

**ORDINARY MEETING OF COUNCIL
10 August 2009**

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CITY OF ARMADALE

MINUTES

OF ORDINARY MEETING OF THE ARMADALE CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 10 AUGUST 2009 COMMENCING AT 7.04 PM

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Reynolds, declared the meeting open at 7.04 pm.

2 RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE (previously approved)

PRESENT:

Mayor, Cr L Reynolds AM JP presided over	Heron Ward
Deputy Mayor, Cr J H Munn JP CMC	Lake Ward
Cr C J MacDonald	Lake Ward
Cr J Knezevich	Minnawarra Ward
Cr K Lethbridge JP	Minnawarra Ward
Cr R J Tizard	Neerigen Ward
Cr G A Best	Neerigen Ward
Cr H A Zelones JP	River Ward
Cr R Butterfield	River Ward
Cr L Scidone	Jarrah Ward
Cr P J Hart	Jarrah Ward
Cr W Mauger	Palomino Ward
Cr J Everts	Palomino Ward
Cr J A Stewart CMC	Heron Ward

IN ATTENDANCE:

Mr A F Maxwell	A/Chief Executive Officer
Mr I MacRae	Executive Director Development Services
Mr W A Bruce	Executive Director Technical Services
Mrs Y Coyne	Executive Director Community Services
Mr N Cain	A/Executive Director Corporate Services
Ms Y Ward	CEO's Executive Assistant (Acting)

Public: 5
Press: Nil

LEAVE OF ABSENCE:

APOLOGIES:

Apologies were received from the Chief Executive Officer.

**3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS
 TAKEN ON NOTICE**

Nil

4 PUBLIC QUESTION TIME

Mr Judd – 54 Clifton Street, Kelmscott

Q-1 Relating to a "hoon" problem in Clifton Street, Kelmscott, Mr Judd asked whether Councillors were aware of the serious injury (broken leg) sustained by his wife as a result of hoon driving in Clifton Street, Kelmscott and asked what measures were being taken by Council to address the problem in the area. When residents of Clifton Street were asked to consider the placement of speed hump devices and patrol vehicles in Clifton Street, they were not aware of the serious injury that his wife had sustained.

Cr Reynolds advised that the matter was considered at the Technical Services Committee and based on the feedback received from the other residents of Clifton Street, Kelmscott, speed humps were not considered to be the answer to the hoon problem and that a more holistic approach was warranted because the placement of speed humps in Clifton Street of themselves would simply move the traffic problem to the next street. There needed to be a wider study of the area. Whilst this does not provide an immediate answer, it is one that is going to save Council from repeating an exercise in every parallel street, as the problem moves from one street to another. Council operates from a Main Roads database which records accidents but it would appear that it takes a while for accidents to be recorded on that database.

Public Question Time closed at 7.12 pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY MEETING OF COUNCIL
HELD ON 27 JULY 2009

CORRECTIONS:

Contents Page (2) Matters for Referral to Standing Committees –
Without Discussion
The word “Conisderation” be amended to read
“Consideration”.

Page 1 Date be changed from 22 June 2009 to **27 July
2009.**

MOVED Cr Stewart that, subject to the above corrections, the Minutes of the Ordinary Meeting of Council held on 27 July 2009 be confirmed as a true and accurate record.

197/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 Health Council’s Healthy Communities Project

On 28 July 2009, along with Cr Butterfield, the Mayor welcomed guests to the inaugural meeting of the Health Council’s Healthy Communities Project in the Function Room. Armadale is one of six Councils chosen to participate in a trial of a whole of community approach to healthier living.

8.2 Aussie of the Month Presentation – Gwynne Park Primary School

On 29 July 2009, Cr Munn deputised for the Mayor at Gwynne Park Primary School when they held their Aussie of the Month Presentation with footie legend David Wirrpanda.

8.3 Mary Durack Award for Writing

On 30 July 2009, Cr Munn joined the Mayor in welcoming the award winners of this year’s Mary Durack Award for writing. Armadale plays host to this event every fourth year, sharing it with the City of Swan and the Shires of Mundaring and Kalamunda.

8.4 Briefing Session on 2008 AEDI Results

On 4 August 2009, the Mayor hosted a Briefing session on the 2008 AEDI results for those who couldn't attend the three earlier sessions, but who it is believed can assist with lobbying for a better, more complete range of educational and health programs for 0 – 5 years olds in the City. Jane Roberts, Sean Boyle and Brian Wilkinson from the Department of Premier and Cabinet joined new ARA Chair, Peter Jackson, Deputy Chair, Kay Hallahan, and Federal MHR, Don Randall at the Briefing.

The Department of Premier and Cabinet appear to be taking a very keen interest in Council's efforts to improve the lot for our Indigenous population and for our young children.

