implications**

Nil at this stage. However, consistent with recommendations in the Regional Community Greenhouse Action Plan, the Business Plan includes investigation into Town Planning Provisions for efficient housing and subdivision that go beyond the matters identified in the Liveable Neighbourhoods code and the proposed changes to the Building Code of Australia.

**Budget / Financial Implications**

Council's five-year financial plan identifies \$10,300 per annum towards the Cities for Climate Protection Program. The Business Plan seeks to lever additional funds from the business community so that employment of a Regional Greenhouse Coordinator can continue beyond March 2003, when projects funded by the Local Government Incentive Grant end.

**Consultation**

The Regional Energy Group/ South-East Region CCP Coordinating Group have endorsed the plan. The Regional Energy Group includes councillors from Armadale, Gosnells and Serpentine Jarrahdale.

## **BACKGROUND**

At its meeting of 18 September 2000 Council resolved (CS55/00):

1. *That Council adopt the City of Armadale Corporate Greenhouse Action Plan, including the goal of trying to reduce corporate greenhouse gas emissions by 20% from 1998-99 levels by 2010-11.*
2. *That Council adopt the Regional Community Greenhouse Action Plan, including the goal of trying to reduce community greenhouse gas emissions within our region by 15% from 1998-99 levels by 2010-11, subject to adoption of the plan by the City of Gosnells and the Shire of Serpentine-Jarrahdale.*

The other councils adopted the Regional Community Greenhouse Action Plan.

Significant progress in implementing the Corporate Greenhouse Action Plan and Regional Community Greenhouse Action Plan has occurred, primarily through the Local Government Incentive Program Grant. The Grant employs a Regional Greenhouse Coordinator from September 2001 to March 2003 to implement key aspects of the action plans.

Some of the main successes achieved by the Regional Greenhouse Coordinator have include the “Switch your thinking” program, and the “Switched on Living” workshops held in partnership with the Neighbourhood Improvement Program. The Regional Greenhouse Coordinator obtained \$13,900 of sponsorship from businesses towards the “Switch your thinking” program. It is expected that the City will meet the criteria to be awarded Milestone 4 of the Cities for Climate Protection program by March next year.

## **DETAILS OF PROPOSAL**

A Business Plan targeted towards securing funding from the business sector and from councils to continue initiatives to reduce greenhouse gas emissions during the next three years has been prepared. *A summary of the business plan appears as part of this agenda item and copies of the Business Plan have been provided to councillors under separate cover. [Please bring this along to the meeting.]*

Council’s endorsement of the Business Plan is sought in order that the plan can be used to seek further sponsorship from businesses.

## **COMMENT**

The Business Plan provides a locally tailored approach for the region addressing energy consumption and greenhouse emissions at a local level. This next phase will further develop community engagement through expansion of existing projects and the introduction of new projects, building on a number of pilot projects undertaken during the last year. It will expand to include both the commercial and industrial sectors where it is proposed to make contact with key industry leaders and develop a process of achieving change.

The Business Plan also includes as a goal the achievement of Milestone 5 of the Cities for Climate Protection Program for the City of Armadale.

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**EXECUTIVE SUMMARY –  
SE REGIONAL ENERGY GROUP PROJECT  
3 YEAR BUSINESS PLAN**

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## **1. ANALYSIS OF EXISTING BUSINESS**

The South East Regional Energy Group comprises representatives of the City of Armadale, City of Gosnells and Serpentine-Jarrahdale Shire. The Group's long-term objective is to reduce regional community emissions by 15% by 2010 based on 1998/99 levels, a reduction goal for the region that has been formally adopted by each member Council.

Arising out of research and a community survey, the comprehensive "switch your thinking!" campaign was tailor made to address locally relevant barriers and opportunities to changing environmental behaviour. The resulting Regional Greenhouse Action Plan 2002 included:

- ? 3 Seniors' workshops
- ? Regionally rotating library and show display
- ? 12 week Heritage FM radio series
- ? Regional Green Light Schools Fundraiser disseminating compact fluorescent light globes
- ? 12 week press advertising and editorial series
- ? 4 Switched on Living neighbourhood workshops pilot as part of City of Armadale's Neighbourhood Improvement Programme
- ? Tidy bin 3 month advertising programme
- ? Launch of Switch your thinking! Website

## **2. ANALYSIS OF MARKET AND COMPETITION**

The existing market for the services provided by the South East Regional Energy Group comprises a very wide range of community activities covering the residential, commercial, industrial, transport and waste sectors. Phase II of the Regional Greenhouse Project will operate in collaboration rather than competition with the other agencies. It will take advantage of the niche available to local government to work effectively at delivering actions at a grass-roots level, in a mutually complementary way with the broader approach of State and Federal agencies.

