



# ORDINARY MEETING OF COUNCIL 16 December 2002

## MINUTES

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**ATTACHMENTS**

**NIL**

# CITY OF ARMADALE

## MINUTES

OF ORDINARY MEETING OF THE ARMADALE CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 16 DECEMBER 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 7.30 pm.*

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

#### PRESENT:

Mayor, Cr L Reynolds JP presided over:	Westfield Ward
Deputy Mayor, C J H Munn JP CMC	West Armadale Ward
Cr F R Green	Armadale Ward
Cr R Fletcher	Armadale Ward
Cr A L Cominelli JP	Forrest Ward
Cr G M Hodges	Forrest Ward
Cr H A Zelones JP	Kelmscott Ward
Cr V L Clowes-Hollins	Kelmscott Ward
Cr J D Cumming	Seville Ward
Cr J Everts	Seville Ward
Cr R C Stubbs AM	Roleystone Ward

#### IN ATTENDANCE:

Mr W A Bruce	Acting Chief Executive Officer
Mr A F Maxwell	Executive Director Corporate Services
Mr JHA Adderley	Executive Director Development Services
Mr I Macrae	Executive Director Development Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 6

Press: 1

**LEAVE OF ABSENCE:**

Leave of absence previously granted to Cr Hopper.

**APOLOGIES:**

Apologies received from Crs Knezevich and Stewart.

MOVED Cr Fletcher that the apologies be received.

**498/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

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

The following question was taken on notice at Council's meeting on 2 December 2002:

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

"With regard to my earlier question in regard to Windows 2000 Professional and the response that is published in the Council Minutes of 18<sup>th</sup> November 2002. This letter in the public record conflicts with the information given on the phone by the Manager IT Services. Can this be clarified for the public record?"

The following response was forwarded by letter dated 10 December 2002

*As explained at the Council Meeting, to answer your question would require clarification with Council's Manager Information Technology and hence the reason for taking your question on notice.*

*Having now spoken with the Manager IT on the matter and reviewed prior records, hereunder for your information is our response to your question,*

*The Manager Information Technology's recollection of his phone conversation with you on 7<sup>th</sup> November 2002 is that the matters discussed were consistent with prior written advice provided by Council on the subject of operating systems in relation to Tender 19/02.*

*What is more relevant and important than recollections of phone discussions had several weeks ago are the facts of the matter and to recap they are as follows:*

- ?? in the Tender 19/02 for the Supply of Servers, Storage Area Network and Backup Library Tape, the stated configuration, amongst other technical matters, specified the operating system to be "Windows 2000 Professional",*
  - ?? the Tender configuration was developed/prepared by Council's Manager Information Technology in consultation with IT industry professionals,*
  - ?? the Tender Specifications also stated (as usually occurs) that the specified configuration was the minimum requirement recognising that suppliers may be able to offer to Council's advantage better configurations at competitive prices,*
  - ?? in accordance with the accepted tender, the servers that have since been supplied are running the Microsoft operating system called Windows 2000 Server.*
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**PUBLIC QUESTION TIME**

**Mr Boris – 32 Clenham Way Kelmscott**

- Q-1** Given that the majority of landowners in the two streets by the PAW want the accessway closed why won't the Council consider taking the DPI's rejection to the WA Planning Commission.

*The Mayor advised that the matter is on the Council Agenda and will be considered later during the meeting. However, considering the advice received from the Department of Planning & Infrastructure that under its liveable neighbourhoods program the PAW needs to remain open, Council is now left with a management problem and this issue will be considered at the meeting today.*

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

- Q-1** Regarding the emergency service levy to be collected by local government with Council rates – Has the Local Government Association investigated the impact of the levy on gross rental values and therefore impact on Council rates and water rates? Also as indicated on the FESA website – what reduction of rates levied by this Council does this Council intend to implement?

