



ORDINARY MEETING OF COUNCIL 4 February 2002

MINUTES

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ATTACHMENTS

“A-1” FINANCIAL STATUTORY REPORT FOR 31 DECEMBER 2001

CITY OF ARMADALE

MINUTES

OF ORDINARY MEETING OF THE ARMADALE CITY COUNCIL HELD IN THE COUNCIL CHAMBERS, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 4 FEBRUARY 2002 COMMENCING AT 7.30 PM

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Reynolds, declared the meeting open at 7.30pm and welcomed Miss Joeley Pettit from the Examiner to this her first meeting.

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 J D Cumming	Seville Ward
Cr J Everts	Seville Ward
Cr J A Stewart	Westfield Ward
Cr R C Stubbs	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 JHA Adderley	Executive Director Development Services
Mr A Bruce	Executive Director Technical Services
Mrs Y Ward	CEO's Acting Executive Assistant

Public: 9
Press: 1

APOLOGIES: Apology received from Cr V L Clowes-Hollins

MOVED Cr Zelones that the apology be received.

21/2002 MOTION not opposed, DECLARED CARRIED (13-0)

LEAVE OF ABSENCE: Nil

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

The following questions were taken on notice at Council's meeting on 21 January 2002 and were responded to in writing on 30 January 2002 as follows:-

Mr Boris – 22 Clenham Way, Kelmscott

1. 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?
2. Why weren't any of the health and safety issues raised in 1997 regarding the accessway addressed?

The Mayor read aloud the following response to Mr Boris' questions, i.e.

“PEDESTRIAN ACCESS WAY (PAW) BETWEEN LOTS 191 (24) & 194 (22) CLENHAM WAY AND BETWEEN LOTS 1012 (28) & 1022 (27) KIDBROKE PLACE, KELMSCOTT

At the Ordinary Meeting of Council on 21 January 2002 and during public question time, you raised two questions regarding the above-described pedestrian access way (PAW).

With regard to the first question as to why the closure proposal was not advertised for public comment nor referred to the Development Services Committee in 1997, I advise that the City follows the procedure guidelines for PAW closures as prescribed by the Department of Land Administration. These procedure guidelines state, among other things, that the PAW should not be closed unless the complete PAW can be closed and disposed of to abutting owners. As part of this procedure, standard letters were sent to the abutting landowners. One abutting landowner at the Kidbroke Place end of the PAW objected to the closure and the other declined to respond to Council.

As a result of failure to achieve a basic agreement between the abutting landowners regarding closure and land acquisition arrangements, the closure

process was not progressed at that time. I understand that this situation was fully explained to you by Council Officers at the time.

With regard to the health and safety issues, I advise that as part of Council's ongoing PAW maintenance programme, whipper snipping and rubbish clearance was carried out during July/August 2001 and again during November/December 2001. A recent inspection of the PAW revealed some branches of trees overhanging the PAW. Further maintenance work is scheduled to be carried out next week.

As you are no doubt aware, this closure proposal is currently being advertised for public information and comment and it is envisaged that the matter will be submitted to the February round of Council Meetings for consideration and decision.

I trust that the above has answered the issues raised by you. Any further queries regarding this matter should be directed to Mike Fernandes on 9399 0142."

4

PUBLIC QUESTION TIME

Mr Boris, 22 Clenham Way, Kelmscott

Question-1

I have an application before the City of Armadale to close the public accessway adjoining my property. Thank you very much for the letter received from Council - in regard to the health and safety issues, I raised the issue that the lighting was inadequate, nothing has been done about that. I also requested a rubbish bin to be installed there, it still hasn't been done. Why wasn't anything contained in your letter regarding the suggestions that I made about improving the lighting?

The Mayor advised that without knowing the mind of the person who wrote the letter, given that there is a pending closure application before Council at the moment, for Council to install a rubbish bin and increase the lighting in the PAW when there is a probability that it is going to be closed, would be a little short-sighted. The matter of the requested PAW closure will be considered during the February 2002 round of Committee/Council meetings at which time aspects such as, for example, lighting and rubbish bin will be addressed.

Mr Ferraro, Clenham Way, Kelmscott

Question-1

Since the last Council meeting, when I raised concerns about burnouts throughout the Armadale area, and requested additional patrol resources;

- I have had every window in my vehicle smashed; and
- I now notice several burnouts and doughnuts on the corner of Armadale Road and Orchard Avenue

I ask will the Council consider the use of temporary strategic patrols to combat property decline in this area?