## **3. VISION AND MISSION**

**Vision:** *Work in partnership with our communities as responsible members of the global community to facilitate a reduction in regional greenhouse gas emissions by 15% by 2010, based on 1998/1999 levels.*

**Mission:** *The SE Regional Energy Group will inspire and build capacity for resource conserving behaviour in the community both directly, and through the leadership of our Local Governments and project partners.*

It encompasses the goal of the three individual Councils involved, adopted within the Regional Greenhouse Action Plan (2000): To have all developments and enterprises (including Councils') adopt environmental management as part of their core business or development including greenhouse gas abatement measures.

#### 4. BUSINESS DEVELOPMENT PLAN

The following table outlines proposed activities for the next three-year phase of the Regional Greenhouse Project.

PROJECT	TARGET SECTORS
Research and introduce LGA policies & procedures	All sectors (housing, transport, waste, industry, commerce)
Green Light Schools Fundraiser II	School children and women
Regional Branding and Voucher project	Commerce and general community
Regional Housing Retrofit Pilot	Whole community
Regional "Switched on Rural Living" workshops	Semi rural & rural residents.
Regional "Switched on Urban Living" workshops	Aged, economically & socially disadvantaged & wider community
"Switched on Industry"	Industrial sector (ie manufacturing)
"Switched on Commerce"	Commercial sector (ie Retail)

#### 5. FINANCIAL PLAN

INCOME	2003/2004	2004/2005	2005/2006	Total Amount 3 Years
Carry over funds	\$88,298			\$88,298
SEDO grant	\$27,273			\$27,273
City of Gosnells	13,650	13,650	13,650	40,950
City of Armadale	10,500	10,500	10,500	31,500
Serpentine-Jarrahdale Shire	5,565	5,565	5,565	16,695
Gold sponsor	30,000	30,000	30,000	90,000
Silver sponsor	10,000	10,000	10,000	30,000
Silver sponsor	10,000	10,000	10,000	30,000
Silver sponsor	10,000	10,000	10,000	30,000
Silver sponsor	10,000	10,000	10,000	30,000
Grant funding	25,000	25,000	25,000	75,000
<b>TOTAL</b>	<b>240,287</b>	<b>124,715</b>	<b>124,715</b>	<b>489,719</b>

ANNUAL OPERATING COSTS	AMOUNT	IN KIND CONTRIBUTIONS			IN KIND TOTAL
		Gosnells	Armadale	S-J	
RGC salary & on-costs	\$62,400				
RGC vehicle costs	\$10,000				
Telephone, office supplies & equip.	\$ 5,000				
Office space		\$1,600	\$1,600	\$800	\$4,000
Administration		\$4,000			\$4,000
<b>TOTAL</b>	<b>\$77,400</b>				<b>\$8,000</b>
ANNUAL IMPLEMENTATION BUDGET	\$50,000				
TOTAL ANNUAL EXPENSES BUDGET	\$127,400				\$8,000
<b>Total Budget for 3 year project</b>	<b>\$382,200</b>				<b>\$24,000</b>

Continuing the current approach allows us to achieve region-wide changes that are cost effective and far reaching. However, behaviour change occurs slowly. It is essential that long-term funding is secured so that awareness can translate to behaviour.

### **Options**

Council could consider:

- ? Not supporting the continuation of the Regional Greenhouse Project (RGP).
- ? Supporting the continuation of the RGP at the level as suggested in the Business Plan (i.e. maintaining the status quo).
- ? Supporting the continuation of the RGP at a higher level than suggested here, e.g. increasing its annual contribution from the equivalent of a Silver Sponsor to that of a Gold Sponsor (see page 30 of the Business Plan).

### **CONCLUSION**

In order to secure further support from the business sector, to continue the good work achieved by the Regional Greenhouse Gas Coordinator position and build on existing initiatives it is considered essential that the Regional Energy Group have a Business Plan endorsed by the three Regional Energy Group member Councils. The Business Plan is considered to be a useful document to plan future actions and seek financial support from businesses.

### **CS104/02      RECOMMEND**

**That Council endorse the Regional Energy Group's Business Plan recognising that the Plan provides a basis to work towards greenhouse gas emission reductions with financial support from the business community.**

Moved Cr Stewart  
Motion Carried (7-0)

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***THE WESTERN AUSTRALIAN STATE SUSTAINABILITY STRATEGY***

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WARD : ALL  
FILE REF : PSC/33  
DATE : 21 November 2002  
REF : IM  
RESPONSIBLE : EDDS  
MANAGER

**In Brief:-**

The Draft State Sustainability Strategy was released by the Premier in September 2002 for a four month public submission period. The Strategy was the result of an election commitment.

Sustainable development has become a significant concept in the planning and development process. It is appropriate for Council to be aware of the draft Strategy and use the opportunity to make a submission if there are any areas of concern.