8.5 Attendance at Stockland Luncheon

On 5 August 2009, Cr Zelones and the Mayor, as members of the ARA Board, attended a luncheon hosted by Stockland, which was also attended by their joint venture partners at Wungong, along with key builders to discuss a range of issues that require resolution so that development activity can start there by September or October of this year.

At the same time, on Council's behalf, the Mayor extended an invitation to senior Stockland management to attend the next Development Services Committee meeting to provide an update on their activities at Newhaven, Vertu, and Wungong Reach. All Councillors are welcome to attend.

8.6 WALGA Annual Conference

From 6 to 8 August 2009, Crs Zelones, MacDonald, Scidone and the Mayor, attended elements of the WALGA Annual Conference. One of the more pleasant outcomes of the three days was to receive the two awards that are displayed for Council's efforts to date on the Bio-diversity work which staff are undertaking.

8.7 ARA Planning Day at Champion Lakes

On 10 August 2009, Cr Zelones and the Mayor participated in the ARA Planning day at the Champion Lakes Clubhouse. The outcome of the day's work will be to produce a Strategic Plan which will guide that organisation for the next 3 – 5 years.

**9 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN –
WITHOUT DISCUSSION**

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE

Report of the Technical Services Committee of 3 August 2009.

MOVED Cr Knezevich that the report be received.

198/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

BUSINESS ARISING FROM REPORT

Recommendation T71/8/09 – No Standing Zone – Croyden Road and McNess Drive, Roleystone

Cr Hart declared a non-financial interest in Recommendation T71/8/09 on the basis that she lives on Croyden Road and as a consequence, there may be a perception that her impartiality on the matter may be affected. Cr Hart declared that she would set aside the association, consider the matter on its merits and vote accordingly.

MOVED Cr Knezevich that Recommendation T71/8/09 be adopted.

199/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

Recommendation T74/8/09 – Abbey Road – Railway Avenue, Armadale Urban Renewal Project Land Acquisition

MOVED Cr Knezevich that consideration of Recommendation T74/8/09 be held over to the end of the meeting and considered under Matters Requiring Confidential Consideration.

200/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

MOVED Knezevich that Recommendations T70/8/09 to T73/8/09, except those already dealt with, be adopted.

201/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

10.2 COMMUNITY SERVICES COMMITTEE

Report of the Community Services Committee of 4 August 2009.

MOVED Cr MacDonald that the report be received.

202/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

BUSINESS ARISING FROM REPORT

Recommendation C32/8/09 – Local Government & Tourism Conference

MOVED Cr MacDonald that:

That Council makes no Councillor nomination for attendance at the Local Government and Tourism Conference to be held from 8 – 10 September 2009 at The Vines Resort and Country Club.

203/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

MOVED MacDonald that Recommendations C28/8/09 to C33/8/09, except those already dealt with, be adopted.

204/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

10.3 SPECIAL CITY STRATEGY COMMITTEE

Report of the Special City Strategy Committee held on 4 August 2009.

MOVED Cr Tizard that the report be received.

205/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

BUSINESS ARISING FROM REPORT

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 1)

Cr Munn disclosed an interest in Recommendation CS78/8/09 (Part 1) on the basis that as he lived in Harrisdale, which was subject to the proposed specified area rate, he had an interest in common with other residents. As a consequence, there may be a perception on the basis of his disclosed non-financial interest that his impartiality may be affected but declared that he would set aside that association, consider the matter on its merits and vote accordingly.

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 1) be adopted.
SECONDED Cr Scidone.

206/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0)

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 2)

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 2) be adopted.
SECONDED Cr Munn.

207/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0)

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 3)

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 3) be adopted.
SECONDED Cr Zelones.

208/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0)

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 4)

Cr Knezevich declared a non-financial interest in Recommendation CS78/8/09 (Part 4) relating to the allocation of \$14,100 for roadworks on Ikara Place on the basis that his family owns land in Ikara Place. As a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Knezevich declared that he would put aside that association, consider the matter on its merits and vote accordingly.

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 4) be adopted.
SECONDED Cr Scidone.

209/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0)

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 5)

Cr Reynolds declared a financial interest in Recommendation CS78/8/09 (Part 5) relating to the allocation of \$48,300 towards vehicle costs for the Mayoral position. Cr Reynolds vacated the Chair and left the meeting at 7.25 pm. The Deputy Mayor, Cr Munn assumed the Chair.

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 5) be adopted.
SECONDED Cr MacDonald.

210/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 13-0)

Cr Reynolds returned to the meeting at 7.25 pm and assumed the Chair.

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 6)

Cr Scidone declared a financial interest in Recommendation CS78/8/09 (Part 6) relating to the allocation of \$215,700 towards roadworks on Lowanna Way on the basis that his family owns land in Lowanna Way. Cr Scidone left the meeting at 7.27 pm.

