



# ORDINARY MEETING OF COUNCIL 15 July 2002

## MINUTES

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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, 15 JULY 2002 COMMENCING AT 7.30 PM

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

*Mayor, Cr Reynolds, declared the meeting open at 7.30pm.*

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

#### PRESENT:

Mayor, Cr L Reynolds JP presided over:	Westfield Ward
Cr J Knezevich	West Armadale Ward
Cr F R Green	Armadale Ward
Cr R Fletcher	Armadale Ward
Cr A L Cominelli	Forrest Ward
Cr V L Clowes-Hollins	Kelmscott Ward
Cr H A Zelones JP	Kelmscott Ward
Cr J Everts	Seville Ward
Cr J A Stewart	Westfield Ward
Cr R C Stubbs AM	Roleystone Ward
Cr D L Hopper JP	Roleystone Ward

#### IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mr A F Maxwell	Executive Director Community & Corporate Services
Mr J H A Adderley	Executive Director Development Services
Mrs Y Ward	CEO's Acting Executive Assistant

Public: 8  
Press: Nil

#### LEAVE OF ABSENCE:

Leave of absence previously granted to Cr Hodges and Cr Munn.

**APOLOGIES:**

Apology received from Cr Cumming.

MOVED Cr Cominelli that the apology be received.

**247/2002      MOTION not opposed, DECLARED CARRIED      (11-0)**

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

Nil

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**4      PUBLIC QUESTION TIME**

**Mr Busby, 2 Pelham Street, Armadale**

Q-1    In regard to the matter of the keeping of records of dogs wandering and attacks occurring within the City, why is the City Council endangering human lives by failing to keep proper records of such life threatening situations and what action, if any, has the City taken to ensure that proper records are kept of such events in order to protect the lives of the residents of Armadale?

*The Mayor advised that the question will be taken on notice and an answer provided and incorporated into the Minutes:*

**Response to Question on Notice**

The extracts from advice provided to Mr Busby are as follows:

Where a complaint is received alleging that a dog attack has taken place, regardless of it being in a private or public place, Ranger Services initiate a full and thorough investigation of the incident.

The investigating officer establishes a "Dog Attack File" on which all relevant information is recorded, such as –

- Complainants' details and statements.
- Description and details of the dog.
- Witnesses statements

- Relevant details of dog owner, including any previous history regarding either the owner or the dog
- Certified extract copy of registration/s of the dog (signed by a authorised officer)
- Evidence i.e. photographs (dated & signed by person taking photos) etc.
- Any other information that may be deemed relevant to the investigation.

If on completion of the investigation, and where the information gathered provides prima facie evidence to support action being taken against the owner of the dog for contravening the provisions of the *Dog Act 1976*, the matter is generally referred to the Local Court of Petty Sessions for determination.

Following the matter having been determined by the court, the file containing all the information, including the details of any penalties imposed by the court, is placed in Council's Centralised Property Filing System, where it is available for future reference.

In the case of wandering dogs, where Ranger Services is able to ascertain all relevant details of the dog and or its owner, a similar process is adopted.

Further to your recent discussion with a Council Ranger, regarding the dogs at 4 Pelham Street Armadale, our records indicate that Ranger Services has received complaints on two (2) previous occasions, regarding the dogs being kept at that address. These particular matters were thoroughly investigated and found to be without substance, consequently no further action was taken.

However, in order to maintain an acceptable level of confidentiality, the details, of the complaint and the subsequent investigation, or any other matter considered to be of a private nature, contained within the files are not generally made available to the public.

I trust that this now clarifies the situation in regard to Council's record keeping practices, and in particular the details relating to wandering dogs and dog attacks within the City, should you require any further information in regard to this matter, please contact Ranger Services on 93990111 during normal office hours.

**Mr Van Leeuwen, 112 Derry Avenue, Mount Nasura**

- Q-1 On behalf of the residents in the local area, we would particularly like to thank the Development Services Committee for their professional and rational approach to the issues in relation to the proposed Child Minding Centre in Caroline Street, Mount Nasura. In particular, Cr Green for his work with the residents and you, Mr Mayor, for your very professional insight and summation. Will you please advise us what redress the proponents of this Child Minding Centre have in terms of appealing the decision and to whom would such an appeal be made?

*The Mayor advised that it was his understanding that if Council is to ratify the decision of the Development Services Committee tonight, then the proponents will go straight to appeal. Their appeal would be to the Town Planning Appeals Tribunal.*

**Mr Busby, 2 Pelham Street, Armadale**

- Q-2 Does the City Council intend to install a paved footpath on the verge of the south side of Forrest Road in front of Gwynne Park to increase the safety of residents and to encourage safe physical activity, and if so, when, and if not, why not?