Recommend that Council resolve to make a submission on the Draft State Sustainability Strategy:

- ? commending the State Government for preparing the draft Strategy;
- ? requesting a review of the definition of sustainable development to reflect the acceptability of trade-offs provided any development has a greater net benefit than alternatives when all relevant economic, social and environmental factors are taken into account;
- ? expressing concern that sustainability assessment should not result in an additional administrative layer on the existing planning approval process;
- ? expressing some caution at the use of Statements of Planning Policy for the achievement of land management objectives; and
- ? not providing a general endorsement to the detailed individual Proposed Actions at this stage subject to providing additional officer comment relating to local government.

**Tabled Items**

Nil.

**Officer Interest Declaration**

Nil.

**Strategic Implications**

There could be strategic implications to the way development occurs arising from the Strategy.

**Legislation Implications**

Some of the recommendations relate to legislative change.

### **Council Policy / Local Law Implications**

There may be implications for the Council in the design of its policies and local laws to take account of sustainable development imperatives.

### **Budget / Financial Implications**

Nil.

### **Consultation**

✍ ED Technical Services, ED Director Community Services, Environmental Officer

## **BACKGROUND**

The Draft State Sustainability Strategy was released by the Premier in September 2002 for a four month public submission period (closing on 10 January 2003). The Strategy was the result of an election commitment to develop a sustainability strategy for WA.

Sustainable development has become a significant concept in the planning and development process and therefore it is appropriate for Council to be aware of the draft Strategy and use the opportunity to make a submission if there are any areas of concern.

While most of the strategies and actions affect State Government, their general nature could result in there being wider implications across a range of Council activities. The increasing use of the concept of sustainable development may be welcomed to the extent that it is synonymous with integrated planning, however, Council should be wary where cost implications could arise from a commitment to the detailed recommendations.

### ***The Draft Strategy Report***

The 234 page report contains chapters on the relationship between sustainability and governance, global sustainability, natural resources, settlements, community and business. Out of it all come 249 proposed actions for state and local government, the private sector and the community. However, the critical issue is what sustainable development actually means and how it fits into the governmental development approval process – this is the issue addressed in the opening chapter and it is the focus of this report.

### **What is “sustainable development”?**

The United Nations Brundtland Commission on Environment and Development defined sustainable development as “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*”. This approach clearly envisaged that the environment would not necessarily be improved by simple conservation. Development would need to occur to achieve a better society – and accordingly thinking has developed in terms of how the three elements of the needs of the environment, the economy and the community can progressively advance in harmony to achieve a more sustainable world.

The draft Strategy defines sustainability as “*meeting the needs of current and future generations through simultaneous environmental, social and economic improvement.*” The Strategy takes the view that – “an activity that only meets two of the factors simultaneously (say economic and social but “trades-off” the environment) is ultimately not sustainable.”

Comment - In principle it can be agreed that it is desirable for development to occur without causing environmental problems and it can also be agreed that it is desirable to meet the needs of current and future generations through simultaneous social, environmental and economic improvement. However, if this is applied strictly to the decision making process problems could arise. In reality trade-offs are desirable and inevitable – as long as it is clearly understood what these costs and benefits are and that a balanced and net beneficial outcome is achieved.

Trade-offs in pursuit of general improvements, for instance the establishment of bushland reserves at the cost to the economy or the achievement of high quality urban development at the cost of a reduced foreshore reserve, have been long accepted as the basis for planning and should be recognised in any new arrangements under the heading of sustainable development. In the local context it is important to establish that any new definition of sustainable development would not be used to preclude proposals such as the Araluen Country Club or the Churchmans Brook Estate, the conversion of Wright Lake into the Champion Lakes regional recreation facility or the development of land between Forrestdale and Brookdale. Such proposals have to demonstrate that the environmental implications can be managed – but they do not necessarily result in environmental improvement. They all come with some environmental risk in the pursuit of significant community and economic gain.

While later sections of the Strategy report (for instance on page 38) indicate that trade-offs to achieve a net benefit are acceptable, the risk is that some individuals and agencies will rely solely on the definition to forestall desirable development without reference to the Strategy as a whole.

In conclusion, the definition of sustainable development needs to be amended to reflect the acceptability of trade-offs provided any development has a greater net benefit than alternatives when all relevant economic, social and environmental factors are taken into account.

### **Bureaucratic implications**

The draft Strategy may result in an additional layer of bureaucracy. A new process of Sustainability Assessment is proposed for checking that sustainability is promoted. The implications of this on the planning process are not fully explained in the Strategy and accordingly there is a risk of establishing a new process to require a planning assessment (under a different name) of a planning assessment. This would impose additional costs and delays on the approval process with limited benefit.

In addition, it is proposed to establish sustainability assessment units in the EPA (for environmental), DPI (for social) and Treasury (for economic). This could be seen as at odds with the objective of securing greater integration of the elements of sustainable development. It is possible that the separate entities will require another layer of bureaucracy to enforce adequate liaison with each part. From a local government perspective, the embracing of sustainable development is important to take place within current decision making structures. The council should be more conscious of its decisions meeting the tests of sustainable development – but the establishment of another process or body through which council's decisions as assessed should be resisted.

