



# ORDINARY MEETING OF COUNCIL 19 August 2002

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**LEAVE OF ABSENCE:**

Nil

**APOLOGIES:**

Apologies were received from Cr J Everts and Cr Clowes-Hollins.

MOVED Cr Cumming that the apologies be received.

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**300/2002      MOTION not opposed, DECLARED CARRIED      (12-0)**

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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 6 August 2002:

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

I would like to know why the sign, which was approved to be placed in front of the Evelyn Gribble Community Centre over two years ago has not been installed and if Council could advise when the sign will be installed?

*When the Evelyn Gribble Centre was first opened, The Forrest Community Association was being groomed to take on the Centre in a management role. They were supposed to sign a lease and take on all cleaning, bookings etc. this however did not eventuate.*

*Before the Forrest Community Association decided against taking on the lease of the Centre, they approached Council to see about the possibility of putting up a sign which could list the details of the different user groups of the Centre (similar to the one outside of the Lotteries House complex). Property Management sought designs and liaised with the Ward Councillors. Since this type of notice board is commonplace on several of our leased buildings, there was no problem in such a sign being erected. However, as the Association did not sign the lease and the building is controlled by Council, it was considered that we would have to reconsider the proposal as we did not want to set precedent for all Council-run buildings (ie. all regular users requesting signage).*

*A review is to be undertaken of all Council buildings in regard to signage, with a view to consolidate a standard "badging" of facilities and appropriate signage boards within which Lessees and casual hirers would be able to erect their individual signs.*

#### **4 PUBLIC QUESTION TIME**

15 detailed questions had been forwarded to Council by Mr Busby which had been submitted as Questions on Notice.

The Mayor advised that Council does not take Questions on Notice from members of the public and that Elected Members, under Council's Standing Orders, must give at least 4 clear working days before a meeting. That the Chief Executive Officer advises the Mayor as to whether questions received prior to the meeting, such as Mr Busby's have been able to be answered after due consideration and a check of resources that may need to be allocated to answer the questions and then Question Time is conducted in accordance with the Local Government Act and Council's own Standing Orders. Whilst the Mayor might oversee the conduct of Standing Orders in the Chambers and determine the rules at Question Time, the Chief Executive Officer is the person who directs the staff and the allocation of resources to respond to those.

The Mayor advised that on this occasion it has been possible to respond to Mr Busby's questions but could not guarantee that resources would be available to allow a response to all questions in time. Any written request made of the Council will be answered in writing. The other option available to Mr Busby is for him to contact his Ward Councillors or other Councillors.

The Chief Executive Officer then proceeded to read the following questions to which the Mayor responded:

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

##### **Question 1:**

Regarding the response to my previous question relating to the actions of a person from the City Council ranger service; as I have found the response unsatisfactory, and the questions unresolved, and as I believe that what had happened was improper, what procedure does the City have, for dealing with complaints of misconduct against individual rangers and against the ranger service, and, who deals with such complaints?

##### **Response:**

*The City currently uses a (3) stage approach of dealing with complaints:*

**First Stage** – most complaints should be resolved at this level, generally at the front counter or over the phone.

**Second Stage** – complaints unresolved shall be investigated by a senior officer and the outcome reported to the Chief Executive Officer.

**Third Stage** – if still unresolved the matter will be reviewed by Council's Executive Management Group

From the information presented in the question, it is suggested that the complaint is of a Second Stage type and accordingly it is advised that such complaints are best placed in writing and addressed to the Chief Executive Officer. It is important that the complainant clearly describe/explain in their letter to the CEO what it is that they want Council to do so as to satisfy their concern(s). Complaints will be dealt with as quickly as possible, usually within 10 working days.

**Question 2:**

Regarding the response to my previous question relating to the council providing a footpath along the Forrest Road frontage of Gwynne Park, and the statement that the council intends to not provide such a footpath; in consideration of a published challenge a few years ago, for any councillor of the Armadale City Council, to travel the route starting at the Armadale Post Office and travelling along Commerce Avenue to Forrest Road, then along Forrest Road to Townley Street, then along Townley Street to Mornington Street, then along Mornington Street to Tijuana Road, then along Tijuana Road where it continues to become Powell Crescent, and, along Powell Crescent to Whiteley Road, all on the left side of the road, and, by either pushing a pram or travelling in a wheelchair, as no member of the then council took up the challenge, and, as conditions along that route have, for the most part, not improved significantly; is the mayor, or, any member of the current council, prepared to so travel that route, by pushing a pram, or, in a wheelchair, or, in a "gopher", and, if no member of the council is so prepared to travel that route, does the mayor regard so travelling that route, as safe, or as a reasonable expectation of residents?