The Mayor thanked Mr Ferraro for the question and advised that to introduce patrols would require a Council decision and as such he was not personally in a position to answer the question. The Mayor further advised that the matter of patrols will be part of discussions in terms of framing the future budget. One of the concerns expressed last week was that patrols would have no more power than either himself or Mr Ferraro. The Mayor replied that whilst there was a doughnut close to the Council building all Councillors live in the suburbs and are aware of such activities in their neighbourhoods. It is primarily a Police issue but Council is looking at ways it can assist.

Ms Leslie, 28 Clenham Way, Kelmscott

Question-1

I would like to ask about speed control in Clenham Way. I have been a resident in that street for 28 years and it has not improved. We have quiet times and then it goes berserk again. I live right on the corner of Clenham Way and in the last couple of years we have had double white lines and "cat's eyes" installed. The only thing accomplished is that every couple of months the "cat's eyes" have to be replaced, because the people are actually crossing double white lines. It is a danger and the speed is not making any difference. After 28 years I am asking Council if the matter can be looked into and something done?

The Mayor advised that the problem is unfortunately quite widespread in the community. It relates to the behaviour of a small proportion of the population, primarily younger people. Council has a program, which is looking at neighbourhoods and traffic restrictors, where it is believed that something can be achieved. Experience to date has been mixed.

Reply from Ms Leslie

Bollards were installed in Ravenscroft Way.

The Mayor advised that they were installed 11 years ago and after they were put in the vehicle traffic was faster than before installation. They have mixed

results. They are not an attractive feature in a neighbourhood by any means, as they are not maintained in anything other than a utilitarian manner.

Ms Hawkins, 15 Clenham Way, Kelmscott

Question-1

I live in Clenham Way, right on the corner. A car speeding around the corner has actually come on to my property. We have had near misses backing out of the house. The cul-de-sac is a bad problem. It is being used as a race track. As far as I am concerned it is not last thing in the evening, it is all day. There was one at 6.00 pm this evening, you couldn't even see the colour of the car. I think if something can be done about it – it should be done.

The Mayor advised that the matter was being taken note of by the Executive Director Technical Services and Members of the Technical Services Committee. The Police will be contacted to see whether they can step up their patrols in that area and Council will examine what it can do to be of assistance.

Mr Boris, 22 Clenham Way, Kelmscott

Question-2

If my application for closure is successful, what hurdles are there, if any, in closing the accessway and what sort of time frame is involved?

The Mayor advised that it was his belief that the first step would be for the matter to go to DOLA for consideration. DOLA would check that the processes Council has gone through are proper, in particular the Water Corporation, which has a pressure main in that accessway, is agreeable with the capping of it.

Reply by Mr Boris

Apparently, they are not. They say they will be putting gates at either end.

The Mayor replied that Council was not aware of that fact. In that case the closure was not unlike the one that is at the bottom of Curlew Court, which most believe is less than satisfactory. The proper closure would be preferred. It would be interesting to see what the objection is and why. That is not to say that Council won't consider continuing with the proposition but perhaps it will have to take on board advice from the Water Corporation because Council is not the authority that makes the decision. The Department of Land Administration has the final decision which will be made having regard for the representations made by the relevant agencies including Council.

Question-3

What if they decide not to cap the water main and put gates up, won't that be providing a nice safe, secure environment for people to engage in nefarious activities, keeping in mind that it is a long alley way, with a kink in the middle and is poorly lit?

The Mayor drew attention to the fact that Council does have other PAWS that have been closed that way, with no evidence to support anti-social behaviour occurring.

The Executive Director Development Services advised that certainly there are issues involved that would need Council's consideration. At this juncture there are a number of hypotheticals that will need to be looked at, including the issue of whether or not the reserve can actually be closed and disposed of to adjoining landowners. If that is not possible then there is the question of simply closing the reserve and gating it. The matter needs to be worked through and is scheduled to be reported at the next Development Services Committee Meeting on Monday, 11 February 2002.

Mr Ferraro, Clenham Way, Kelmscott

Question-2

Despite recent Police busts in Clenham Way, there still appears to be a high number of vehicles of non-residents into and out of Clenham Way. Can the Council introduce traffic counters to determine vehicle numbers and speed to form a view on traffic calming in this particular area?

The Mayor advised that he would take the matter up with the Executive Director Technical Services and Technical Services Committee.