### **The Scope of the Strategy**

The Strategy has a very broad scope – most areas of government are included. For instance heritage, Indigenous affairs, justice, disability services, health, techniques of public consultation and the arts and multiculturalism are included in the Strategy. By attempting to cover all issues that some may believe could make the world a better place the State Sustainability Strategy loses its proper focus on sustainable development.

### **Statements of Planning Policy**

The Strategy relies heavily on the development and implementation of Statements of Planning Policy (SPPs) to achieve the identified actions. Under section 5AA of the Town Planning and Development Act the West Australian Planning Commission may prepare SPPs and once prepared they are required to be taken into account by the planning system. This means that the Council would be obliged to implement an approved SPP upon review its town planning scheme. SPPs have been used effectively for the R-Codes and the Metropolitan Centres Policy (for example). Whether they would be equally effective for addressing natural resource management problems or responding to housing for the disadvantaged remains to be seen. The use of SPPs for land management rather than land development could prove difficult and was not what SPPs were intended for. It will be necessary for Council to be vigilant and make comment on any ill-conceived SPPs prepared as a result of the Strategy which would require implementation by the Council.

### **Town Planning Schemes**

One approach that has not been grasped in the Strategy is that through the preparation of town planning schemes, particularly through the preparation of local planning strategies, considerations relating to sustainable development could be better debated and policies to be included in schemes justified.

## **OPTIONS**

1. That Council resolve to make a submission on the State Sustainability Strategy.
2. Than Council resolve not to make a submission on the State Sustainability Strategy.

## **CONCLUSION**

The use of the concept of sustainable development is welcomed in that it promotes integrated planning, however, there may be cost implications associated with the numerous more detailed recommendations suggesting that Council's endorsement should be qualified.

The draft State Sustainability Strategy is an important document that could have implications for the future development of the State. However well meaning, there is the potential for the Strategy to be used to complicate and confuse the development approval process. The possibility of confusion most clearly arises with the definition of sustainable development, however there is also a concern that sustainability assessment could result in the imposing of an additional administrative layer on the planning process.

**CS105/02          RECOMMEND**

**That Council resolve to make a submission on the Draft State Sustainability Strategy:**

- a. commending the State Government for preparing the draft Strategy;**
- b. requesting a review of the definition of sustainable development to reflect the acceptability of trade-offs provided any development has a greater net benefit than alternatives when all relevant economic, social and environmental factors are taken into account;**
- c. expressing concern that sustainability assessment should not result in an additional administrative layer on the existing planning approval process;**
- d. expressing some caution at the use of Statements of Planning Policy for the achievement of land management objectives; and**
- e. not providing a general endorsement to the detailed individual Proposed Actions at this stage subject to providing additional officer comment relating to local government.**

Moved Cr Munn  
Carried (7-0)

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***REVIEW OF LOCAL GOVERNMENT ACT 1995***

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WARD All  
FILE REF: ACT/1  
DATE 4<sup>th</sup> Dec 2002  
REF AFM  
RESPONSIBLE Executive Director  
MANAGER Corporate Services

**In Brief:**

- ? This report presents for Council's consideration and comment (88) proposed amendments to the Local Government Act – refer to the report Attachment for details of the proposed amendments together with the position (in italics) on each proposal as recommended by WALGA's Governance Policy Team in preliminary consultation with local governments.
- ? The majority of the proposed amendments stem from the review/consultation process initiated by the Department of Local Government in 1999-2000. Council made submission to this process
- ? The report recommendation is to support the majority of the proposed amendments.

**Officer Interest Declaration**

Nil

**Strategic Implications**

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

**Legislation Implications**

The report presents (88) proposed amendments to the Local Government Act 1995

**Council Policy/Local Law Implications**

Nil

**Budget/Financial Implications**

Nil

**Consultation**

- ? Western Australian Local Government Association (WALGA)
- ? Department of Local Government (DLGRD)
- ? South East Zone Association Group
- ? Chief Executive Officer

**BACKGROUND**

In late September 2002, WALGA representatives attended a briefing by the Department of Local Government and Regional Development (DLGRD) regarding proposals to be included in the Local Government Act Amendment Bill No 3. The briefing included being provided with a discussion paper outlining proposed amendments to the Act.

These proposals stem largely from the 1999/2000 consultation process (which Council participated in) but also include additional matters arising since that time.

### **DETAILS OF PROPOSAL**

Presented at Attachment A-1 (as circulated with the agenda) for Council's consideration and comment are details of the (88) proposed amendments to the Act. Following each proposed amendment and in italics, is WALGA's comment reflecting the views of their Governance Policy Team which in some instances reflects feedback received from Local Governments.

