

CITY OF ARMADALE

MINUTES

OF CITY STRATEGY COMMITTEE HELD IN THE COMMITTEE ROOM,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 9
DECEMBER 2003, AT 7.00 PM.

PRESENT:

Cr D L Hopper JP	Deputy Chair
Cr V L Clowes-Hollins	
Cr A L Cominelli JP	
Cr J H Munn JP CMC	
Cr L Reynolds JP	(7.08pm – 7.57pm)
Cr H A Zelones JP	
Cr R J Tizard	Deputy for Cr Hodges

APOLOGIES: Cr G M Hodges

OBSERVERS: Cr P J Hart
Cr G Wallace

IN ATTENDANCE:

Mr R S Tame	- Chief Executive Officer
Mr A F Maxwell	- Executive Director Corporate Services
Mr I MacRae	- Executive Director Development Services
Mr A Bruce	- Executive Director Technical Services
Mr C Askew	- Director Community 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

Cr Reynolds & Cr Zelones

Page 7 Lease of Wright Lake to Armadale Redevelopment Authority
Page 11 ARA – Armadale City Centre – Extended Trading Hours
Page 14 ARA – Commerce Avenue Redevelopment

QUESTION TIME

Nil

DEPUTATION

Nil

CONFIRMATION OF MINUTES

RESOLVED

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

ITEMS REFERRED FROM INFORMATION BULLETIN

INFORMATION BULLETIN – ISSUE NO.23/2003

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

- Progress Report on Contingency, Operational and Strategic Projects
- Report on Outstanding Matters
- Minutes – SE Regional Energy Group

Committee noted the information. No items were raised for further report

I N D E X

CITY STRATEGY COMMITTEE

9 DECEMBER 2003

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WORKERS' COMPENSATION INSURANCE – BUDGET IMPLICATIONS

WARD ALL
FILE REF: INS/9
DATE 1 Dec 2003
REF AFM
RESPONSIBLE MANAGER EDCS

In Brief:

This report presents prior notice (ahead of the 6 Monthly Budget Review Report scheduled for early in the new year) of a significant budget variation relating to workers' compensation insurance and makes recommendation on a financial strategy to minimise the budget impact of like circumstances occurring in future years.

Tabled Items

Nil

Officer Interest Declaration

Nil

Legislation Implications

- Workers' Compensation & Rehabilitation Act 1981,
- Local Government Act 1995 – Section 5.49 – Workers' Compensation Arrangement

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

The adjustment premium being reported in this report exceeds the current year's budget for workers' compensation premium costs, by \$122,000.

Consultation

- Local Government Insurance Services – Municipal Workcare
- City's Management Executive (MANEX)

BACKGROUND

In 2001-02, the City based on its good claims management over several prior years, accepted a (3) Year Performance Based Contribution Agreement for workers' compensation. The Agreement enabled the City to pay a deposit premium for that year of \$206,000 that was \$122,000 less than the maximum contribution otherwise payable. A condition to the Agreement is that claim costs not exceed a nominated amount (in 2001-02 the nominated amount was \$133,000) otherwise the full premium would be subsequently payable. That year the City accordingly paid the \$206,000 and budgeted a \$50,000 Insurance Reserve Account contingency provision to minimise the financial cost impact in the event of claim costs exceeding the nominated amount.

Subsequently that year (2001-02),

- the \$50,000 provision was re-allocated in response to significant budget variations having occurred and,
- three (3) claims of a relatively serious nature occurred which in the last six months have been finalised/settled resulting in the nominated amount being exceeded,

thereby invoking a premium adjustment of \$122,000. The bill for this amount has now been received.

The history of the City's premiums paid, claim costs, nominated claim cost thresholds and possible future premium adjustments and refunds are detailed in the following table:

Details	Years						Total
	98-99	99-00	00-01	01-02	02-03	03-04	
Premiums Paid	226831	256646	286222	206078	231302	212000	1823389
Claims Limit	N/A	N/A	N/A	133482	149820	127200	
Maximum Premium	226831	256646	286222	327851	367980	371000	
Claim Costs	224738	56418	11226	257778	43991	3700	790252
<i>Possible:</i>							
- Refund	N/A	N/A	N/A	0	23656	31800	
-Adjustment Premium	N/A	N/A	N/A	121773	136678	159000	

DETAILS OF PROPOSAL

The primary purpose of this report is to provide Council with:

- advance notice of this premium adjustment ahead of it being reported as a significant budget variation in the (6) monthly Budget Review report which is scheduled to occur early in the new year,
- an explanation of the circumstances occasioning the adjustment, and
- a recommended course of future action to minimise the cost/budget impact of like circumstances occurring in future years.

COMMENT

A recent meeting with the Manager of Municipal Workcare to explore Council's options in response to the adjustment premium has only served to confirm that there are no options to the timely payment of the account and accordingly payment has been schedule to occur in December 2003.

Whilst the (6) Monthly Budget Review is several weeks off being completed, there are no current indications of any significant budget gains that could be used as a substantial offset to this premium adjustment. The Budget Report will provide options in treating the \$122,000 Budget variation.

To minimise the budget impact of a like occurrence in future years, it is recommended that consideration be given in the forthcoming 2004-05 budget year, to establishing and thereafter maintaining, an Insurance Reserve Account. In this regard, it is proposed that:

- the Reserve Account be maintained at an on-going level of \$130,000 and that this level of funding be achieved by an initial \$80,000 allocation in the 2004-05 budget supplemented by anticipated performance based refunds in years 2002-03 and 2003-04 expected to be in the order of \$25,000 per annum.