*The Mayor advised that Council has not considered how it may expect any reduction in rates and this will be considered as part of the 2003/2004 Budget discussions. It is early days yet and Council has not considered the global effect on GRVs and how that will impact. The*

*Mayor invited Cr Stubbs to comment on WA Local Government Association's position.*

*Cr Stubbs advised that the important figure to look at is the rate in the dollar struck against the GRV. In terms of the Emergency Services levy, if indeed the rates did go up it is reasonable to conclude that the Valuer General would apply a general increase in GRVs across the board.*

**Mr Boris – 32 Clenham Way Kelmscott**

**Q-2** With regard to the PAW – what happens now?

*The Mayor advised that in response to Mr Boris' request, the Council went through a very thorough and long process of trying to close the PAW on Clenham Way. However, due to the DPI's rejection, it will now be necessary for Council to put in place a management program to deal with the issue of PAWs in the City.*

**Q-3** How soon can I expect some action?

*The Mayor advised that the report that will be considered by Council later during the meeting recommends that some minor works be undertaken immediately but as far as any major expenditure is concerned that will need to be considered as part of the 2003/04 budget discussions.*

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

**Q-2** In reference to the Mayor's response to my question at the Council meeting of 19<sup>th</sup> August of this year relating to the pruning of verge trees on Pelham Street. Given that only a week is left before Christmas will these trees be pruned before that to clear the trees from the electricity lines or do the residents face electricity supply disruption over the Christmas and New Year period due to the failure of trimming the trees?

*The Mayor advised that he was not able to advise as to what the works program was for the next week. However, Mr Bruce will advise the Technical Services staff of the concern and if any trees are in danger of touching the powerlines, work will be undertaken straight away but if not, this will be done as part of the normal works program.*

**Mr Boris – 32 Clenham Way Kelmscott**

- Q-4** Given that I have been given assurances before that things will be done in regard to the accessway and nothing has been done, why should I believe these assurances now? Who at the City of Armadale will be dealing with this now?

*The Mayor advised that fundamentally in the past, Mr Boris was pursuing closure of the PAW and Council is unlikely to expend funds on the accessway if it was to be closed. However, now with the closure being rejected it is now Council's responsibility to deal with the management issues. Both the Development Services and Technical Services Directorates will be working together in developing a policy and a proposal will be put to Council for consideration as part of the 2003/04 Budget. If this is approved, then Technical Services Directorate will be responsible for implementation.*

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

- Q-3** Regarding the Evelyn Gribble Community Centre – Several months ago Council was asked to provide working lights in the car park – what is the Council going to do about providing working lights for that car park and when does Council intend to provide higher lights for that car park such as the street ones to discourage vandalism?

*The Mayor took this question on notice.*

- Q-4** Regarding the question asked at the Council meeting on 7 October 2002 relating to Windows 2000 Professional Server operating system and all of the subsequent related questions and answers regarding the wording included in the Minutes of the Council meeting of 2 December 2002, for my question numbered 1 and the response and the advice of the response to that question taken on notice in tonight's agenda, I ask the Mayor to explain why both the question and the Mayor's response are misrepresented in the Minutes and the Agenda. Why is the Mayor's response apart from being misrepresented was overturned and why the Council is going to so much trouble to avoid admitting a simple error. In asking this question I ask that the tape of that part of the question time at that meeting be played to this Council meeting so this Council does not wrongfully confirm minutes.

*The Mayor advised that he was not sure that there was any misrepresentation in the Minutes. An apology was made earlier when Windows 2000 Server was erroneously described as Windows 2000 Professional. Fundamentally, these whole series of questions seems to be what we call the Server operating system and regardless it is a Windows system the technical aspects of which were left to the IT Manager to provide the necessary advice to me.*

*Cr Stubbs advised that perhaps this may be a misuse of question time with one issue being pursued in this way. However, the central issue of concern to the Community and Council i.e. – is the server working according to the tender – and to the best of our knowledge and having used the server here all the time it is performing a function that it is required to do. Hence, any suggestion that Council has an inferior product is incorrect.*

- Q-5** I still have a concern - your response at the last meeting indicated that I would be contacted - that is different to what is minuted.