WALGA is seeking the views of all local governments on the proposed amendments in order to present local government's position to the DLGRD. The Minister has agreed to extend the consultation process and has indicated that the Bill will now not proceed until the end of February 2003.

### **COMMENT**

The majority of the proposed amendments have previously been developed in consultation with local governments (including Council) and are generally supported on the basis that they seek to either clarify the requirements of the Act and/or provide for more effective governance by local governments commensurate with community needs.

The following recommendation:

1. presents for consideration a summary of the proposed amendments that Council has previously considered with qualified support and also those not previously considered and,
2. proposes, consistent with Council's previous deliberations on the matter, Council's support for the remainder of the proposed amendments.

It is to be noted that the following view reflects those conveyed by Council's delegates to the WALGA South East Zone Group at the last zone meeting held on 27<sup>th</sup> November 2002.

### **CS106/02 RECOMMEND**

**That Council provide the following response to WALGA's request for comment on the proposed amendments to the Local Government Act for inclusion in Local Government Act Amendment Bill No 3, ie.**

**With the exception of the following matters, Council supports WALGA's position on each of the proposed amendments to the Local Government Act 1995,**

Proposed Amendment	WALGA's Comments	Council's Comments
<b><i>Proposals Previously Considered by Council</i></b>		
<p><b>40. Delegation of the power to amend Chief Executive Officer's employment contracts – Section 5.36</b></p> <p>For the purpose of accountability, the Act is to be amended to ensure that the power to amend a Chief Executive Officer's contract cannot be delegated.</p> <p>To achieve this, it is proposed to amend section 5.36 (2) (b) to require an absolute majority of council to be satisfied with the provisions of the proposed employment contract.</p>	<p>Supported This proposal is supported if this allows the matter to be delegated to a committee of the Council.</p>	<p>WALGA's comments are supported however the current proposal requirement for an absolute majority resolution is understood to effectively prevent the matter being delegated to a council committee – requires further consideration so as to enable a committee of Council to amend the CEO's contract terms.</p>
<p><b>59. Establishing a Disciplinary Tribunal for Council Members – New provision Part 8</b></p> <p>It is proposed to include a new provision which will provide for the establishment and operation of a tribunal to deal with matters of a disciplinary nature where a council member has not complied with a code of conduct or other relevant laws.</p> <p>It is proposed that this tribunal be appointed by the Minister with the power to initiate disciplinary measures. It is proposed that such measures would include the temporary suspension of council members and other appropriate sanctions.</p> <p>Further consideration will be given to the incorporation of these provisions in the State Administrative Tribunal legislation in due course.</p>	<p>Support subject to further details being developed and its relationship to the State Administrative Tribunal.</p>	<p>WALGA's comments are supported but with the additional comments regarding the appointment of Tribunal members, ie.</p> <ul style="list-style-type: none"> <li>? the appointments to occur in consultation with the WALGA Executive or the appointments be made from a list of recommended persons as provided by the WALGA Executive,</li> <li>? there be a list/panel of recommended persons from which appointments are made to preserve impartiality,</li> <li>? that the persons appointed be either current or ex-elected local government members having served in local government since the 1995 Act came into operation for reasons of local government acceptance of such persons and their awareness/experience of local government operations (NB: local government officers not be members)</li> </ul>

Proposed Amendment	WALGA's Comments	Council's Comments
<i>New Proposals Not previously considered by Council</i>		
<p><b>An amendment to the Act to have the provisions to conduct an Annual Electors Meeting made optional and to include alternate legislation for the adoption of the Annual Report.</b> It is felt there is sufficient opportunities available to the community to seek a response to issues without the need for the holding of a statutory meeting which are in the main not well attended. It would be proposed that Councils have the option to determine whether or not to hold a meeting.</p>	<p>An amendment to the Local Government Act to have the provisions to conduct an Annual Electors Meeting made optional and to include alternate legislation for the adoption of the Annual Report</p>	<p>WALGA's comments are supported.</p>
<p><b>Removal of requirement for the State Electoral Commission to be the only provider of election services to Local Government.</b> Since the introduction of postal voting options there has been a concern within Local Government that the requirement for all elections to be conducted by the Commission provides a monopoly when there are other organisations (eg Australian Electoral Commission) that could provide competition and possibly cost savings. The monopoly is further reinforced in several changes proposed within the new proposals</p>	<p>Removal of requirement for the State Electoral Commission to be the only provider of election services to Local Government</p>	<p>WALGA's comments are supported.</p>
<p><b>Refusal by Councillors to vote at Council and Committee meetings whilst still remaining in the meeting room.</b> This issue has been supported by the Association following representations from the Shire of Mundaring.</p>	<p>Refusal by Councillors to vote at Council and Committee meetings whilst still remaining in the meeting room</p>	<p>WALGA's comments are not supported, ie. Council supports the current provisions of the Act requiring Councillors whilst in attendance at Committee or Council meetings to vote on all matters.</p>
<p><b>Exemption for rural Councillors from the need to declare financial interests with Co-operative Bulk Handling in regard to siting and construction of grain handling facilities.</b> This proposal was supported by the Association AGM during Local Government Week and relates to the fact that many Councillors in rural areas are grain growers and as such when an application is presented by CBH to the Council the Councillors need to declare an interest. This may create the</p>	<p>Exemption for rural Councillors from the need to declare financial interests with Co-operative Bulk Handling in regard to siting and construction of grain handling facilities.</p>	<p>WALGA's comments are supported.</p>