Mr Boris, 22 Clenham Way, Kelmscott

Question-4

Since the break-in of last July, I have only put my rubbish bin out 4 times, because nothing advertises a house unoccupied more than the rubbish bin sitting out on the verge all day. Will Council consider introducing "user pays" for domestic rubbish? I am paying the same amount as people who put their bins out every week.

The Mayor advised that all services provided by the City are provided on the basis that they available to everyone. Council policy to date is that all fees are levied equally because everyone has equal opportunity to use those services. Whether in the future Council, during its budget debate, considers "user pays", and matters involved such as:

- *how it will manage that;*

- *how it will record collections; and*
 - *how it would deal with rotten putrescible rubbish kept on people's properties,*
- is an issue for Council to consider/determine.*

The Mayor at this juncture, 7.45 pm, sought a motion to extend the time (15 minutes) for public questions so as to allow further questions.

MOVED Cr Stubbs that Public Question Time be extended.

22/2002 MOTION not opposed, DECLARED CARRIED (13-0)

Question-5

If my application is rejected, one option for me is to rent the house out. Am I legally obliged to inform prospective tenants of the problems that come from living next door to an accessway?

The Mayor replied that he was not familiar with the Real Estate Act and suggested that the question be raised with a real estate person.

Question-6

I wish to improve the security of my home by replacing the tiles with a tin roof. None of the houses in my street have a tin roof, what hope have I got of obtaining Council permission for a tin roof?

The Mayor sought to clarify the question by asking whether Mr Boris meant tin, zinalume or colour bond. Depending on whether it is reflective, a light colour or whether it is a darker colour. Replacing the tiled roof with a dark colour bond roof would gain ready acceptance.

Question-7

If the alleyway is not closed, can I obtain special dispensation for a fence higher than six foot?

The Mayor advised that an application to Council is likely to be favourably considered.

Question-8

To what height can the fence be built?

The Mayor advised that the maximum height to which a fence could be built under special dispensation was 2.4 metres.

Question-9

If the alleyway is not closed will the lighting be put in place and the fences improved?

The Mayor advised that he could not say whether this would happen. The matters would certainly be addressed having regard to Council's PAW policy.

Question-10

Will the Council consider introducing a public accessway levy to help adjoining landowners defray costs associated with PAW?

The Mayor advised that it would be unlikely that Council would do that.

Question time declared closed at 7. 53pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

PREVIOUS ORDINARY MEETING OF COUNCIL
HELD ON 21 JANUARY 2002

MOVED Cr Fletcher that the Minutes of the Ordinary Meeting of Council held on 21 January 2002 be confirmed as a true and accurate record.

23/2002

MOTION not opposed, DECLARED CARRIED

(13-0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 Australia Day Celebrations

On Saturday, 26 January 2002, following excellent Australia Day functions in the morning at Gosnells and Mundijong, Council had another very large crowd turn out for its own evening of entertainment. 55 new citizens joined with more than 30,000 others to celebrate the wonderful country that is Australia. Council's thanks go to all those who helped in anyway, and particularly to the sponsors.

8.2 Back-to-School Neighbourhood Improvement Program

On Wednesday, 30th January 2002, a back-to-school NIP function was held in the Bernice Hargrave Reserve, with over 100, mainly young children and their mums attending.

8.3 Local Tourist Groups Meeting

On Friday, 1 February 2002, representatives of the two local tourist groups met to explore the likely attitude of Council to their amalgamating. Thanks to Cr Green and Cr Hodges for their briefings prior to the meetings. It seems that the resulting one locally focused group will reduce administration effort while maximising outcomes.

8.4 Seniors' Program Funding – Department of Veteran's Affairs

On Monday, 4 February 2002, Community Services Staff and the Mayor met with Don Randall, Member for Canning, to brief him on an application for funding from the Department of Veteran's Affairs for a Seniors' program over two years. Council is seeking \$44,000 as part of a total budget of \$202,000.

8.5 Armadale Redevelopment Authority

Minister Alannah MacTiernan has advised that she will be taking the names for the Armadale Redevelopment Authority to Cabinet next Monday. The official announcement is likely to be made on Tuesday or Wednesday of next week.

8.6 Napier Family Donation

Mr Napier has advised Cr Green that donations collected during the viewing of the Christmas lights this year, raised another \$4,000 for Camp Quality.

8.7 Dale Cottages Retirement Village Inc. – 14 New Beds

The Mayor invited Cr Green to make this announcement.