*The Mayor advised that it was Council's intent that on all major roads like Forrest Road paths would ultimately be provided on both sides of the road but without reference to the Five Year Plan it was not possible to give an answer here and now. The matter would be taken on notice and incorporated into the Minutes:*

**Response to Question on Notice**

Council has no plans at this time to construct a path along the Forrest Road frontage of Gwynne Park.

Council has embarked upon a programme to construct a skeletal path network throughout the City. The skeletal path network accounts for approximately 20% of the ultimate desirable network. Paths listed in the programme are deemed to have the highest priority.

In Forrest Road paths are provided on both sides of the street where residential land abuts. All residential properties in Forrest Road, between Railway Avenue and Eighth Road, are linked to Gwynne Park by a path.

**Mr Van Leeuwen, 112 Derry Avenue, Mount Nasura**

- Q-2 In regard to the appeal process to the Town Planning Tribunal – is it possible for the residents to have input or lobby?

*The Mayor advised that third party appeal rights do not exist. The most effective action would be to ensure that Local Members of Parliament are aware of the views of residents.*

**Mr Busby, 2 Pelham Street, Armadale**

- Q-3 In regard to speeding and anti social behaviour of motorists in the vicinity of Mornington and Pelham Streets, why doesn't the City of Armadale install a traffic control device on Mornington Street, such as a roundabout or seek to have a speed camera installed in the grounds of the Primary School facing Mornington Street in order to protect the school and local residents?

*The Mayor advised that the placement of speed cameras was controlled by the Police Force, Council can merely report regular speeding in a street. Spending \$45,000 on a roundabout will not necessarily resolve the problem. In other areas it has not been found to significantly impact on the anti social behaviour of some motorists.*

**Mr Haynes, 6 Caroline Street, Mount Nasura**

- Q-1 It was stated that perhaps Councillor Stubbs could advise on the appeals, I didn't hear the answer.

*The Mayor advised that there was no third party right of appeal.*

**Mr Busby, 2 Pelham Court, Armadale**

- Q-4 Does the Council have any plans to maintain the Evelyn Gribble Community Centre and bring it up to scratch due to the disrepair into which it has fallen?

*The Mayor advised that to answer the question would assume that the Evelyn Gribble Community Centre had fallen into disrepair. He did not believe that to be the case. He advised Mr Busby to refer any matters regarding repair to Council Officers, who would ensure appropriate repairs are carried out.*

*Question time declared closed at 7.45 pm.*

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**6 PETITIONS**

Nil

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**7 CONFIRMATION OF MINUTES**

PREVIOUS ORDINARY MEETING OF COUNCIL  
HELD ON 1 JULY 2002

MOVED Cr Stewart that the Minutes of the Ordinary Meeting of Council held on 1 July 2002, be confirmed as a true and accurate record.

**248/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

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**8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION**

**8.1 Office of Crime Prevention - Breakfast**

On 3 July 2002, the Deputy Mayor, Cr Munn, on the Mayor's behalf, attended the office of Crime Prevention at Government House, at which there was a strong representation of Mayors and representatives from the metropolitan Councils.

**8.2 Youth Resources "Step Up" Morning Tea**

Also on 3<sup>rd</sup> July 2002, the Deputy Mayor, on the Mayor's behalf, attended the Youth Resources Step-Up Morning Tea at Lotteries House.

**8.3 REAAA Breakfast Meeting**

On 4<sup>th</sup> July, 2002, Cr Hopper attended an REAAA Meeting along with Simon Buxton at the Novatel Langley, where they had the opportunity to hear about some American experiences in comparison to Western Australia.

**8.4 Millennium Kids Performance – Challis ECEC**

On 5<sup>th</sup> July 2002, the Mayor attended the Millennium Kids Performance at Challis ECDC. This is a project being sponsored by the Department of Planning & Infrastructure. The intention is to get kids out of the car and to walk them to school.



### **8.5 Recognising Local Leadership in Biodiversity**

On 8<sup>th</sup> July 2002, there was a recognised Local Leadership Biodiversity Ceremony which was attended by Wilson Tuckey, Hon. Minister for Local Government and Regional Development at the Star Swamp in North Beach. The Mayor, on Council's behalf, was able to accept a cheque and a plaque to note the 4 projects that Council has funded this year.

### **8.6 NAIDOC Week**

On 10<sup>th</sup> July 2002 Council celebrated NAIDOC Week beginning with a flag raising ceremony and followed by a range of activities in the hall for the indigenous community.