CS67/12/03 RECOMMEND

That Council:

- 1. note for inclusion in the pending (6) monthly Budget Review Report, the advice recently received from Council's insurer Municipal Workcare, regarding a workers' compensation premium adjustment of \$122,000, and**
- 2. approve \$80,000 being listed for consideration of funding in the 2004-05 Draft Budget for the purposes of establishing an Insurance Reserve Account, the purpose of such Reserve Account being to minimise the budget/financial impact of unexpected high cost insurance claims occurring in future years and that the balance of this Reserve be progressively increased to (by way of anticipated performance based refunds in future years) and maintained at, a level approximating \$130,000.**

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

Cr Reynolds joined the meeting at 7.08pm

Cr Zelones and Cr Reynolds disclosed that they are members on the Armadale Redevelopment Authority (ARA) Board. As a consequence, they advised that there may be a perception on the basis of their disclosed non-financial interest that their impartiality may be affected but declared they would set aside that association, consider the matter on its merits and vote accordingly.

****LEASE OF WRIGHT LAKE TO ARMADALE REDEVELOPMENT AUTHORITY**

WARD : WESTFIELD
FILE REF : A86977 & PSC/18
DATE : 3 December 2003
REF : IM
RESPONSIBLE : EDDS
MANAGER
APPLICANT : Armadale Redevelopment
Authority
LAND : City of Armadale
OWNER
SUBJECT : Lot 194 Lake View Terrace,
LAND : Champion Lakes,
Property size 23.374m²
Map 22.08
ZONING : Parks and Recreation / Parks
MRS/TPS No.2 : and Recreation (Region)

In Brief:-

- In July 2003 Council agree to transfer land at Wright Lake to the ARA to facilitate the development of the Champion Lakes Project.
- In view of the additional administrative difficulties associated with putting this resolution into effect it is now considered preferable to lease the land at Wright Lake to the ARA.
- Recommend that Council rescind its prior resolution CS34/7/03 of 21st July 2003; and
- agree to lease, for a term of five years with an option to renew for up to a further five years for a lease rental of \$1 per annum, to the Armadale Redevelopment Authority, its land held at Wright Lake.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Long Term Strategic Planning Initiative 1.7

In partnership with State Government, the Region and private enterprise, develop a management and funding strategy for a major recreational facility at Wright Lake.

Legislation Implications

Land Administration Act 1997

Local Government Act 1995 – Section 3.58 – Disposing of Property

Armadale Redevelopment Act 2001

Metropolitan Region Town Planning Scheme Act 1959

City of Armadale Town Planning Scheme No. 2.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

No immediate gain or loss from the leasing of the asset.

Expected gain for the region as the land is developed as part of the Champion Lakes development.

Consultation

- ◆ Armadale Redevelopment Authority
- ◆ Executive Director Corporate Services

BACKGROUND

At its meeting of 21 July 2003 Council agreed to transfer its title to Wright Lake to the ARA upon the adoption of a suitable Memorandum of Understanding between the parties and on condition that the returns from materials excavated from Wright Lake and Champion Lakes be reinvested in the Champion Lakes Project and the permanent representation by Council on any Boards relating to development and management of the Champion Lakes Project.

At its meeting of 15 September 2003 Council agreed to a Memorandum of Understanding between the City and the ARA and specifically to the Schedule in respect of the Champion Lakes Regional Recreation Park. The Schedule committed the City to (inter alia) the transfer of its land holding to the ARA.

The transfer of Wright Lake would result in various approval processes being reactivated as some approvals have been specifically granted for the owner and cannot be easily transferred along with the title. Accordingly there are benefits in retaining City ownership of Wright Lake and arranging for an appropriate lease between the ARA and the City. Accordingly it is proposed that the previous resolution be rescinded and the City enter into a lease agreement with the ARA with respect to Wright Lake.

COMMENT

Works on the Tonkin Highway and excavation at Champion Lakes have commenced in accordance with the environmental and planning approvals. In addition works are being undertaken in accordance with the conditions set out by the Minister for Indigenous Affairs in his Section 18 approval.

While the City and the WAPC were the initial proponents for these works, the ARA has now taken over this role. Although there would be some benefit in transferring all the associated land to the ARA, this would be outweighed by the disbenefit of having to recommence approval processes where the essence of the approval is settled.

In order to facilitate the development envisaged in the ARA Concept Plan while minimising risks to Council during project development, the lease agreement will make reference to the Concept Plan, provide appropriate provisions relating to powers to sub-lease, and provide indemnity cover for Council. Other matters governing the manner in which development will be administered in ARA areas have been addressed in the Memorandum of Understanding.

Options

Council appears to have two options:

1. Pursue the transfer of Wright Lake to the ARA in accordance with the resolution of 21 July 2003.
2. Arrange for the leasing of Wright Lake to the ARA subject to suitable conditions.

CONCLUSION

The Champion Lakes Project is now visibly moving forward. It is necessary to ensure that Wright Lake forms part of the project, however there would be administrative advantages in leasing rather than transferring the land to the ARA and accordingly Option 2 is preferred. It is recommended that Wright Lake be leased to the ARA subject to appropriate lease conditions and the conditions previously imposed relating to the need to reinvest generated funds at Champion Lakes and secure Council representation on decision making bodies relating to the Champion Lakes Project.