Cr Green advised that it gave him great pleasure to impart the news that 14 beds, out of a possible 20 to be made available in the Armadale and Gosnells Area by the Federal Government, have gone to Dale Cottages. Thanks to Trudi Hodges, Chief Executive Officer of Dale Cottages, an application for the 20 possible beds was speedily submitted and last week notification was received that Dale Cottages Retirement Village Inc. had received 14 of the 20 possible beds. Cr Green, on behalf of Dale Cottages Retirement Village Inc., thanked Council and those who gave their support in initiating the application for the beds.

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

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE

Report of the Technical Services Committee held on 29 January 2002.

CORRECTION:

Page 17 Recommendation T3/02 – Tonkin Highway Extension

The words: “with Council in future road network and urban development projects” be added to the last line of part (2) of Recommendation T3/02.

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

24/2002 MOTION not opposed, DECLARED CARRIED

(13-0)

BUSINESS ARISING FROM REPORT

Recommendation T2/02 – Rowley Road, Brookdale – Request for Truck and Trailer Permit Application

MOVED Cr Cominelli that Recommendation T2/02 be not adopted and recommitted to the Technical Services Committee.

25/2002 MOTION not opposed, DECLARED CARRIED (13-0)

Recommendation T3/02 – Tonkin Highway Extension

MOVED Cr Hopper that Recommendation T3/02 be amended by changes to parts (2) and (3) and the addition of a new part (4) as follows:

In parts (2) and (3), the third word “approve” be deleted and replaced by “support”.

A new part (4) to read:

4. That Council approve the proposed amendment of the Local Government boundary with the City of Gosnells between Ranford Road and Seaforth Avenue by moving the boundary northwards to the centreline of the Tonkin Highway, as indicated in Plan 02/01, and that the Executive Director Development Services seek formal concurrence from the City of Gosnells to approach the Department of Local Government upon receipt of any such concurrence to instigate Ministerial approval of the amendment.

26/2002 AMENDMENT not opposed, DECLARED CARRIED (13-0)

MOVED Cr Hopper that Recommendation T3/02, as amended, be adopted.

27/2002 MOTION not opposed, DECLARED CARRIED (13-0)

MOVED Cr Hopper that Recommendations T1/02 to T8/02, except those already dealt with, be adopted.

28/2002 MOTION not opposed, DECLARED CARRIED (13-0)

10.2 COMMUNITY SERVICES COMMITTEE

Report of the Community Services Committee held on 29 January 2002.

CORRECTION:

Page 60 That the last dot point in the Committee preamble and Recommendation C14/02 be deleted and replaced as follows:

“That the Armadale Kelmscott Swimming Club be advised of the further opportunities for it to participate in Council’s Strategic planning processes.”

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

29/2002 MOTION not opposed, DECLARED CARRIED (13-0)

BUSINESS ARISING FROM REPORT:

Recommendation C6/02 – Armadale Sporting Club Incorporated

In regard to the following report – Armadale Sporting Club Incorporated, Cr Green disclosed that he is a member of the Armadale Sporting Club. As a consequence, Cr Green advised that there might be a perception on the basis of his disclosed non-financial interest, that his impartiality may be affected and declared that he would set aside that association, consider the matter on its merits and vote accordingly.

MOVED Cr Stewart that Recommendation C6/02 be adopted.

30/2002 MOTION not opposed, DECLARED CARRIED (13-0)

Recommendation C9/02 – Armadale-Kelmscott Seniors’ Centre Management Committee Membership

MOVED Cr Stewart that Recommendation C9/02 be adopted.

SECONDED Cr Munn

31/2002 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (13-0)

Recommendation C14/02 – Permission for a Petition on Council Property

MOVED Cr Zelones that Recommendation C14/02 be not adopted.

OPPOSED Cr Stewart

SECONDED Cr Cumming

32/2002 MOTION DECLARED CARRIED (7/6)

MOVED Cr Zelones that the new Recommendation C14/02 be as follows:

1. That Council approve the placement of the petition in Council Libraries at Armadale, Kelmscott and Westfield, subject to each page of the petition displaying the following disclaimer:

“This petition has not been initiated by Councillors or officers of the City of Armadale. The availability of the petition in City Libraries does not present an invitation to any person to consider that the petition represents the opinion or intent of the City of Armadale. Accordingly, the City accepts no responsibility for the raising of the petition.”

2. That the Armadale Kelmscott Swimming Club be advised of the further opportunities for it to participate in Council’s Strategic planning process.

33/2002 MOTION not opposed, DECLARED CARRIED (13-0)

MOVED Cr Stewart that Recommendations C1/02 to C16/02, except those already dealt with, be adopted.