<b>Proposed Amendment</b>	<b>WALGA's Comments</b>	<b>Council's Comments</b>
<p>situation where there is no quorum and the matter must be delayed until approval is received from the Minister to enable the matter to be considered.</p>		
<p><b>Speaking on behalf of the Council – this issue relates to S2.8 (1) (d) where the Mayor/President is the only person (in the first instance) permitted to speak on behalf of the Council.</b> It is felt the Act should be amended to allow the Local Government to adopt a policy as to how and who should speak on behalf of the Council. This proposal would broaden Local Government's current capacity to determine how it is publicly represented and to that extent is supported.</p>	<p>An amendment to the Local Government Act to allow Local Governments to adopt a policy as to how and who should speak on behalf of the Council.</p>	<p>WALGA's comments are supported.</p>
<p><b>Inclusion in the Local Government Act of the requirement for nominees for election to Council either as Mayor/President or councillor to declare their past criminal record.</b> There are currently no declaration requirements in relation to previous criminal convictions within Commonwealth, State or Local Government jurisdictions; rather all prescribe varying eligibility restrictions to which prospective candidates must comply. In relation to disqualification for previous criminal convictions, the Local Government Act currently only deems ineligible those persons who have been convicted of a crime and are in prison serving a sentence for that crime, or persons who have been convicted in the preceding 5 years of a serious local government offence. Including provisions within the Local Government Act which deem certain persons ineligible for membership to a Council due to the commission of a certain level of criminal offence(s) within a prescribed time period may be more appropriate than requiring a duty of disclosure.</p>	<p>Amendments to the Local Government Act to equate the eligibility restrictions in relation to previous criminal convictions by persons seeking election to Council with the restrictions imposed on Members of State Parliament.</p>	<p>WALGA's comments are supported.</p>

Moved Cr Hopper  
Motion Carried (7-0)

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***ARMADALE REDEVELOPMENT AUTHORITY***

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WARD : Armadale  
FILE REF : PSC/30  
DATE : 10 Sep 2002  
REF : RST  
RESPONSIBLE : Chief Executive  
MANAGER : Officer

**In Brief:-**

- ✍ The Armadale Redevelopment Authority is now holding monthly meetings at its Jull Street Office.
- ✍ Report provided on matters currently in train.
- ✍ Recommendation that the report be received and the Chair of the Armadale Redevelopment Authority and Board Members be invited to provide a briefing to Council tentatively on 20<sup>th</sup> January 2003 at 5.30pm.

**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 last received a progress report on matters relevant to the Armadale Redevelopment Authority at its September City Strategy Committee meeting. This followed a briefing provided to Council by the Chair of the Authority, Mr Gerry Gauntlett on 2 September 2002.

Since that time Council has received a briefing on the proposed railway station redevelopment project on 4 November 2002 and other considered items related to specific projects.

At the meeting held on Monday, 2 December 2002 Council appointed delegates to the ARA Precinct Committees for the Forrestdale Business Park and Champion Lakes Projects.

## COMMENT

### **Matters in Progress**

#### *☞ **Minnawarra Festival Art Awards***

Council invited the ARA to participate in the Awards as a sponsor or purchaser and the Board has agreed to provide a significant acquisition award.

#### *☞ **Music in the Mall***

The Authority advises that it looks forward to assisting in developing the 2003 Summer Program for events in the Jull Street Mall.

#### *☞ **Champion Lakes Project***

The Mayor and CEO attended an on-site meeting with the Minister for Sport & Recreation, and Indigenous Affairs, the Hon. Alan Carpenter, MLA at Champion Lakes on Thursday 31 October. The meeting was also attended by the Minister for Planning & Infrastructure and Member for Armadale, along with the Chair of the Armadale Redevelopment Authority, Mr Gerry Gauntlett. Officers of the Authority and various Ministries, were also in attendance. It gave good opportunity to acquaint Minister Carpenter with the extent of the Champion Lakes Project. The project will require support from his Ministry both in regard to future management of the regional recreation facility, particularly the rowing course, and a potential interpretive centre recognizing the aboriginal heritage of the region.