### **8.7 Impact of Changes to South Metro Railway Network on South East Region - Gosnells**

On 12 July 2002, the Mayor attended a meeting on the impact of change on the south metropolitan region of Gosnells. The Mayor of Gosnells had invited all Chief Executive Officers from the Corridor to meet and to consider what changes are going to happen as a result of the undergrounding of the rail link in the CBD and how that impacted by reducing the funds available for the south east corridor. A working group of officers has been formed from that.

### **8.8 BEAC Bushwalk**

On 14<sup>th</sup> July 2002 the Mayor was able to participate in a bush walk across a piece of bush he had not walked before. The land is cared for by a Roleystone based group of people that has an interest in it and it is in close proximity to Lloyd Hughes Park. For those who have not yet walked that area, there is a lot of pristine bush to see.

### **8.9 Armadale Ladies Probus Club**

On 15<sup>th</sup> July 2002, on Council's behalf, the Mayor spoke to the Armadale Ladies Probus Club about what is occurring in Armadale at the present time.

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

Nil

**10 REPORTS**

**10.1 CITY AUDIT COMMITTEE**

Report of the City Audit Committee held on 1 July 2002.

MOVED Cr Reynolds that the Report be received.

**249/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**BUSINESS ARISING FROM REPORT**

NIL

MOVED Cr Reynolds that Recommendations CA8/02 & CA9/02 be adopted.

**250/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**10.2 DEVELOPMENT SERVICES COMMITTEE**

Report of the Development Services Committee held on 8 July 2002.

**CORRECTIONS:**

Page 8 Recommendation D106/92 – Proposed Child Minding Centre – Lot 14 (No. 2) Caroline Street, Mount Nasura

The reference to “Residential R10” be amended to read “Residential R15” in the second last paragraph on page 8.

Page 9 Recommendation D106/92 – Proposed Child Minding Centre – Lot 14 (No. 2) Caroline Street, Mount Nasura

The reference to “Kelmscott” be amended to read “Mount Nasura” in the last paragraph on page 9.

MOVED Cr Zelones that the Report, subject to the above corrections, be received.

**251/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**BUSINESS ARISING FROM REPORT**

Recommendation D113/02 – Vacancy – Western Australian Local Government Association Members – Community & Industry Advisory Group (State Water Quality Management Strategy)

MOVED Cr Zelones that no nomination be made for the position of Western Australian Local Government Association Member – Community & Industry Advisory Group (State Water Quality Management Strategy).

**252/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

Recommendation D120/02 – Proposed Kennel Complex – Lot 268, Nicholson Road, Forrestdale

MOVED Cr Zelones that Recommendation D120/02, second dot point be amended to read:

No more than 21 dogs over the age of three months (i.e. licensable age) are allowed to be kept on the premises at any time.

**253/2002**      **AMENDMENT not opposed, DECLARED CARRIED**      **(11/0)**

MOVED Cr Zelones that the amended Recommendation D120/02 be adopted.

**254/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

Recommendation D125/02 - Vacancy – Western Australian Local Government Association Members – Perth Biodiversity Project Management Group

MOVED Cr Zelones that no nomination be made for the position of Western Australian Local Government Association Member – Perth Biodiversity Project Management Group.

**255/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

Recommendation D126/02 - Vacancy- Western Australian Local Government Association Member – DOLA Community Titles Advisory Committee

MOVED Cr Zelones that no nomination be made for the position of Western Australian Local Government Association Member – DOLA Community Titles Advisory Committee.

**256/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

MOVED Cr Zelones- that Recommendations D102/02 to D126/02, except those already dealt with, be adopted.

**257/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

**10.3**      **CITY STRATEGY COMMITTEE**

Report of the City Strategy Committee held on 9 July 2002

MOVED Cr Clowes-Hollins that the report be received.

**258/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

**BUSINESS ARISING FROM REPORT**

NIL

MOVED Cr Clowes-Hollins that Recommendations C62/02 to C65/02 be adopted.

**259/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

**10.4**      **CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer as at 11 July 2002

MOVED Cr Knezevich that the report be received.

**260/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

**10.4.1**      **Councillors' Information Bulletin – Issue No. 14/2002**

MOVED Cr Fletcher that Council acknowledge receipt of Issue No. 14/2002 of the Information Bulletin.

**261/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

**10.4.2**      **Financial Report for the 12 Months ended 30 June 2002**

MOVED Cr Clowes-Hollins that the Statutory Financial Report for the 12 months ended 30 June 2002, as presented at Attachment "A-1" to this report, be referred to the next Community Services Committee Meeting for assessment and review.