CS68/12/03 RECOMMEND

1. **That Council rescind its prior resolution CS34/7/03 of 21st July 2003, namely:**

“That Council agree to transfer its title to Wright Lake, held under Certificate of Title Volume 54, Folio 24A, to the Armadale Redevelopment Authority in fee simple upon the adoption of a suitable Memorandum of Understanding between the Armadale Redevelopment Authority, Western Australian Planning Commission and the City of Armadale regarding management issues, and on the condition that:

- **Any returns from materials excavated from the Wright Lake and Champion Lakes project area be reinvested in the Champion Lakes Project.**
 - **The transfer of the land is dependent upon permanent substantive Council representation/membership of any Boards dealing with policy issues and ongoing management for the Champion Lakes project to ensure its continuation in the decision making process for the project.”**
2. **That, subject to appropriate indemnity cover, Council agree to lease, for a term of five years with an option to renew for up to a further five years for a lease rental of \$1 per annum, to the**

Armadaled Redevelopment Authority, its land held under Certificate of Title Volume 54, Folio 24A for the purposes of development consistent with the Armadale Redevelopment Concept Plan and subject to the following conditions:

- **Any returns from materials excavated from the Wright Lake and Champion Lakes project area be reinvested in the Champion Lakes Project.**
- **The transfer of the land is dependent upon permanent substantive Council representation/membership of any Boards dealing with policy issues and ongoing management for the Champion Lakes project to ensure its continuation in the decision making process for the project.**

****ABSOLUTE MAJORITY DECISION REQUIRED**

Moved Cr Munn
Motion Carried (7-0)

Cr Zelones and Cr Reynolds disclosed that they are members on the Armadale Redevelopment Authority (ARA) Board. As a consequence, they advised that there may be a perception on the basis of their disclosed non-financial interest that their impartiality may be affected but declared they would set aside that association, consider the matter on its merits and vote accordingly.

**ARMADALE REDEVELOPMENT AUTHORITY – ARMADALE CITY CENTRE –
EXTENDED TRADING HOURS**

WARD : ALL
FILE REF : PSC/38
DATE : 4 Dec 2003
REF : RST
RESPONSIBLE : CEO
MANAGER

In Brief:-

- The ARA is seeking permission from the Department of Consumer & Employer Protection (DCEP) for “7 day” trading hours to coincide with the Perth International Arts Festival events (15 Feb 2004) and Minnowarra Arts Festival (4 April 2004).
- Approvals must be submitted by the Local Authority and are subject to stringent conditions.
- Required consultation has taken place and letters of support have been received from the Member for Armadale, Chamber of Commerce and Armadale Shopping City.
- It is recommended that Council support the application for extended trading hours in the Armadale Central Business District on 15 Feb 2004 and 4 April 2004 and that the CEO be authorised to forward the required submission to the DCEP subject to compliance with the Department’s requirements.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Long Term Strategic Planning – *“promote employment and residential growth, encouraging the economic well-being of the community.”*

Development – *“To balance the need of development with sustainable economic, social and environmental objectives”.*

Legislation Implications

Armadale Redevelopment Act 2001

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil

Consultation

The ARA has consulted with the Hon Alannah MacTiernan, Member for Armadale, Chamber of Commerce and Armadale Shopping City.

BACKGROUND

The Armadale Redevelopment Authority has taken up the matter of extended trading hours on the Armadale City Centre with the Department of Consumer and Employment Protection. It is proposed that permission be sought for “seven day” trading hours to coincide with Perth International Arts Festival events in Armadale (15 February 2004) and the Minnowarra Arts Festival (4 April 2004).

Approvals must be submitted by the Local Authority and are subject to stringent conditions requiring consultation with local business groups and retailers.

COMMENT

The consultation process is underway and a letter of support has been received from the Minister for Armadale, the Hon Alannah MacTiernan.

The submission is required to demonstrate the following:-

Community Significance

Clearly demonstrate that the proposed event has significance and importance to the local community.

Trader Support

There must be a substantial level of support by large and small retailers.

Rights of Traders to Exercise Individual Discretion

Confirmation should be made in the submission that all resident traders have been advised of their rights to exercise individual discretion whether to open or not during periods of the proposed trading extension.

Organisations, groups or Associations Consulted

Endorsement or support from relevant trader associations, Chamber of Commerce or other retailer groups is required.

Views of Local Members of Parliament

The Council must show that it has contacted local Members of Parliament to ascertain their views on the proposed variation and report these.

Previous Applications

Applications for trading hours exemptions in support of special Local Government sponsored events will be considered no more frequently than twice in any 12 month period. It is also important to note that the Department of Consumer and Employment Protection will not consider submissions made within 12 months of a previous application which was defeated / not approved due to insufficient retailer and/or community support. Submissions should indicate the date of any previous application.

The Chamber of Commerce has indicated its support and are prepared to support the proposal on a trial basis.

As submissions are required at least 4 weeks prior, Council approval is now sought to enable appropriate consultation. The CEO could be authorised to make the submission, subject to the Department of Consumer and Employment Protection Conditions 5 to 8, as indicated above, relating to traders, industry groups and local MPs being fulfilled.

