



# ORDINARY MEETING OF COUNCIL

## 21 January 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, 21 JANUARY 2002 COMMENCING AT 7.30 PM

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

*The Mayor, Cr Reynolds, declared the meeting open at 7.30pm and wished everyone in attendance a Happy & Prosperous New Year.*

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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, Cr J H Munn JP CMC	West Armadale Ward
Cr J Knezevich	West Armadale Ward
Cr R R Fletcher	Armadale Ward
Cr F R Green	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	Roleystone Ward
Cr D L Hopper JP	Roleystone Ward

#### IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mrs J Dudley	Acting Executive Director Community & Corporate Services
Mr JHA Adderley	Executive Director Development Services
Mr A Bruce	Executive Director Technical Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 8  
Press: 1

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:**

Leave of absence previously granted to Cr Stewart.

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

Nil

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**4           PUBLIC QUESTION TIME**

**Boris – 22 Clenham Way, Kelmscott**

1. Put in an application to have a public accessway near my property closed in August 2001. Why has it taken this long to invite public comment and refer the matter to the Development Services Committee?

*The Mayor invited Mr Adderley to respond. Mr Adderley advised that though preliminary actions had been undertaken there was a delay due to staff resources. Apologies were extended for this delay and Mr Boris was assured that the matter would be expedited.*

**Wayne Ferrara – Clenham Way, Kelmscott**

1. There has been an increase in crime and burnouts in the area, is Council able to put in patrols for the whole of the City of Armadale and not just the industrial areas?

*The Mayor clarified that there is no proposal to put in patrols for the industrial areas but that there has been an application received by Council for such a proposal. To patrol this area would need something like 8 to 10 cars and to date this proposal is seen to be beyond Council's financial capabilities. From those Councils who have put in vast amounts of funds into such a proposal, the views are that there is no evidence that patrols has helped reduce crime.*

*The previous Mayor, Cr Stubbs has had regular discussions with the Police and this has continued with Mayor Reynolds recently meeting with Superintendent Lampard. A special burglary unit has been set up with sophisticated methods now being used such as DNA testing and this has taken the clean-up rate from 15% to 33%.*

**Gary Milligan – Clenham Way, Kelmscott**

1. Can Council take appropriate action to have the adjacent property clean-up their backyard. It has become a wrecking tip with work being done on vehicles at all hours of the day. This poses a real health hazard in a residential area.

*The Mayor advised that Mr Adderley will be happy to discuss the matter after the meeting and take down details for Council's Compliance Officer to investigate the problem. Mr Adderley advised that Council at its meeting tonight will be considering a recommendation to undertake additional compliance activities and introduce an advertising campaign to pursue the clean-up of car wrecks and illegal wrecking activities in residential areas.*

**Mrs Coulthard - Kelmscott**

1. On behalf of the Armadale Brickworks Preservation Group would like to know why Bristle has advised that because of discussions being held with the City of Armadale it is inappropriate for the Minister for Planning and Councillors to visit the Brickworks site?

*The Mayor advised that Council has received an application for rezoning and the company is having discussion with Planning department, however this should not prohibit any visit to the site.*

**Boris – 22 Clenham Way, Kelmscott**

2. If my application is rejected what avenues of appeal is there and how long would it take

*Mr Adderley advised that in circumstances where Council exercise a discretion there would be an appeal to the Minister for Local Government and where the matter relates to public lands an approach to the Minister for Lands would be more appropriate.*

**Wayne Ferrara – Clenham Way, Kelmscott**

2. Can Council please look into taking up the opportunity of introducing security patrols in the area in conjunction with the police, if only for a trial period to see what can be achieved?

*The Mayor advised that Council will take the suggestion on board and the request will be included for Council's pre-budget deliberations this year.*

**Mrs Coulthard – Armadale Brickworks Preservation Group**

2. In view of the circumstances explained earlier, can Council grant the Minster access to the site?

*The Mayor advised that the Minister had in fact more legal powers than Council in this regard. However, Metro Brick as the private landowner do have the right to advise as to when it is more appropriate for a visit. Council is mindful of the Group's interest in the history of the land and this is being reflected in its discussions with Bristile.*

**Boris – Clenham Way, Kelmscott**

3. If the application is rejected will Council provide me with copies of all significant paperwork or will I need to make an FOI application?