*The Mayor advised that the question was taken on notice and a letter had been forwarded to Mr Busby after the last Council meeting, the contents of which had been reproduced in tonight's Agenda for the public record. The Mayor invited Mr Busby to take the opportunity to speak to him after the meeting if he needed to discuss this any further.*

*Question time closed at 7.45pm*

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## **5 APPLICATIONS FOR LEAVE OF ABSENCE**

### **5.1 Request for Leave of Absence – Cr Munn**

Request for Leave of Absence received from Cr Munn for the period 5<sup>th</sup> to 11<sup>th</sup> January 2003, inclusive.

MOVED Cr Hodges:

That the request for Leave of Absence received from Cr Munn for the period 5<sup>th</sup> to 11<sup>th</sup> January 2003, inclusive be received and granted.  
(does not include a Council meeting)

**499/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

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## **6 PETITIONS**

Nil

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**7 CONFIRMATION OF MINUTES**

PREVIOUS ORDINARY MEETING OF COUNCIL  
HELD ON 2 DECEMBER 2002

MOVED Cr Zelones that the Minutes of the Ordinary Meeting of Council held on 2 December 2002 be confirmed as a true and accurate record.

**500/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

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

**8.1 Annual Seniors Christmas Party – Westfield Library**

On 4<sup>th</sup> December, the Mayor along with Crs Munn and Clowes-Hollins attended the Annual Seniors Christmas Party at the Westfield Library. It was very professionally organised by our library staff and the function was enjoyed by a very large group of seniors. This group of seniors either take advantage of the books on wheels or take the weekly organised bus trip to the library on the Wednesday.

**8.2 Community Contact Lunch**

On 5<sup>th</sup> December the Mayor attended the Community Contact Lunch in the Function Room. A very large group of those community volunteers who provide services and facilities to our community attended. The Mayor, on behalf of Council, took this opportunity to thank those volunteers for all their hard work.

**8.3 City of Gosnells Annual Dinner**

On 7<sup>th</sup> December, the Deputy Mayor and Mrs Munn attended the City of Gosnells Annual Dinner on behalf of Council.

**8.4 Medal Presentation – A-K Swimming Club**

On 8<sup>th</sup> December the Deputy Mayor represented Council at the Medal Presentation of the Armadale-Kelmscott Swimming Club. There were a large number of Clubs from across the State in attendance.

**8.5 Presentation to SES Members**

On 11<sup>th</sup> December, the Mayor attended the SES function and presented long service medals to SES members. Council has previously made long service

presentations to the Fire Brigade and has now instigated this for SES members. Of note, Mr Herman Hoffman who currently leads the local SES group has spent 25 continuous active years with the group in Armadale.

#### **8.6 Graduation Ceremony – Neerigen Brook Primary School**

On 13<sup>th</sup> December the Mayor attended the Neerigen Brook Primary School Year 7 Graduation and presented badges to next year's councillors and headboy and headgirl.

#### **8.7 Araluen Botanic Park Christmas Party**

On 13<sup>th</sup> December the Deputy Mayor & Mrs Munn represented Council at the Araluen Botanic Park Christmas Party. Cr Stubbs also attended in his capacity as an Araluen Botanic Park Board member.

#### **8.8 Chamber of Commerce Business Awards**

On 13<sup>th</sup> December the Mayor, Cr Munn, Mr Tame, Mr Bruce and Mr Cann along with partners represented Council at the "Gala night under the stars" in Jull Street, a function hosted by the Local Chamber of Commerce for its Business Awards. The Chamber's gamble to have the function in the Mall paid off, it was a beautiful balmy night and a very large crowd of people enjoyed themselves. The Chamber sold a 100 tickets more than what was budgeted for - it was a very successful evening for them. Cr Zelones also attended as a representative of the Armadale Redevelopment Authority. The winner of the City of Armadale Award for Business Excellence was Mr Phil Groenewold of Coastline Sheds.