The Champion Lakes Public Environmental Review (PER) document will be completed by 13th December 2002, endorsed by the stakeholders (CoA, DPI, ARA) then forwarded to the Department for Environment & Water Catchment Protection. Public advertising should occur for 4 weeks over January - February 2003.

Champion Lakes will be subject of a more detailed report at a later date.

Council recently appointed Cr Stewart (Cr Everts as Deputy) and the CEO to the Champion Lakes Precinct Committee which is chaired by the Mayor in his role as an ARA Board member.

#### *☞ **Wirra Willa Gardens***

See separate Confidential Report which contains commercially sensitive information (Refer Attachment B-1 as circulated with the agenda). In accordance with Council resolution CS72/02 this matter had been referred to the Armadale Redevelopment Authority to consider feasibility and options for purchase of the Wirra Willa property.

Following advice on the formal asking price and valuation, it is unlikely that the matter will be taken any further. The Armadale Redevelopment Authority Board will consider this advice at its next meeting on 11 December 2002.

☞ **Community Forum**

Council has been made aware of the forthcoming Community Forum scheduled for Saturday 14 December 2002. Community comment has been invited and interested residents invited to attend the Forum for discussion. It is anticipated that the latest plans for the railway station redevelopment will also be on display.

☞ **Rail Station Concept Plan**

WA Government Railways Architects, MPS have revised their plans following input from various stakeholders, including comments taken from presentation of the plans to Council.

New perspectives are hoped to be available for viewing at City Strategy Committee meeting, prior to the Community Forum. The ARA has requested that the plans be displayed in the Council foyer and library.

☞ **Precinct Groups**

The City has now formalised its delegates to three of the ARA's Precinct Groups. Only the City Centre Liaison Group has met in its new "guise", and Minutes have been distributed via Council's Information Bulletin.

☞ **Gateway Project**

The ARA have not yet considered this project, referred by Council in October (CS87/02). However, it is viewed as a highly visible opportunity for the Armadale Redevelopment Authority to make early contribution to the City Centre's built environs.

☞ **Concept Plan**

The Concept Plan Steering Committee is meeting monthly to develop the Masterplan.

☞ **City Library - Location**

Discussions on the possibility of a new Government office building in proximity to the rail station and CBD have raised the prospect of Council library facilities being relocated as a tenant in a new building. The possibilities of co-location with a TAFE facility, internet café and other modern library initiatives, have also been raised.

The library would be a paying "tenant" of any new building, so Council would need to consider the commercial viability of such a move.

The City is currently examining its Future Accommodation Needs (CS78/02) and the opportunities (or threats) associated with a possible relocation of the Armadale Library should be considered in conjunction with that study.

The primary consideration will be the provision of the City's Library services and how any proposed move might impact the library services Forward Plan.

The matter will be subject of a separate report, although the ARA is seeking in principle support for the concept to assist negotiations with other potential Government tenants.

☞ **Heads of Agreement**

The officers of the Technical Reference Group are preparing a Draft Head of Agreement to clarify the relationship and roles of the City and ARA.

The principles discussed so far are:-

- Heads of Agreement to address broad commitments for ARA and COA, including capital expenditure and exit strategy.
- Should also address cooperative approaches to business case planning, marketing, public relations, etc.
- Possibly structured as a series of modules, eg;
  - \* shared vision and guiding principles
  - \* cooperative arrangements (planning, marketing, PR)
  - \* capital works and cost sharing arrangements
  - \* exit strategies

Examples of other Head of Agreement are being sourced from LandCorp and other Redevelopment Authorities at Midland, Subiaco and East Perth.

☞ **Budget Co-ordination**

Discussions have been held to relate the State Budget process to Council's own Corporate Calendar and Budget planning processes with a view to coordinating forward planning.

☞ **Benchmarking Study**

The ARA has commissioned Market Equity to undertake a Benchmark Study of resident and business perceptions of Armadale. Results will be forwarded to Council.

☞ **Neighbourhood Improvement Program**

Council staff have been invited to provide a presentation on the City's NIP program (conducted with the Ministry of Housing & Works) to the ARA Board Meeting scheduled for 11 December 2002.

☞ **Southern River Regional Cabinet Visit**

As advised earlier, matters relative to the ARA were presented to the Premier and Cabinet during a Breakfast Meeting and associated discussions with Ministers on 8 November 2002. The priorities of focus were the Tonkin Highway, Champion Lakes, Forrestdale Business Park and future Brookdale development.

☞ **Relocation of Government Department**

Discussions on this subject are continuing. The ARA shares Council's view that a major Government presence, either by Department or a regional grouping of other Government agencies, is an essential target for the City Centre's redevelopment.

☞ **Other Confidential Matters – Attraction of key business**

Other matters of a confidential or commercially sensitive are referred in Attachment B-1.