*The Mayor advised that the documents in regard to this application are public documents and in the event that a written request is made for such documentation, this can be made available.*

4. How do I go about making a formal complaint about this matter?

*The Mayor advised by writing to the Minister for Local Government.*

5. In regard to his 1997 application for closure of the accessway, why was this not put out for public comment nor referred to the Development Services Committee?

*The Mayor advised that this question would be taken on notice and a reply sent in writing.*

6. Can I have all relevant documentation relating to the 1997 application?

*The Mayor advised that this request be discussed with Mr Adderley either at the end of the meeting or by making an appointment or ringing the offices during business hours.*

7. Why wasn't any of the health and safety issues raised in 1997 regarding the accessway addressed?

*Again, the Mayor advised that this question would be taken on notice and a reply sent in writing.*

8. If I cannot succeed in getting the access way closed for how long will the owners of the accessway be looking after this property

*The Mayor advised that the owners of the accessway, the Department of Land Administration, would need to be addressed in this regard.*

9. Why is my driveway been dug up for 2 weeks with big ruts across it?

*The Mayor advised that when the issue was raised with him earlier he investigated the matter with the Technical Services Department. As part of an improvement program being managed by the Council, driveways including crossovers were being repaired in the neighbourhood.*

**Richard Harvey, Roleystone**

1. With regard to the keeping of cats in Churchman's Brook, the law specifically states that the keeping of "cats" (in the plural) is not permitted, which suggests that "cat" in the singular should be allowed.

*The Mayor advised that the clear intent of the law is to ban all cats in the Churchmans Brook subdivision and Council was acting within its rights.*

**Mrs Kathryn Harvey, Roleystone**

1. Is Council aware that it is discriminatory and is taking away the opportunity of equality by banning only cats and at only one particular area in the Armadale locality?

*The Mayor advised that Council took the decision at the time because of the threat that cats pose to native wild life in the Churchmans Brook area. This was part of a series of covenants that Council placed on the land in approving the subdivision application for this area.*

*Cr Stubbs further advised that this provision was put in the scheme as a result of public advertising and public support. It is also worth noting that after the zone was put in place there was an application to amend the scheme to lift the prohibition on cats. Council examined the issue and made a decision not to lift the ban because of the overwhelming support by residents of Churchmans Brook for the prohibition to remain.*

MOVED Cr Munn that Public Question Time be extended for another 10 minutes.

**Mr Wayne Ferrara – Clenham Way, Kelmscott**

3. Am very concerned about the significant number of burnouts in the area and to help alleviate the problem can Council put some traffic controlling devices down Clenham Way but particularly think that 2-men patrols would also go a long way in solving this problem. To report such problems to the police, residents often need to have registration details and good descriptions and this is not always possible, whereas patrols would have the capability to catch the offenders.

*The Mayor advised that in terms of traffic control devices that would need to be the subject of budget discussions. From past experiences, introducing traffic controls in one area simply moves the problem to another area. However, Technical Services have recently trailed introducing barriers in a cul-de-sac and there is a possibility that this may be introduced on a trial basis too on Clenham Way. It should also be noted that with regard to patrols, they would have no power to apprehend or to take any action and would probably be breaking the law if they entered into a chase to obtain registration details.*

**Mr Harvey, Roleystone**

2. With regard to the information provided by Cr Stubbs, would it be possible to view the documentation relating to the issue of cats in Churchmans Brook?