#### **8.9 City of Armadale Civic Dinner**

On 13<sup>th</sup> December the City hosted its annual Civic Dinner which most councillors attended. As usual it was a very successful evening.

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

Nil

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**10 REPORTS**

**10.1 TECHNICAL SERVICES COMMITTEE**

Report of the Technical Services Committee held on 9 December 2002.

MOVED Cr Fletcher that the Report be received.

**501/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**BUSINESS ARISING FROM REPORT**

Recommendation T150/02 – Nicholson Road/Warton Road Intersection

MOVED Cr Fletcher that Recommendation T150/02 be adopted.  
SECONDED Cr Munn

**502/2002 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (11-0)**

MOVED Cr Fletcher that Recommendations T147/02 to T156//02, except those already dealt with, be adopted.

**503/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**10.2 DEVELOPMENT SERVICES COMMITTEE**

Report of the Development Services Committee held on 9 December 2002.

MOVED Cr Zelones that the Report be received.

**504/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**BUSINESS ARISING FROM REPORT**

Recommendation D219/02 – Proposed Child Minding Centre – Lot 14  
Caroline Street, Mount Nasura

MOVED Cr Green that the second dot point of Recommendation D219/02 be amended by adding the words “closest to Albany Highway” after the word “area”.

**505/2002 AMENDMENT not opposed, DECLARED CARRIED (11-0)**

MOVED Cr Green that Recommendation D219/02, as amended, be adopted.

**506/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

Recommendation D222/02 – Unauthorised Building Additions – Lot 5 Leake Street, Forrestdale

*Cr Cominelli disclosed that she lives on Leake Street. As a consequence, there may be a perception, on the basis of her disclosed non-financial interest, that her impartiality may be affected and declared that she would set aside that association, consider the matter on its merits and vote accordingly.*

MOVED Cr Zelones that Recommendation D222/02 be adopted.

**507/2002**      **MOTION not opposed, DECLARED CARRIED**      **(11-0)**

Recommendation D238/02 – Proposed Village Life Development – Lot 505 Brechin Retreat, Armadale

*Cr Hodges declared a financial interest in Recommendation D238/02 on the basis that the proposed development will be in competition with her current employment and also that she has a personal association with the proposed builder.*

*Cr Hodges left the meeting.*

MOVED Cr Zelones that Recommendation D238/02 be not adopted and be recommitted to the Development Services Committee as the applicant has requested deferral of Council consideration to allow additional time for further liaison with officers in regard to this application.

**508/2002**      **MOTION not opposed, DECLARED CARRIED**      **(10-0)**

*Cr Hodges returned to the meeting.*

Recommendation D242/02 – Review of Delegations of Authority relevant to the Development Services Directorate

MOVED Cr Zelones that Recommendation D242/02 be adopted.  
SECONDED Cr Munn

**509/2002**      **MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL**      **(11-0)**

MOVED Cr Zelones that Recommendations D218/02 to D243/02, except those already dealt with, be adopted.

**510/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**10.3 CITY STRATEGY COMMITTEE**

Report of the City Strategy Committee held on 10 December 2002.

MOVED Cr Clowes-Hollins that the Report be received.

**511/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**BUSINESS ARISING FROM REPORT**

Nil

MOVED Cr Clowes-Hollins that Recommendations CS104/02 to CS108/02, except those already dealt with, be adopted.

**512/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**10.4 COMMUNITY SERVICES COMMITTEE**

Report of the Community Services Committee held on 10 December 2002.

MOVED Cr Cominelli that the Report be received.