CS69/12/03 RECOMMEND

That Council:-

- 1. support and make application for approval of extended trading hours in the Armadale Central Business District for the 15 February 2004 and 4 April 2004. This will enable those local businesses that choose to participate to benefit from extra customers due to persons attending Perth International Arts Festival events and the Minnowarra Arts Festival respectively, on the two days submitted.**
- 2. The Chief Executive Officer be authorised to forward the submission to the Department of Consumer & Employment Protection (DCEP), subject to compliance with the DCEP's requirements with regard to trader support, right of traders, organisations and local Members of Parliament.**

Moved Cr Munn
Motion Carried (7-0)

Cr Zelones and Cr Reynolds disclosed that they are members on the Armadale Redevelopment Authority (ARA) Board. As a consequence, they advised that there may be a perception on the basis of their disclosed non-financial interest that their impartiality may be affected but declared they would set aside that association, consider the matter on its merits and vote accordingly.

***ARMADALE REDEVELOPMENT AUTHORITY – COMMERCE AVENUE
REDEVELOPMENT***

WARD : ALL
FILE REF : PSC/38
DATE : 4 Dec 2003
REF : RST
RESPONSIBLE : CEO
MANAGER

In Brief:-

- The redevelopment of Commerce Avenue will require the removal of a number of the Sugar Gums.
- The ARA is seeking Council's support in a "Roots to Crown" competition i.e. woodcraft competition similar to the "One Tree" competition held in Tasmania.
- The concept would be to invite woodcraft disciplines to participate in the full utilisation of **one** of the Sugar Gums required to be removed and the products from the competition would then record the tree's place in history.
- It is recommended that Council
 - recognise the need for removal of at least one of the Sugar Gums in Commerce Avenue;
 - support the concept of a "Roots to Crown" woodcraft competition; and
 - contribute up to \$6000 to the project from the Streetscape Improvement Program (A/c 86044)

Strategic Implications

Long Term Strategic Planning – *"promote employment and residential growth, encouraging the economic well-being of the community."*

Development – *"To balance the need of development with sustainable economic, social and environmental objectives"*.

Legislation Implications

Armadale Redevelopment Act 2001

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

The recommended contribution of \$6,000 towards the project cost can be accommodated within the 2003-04 Budget.

Consultation

Nil

BACKGROUND

It is recognised that the redevelopment of Commerce Avenue, in association with the relocation of Armadale Station, will require the removal of at least one or more of the Sugar Gums in Commerce Avenue.

The Commerce Avenue “master plan” is still under preparation. However, the ARA seeks Council support in a “Roots to Crown” competition similar to the “One Tree” competition held in Tasmania, where artists and craftspersons were invited to take part in a competition using the wood and material provided from one selected tree.

The Tasmania concept was described as follows [www.onetree.org]:-

A stringy bark tree deemed unfit for milling destined to be turned into woodchips?

Tasmanian artists have made a diverse range of products: furniture, sculptures, industrial prototypes, instruments and textiles. The whole tree has been used, from the roots to the leaves.

- *Visit the online exhibition and auction*
- *Learn more about the project*
- *Browse the one tree library*

In a similar vein, wood craft disciplines would be invited to participate in the full utilisation of one of the Sugar Gums which are required to be removed from Commerce Avenue. A number of these disciplines operate in the Armadale/Serpentine-Jarrahdale districts.

The products from the competition become a celebration and record of the trees place in local history.

COMMENT

The ARA seeks Council support for the “Roots to Crown” concept and joint sponsorship of prizes requiring Council participation of approximately \$6,000. It is recommended that the City participate, acknowledging earlier recognition that some of the Sugar Gums will need to be replaced and that it’s important to engage and involve the public in the reasoning behind this step.

Funding for the competition may be provided from the Streetscape Improvement Program Account. (A/c NO. 86044).

CS70/12/03 RECOMMEND

That Council

- 1. recognise the inevitability of removal of a number of the Sugar Gums in Commerce Avenue as part of the Armadale Station Redevelopment and support the concept of a “Roots to Crown” arts/craft competition to capture and celebrate the Sugar Gums place in local history.**
- 2. contribute up to \$6,000 to the project with funds to be provided from the Streetscape Improvement Program Account.**

Moved Cr Munn
Motion Carried (7-0)

SECURITY AT THE ADMINISTRATION CENTRE CARPARK

WARD ALL
FILE REF: A43725
DATE 26 Nov 2003
REF JNG
RESPONSIBLE EDTS
MANAGER

In Brief:

- An investigation of appropriate security measures for after-hours meetings has been carried out.
- The Senior Constable from the Armadale Crime Prevention Office was invited to conduct a security appraisal of the Administration Building carparks.
- The following action is recommended as a means of crime prevention through environmental design:
 1. Install at least one floodlight to cover the Councillors' carparking area. (\$3000)
 2. Alter the existing security system to incorporate a "secured area" which also enables an early alert to the authorities. (\$500)
 3. Install additional strengthening bars to the mesh located in the undercroft. (\$500)
 4. Install additional lighting to cover the area immediately outside the undercroft driveway gates. (\$500)

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Social Infrastructure

- 3.3 Investigate other ways of improving public safety and security

Legislation Implications

Nil

Council Policy/Local Law Implications

Nil.

Budget/Financial Implications

\$5,500 funded from Property Services, Parks and Gardens and Civil Works.

Consultation

Executive Director Technical Services, Armadale Police Crime Prevention Office, Electrical Contractor

BACKGROUND

At its Ordinary Meeting on 3rd November 2003, Council resolved (T108/10/03) as follows:

“That the issue of security in the Administration Centre carpark be referred to the City Strategy Committee for consideration.”

COMMENT

The matter of security of vehicles parked in the Council car parks during night meetings has also been put forward. Concern has been raised about the safety of staff and Councillors leaving the Council building late in the evening.