*The Mayor advised that the information would be available from the Council Minutes and suggested that Development Services be contacted in this regard.*

**Boris, Clenham Way, Kelmscott**

9. Is Council aware of the extraordinary amount of activity at 16 Clenham Way?

*The Mayor advised that though Council is aware and has monitored the activity at the property in question, it is however not Council's role or responsibility to take appropriate action but rather that of the police. Council is however taking appropriate steps to address problems such as trail bike movements and other matters with regard to Clenham Way that have been raised at the meeting tonight.*

*Question time declared closed at 8pm.*

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**5 APPLICATIONS FOR LEAVE OF ABSENCE**

Nil

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**6 PETITIONS**

Nil

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**7 CONFIRMATION OF MINUTES**

PREVIOUS ORDINARY MEETING OF COUNCIL  
HELD ON 17 DECEMBER 2001

MOVED Cr Munn that the Minutes of the Ordinary Meeting of Council held on 17 December 2001 be confirmed as a true and accurate record.

**2/2002 MOTION not opposed, DECLARED CARRIED (13-0)**

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

**8.1 Meeting with Superintendent Lampard**

The Mayor met with Superintendent Lampard recently to discuss a number of issues of mutual interest including the inception of the burglary unit. The Superintendent has given his assurances that the vacant position of Senior Sergeant at the Armadale Police Station would be filled by March or April. This has been delayed due to recent union actions which prompted cancellation of Sergeant promotions and a new selection process has since commenced. He has also agreed to share intelligence information with Council to assist in better directing our services and Council in turn will be conveying information that is received on burnouts and other illegal activities.

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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 14 January 2002.

MOVED Cr Zelones that the Report be received.

**3/2002                MOTION not opposed, DECLARED CARRIED                    (13-0)**

**BUSINESS ARISING FROM REPORT**

Recommendation D5/02 – Local Laws

MOVED Cr Zelones that Recommendation D5/02 be adopted.  
SECONDED Cr Munn

**4/2002                MOTION DECLARED CARRIED BY A SPECIAL MAJORITY OF COUNCIL                    (13-0)**

Recommendation D6/02 – Brookdale Liquid Waste Treatment Plant

*In response to Cr Fletcher's query of councillor representation on the community group, Cr Hodges advised that the information in the paper was that there is to be a community reference group or a stakeholders group. Whilst there is no formal request in writing yet to appoint Council representatives, Cr Hodges and the Health Services Manager, Peter Meyrick were invited to attend the group's first meeting.*

*The purpose of the stakeholders' group is as follows:-*

- *receive information about the strategy to cease acceptance of hazardous waste at the Brookdale Liquid Waste Treatment Facility*
- *raise issues of concerns with the Department for Environmental Protection in relation to the strategy*
- *relay information provided at Committee meetings to interested community, representatives and local governments.*

*There will be an approach to Council to formally appoint the Health Services Manager as a representative from Council to be an independent observer at the audits that will take place on site over the next few months.*

MOVED Cr Hodges that Recommendation D6/02 be adopted.

**5/2002                MOTION not opposed, DECLARED CARRIED                    (13-0)**

MOVED Cr Zelones that Recommendations D1/02 to D16/02, except those already dealt with, be adopted.

**6/2002            MOTION not opposed, DECLARED CARRIED            (13/0)**

**10.2    CITY STRATEGY COMMITTEE**

Report of the City Strategy Committee held on 15 January 2002.

**CORRECTION:**

Page 10            The first paragraph of the preamble prior to the recommendation to be deleted as it was noted that the auditors were originally appointed through a tender process.

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

**7/2002            MOTION not opposed, DECLARED CARRIED            (13-0)**

Recommendation CS2/02 – Auditor Appointment

In regard to Recommendation CS2/02, Cr Reynolds disclosed that Barrett & partners are his accountants. As a consequence, there may be a perception that his impartiality on the matter may be affected, but declared that he would put aside this association, consider the matter on its merits and vote accordingly.

Cr Stubbs disclosed that occasionally Barrett & Partners perform services for him. As a consequence, there may be a perception that his impartiality on the matter may be affected, but declared that he would put aside this association, consider the matter on its merits and vote accordingly.