**Response:**

*The Council considers that it is desirable for all road environments to be pedestrian friendly. Your challenge to Councillors to experience the streets listed along the route described could easily be issued for the vast majority of streets within the City, where a single path has been provided in a street on one side of the road and where paths have not yet been constructed in a street, and the same conclusions and difficulties you are alluding to would be drawn in the vast majority of cases.*

*The Council acknowledges that at this time, not all streets provide the ultimate desirable environment, and that is why path replacement and path construction programmes are in place and resourced. The path programmes are run bearing in mind that, as a roads authority, Council must necessarily consider and balance over time the expenditure of resources over a wide range of issues that arise in managing the road network.*

*If you are suggesting that Council should immediately construct a path on both sides of the road in all streets in the City's road network I consider that this would create an unreasonable financial impost on the ratepayers of the City of Armadale.*

**Question 3:**

Regarding Avonlee Road; given that the 2002-2003 budget does not include any provision for rebuilding, or at least, resurfacing, the whole of Avonlee Road, and, given that the road has been repaired in a patchwork process, with a patch of a few square metres having been installed on about Thursday 8 August 2002, at the intersection of Avonlee Road and Stepney Road, and that the patch was worn through so that a number of large pot holes was again evident within four days, and, within five days, the rest of the surface had so deteriorated that the patch again needed replacing as the edges were then significantly lower than the adjoining road surface, and, as the adjoining footpath was fouled up with parts of the resurfacing, and, as walking the length of Avonlee Road and examining the road surface, clearly shows that the road surface is worn out and urgently needs replacing, for all of that road and at the intersections with the adjoining roads, why does the Council not properly repair the road surface, to save money on wasteful, temporary, ineffective, repairs, and, for the safety of people using the road, both as motorists and as pedestrians using the footpath on the side of the road?

**Response:**

*Avonlee Road is not listed on the Five Year Works Programme for resurfacing. The Manager Civil Works has been requested to review the patching work recently undertaken with a view to repair. Unfortunately due to the wet weather, it is difficult for patching to be maintained due to the moisture in the surface.*

**Question 4:**

Regarding Avonlee Road; are any of the Mayor, the Chairman of the Technical Services Committee, or the two councillors elected to represent the Forrest ward, to which the road belongs, prepared to walk along the road, to examine the road and familiarise themselves with the problem of the road surface and the inadequate maintenance of the road surface?

**Response:**

*Yes. I went for a walk down the street on Friday (16<sup>th</sup> August 2002).*

**Question 5:**

Regarding Avonlee Road; given that a city councillor who is elected to represent another ward of the city, lives on that road, is that councillor prevented from lobbying for the road to be properly maintained, due to any issues of propriety, such as having a personal interest in the road being properly maintained, given that the maintenance of the road, is in the public interest, due to the number of people affected by the condition of that road surface?

**Response:**

*Yes. This would need to be listed as a 'Registration of Interest' but the Councillor may be able to vote if the Committee is satisfied that the Councillor is able to put aside his/her personal interest and vote for the project on its merits.*

*[The Mayor advised that although this was the answer he had been provided with, he was not totally comfortable with that answer because there is a proximity interest, which is a financial interest. The Member may in fact be allowed by the Committee to debate the issue but would not be entitled to vote and would need to leave the room at the time the vote took place.]*

**Question 6:**

Regarding the agenda of the Ordinary meeting of 6 August 2002, and the resolution that was ratified by the Council, that is C118/02, on page 16 of the Community Services Committee Minutes of 22 July 2002, is the mayor aware of the ACCC ruling that it is unlawful to quote the price for any goods or service, exclusive of GST, and that all quotes for the provision of goods and services, are required to be inclusive of GST, and can the mayor obtain legal advice, or, advice from the ACCC, to clarify this, and thus, to correct the resolution?

**Response**

*The relevant part of council resolution C118/02 to which Mr Busby refers stated:*

**Rent:** *\$50 per annum plus GST adjusted in line with Council Policy 1.1.32 Lease to Sports Clubs/Associations*

*The relevant ACCC Guidelines state in part, as follows:*

***When prices are displayed they should include GST. The Government and trade practices legislation intend that the total price to be paid is clear to the purchaser. Businesses are not prevented from separately indicating the GST component, but they must make sure that such price display is not misleading or deceptive or likely to be misleading or deceptive.***

*Council's resolution was not about displaying or advertising prices rather it referred to a lease proposal between Council (the lessor) and Scouts Australia (the lessee or purchaser). The lease agreement between Council and Scouts Australia that will now be prepared on the basis of Council's resolution will appropriately detail the lease rental as being \$50 + GST = \$55 and thereby satisfy the ACCC Guideline requirement of the purchaser being clear as to the total lease rental to be paid.*



### **Question 7**

Regarding the agenda of the Ordinary Council meeting of 6 August 2002, and the resolution that was ratified by Council, that is C120/02, on page 20 of the Community Services Committee Minutes of 22 July 2002, I ask the mayor to explain the effect of no nomination for the position having been made by Council.