☞ **Council Briefing by ARA Chairman**

Following the last briefing held in September it had been anticipated that briefings be arranged quarterly. A mutually convenient time could not be arranged for December but it is proposed that Mr Gauntlett (and other Board members) be invited to a brief the Council, prior to the Ordinary meeting scheduled for 20<sup>th</sup> January 2003.

**CS107/02      RECOMMEND**

- 1.      That the progress report on matters relating to the ARA be noted.**
  
- 2.      That the Chair of the Armadale Redevelopment Authority and Board members be invited to provide a briefing to Council, tentatively to be held at 5.30pm on Monday 20 January 2003, prior to the Ordinary Meeting scheduled for that evening.**

Moved Cr Munn

Motion Carried (7-0)

*Cr Stubbs retired from the meeting at 5.45pm*

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***CITY SUPPORT FOR CINEMAS - TENDER 19/01***

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WARD : ARMADALE  
FILE REF : PSC / 37  
TEN/19/01  
DATE : 10 Dec 02  
REF : RST/JA  
RESPONSIBLE : CEO  
MANAGER

**In Brief:-**

- ✍ Council was advised at its meeting on 21 October 2002 that negotiations with Reading had been effectively terminated and negotiations commenced with the next preferred Tenderer, Grand Cinemas.
- ✍ Grand cinemas reviewed their original tender and submitted a modified proposal which was considered by the Cinema Working Party on 10 Dec 02.
- ✍ The proposal includes a 4-screen cinema configuration with a full range of ancillary commercial tenancies.
- ✍ This proposal will require variation to the Tender and the Cinema Working Group recommends such a variation to entertain a 4 screen first stage cinema complex.

**Officer Interest Declaration**

Nil

**Strategic Implications**

Regional Centre and provision of recreational services

**Legislative Implications**

Local Government Act 1995 ... s3.1, s3.18(2), s3.18(3), s3.57

**Council Policy / Local Law Implications**

N/A

**Budget / Financial Implications**

The estimated potential cost to Council of providing assistance was noted in Council's 18<sup>th</sup> June 2000 minutes and this was updated in September 2002 reported via City Strategy.

**Consultation**

- ✍ ARA,
- ✍ Grand Cinemas
- ✍ Cinema Working Group

**Background**

At the Council meeting on 21<sup>st</sup> October it was advised that negotiations with Reading had not been able to achieve a satisfactory outcome within Tender expectations or Council's set parameters. Accordingly, negotiations had commenced with the next preferred tenderer, Grand Cinemas.

Grand Cinemas had agreed to review their original tender to assess their capacity to progress within Council's parameters. A revised proposal has now been received from Grand.

**CHIEF EXECUTIVE OFFICER REPORTED:-**

The Cinema Working group met at 4.30pm on 10 December 2002 to discuss progress on the cinema project Tender No. 19/01.

Grand Theatre Co Pty Ltd has submitted a modified proposal for a first stage 4 screen complex (2 megastadiums and 2 regular auditoria collectively comprising 1000 seats) to be accommodated on the Westzone owned Armadale Plaza site on Jull Street. Expansion to a 6 or 8 screen complex would occur at a later date when viability allowed.

New plans submitted on behalf of Grand/Westzone illustrate a 4 screen cinema configuration and screen expansion capability, compatible with the full range of ancillary commercial tenancies (cafes, restaurants, shops) previously illustrated to Council in earlier tender submissions.

The nature of support contemplated by Grand Theatre Co is within the scope of Tender 19/01 and is anticipated to be of a scale able to be considered by the City, perhaps with appropriate assistance from the ARA.

However, because Tender 19/01 specified "a minimum 5 screen complex with a potential for future expansion", the City will not be able to address the Grand proposition without offering the opportunity to each tenderer to contemplate a 4 screen (first stage) revised tender.

The Cinema Working Group is supportive of a proposition to entertain a 4 screen first stage option in relation to tender 19/01 provided that the City's previously stipulated tender requirements (operating standards, complementary tenancies, first release films etc) are met in full.

*Committee noted the CEO's Report and advice of the Cinema Working Group. It was agreed that the proposal for a 4 screen first stage cinema complex was a practical alternative to consider and that formalities to allow variation to the Tender should be expedited.*

**CS108/02      RECOMMEND**

**That Council approve a variation to Tender 19/01 (for Council support for provision of Cinemas in the Armadale CBD), that will enable acceptance of tenders for a 4 screen cinema complex, with capacity to expand to a 6 to 8 screen cinema complex.**

Moved Cr Clowes-Hollins  
Motion Carried (7-0)

*Cr Clowes-Hollins thanked councillors and staff for their hard work and support this year and extended her best wishes for a merry Christmas and a happy new year.  
Cr Zelones, on behalf of Committee, extended best wishes to the Deputy Chair for a merry Christmas and wished Cr Hodges a speedy recovery.*

**MEETING DECLARED CLOSED AT 6 PM**