MOVED Cr Stubbs that a Part (3) be added to Recommendation CS2/02 as follows:-

(3)            That Council be advised of the arrangements that have been put in place to monitor the expiry of contracts.

**8/2002            AMENDMENT not opposed, DECLARED CARRIED            (13-0)**

MOVED Cr Hodges that Recommendation CS2/02, as amended, be adopted.  
SECONDED Cr Zelones

**9/2002            MOTION DECLARED CARRIED BY AN ABSOLUTE  
MAJORITY OF COUNCIL            (13-0)**

Recommendation CS4/02 – New Funding System for the Fire Services and the States Emergency Services

MOVED Cr Fletcher that Part (1) of Recommendation CS4/02 be amended by deleting the words “as proposed by FESA”.

**10/2002**      **AMENDMENT not opposed, DECLARED CARRIED**      **(13-0)**

MOVED Cr Zelones that Recommendation CS4/02, as amended, be adopted.

**11/2002**      **MOTION not opposed, DECLARED CARRIED**      **(13-0)**

Recommendation CS5/02 – WALGA Finance & Services Committee

MOVED Cr Munn that no nomination be made to this Committee.

**12/2002**      **MOTION not opposed, DECLARED CARRIED**      **(13-0)**

Recommendation CS7/02 – Contract of Employment – Executive Director Technical Services

Mr Bruce declared an interest in Recommendation CS7/02 on the basis that it related to his employment contract.

*Mr Bruce left the meeting.*

MOVED Cr Stubbs that Recommendation CS7/02 be adopted.

**13/2002**      **MOTION not opposed, DECLARED CARRIED**      **(13-0)**

*Mr Bruce returned to the meeting.*

Recommendation CS8/02 – Executive Director Development Services Position

Mr Adderley declared an interest in Recommendation CS8/02 on the basis that it related to his employment contract.

*Mr Adderley left the meeting.*

MOVED Cr Zelones that Recommendation CS8/02 be adopted.

**14/2002**      **MOTION not opposed, DECLARED CARRIED**      **(13-0)**

*Mr Adderley returned to the meeting.*

MOVED Cr Hodges that Recommendations CS1/02 to CS8/02, except those already dealt with be adopted.

**15/2002      MOTION not opposed, DECLARED CARRIED                      (13-0)**

**10.3      CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer as at 16 January 2002.

MOVED Cr Hopper that the Report be received.

**16/2002      MOTION not opposed, DECLARED CARRIED                      (13-0)**

**10.3.1 WALGA Member – Local Government Advisory Board**

MOVED Cr Hodges that no nomination be made.

**17/2002      MOTION not opposed, DECLARED CARRIED                      (13-0)**

**10.2.2 WALGA Member and Deputy Member – Control of Vehicles (Off-Road Areas) Act Advisory Committee**

MOVED Cr Clowes-Hollins that no nomination be made.

**18/2002      MOTION not opposed, DECLARED CARRIED                      (13-0)**

**10.3.3 WALGA Member and Deputy Member – WA Local Government Superannuation Board**

MOVED Cr Hopper that no nomination be made.

**19/2002      MOTION not opposed, DECLARED CARRIED                      (13-0)**

**10.3.4 Councillors' Information Bulletin – Issue No. 2/2002**

MOVED Cr Cominelli that That Council acknowledge receipt of Issue No. 2/2002 of the Information Bulletin.

**20/2002      MOTION not opposed, DECLARED CARRIED                      (13-0)**

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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 Hopper That the matter of timelines and processes of drum muster be referred to the Technical Services Committee.

Cr Stubbs That the matter of the Emergency Response Plan be referred to the Community Services Committee.

Cr Fletcher That the matter of the possibility of a new ward for the Armadale CBD be referred to the City Strategy Committee

Cr Cumming That the matter of vandalism on Errol Green Reserve be referred to the Technical Services 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 8.30 pm*

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MINUTES CONFIRMED THIS 4<sup>th</sup> DAY OF FEBRUARY 2002

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MAYOR

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