In July 2003, Council’s Manager, Property Services had approached the Armadale Police Crime Prevention Office to discuss the incidents occurring at the Administration Building carpark and undercroft and requested that a security appraisal be carried out.

The security appraisal was conducted on Monday 4th August 2003 and following is a brief summary of the reported outcomes from the Senior Constable of the Armadale Crime Prevention Office:

- It was observed that the Councillors’ and public carpark outside the Council Chambers is isolated and lighting of this area could be considerably enhanced. Additionally, the carpark is isolated from the road and does not have high pedestrian movement making it more susceptible to vandalism and stealing offences. To overcome this situation, it was suggested that at least one floodlight be used in this area. This will not only deter would-be offenders but should also provide a greater sense of personal safety for Councillors and staff. It was also suggested that the large trees and bushes growing against the Council building adjacent to the Councillor’s carparking base could be trimmed or removed to prevent possible shadowed hiding places for offenders.
- The undercroft security was deemed to be of a good standard, however in view of the recent theft from a vehicle some increase in security may be required. Even though repairs have been carried out to the mesh where the offender gained entry, unless additional strengthening bars are fitted, further similar offences could occur.
- Council’s plans to alter the existing security system to separately alarm the undercroft parking area will not deter any would-be offenders from entering the secured area, however it will give an early alert to the authorities. The alarming of this area will also prevent the occurrence of an offender sneaking into the area whilst employees drive their cars in or out of the parking area.
- Additional lighting be fitted to cover the area immediately outside the undercroft driveway gates was suggested as this area is presently not well lit and may provide a dark location for offenders to hide. This could be overcome by placing a light on the existing pole at the northwest corner of the building, enabling light to cover the northern side of the carpark (where a previous offence took place).

CONCLUSION

In view of the vandalism and break-in incidents that have occurred recently, the following action is recommended as a means of crime prevention through environmental design:

- Install at least one floodlight to cover the Councillors' carparking area estimated at \$3,000.
- Alter the existing security system to incorporate a "secured undercroft area" which also enables an early alert to the authorities estimated at \$500.
- Install additional strengthening bars to the mesh located in the undercroft estimated at \$500.
- Install additional lighting to cover the area immediately outside the undercroft driveway gates estimated at \$500.

Selective pruning of shrubbery is already undertaken.

Committee also requested that consideration be given to the installation of lighting behind History House.

CS71/12/03 RECOMMEND

1. **That Council approve the following crime prevention measures for the Administration Building and undercroft carparks:**
 - a) **Alter the existing security system to incorporate a "secured area" which also enables an early alert to the authorities. (\$500).**
 - b) **Install additional strengthening bars to the mesh located in the undercroft. (\$500)**
 - c) **Install additional lighting to cover the area immediately outside the undercroft driveway gates. (\$500)**
 - d) **Install at least one floodlight to cover the Councillors' carparking area. (\$3000)**
2. **That the estimated cost of \$4,500 associated with the above works be directly debited to M101 GL1703740 (\$1,000), M92 GL1551020 (\$3,500).**

Moved Cr Zelones
Motion Carried (7-0)

OATHS AND AFFIRMATION OF ALLEGIANCE

WARD ALL
FILE REF: GOV/51; CRS/1
DATE 1 Dec 2003
REF SDS
RESPONSIBLE Chief Executive
MANAGER Officer

In brief:

- In January 2002, an alternative option to the Oath and Affirmation of Office was forwarded by WALGA to the Minister for Local Government for incorporation into a review being undertaken by the Attorney General.
- In April 2003 the review was completed and the State Government resolved to introduce amending legislation to replace all references to the Queen with allegiance to the State of WA from oaths and affirmations relating to the State.
- In October 2003, in response to the review, the State Council advised the Attorney General that Local Government supports the amendment to allow elected members to swear allegiance to either the Queen or the Commonwealth of Australia.
- However, in response to advice from the Crown solicitor's office, the Attorney General now advises that a different Bill is being drafted which will remove the requirement for persons to take oaths of allegiance as only declarations of office will now be required.
- As a result of this decision the State Government is proposing to amend the Local Government Act to simply require elected members to make a declaration of office only.
- WALGA are inviting comments on this proposal from local governments in order to respond to the Attorney general.
- *Committee recommended that Council advise WALGA that any declaration or oath required by a councillor be to the Commonwealth of Australia rather than a Head of State.*

Strategic Implications

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

Legislation Implications

Section 2.29 of the Local Government Act 1995 requires all elected members to take an oath or affirmation of allegiance and make a declaration in the prescribed form before acting in office. The form is prescribed in the Local Government (Constitution) Regulations 1998.

COMMENT

The following has been received as an InfoPage from WALGA for comments from Local Government:

At the State Council meeting in October 2003, the Association considered a matter related to the requirement under the *Local Government Act 1995*, for a person elected either as Mayor, President, or Councillor to take an oath or affirmation of allegiance and make a declaration in the prescribed form before acting in their office. There is no provision within the Act for swearing allegiance to anyone other than the Queen.

This matter has been the subject of protracted consideration by Local Government, with motions carried at both the 1999 and 2001 Annual Conferences of the Local Government Association. The matter was further considered at the State Council meeting in December 2001. The resolution carried on that occasion reads as follows:

That State Council supports the adoption of an alternative option to the Oath and Affirmation of office, "the Commonwealth of Australia and act in the best interests of the people of their district", for all Local Governments in Western Australia.