### **Response**

*The 'effect' is as follows:*

*The Committee recommendation was that Council nominate ..... as WALGA member, Library Board of WA, **OR** if there is no nomination at the Council Meeting of 6 August 2002, then the recommendation be as follows:*

***That council make no nomination for the position of WALGA Member – Library Board of WA***

*As there was no nomination made at the Council Meeting of 6 August 2002, the resolution of Council was that as above in bold – Council resolution 285/2002 as per the minutes of the Council Meeting held on 6 August 2002 refers.*

### **Question 8:**

When does the council intend to prune the verge trees on Pelham Street, so that they are below the electricity transmission lines, and, no closer than 2 metres from the electricity transmission lines, as is advertised by Western Power as the required clearance, so as to reduce the disruptions to the local electricity supply?

### **Response**

*The Manager Parks inspected the trees on Friday, and has advised that although the trees are not 2 metres clear of the power lines they are within the acceptable limits. I understand that the trees were pruned in January 2002 and that they will again be pruned in November / December after the spring growth period.*

### **Question 9:**

Given that, in a recent article in a local newspaper, the claim was made that a bus shelter would be provided on Duri Street, I ask the mayor to confirm that a bus shelter will be provided on Duri Street, to clarify which of the two bus stops on Duri Street will have the bus shelter, and, when the bus shelter will be provided.

### **Response:**

*A bus shelter in Duri Street has been listed for consideration as part of the Bus Shelter Grant Scheme. The locations listed under the grant scheme are*

*subject to review and if still required are expected to be constructed in the 2003/04 financial year.*

MOVED Cr Hopper that Question Time be closed at this juncture of the meeting as the 15-minute period allowed for Question Time had elapsed. Any further responses will be supplied in writing.

**301/2002      MOTION not opposed, DECLARED CARRIED      (12-0)**

The Mayor advised that the remaining questions (6 in all) would be answered in writing.

*Question time declared closed at 7.46 pm.*

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

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

Request for Leave of Absence received from Cr Everts for the period Monday, 19<sup>th</sup> August to Saturday, 1 September 2002, inclusive.

### **5.2      Request for Leave of Absence – Cr Reynolds**

Request for Leave of Absence received from Cr Reynolds for the period Monday, 26 August to Thursday, 29 August and Monday, 9 September to Friday, 13 September 2002 inclusive to attend to WALGA and Grants Commission business.

MOVED Cr Munn:

1.      That the request for Leave of Absence received from Cr Everts for the period Monday, 19<sup>th</sup> August to Saturday, 1 September 2002 be received and granted.
2.      That the request for Leave of Absence received from Cr Reynolds for the period Monday, 26 August to Thursday, 29 August and Monday, 9 September to Friday, 13 September 2002, be received and granted.  
[Does not include a Council Meeting]

**302/2002      MOTION not opposed, DECLARED CARRIED      (12-0)**

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## **6                    PETITIONS**

NIL

**7 CONFIRMATION OF MINUTES**

PREVIOUS ORDINARY MEETING OF COUNCIL  
HELD ON 6 AUGUST 2002

MOVED Cr Stewart that the Minutes of the Ordinary Meeting of Council held on 6 August 2002, be confirmed as a true and accurate record.

**303/2002 MOTION not opposed, DECLARED CARRIED (12-0)**

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

**8.1 Revelator Conference - Perth**

On 8/9 August 2002 the Travellator Conference was held in Perth which was attended by Cr Munn, the Mayor and 3 Engineering members of staff.

**8.2 Settlers Common Meeting**

On 8 August 2002 a Settlers' Common Meeting was held which was attended by Crs Green and Fletcher.

**8.3 SGIO Cheque Presentation – Indigenous Community Leaders' Project**

On 12 August 2002 the State Sales Manager of SGIO visited Council to present a cheque to assist with the Indigenous Community Leaders' Project, which amounted to \$4,500 out of a total that SGIO allocated across the State of \$32,000.