**513/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**BUSINESS ARISING FROM REPORT**

Recommendation C194/02 – Public Liability Insurance – Casual Hirers

MOVED Cr Stubbs that the existing recommendation C194/02 become part (1) and a part (2) be added to Recommendation C194/02 as follows:-

- (2) That Council be briefed on the circumstances preventing the completion of Thomas Buckingham's cottage by the Armadale Historical Society and that the briefing include recommendations as to how this situation may be resolved.

**514/2002 AMENDMENT not opposed, DECLARED CARRIED (11-0)**

MOVED Cr Stubbs that Recommendation C194/02, as amended, be adopted.

**515/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

Recommendation C199/02 – Community Health’s New Vision

MOVED Cr Stubbs that the existing recommendation C199/02 become part (1) and a part (2) be added to Recommendation C199/02 as follows:

- (2) That in negotiations, Council recognise the need to make equitable arrangements for accommodating the Read, Write, Now Program in a suitable location.

**516/2002 AMENDMENT not opposed, DECLARED CARRIED (11-0)**

MOVED Cr Stubbs that Recommendation C199/02, as amended, be adopted.

**517/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

Recommendation C201/02 – History House Museum Management Committee – Filling of Vacancy

MOVED Cr Cominelli that Recommendation C201/02 be adopted.  
SECONDED Cr Cumming

**518/2002 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (11-0)**

MOVED Cr Cominelli that Recommendations C190/02 to C204/02, except those already dealt with, be adopted.

**10.5 CHIEF EXECUTIVE OFFICER’S REPORT**

Report of the Chief Executive Officer as at 12 December 2002

MOVED Cr Fletcher that the Report be received.

**519/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**10.5.1 Rotary Club Proposal to conduct an Art & Craft Fair in conjunction with Carols in Minnowarra**

MOVED Cr Munn:

1. That Council receive the Minutes of the Australia Day/Carols in Minnowarra Committee Meeting held on 19 September 2002.
2. That Council approve the Rotary Club of Armadale-Neerigen Brook’s proposal to run an Art and Craft Fair in conjunction with the City of

Armadale's Carols in Minnowarra event on 22 December 2002, subject to all standard event conditions.

3. That the Armadale-Neerigen Brook Rotary Club be asked to include in its advertising and correspondence literature that the Arts and Crafts Fair is supported by the City of Armadale.
4. That Council waive any fees normally associated with the hire of Council reserves for the proposed Art and Craft Fair and this be recorded as a donation

**520/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

**10.5.2. Financial Report for the 5 months ended 30 November 2002**

This item was withdrawn from the CEO's Report as the matter had already been considered in the Community Services Committee's Report of 10 December 2002.

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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**

NIL

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

Cr Reynolds That the matter of developing a comprehensive policy on how to deal with PAWs, where closure is refused by DPI for reasons of permeability/walkability to neighbourhoods, be referred to the Technical Services and Development Services Committees.

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**14                    MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

NIL

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*The Mayor took this opportunity to extend his best wishes to Mr Adderley on his retirement. Mr Adderley is respected and admired by all who work with him and the 29 solid years that he has put into this City is appreciated. He has always given this City his best professional advice that is epitomised by his honesty and integrity. A presentation was made to Mr Adderley at the annual dinner recognising his 29 years of service. However, formally on behalf of the Council, the Mayor thanked Mr Adderley for his wonderful service to this City and wished him and his wife, Joan all the very best in the years ahead.*

*Mr Adderley acknowledged the Mayor's comments.*

*The Mayor thanked all the elected members and staff for their efforts on behalf of the community this year, making particular mention to the professional way in which the City has conducted its business. He wished everyone a peaceful and joyous Christmas and a safe and profitable New Year.*

*The Deputy Mayor, on behalf of the elected members, conveyed Christmas greetings to the Mayor and thanked him for his fair leadership during the year.*

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**15                    CLOSURE**

*Mayor, Cr Reynolds, declared the meeting closed at 8.11 pm*

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MINUTES CONFIRMED THIS 20<sup>th</sup> DAY OF JANUARY 2003

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MAYOR