This alternative format was seen to provide a choice for elected members when taking office to reflect the spirit of local community aspirations.

The Association wrote to the Minister for Local Government and Regional Development, the Hon Tom Stephens MLC, in January 2002 advising of State Council's resolution and seeking the inclusion of the Local Government perspective into a review being undertaken by the Attorney General into the form of oaths and affirmations.

In April 2003, the Attorney General, the Hon Jim McGinty MLA, advised the Association that the review had been completed and that the State Government had resolved to introduce amending legislation to remove all references to the Queen from oaths and affirmations relating to the State. References to the Queen would be replaced with allegiance to the State of Western Australia. This change would extend to oaths and affirmations made by State Parliamentarians, judges and lawyers, as well as a variety of legal instrumentalities (affidavits, indictments etc).

Resulting from the review, the Attorney General sought to extend the removal of the Queen and substitution of some other authority (such as the Commonwealth of Australia or State of Western Australia) from oaths and affirmations taken by Local Government elected members. The view expressed by the Attorney General was that Local Government will be out of kilter with the direction being taken by the State if it retains the capacity to swear an oath or affirmation of allegiance to the Queen.

In response to the review the State Council resolved at its October 2003 meeting:

That the Attorney General be advised that Local Government supports amendment to the form of oaths and affirmations of allegiance, pursuant to the Local Government Act 1995 and Local Government (Constitution) Regulations 1998, to allow elected members to swear allegiance to either the Queen or the Commonwealth of Australia and acting in the best interests of the people of their district.

The Attorney General has now advised in response that a different Bill is being drafted to provide among other things all oaths and affirmations of office in WA legislation will be amended to modernise the terminology. Following advice from the Crown Solicitors Office the draft Bill will also remove the requirement for persons to take oaths of allegiance as only declarations of office will now be required. The essential element of the advice from the Crown Solicitor's Office was that all persons who are citizens of Australia already owe allegiance to the Queen in her capacity as Queen of Australia. It follows that as an allegiance is already owed to the Queen then it is inappropriate to prescribe an oath or affirmation of allegiance to some other entity such as the State of Western Australia or to the Commonwealth.

As a consequence of this advice, the Attorney General has confirmed that there appears to be no requirement in Western Australian legislation for persons to take oaths of allegiance and that only declarations of office should be required.

The result of this decision is that the State Government is proposing to amend the Local Government Act to remove the requirement to take an oath or affirmation of allegiance and simply require a Mayor/President, Deputy Mayor/Deputy President and Councillor to make a declaration of office only.

In order to respond to the Attorney General the Association seeks your comments on this proposal as soon as possible.

This report was submitted for Committee discussion and recommendation.

Committee was unanimous in its support that whether it be an oath or a declaration that is required, councillors would be proud to pledge allegiance to the Commonwealth of Australia and the community that they have been elected to represent rather than a Head of State.

CS72/12/03 RECOMMEND

That Council advise WALGA that any declaration or oath, whether it be by Mayor/President or Councillor, be to "Australia" rather than a Head of State.

Moved Cr Reynolds
Motion Carried (7-0)

PUBLIC RELATIONS COORDINATOR – LATE ITEM

WARD ALL
FILE REF: COA; PSF
DATE 9 Dec 03
REF RST
RESPONSIBLE CEO
MANAGER

In brief:

- Council is aware of the contract appointment of Mr Martyn Boyle as the City's Public Relations Coordinator. Mr Boyle was initially appointed on a 6-month contract basis ending 27 February 2003.
- The City is reaping the benefits of improved media relations and publications as a result of this appointment and it is proposed that a new contract be offered to the PR Coordinator.
- Council support is being sought for funding of a 3-year contract for the PR Coordinator commencing from 1 January 2004 and it is recommended that additional funding of \$25,000 be included in the Five Year Financial Plan and that funding for this position be considered a priority in formulating the 2004/05 Annual Budget.

Tabled Items

Nil

Officer Interest Declaration

Nil

Strategic Implications

Communication:

Our aim is :-

- to achieve dialogue with the community in order to have a clear understanding of the community's needs and expectations;
- to promote and market the City, its opportunities and potential – outside the City and within;
- to ensure all our communication is readily understood by the target market.

Legislation Implications

Nil

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

No impact on current financial year but an additional \$25,000 per annum will be required on the Five Year Financial Plan for 2004/05 and beyond.

Consultation

Nil

BACKGROUND

Council is aware of the contract appointment of Mr Martyn Boyle as PR Coordinator for the City as part of its Public Relations program. The City has been committed to improved public relations and communication with the broader community, but had not been able to establish practical resources in the PR area that met its Budget capability.

Mr Boyle was initially appointed on a 6 month contract basis, with the initial term due to end on 27 February 2004. The appointment has worked extremely well and Council is reaping the benefit of improved media relations and publications.

The CEO has proposed a new Contract to the PR Coordinator and seeks Council support for funding of the position to 31 December 2006, enabling offer of a 3 year contract from 1 January 2004.

COMMENT

The proposal will not impact on the current 2003-04 Municipal Budget, but will require an increase of approximately \$25,000 p.a. on the current Five Year Plan allocation for subsequent years.

The City is already receiving considerable PR benefit from this new position and will advance further with release of a "City Views" Newsletter in the next 2 weeks. It will be recommended that Council note the appointment of a PR Coordinator for an extended period and that additional funding of \$25,000 p.a. be included in the Five Year Financial Plan and considered as a priority for funding in formulating the 2004/05 Annual Budget.