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 6) be adopted.
SECONDED Cr MacDonald

211/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 13-0)

Cr Scidone returned to the meeting at 7.28 pm.

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 7)

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 7) be adopted.
SECONDED Cr Butterfield.

212/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0)

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 8)

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 8) be adopted.
SECONDED Cr Munn.

213/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0)

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 9)

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 9) be adopted.
SECONDED Cr Tizard.

214/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0)

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 10)

Cr Hart declared a non-financial interest in Recommendation CS78/8/09 (Part 10) relating to the allocation of \$183,700 towards Landcare Programs on the basis that she is the secretary/treasurer of the Armadale Gosnells Landcare Group. As a consequence, there may be a perception that her impartiality on the matter may be affected. Cr Hart declared that she would put aside that association, consider the matter on its merits and vote accordingly.

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 10) be adopted.
SECONDED Cr Zelones.

215/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0)

Recommendation CS78/8/09 – 2009-10 Draft Annual Budget (Part 11)

MOVED Cr Tizard that Recommendation CS78/8/09 (Part 11) be adopted.
SECONDED Cr Munn.

216/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0)

10.4 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer as at 6 August 2009.

MOVED Cr Scidone that the Report be received.

217/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

10.4.1 Councillors' Information Bulletin – Issue 14/2009

MOVED Cr MacDonald that Council acknowledge receipt of Issue No. 14/2009 of the Information Bulletin.

218/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

Cr Scidone That the matter of a footpath on Urch Road and Peet Road, Roleystone, where the bus terminates, be referred to the Technical Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Recommendation T74/8/09 – Abbey Road – Railway Avenue, Armadale Urban Renewal Project Land Acquisition

MOVED Cr Knezevich that the meeting be closed to the public as the item to be discussed, if disclosed, would reveal information that has a commercial value to a person.

219/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

Members of the public left the meeting at 7.35 pm.

MOVED Cr Stewart that Standing Orders be suspended so as to enable open discussion on the matter.

Officers in follow-up to queries raised at the Technical Services Committee Meeting held on 3rd August 2009:

- a) reported to the Meeting that there is no need to prepare and advertise another Business Plan given the proposition to now also include as part of the Plan, the provisional purchase of Lot 161 Abbey Road; and*
- (b) presented to the meeting a suggested recommendation incorporating advice in (a) above.*

MOVED Cr Knezevich that Standing Orders be resumed.

220/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

MOVED Cr Zelones that Recommendation T74/8/09 be not adopted and replaced with the following Recommendation:

That Council:

1. notes that at the closing date of the required six week Statewide Public Notice given of the “*Business Plan – Abbey Road and Railway Avenue Urban Renewal Project*” – (Plan) – as presented at Attachment A-1 to this Report, one public submission was received, the details of which are reported in the confidential report as presented at Attachment B-1 to this Report;
2. pursuant to section 3.59(5) of the *Local Government Act 1995*, agrees** to proceed with the *Plan*, as proposed, and advertised and now amended to include the acquisition of Lot 161 Abbey Road, Armadale, noting that:
 - (i) the City is of the view (as confirmed by legal advice) that the inclusion of Lot 161 to the *Plan* does not make it “*significantly*

- different*", (section 3.59(6) refers), to that as originally proposed and advertised; and
- (ii) the inclusion of Lot 161 is considered beneficial to the outcomes of the *Plan* in that it will increase the development and sale potential of the lands identified in the *Plan* to be amalgamated, subdivided, developed and sold;
3. authorizes the Chief Executive Officer to proceed with the following land acquisitions, as provided for in the *Plan*, by completing the necessary offer to purchase documents for the purchase prices, plus or minus a 10% variance, as reported in Attachment B-1 to this Report, i.e.:
- the purchase of Lot 163 Abbey Road, Lot 164 Abbey Road and Lot 1612 Railway Avenue; and
 - the provision to purchase Lot 70 Little John Road, Lot 162 Abbey Road and Lot 161 Abbey Road, subject to a prior report to Council.

221/8/2009 AMENDMENT DECLARED CARRIED (14-0)

MOVED Cr Zelones that Recommendation T74/8/09, as amended, be adopted.
SECONDED Cr Munn.

222/8/2009 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL 14-0

MOVED Cr Butterfield that the meeting be opened to the public at 7.49 pm.

223/8/2009 MOTION not opposed, DECLARED CARRIED (14-0)

When the meeting was re-opened, the Mayor read aloud Council Resolution 221/8/20009.

15 CLOSURE

The Mayor, Cr Reynolds, declared the meeting closed at 7.50 pm

MINUTES CONFIRMED THIS 24th AUGUST 2009

MAYOR