**262/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

**10.4.3**      **Confidential Report – Aquatic Centre Management**

MOVED Cr Stubbs that the confidential report relating to the Armadale Centre Management be dealt with later in the meeting having regard for the commercially sensitive information contained in the report, i.e. information that could commercially benefit or disadvantage persons other than Council.

**263/2002**                      **MOTION not opposed, DECLARED CARRIED**                      **(11-0)**

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**11**                      **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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**12**                      **URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION**

**12.1**    **South City Housing Rating Appeal**

Cr Stubbs reported that Council had this day received legal advice requiring urgent consideration by Council. Any delay may prejudice the outcome and be at a cost to the City.

MOVED Cr Stubbs that the South City Housing Rating Appeal be dealt with as a matter of urgency and due to the matter involving legal advice, that it be considered later in the meeting under the Agenda Heading "Matters Requiring Confidential Consideration".

**264/2002**                      **MOTION not opposed, DECLARED CARRIED**                      **(11-0)**

**12.2**    **Executive Director Development Services Position – Chief Executive Officer Report**

MOVED Cr Reynolds that the CEO's confidential recruitment report be dealt with as a matter of urgency to further negotiations and as the report contained information relating to a staff appointment that it be considered later in the meeting under the Agenda Heading "Matters Requiring Confidential Consideration".

**265/2002**                      **MOTION not opposed, DECLARED CARRIED**                      **(11-0)**

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**13**                      **MATTERS FOR REFERRAL TO STANDING COMMITTEES - WITHOUT DISCUSSION**

Nil

**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

MOVED Cr Reynolds that the meeting be closed to members of the public at this juncture as there were three matters of a confidential nature to be discussed, two containing information that is commercially sensitive, i.e. information that could commercially benefit or disadvantage persons other than Council and one relating to a staff appointment.

**266/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

*The public retired from the meeting at 8.00 pm*

**14.1 South City Housing Rating Appeal**

*Cr Stubbs disclosed that he is a board member (as Council's appointed delegate) of the South City Housing Inc. Cr Stubbs advised that there may be a perception, given his association with the group, that his impartiality may be affected but declared that he would set aside that association, consider the matter on its merits and vote accordingly.*

Cr Stubbs explained to Council the background to this matter, the legal advice and the urgency of the matter.

MOVED Cr Stubbs:

That Council:

- a. advise South City Housing ("SCH") that it is willing to consent to orders in the Land Valuation Tribunal which in effect allow the appeal by SCH to be granted;
- b. authorise its lawyers, in consultation with the Chief Executive Officer, to negotiate the most favourable costs outcome possible;
- c. amend its rate record to grant a rate exemption to SCH for the 15 relevant properties;
- d. in due course refund the receipted rate revenue for those 15 properties to SCH.

**267/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**14.2 Executive Director Development Services Position**

The Chief Executive Officer tabled a confidential recruitment report in which detailed negotiations thus far in regard to the appointment of an

Executive Director Development Services. The report seeks Council's approval to negotiate terms of contract with the preferred applicant.

MOVED Cr Stubbs:

1. That the Chief Executive Officer be authorised to negotiate terms of contract with the preferred applicant (as detailed in the confidential report) commensurate with the package approved by Council in resolution 43/2002 (4 February 2002) and the Job Information Package distributed to all elected members on 12 June 2002, with the form of contract to be the Local Government Managers Australia standard form, suitably modified.
2. That the outcome of negotiations be reported back for final ratification to the next meeting of Council.

**268/2002**                      **MOTION not opposed, DECLARED CARRIED**                      **(11-0)**

### **14.3 Aquatic Centre Management**

MOVED Cr Stubbs:

That Council:

- a. note and endorse the action taken instructing Council's lawyers to prepare and serve Notice of Termination of the Contract with RANS Management Group;
- b. in consideration of (a) above, note and confirm management actions to resume direct management responsibilities for its Aquatic Centres.
- c. Note and refer to the 2002-03 draft Budget Special City Strategy Meeting to be held on 23 July 2002, the matter of the additional funding required to implement (b) above.

**269/2002**                      **MOTION not opposed, DECLARED CARRIED**                      **(11-0)**

MOVED Cr Reynolds that the meeting be opened to the public.

**270/2002**                      **MOTION not opposed, DECLARED CARRIED**                      **(11-0)**

**15 CLOSURE**

*Mayor, Cr Reynolds, declared the meeting closed at 8.18 pm*

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MINUTES CONFIRMED THIS 6<sup>th</sup> DAY OF AUGUST 2002

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MAYOR