CS73/12/03 RECOMMEND

That Council note the appointment of a Public Relations Coordinator for a three year period, commencing 1 January 2004, and that additional funding of \$25,000 per annum be included in the Five Year Financial Plan and considered as a priority for funding in formulating the 2004/05 Annual Budget.

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

STATE ELECTION STRATEGY – LATE ITEM

WARD : All
FILE REF : ELT/4
DATE : 5 Dec 2003
REF : RST
RESPONSIBLE : CEO
MANAGER

In Brief:-

- In June 2000, Council approved a State Election Strategy paper to guide its approach to both sides of politics in the lead up to an election.
- As it is apparent that there will be a Federal Election and a State Election in the impending 12 to 15 months, Council needs to consider a Strategy.
- State Government support will be essential to ensure that the City and the ARA can advance those projects that are in train and Federal Government support will also be essential to complement these State Government and City initiatives.
- It is recommended that a “Government Partnerships – State and Federal” strategy be prepared in anticipation of forthcoming State and Federal elections.

Tabled Items

Nil.

Officer Interest Declaration

Nil.

Strategic Implications

Long Term Strategic Planning - to achieve a better quality for the people of our City.

- ♦ Seek the advocacy of State and Federal Government representatives to promote employment and residential growth for the City.

Communication - create stronger communication links with Government agencies, industry and commercial groups

- ♦ Conduct suitable political briefing sessions at the Federal and State Government level.

Legislation Implications

Nil.

Council Policy / Local Law Implications

Nil.

Budget / Financial Implications

Nil

Consultation

N/A

BACKGROUND

In an unexpected twist to the process, then Mayor, Cr Roger Stubbs nominated as an independent candidate to the election. As a result, he could no longer participate in Council's Election Strategy.

Approximately 7 months prior to the last State Election the CEO presented a Confidential Discussion Paper titled "State Election Strategy". This was then used as a guide to Council's approach to both sides of politics in the lead up to the election (See Confidential Attachment).

Following the State Election, Council received a report on the Strategy, which outlined the process shown in Table-1 below:-

15 August 2000	- Memo form CEO to all Councillors, suggesting:- <ul style="list-style-type: none"> • Govt./Opposition manifesto? • Timeframe of strategy.
18 August 2000	- Letter to Premier
29 August 2000	- Letter to Dr Gallop
24 October 2000	- Follow up letter to Premier
25 October 2000	- Follow up letter to Dr Gallop
25 October 2000	- Letters to all local State Parliamentarians
1 November 2000	- Copies to all Councillors
13 November 2000	- Letter to State Minister for Transport
14 November 2000	- Letter to Premier
	- Letter to Federal Minister for Transport
	- Letter to Local State Government MPs suggesting Government is ignoring region.
16 November 2000	- Response from Premier's Office
17 November 2000	Premier visits Armadale, meets with Council representatives <u>Agenda:</u> <ul style="list-style-type: none"> • Tonkin Highway Extension • Strategic Regional Centre • Strategic Taskforce – Armadale Region Armadale Development Authority mooted Premier's Department contact set up
21 November 2000	Letter to Premier, confirming discussion
22 November 2000	Letter to Dept. of Premier & Cabinet
23 November 2000	Letter to Dept. of Premier & Cabinet
24 November 2000	Letters to key land development groups advising of Premier's discussions and need for lobbying support
24 November 2000	Letter to Minister of Housing, referring to need for "whole of Government" approach.

<p>14 December 2000</p>	<p>Meeting with Leader of Opposition (Dr Gallop), Member for Armadale (Alannah MacTiernan) and Labor candidate for Southern River (Paul Andrews)</p>
<p>14 December 2000</p>	<p>Report to City Strategy Committee, advising as follows:</p> <p><i>The City of Armadale team briefed the Opposition Party representatives on the pivotal role that the Tonkin Highway had to play in the economic development of the region and sought commitment from them to a whole of Government approach to the Strategic Regional Centre's development. It was pointed out that Council has already undertaken a range of planning activities and studies, e.g. Integrated Transport and Land Use Strategy, Enquiry-by-design, Champion Lakes Project, Forrestdale Business Park Study, Cultural Facilities Assessment and others. Without State or Federal Government support Armadale will not be able to progress as a viable Strategic Regional Centre.</i></p> <p><i>Unfortunately, no commitment was made by either parties, however they have undertaken to consider the issues raised with them when putting together their policy document to be released when the election campaign starts.</i></p> <p><i>It was also reported that the Mayor and CEO met with officers from the Department of Transport and Regional Services in Canberra to discuss the proposition of Federal funding for the Tonkin Highway project. It was submitted to the Department that the Tonkin Highway met the criteria set down for the "Roads to Recovery" program and should be eligible for funding under this program. The Department were aware of the project and appreciated the detailed information provided. Assurances were given that it would be considered when funds are being apportioned under this Program.</i></p> <p><i>Committee discussed the matter at length and suggested that the next step in Council's strategy would be to enlist the support of the community either through an advertisement in the local newspapers or through a community newsletter drop. This would communicate to the community the initiatives that Council have taken towards the economic development of the region and the onus now rested with the Government and Opposition to complement those initiatives with State Government action.</i></p>