**8.4 Presentation – Pioneer Village School Library**

Also on 12 August 2002 a presentation to the Pioneer Village School Library was attended by Crs Zelones, Green and Fletcher.

**8.5 Grants Commission Seminar - Gosnells**

On 14 August 2002, the Grants Commission began its review of its current methodology with a Seminar at Gosnells which was attended by the senior staff.

**8.6 Chaplaincy Breakfast – Function Room**

On 16 August 2002 the Chaplaincy Breakfast was held in Council's Function Room which was addressed by the Principal of the Armadale

Senior High School, Joe Kalajzich attended by between 60 – 70 members of the local community, Councillor Munn and the Mayor.

**8.7 Official Launch – Springtime at Araluen**

Also on 16 August 2002, the official launch of Springtime at Araluen was attended by the Mayor and his Assistant. A large number of people attended.

**8.8 Neighbourhood Festival – Bernice Hargraves Reserve**

On 17 August 2002 a Neighbourhood Festival was held at the Bernice Hargrave Reserve which was attended by Cr Stewart and the Mayor. In excess of 500 people attended what proved to be a very successful event. Very good vibes were felt by the neighbourhood.

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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 DEVELOPMENT SERVICES COMMITTEE**

Report of the Development Services Committee held on 12 August 2002.

MOVED Cr Zelones that the Report be received.

**304/2002 MOTION not opposed, DECLARED CARRIED (12-0)**

**BUSINESS ARISING FROM REPORT**

Recommendation D127/02 - Outbuilding with Reduced Front Setback – Lot 9 (No. 49) Talus North Drive Armadale

MOVED Cr Green that Recommendation D127/02 be amended by the deletion of part (2) and the renumbering of part (3) to part (2).

**305/2002 AMENDMENT not opposed, DECLARED CARRIED (12-0)**

MOVED Cr Green that Recommendation D127/02, as amended, be adopted.

**306/2002 MOTION not opposed, DECLARED CARRIED (12-0)**

Recommendation D136/02 – Proposed Rezoning of Lots 14 & 79 Church Avenue, Armadale from “Office” to “Shopping”

MOVED Cr Green that Recommendation D136/02 (dot point) be amended to read:

That the initiation of the rezoning is premature as it may inhibit the preparation of the redevelopment scheme by the Armadale Redevelopment Authority which has the potential to be of considerable benefit to the City Centre.

**307/2002 AMENDMENT not opposed, DECLARED CARRIED (12-0)**

MOVED Cr Green that Recommendation D136/02, as amended, be adopted.

**308/2002 MOTION not opposed, DECLARED CARRIED (12-0)**

Recommendation D140/02 – Proposed Sale of Land for Expansion of Karragullen Cool Stores – Portion of Lot 46, Canning Road, Karragullen

Cr Stubbs declared an interest in Recommendation D140/02 on the basis that he has a financial relationship with the Hills Orchard Improvement Group which has an interest in the subject land.

*Cr Stubbs left the meeting.*

MOVED Cr Zelones that Recommendation D140/02 be adopted.

**309/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

*Cr Stubbs returned to the meeting.*

Recommendation D141/02 – Erade Village – Proposed Incidental Café/Deli

Cr Knezevich declared an interest in Recommendation D141/02 on the basis that he is a member of the Immunogenetics Research Foundation Inc. (Board representing CY O’Connor Erade Village).

*Cr Knezevich left the meeting.*

Moved Cr Cominelli that Recommendation D141/02 be adopted.

**310/2002 MOTION not opposed, DECLARED CARRIED (11-0)**

*Cr Knezevich returned to the meeting.*

MOVED Cr Zelones that Recommendations D127/02 to D144/02, except those already dealt with, be adopted.

**311/2002      MOTION not opposed, DECLARED CARRIED      (12-0)**

**10.2    CITY STRATEGY COMMITTEE**

Report of the City Strategy Committee held on 13 August 2002.

**CORRECTIONS:**

Recommendation CS68/02 – State Records Act & Elected Members

To more accurately reflect Committee deliberations a further sentence be added to the Committee preamble, which reads:

“Further, that it could act as an impediment to people standing for Council.”

MOVED Cr Hodges that the Report, subject to the above correction, be received.