34/2002 MOTION not opposed, DECLARED CARRIED (13-0)

10.3 CHIEF EXECUTIVE OFFICER’S REPORT

Report of the Chief Executive Officer as at 31 January 2002.

MOVED Cr Munn that the Report be received.

35/2002 MOTION not opposed, DECLARED CARRIED (13-0)

10.3.1 City Audit Committee - Membership

MOVED Cr Munn

SECONDED Cr Cominelli

1. That Council rescind the prior part Council resolution, namely C18/01(2) which read “Membership of the City Audit Committee be (4) elected members”.

2. That the membership of the City Audit Committee be (5) elected members, one of which is to be the position of Mayor, for the remainder of the current electoral cycle.
3. That Council appoint Cr Reynolds, in his capacity as Mayor of the City of Armadale, to the City Audit Committee.

36/2002 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (13-0)

10.3.2 Councillors' Information Bulletin – Issue No. 3/2002

MOVED Cr Cumming:

That Council acknowledge receipt of Issue No. 3/2002 of the Information Bulletin.

37/2002 MOTION not opposed, DECLARED CARRIED (13-0)

10.3.3 Financial Report for the Quarter ended 31 December 2001

MOVED Cr Fletcher:

The Statutory Financial Report for the quarter ended 31 December 2001, as presented at Attachment "A-1" to this report be referred to the next Community Services Committee Meeting for assessment and review.

38/2002 MOTION not opposed, DECLARED CARRIED (13-0)

10.3.4 Executive Director Development Services Position

MOVED Cr Munn:

That as the item to be discussed involves matters relating to employees, it be dealt with under item 14 "Matters Requiring Confidential Consideration".

39/2002 MOTION not opposed, DECLARED CARRIED (13-0)

10.3.5. Brookdale Liquid Waste Treatment Facility- Stakeholder Reference Committee

MOVED Cr Zelones:

That Council continue its strong representation opposing disposal of hazardous waste at Brookdale and that Councillor G M Hodges and the Health Services Manager be appointed as Council's representatives on the Brookdale Waste Management Stakeholder Reference Committee.

40/2002 MOTION not opposed, DECLARED CARRIED (13-0)

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

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

Nil

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

Cr Zelones That the matter of Council's after-hours/emergency telephone service be referred to the City Strategy Committee for further investigation and report to Council.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

MOVED Cr Munn that the meeting be closed to the public as the matter to be dealt with is a staff matter.

41/2002 MOTION not opposed, DECLARED CARRIED (13-0)

The public, press and members of staff, except the Chief Executive Officer, Executive Director Development Services and CEO's Acting Executive Assistant, retired from the meeting at 9.05 pm.

14.1 Executive Director Development Services Position

Mr J Adderley, Executive Director Development Services declared an interest in this matter on the basis that it relates to his employment contract with the City.

Mr Adderley left the meeting at 9.10 pm.

SUSPENSION OF STANDING ORDERS

MOVED Cr Munn that Standing Orders be suspended to enable Council to debate matters relating to the report.

42/2002 MOTION not opposed, DECLARED CARRIED (13-0)

Discussion of a confidential nature ensued on a range of aspects.

MOVED Cr Hodges that Standing Orders be resumed.

43/2002 MOTION not opposed, DECLARED CARRIED (13-0)

MOVED Cr Zelones:

1. That the position of Executive Director Development Services be advertised at a salary range of \$90,000 - \$105,000 per annum as part of a total remuneration package extending to approximately \$133,000 per annum for a performance-based contract.

44/2002 MOTION not opposed, DECLARED CARRIED (13-0)

MOVED Cr Zelones:

2. That Mr John Adderley's current contract base salary level be increased to \$105,000 per annum effective from the current term's commencement date of 22 October 2001.

OPPOSED Cr Knezevich

SECONDED Cr Hopper

45/2002 MOTION DECLARED CARRIED (9-4)

MOVED Cr Stubbs:

3. That the Chief Executive Officer be advised that the Council does not necessarily see a direct relativity existing between the package proposed for the Executive Director Development Services and the salaries for other Executive Director positions as Council has a preference for a work value analysis.

46/2002 MOTION not opposed, DECLARED CARRIED (13-0)

15 CLOSURE

Mayor, Cr Reynolds, declared the meeting closed at 9.25 PM

MINUTES CONFIRMED THIS 18th DAY OF FEBRUARY 2002

MAYOR