	<p><i>Council Resolution C79/00</i></p> <ol style="list-style-type: none"> 1. <i>That the update on initiatives already undertaken in the context of Council's Election Strategy be noted.</i> 2. <i>That the Mayor and Chief Executive Officer continue efforts to heighten the profile of the City's strategic development interests enlisting the support of Local Member of Parliament and key economic development stakeholders in order to promote and forge an effective financially resourced State and Local Government partnership that will expedite development of the Armadale Strategic Regional Centre, the Tonkin Highway and associated regional economic, recreation and cultural objectives.</i> 3. <i>That the next step in Council's election strategy be to advise the community through either an advertisement in the local newspaper or a community newsletter drop of the various initiatives undertaken by Council for the economic development of the region. Such a communication should clearly indicate that there was an expectation that these initiatives now require strong action and support from the State Government for the Armadale region to prosper.</i>
18 December 2000	Discussion with Premier & Cabinet
19 December 2000	Discussion with Premier & Cabinet
21 December 2000	Mayor advises of intention to nominate for State Election (see attachment)
22 December 2000	CEO responds to Mayor, confirms disassociation from Council's strategy
28 December 2000 – 10 January 2001	- Discussion on press release held with Deputy Mayor and Chairman of Committees.
5 January 2001	Mayor requests Special Meeting of Council
8 January 2001	Special Meeting held, Mayor publicly announces intention. Deputy Mayor, Cr Reynolds and CEO authorised as spokespersons
10 January 2001	Memo from CEO to Deputy Mayor and Cr Reynolds confirming Council's strategy
11 January 2001	Discussion with Premier & Cabinet
10 January 2001	- Armadale advertisement and press releases made.
10 January 2001 – 10 February 2001	- Numerous articles, press releases.
11 January 2001	- Sought press release from Member for Armadale re: election commitments.
15 January 2001	- Council Meeting determines letters be sent to Premier and Leader of the Opposition. Still no official response from either party leader.

19 January 2001	- Letter to Premier
	- Letter to Dr Gallop
	- Copies to local members with request for support.
23 January 2001	- Letter to all candidates seeking “vision for the Armadale region”.
23 January 2001	- Discussion with Department of Premier & Cabinet.
28 January 2001	- Premier announces Tonkin Highway to be brought forward.
30 January 2001	- Further discussion with Department of Premier & Cabinet.
30 January 2001	- Response from various local candidates, including Member for Armadale.
30 January 2001	- Response from Dr Gallop
30 January 2001	- Letter from Premier, including Armadale Redevelopment Authority proposal.
30 January 2001	- Special Meeting of Council to discuss State Election Strategy.
10 February 2001	- State Election
19 February 2001	- Council resolved that CEO provide report.

The outcome of Council’s strategy was that both the Coalition and ALP committed to a focus on Armadale. The new Gallop Labor Government made the following commitment on election:-

- Create an Armadale Redevelopment Authority to kick start the renewal of Armadale’s retail and business district. Labor will provide \$1 million seed funding for the Authority with further funds coming from land sales.
- Extend Tonkin Highway from Gosnells to Armadale Road by 2004 and to Mundijong by 2006 which will allow development of the proposed Forrestdale Business Park area and remove most heavy haulage transport from local roads.
- Upgrade the Armadale and Kelmscott railway stations and precincts.
- Undertake a feasibility study into relocating a substantial government department to Armadale.

It is apparent that there will be a Federal Election within the next 12 months and a State Election within 15 months. Council needs to consider its Strategy to achieve the highest degree of partnership with both State and Federal Governments as it enters a new growth phase.

COMMENT

Council’s Strategic Objectives will be inextricably linked to the Armadale Redevelopment Authority over the next 8 years.

However, the City must be prepared for the outcomes of both State and Federal elections, and, in particular, changes or opportunities emanating from Government policy and programmes. Government support will be essential to ensuring that the City and ARA can deliver projects such as redevelopment of the CBD, Champion Lakes, Forrestdale Business Park and the Brookdale residential precinct.

It will also be essential that Federal Government support be attracted to complement State Government and City initiatives if the Armadale region is to reach its true potential.

It is suggested that this report and discussion be the first step towards a new Strategy, perhaps titled Government Partnerships to differentiate from the previous process.

Committee, in acknowledging the support received from the current State Government following the last election discussed those matters which would require both Federal and State commitment. It was recognised that a Government Partnerships Strategy would be the best approach to enlist the support of both State and Federal Governments for bringing together Council's (and the ARA's) strategic initiatives for the Armadale region.

CS74/12/03 RECOMMEND

That Council prepare a "Government Partnerships – State and Federal" strategy in anticipation of forthcoming State and Federal elections.

Moved Cr Munn
Motion Carried (7-0)

COUNCILLORS' ITEMS

Cr Zelones – Grants Commission – Public Hearing

Cr Zelones advised that he had found it extremely interesting to observe the proceedings at the Grants Commission Public Hearing that was held earlier in the day in Council's Committee Room (also attended by Crs Munn and Hart). The Management Executive surpassed themselves with a very effective powerpoint presentation which he felt made a very successful impact on the Commission.

On behalf of Council Cr Zelones, extended his congratulations to the CEO and Manex team for its very professional approach.

CHIEF EXECUTIVE OFFICER'S REPORT

Nil

As Acting Chair, Cr Hopper thanked councillors and staff for their hard work and support on the Committee over the year and extended her best wishes for a merry Christmas and looked forward to working with the team in the new year.

Cr Reynolds responded on behalf of Committee in extending best wishes to the Deputy Chair for the Christmas season. The Chief Executive Officer responded on behalf of staff.

MEETING DECLARED CLOSED AT 7.57 PM