**312/2002      MOTION not opposed, DECLARED CARRIED      (12-0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CS67/02 – 2003 Ordinary Council Elections

MOVED Cr Hodges that Recommendation CS67/02 be adopted.  
SECONDED Cr Hopper

**313/2002      MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF  
COUNCIL      (12-0)**

Recommendation CS68/02 – State Records Act & Elected Members

MOVED Cr Zelones that Recommendation CS68/02 be amended to read as follows:

1. That Council write to the Western Australian Local Government Association offering its support for the proposed action of lobbying the State Government to amend the State Records Act 2000 to preclude from its provisions all records received or generated by Councillors at their private residence and to further inform the Western Australian Local Government Association of additional action initiated by the City of Armadale as per part 2 of this recommendation.
2. That Council write to local State Members of Parliament pointing out the following:

- a. The inequity of this requirement in the Act, given the essentially voluntary nature of the role of Local Government Elected Members who have no clerical support compared with State Members of Parliament (who have electoral office support yet are exempt under the Act).
  - b. The inevitable invasion of privacy that would result should data be removed from Councillor(s) personal computer(s) where data or records will most likely be generated.
  - c. The possible disruption of commercial operations where the Councillor uses his employer's equipment to carry out some of his duties as a Councillor.
  - d. The possible disruption to private enterprise where a Councillor running a business operation uses equipment at his office to carry out his duties as a Councillor.
  - e. The financial implications of (c) and (d) above.
  - f. The possible loss of trust and confidentiality between ratepayer and Councillor as a result of this requirement under the Act.
3. That a report be submitted to the City Strategy Committee advising Council of the response and progress being made by the Western Australian Local Government Association with regard the State Records Act 2000 so that further action may be considered.

**314/2002 AMENDMENT not opposed, DECLARED CARRIED (12-0)**

MOVED Cr Zelones that Recommendation CS68/02, as amended, be adopted.

**315/2002 MOTION not opposed, DECLARED CARRIED (12-0)**

Recommendation CS70/02 – Sustainability Conference (Mandurah)

MOVED Cr Cumming:

That Council:

1. Nominate Councillor Fletcher to attend the “Beyond the Boundaries Solutions for Success” Conference to be held between 3 and 5 September 2002.
3. Endorse the administrative action to secure (4) early “Incentive Fee” registrations.

**316/2002**      **MOTION not opposed, DECLARED CARRIED**      **(12-0)**

MOVED Cr Hodges that Recommendations CS67/02 to CS77/02 be adopted.

**317/2002**      **MOTION not opposed, DECLARED CARRIED**      **(12-0)**

**10.3**      **CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer as at 15 August 2002

MOVED Cr Cominelli that the Report be received.

**318/2002**      **MOTION not opposed, DECLARED CARRIED**      **(12-0)**

**10.3.1 Councillors' Information Bulletin – Issue No. 16/2002**

MOVED Cr Hodges that Council acknowledge receipt of Issue No. 16/2002 of the Information Bulletin.

**319/2002**      **MOTION not opposed, DECLARED CARRIED**      **(12-0)**

**10.3.2 Financial Report for the 1 month ended 31 July 2002**

MOVED Cr Fletcher that the Financial Report for the 1 month ended 31 July 2002, as presented at Attachment "A-1" to this report be referred to the next Community Services Committee Meeting for assessment and review.

**320/2002**      **MOTION not opposed, DECLARED CARRIED**      **(12-0)**

**10.3.3 Armadale Redevelopment Authority - City Centre Liaison Committee**

The Chief Executive Officer advised, via late item to the City Strategy Committee of 13 August 2002, of the Board's proposed modifications to the City Centre Liaison Group and the Forrestdale Business Park Precinct Committee and that it may be open to Council to nominate new delegates to those groups. In anticipation, and subject to clarification from the Armadale Redevelopment Authority, the following Councillors were nominated.

Cr Knezevich nominated Cr Munn  
Cr Hopper nominated Cr Green

Crs Munn and Green accepted the nomination.

MOVED Cr Hopper that Crs Munn and Green be nominated as Council's delegates to the City Centre Liaison Committee.



**321/2002**      **MOTION not opposed, DECLARED CARRIED**      **(12-0)**

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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**

NIL

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

Cr Zelones            That placement of the booklet presented by Kelmscott  
RSL in Council's Libraries be referred to the  
Community Services Committee.

Cr Stewart            That the matter of Grovelands Drive Reserve 35513 be  
referred to the Technical Services Committee.

That the matter of the Public Access Way closure policy  
be referred to the Development Services Committee.

Cr Stubbs            That the matter of a response to the Council Resolution  
regarding the formation of a House Committee be  
referred to the next City Strategy Committee.

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**14**            **MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

NIL

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**15**            **CLOSURE**

*Mayor, Cr Reynolds, declared the meeting closed at 8.12 pm*

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MINUTES CONFIRMED THIS 2ND DAY OF SEPTEMBER 2002

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MAYOR

