



ORDINARY MEETING OF COUNCIL 7 October 2002

MINUTES

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LEAVE OF ABSENCE:

Leave of absence previously granted to Cr Cumming

APOLOGIES:

Apology received from Cr Clowes-Hollins.

MOVED Cr Hopper that the apology be received.

376/2002 MOTION not opposed, DECLARED CARRIED (12-0)

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

The following questions were taken on notice at Council's meeting on 16 September 2002:

Mr Everett, 2 Rodgers Court, Roleystone

What is the resolution number and at which Council meeting was the article that appeared in the September Roleystone Courier approved for publication?

The following response was forward by letter dated 24 September 2002

The author of the response to the newspaper was Council's Executive Director Community & Corporate Services. The authority for the article stemmed from the Chief Executive Officer following an informal briefing he and members of Council's City Strategy Committee received after their committee meeting held on 13th August 2002. This related to the Land Valuation Tribunal's determination regarding costs, i.e. that each party must pay their own costs of the Appeal. The CEO is able to respond to the press on matters of fact, organisational or technical information. He also has the Mayor's approval to speak on behalf of Council on certain broader matters all of which is fully in accordance with the relevant provisions of the Local Government Act 1995.

Mr Busby, 2 Pelham Street, Armadale

Regarding Council's response to a previous question raised investigating the use of the Linux Operation system – What is the annual licensing fees for the Microsoft software used by the Council?

The following response was forwarded by letter dated 27 September 2002

As explained at the Council Meeting, to answer your question would require research of Council's records and hence the reason for taking your question on notice.

Having now had the opportunity to research Council's records, hereunder for your information is our response to your question, namely:

There is no annual licensing fee for the Microsoft software used by Council.

Please note that your question and the above response will be re-produced in the Council Meeting Agenda for the Council Meeting to be held on 7th October 2002.

4 PUBLIC QUESTION TIME

Mr B Busby, 2 Pelham Court, Armadale

Question 1:

Please explain why at the Meeting of Council on 2nd September a recommendation of the Community Services Committee which is on page 29 of the Minutes of 27 August 2002 was ratified to accept a tender for servers worth approximately \$153,000 where the operating system used is Windows 2000 professional which is a desk top operating system that lacks the functionality required for a server.

The Mayor took this question on notice and advised that a response would be forwarded in the next couple of weeks.

Question 2:

With reference to Council's resolution at the last Council meeting when it approved a change of zoning to allow a liquor outlet. Given Council's previous decision when it rejected an application by the Gywnne Park Deli for a similar business, taking into consideration considerable opposition from local residents, will Council now overturn that decision?

In response to the question, the Mayor replied in the negative. He also clarified that the application discussed at the last Council meeting did not relate to a rezoning but rather an approval to expand a business to include a liquor outlet. Each application is considered on its merits and in this case Council conditionally approved a retail liquor outlet on land that is already zoned for retail use.

Question time declared closed at 7.35 pm.

5 APPLICATIONS FOR LEAVE OF ABSENCE

NIL

6 PETITIONS

NIL

7 CONFIRMATION OF MINUTES

PREVIOUS ORDINARY MEETING OF COUNCIL
HELD ON 16 SEPTEMBER 2002

MOVED Cr Fletcher that the Minutes of the Ordinary Meeting of Council held on 16 September 2002 be confirmed as a true and accurate record.

377/2002 MOTION not opposed, DECLARED CARRIED (12-0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

8.1 Public Meeting – Lake Forrestdale Management Plan

On Wednesday 18th September, the Mayor along with Cr Cominelli attended a public meeting to view the Lake Forrestdale Management Plan. The meeting was held in the soccer pavilion at Forrestdale. This plan impacts on the City's existing golf course reserve.

8.2 Karragullen Field Day

On Friday 20th September the Karragullen Field Day was held. This annual event was as usual a great success. Crs Stubbs and Hopper were active in organising the event which showcases the viticulture industry in our hills.

8.3 Champion Drive – Proposed roadworks

On Saturday 21st September the Mayor and Cr Stewart along with Technical services staff meet with neighbours of Champion Drive to discuss the proposed road works. As a result of the meeting some further design work is being undertaken to see if related traffic problems in a side street can be dealt with at the same time.

8.4 Settlers Common Advisory Committee

On Tuesday evening, the 24th September saw the commencement of a revitalised advisory committee established for Settlers Common, along with a friends group.

8.5 “Switch your Thinking” Campaign

On Thursday the 26th September, the Regional Greenhouse Campaign based on the “Switch your Thinking” slogan was launched at the City of Gosnells. Focus for the moment is on the new highly efficient light bulbs that are being made available through the three participating Councils and local schools.

8.5 Gosnells-Armadale Business Enterprise Centre

A week later on the 3rd of October, the Gosnells – Armadale Business Enterprise Centre was launched. Council’s contribution to this centre comes from the \$1 million earmarked for the City Centre and associated projects, the funds that some members of our community have been led to believe will all be spent on subsidising cinemas.

8.6 Annual Meeting – Dale Cottages

Last Thursday was the day that Dale Cottage Residents had their Annual Meeting. Cr Green who has chaired the Dale Cottages Management Committee for several years has stood aside for Mrs Annette Nicholson. However he has remained involved with the committee and chairs the Dale Cottages Foundation, responsible for fund raising. The Mayor congratulated Cr Green for his efforts, along with Dale Cottages’ CEO Cr Hodges.

8.7 Kelmscott Enquiry-by-Design

The Enquiry by Design for Kelmscott is underway with the first workshop on Saturday morning (5 October) for both the Technical Group and the Consultation Group. It is understood that today’s tour of the centre went well and the workshops will get under way tomorrow morning. Councillors are reminded of the times that they are invited to participate and to hear progress.

8.8 Rates payment incentive prizes

The Mayor advised that separate to the Armadale Shopping City “Win your Rates Competition” there was yet another chance offered to ratepayers to win prizes donated by Australia Post, Accor Hotels WA, the West Australian Symphony and the City. The winners have been randomly chosen through a computer selection process and will be presented with their prizes during an afternoon tea on Friday 11th October 2002.

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 23 September 2002.

CORRECTIONS:

Page 10 Cr Reynolds declaration of financial interest to read "*Cr Reynolds declared a financial interest on this item as he owns property in Willowmead Way. Cr Reynolds left the meeting at 7.10pm and returned at 7.13pm.*"

Page 12 Recommendation T116/02 – The outcome of voting should read "Motion Carried (6/0)" as Cr Reynolds had left the meeting for this item.

Page 30 "Matters Requiring Confidential Consideration" – The reason for going behind closed doors to read as follows:

"MOVED Cr Hopper that the meeting go behind closed doors to discuss a matter that if disclosed would reveal information that has commercial value to a person.

Motion Carried"

Meeting at this juncture was closed to members of the public.

Committee discussed the matter of the Armadale Shale Quarry and recommended as follows:

T122/02 That Council acknowledge the report detailing the background information with regard to the purchase of the Armadale Shale Quarry in 1995 and also the information that relates to Legislation, Acts, Codes and Guidelines that would apply to Council as owner and occupier of the site.

Page 31 In the third line of Cr Cumming's declaration the word "her" to be changed to "his".

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

378/2002 **MOTION not opposed, DECLARED CARRIED** **(12-0)**

BUSINESS ARISING FROM REPORT

Recommendation T115/02 – Armadale Senior Citizens Centre Refurbishment

Cr Hodges declared a financial interest in Recommendation T115/02 on the basis that she has negotiated various items with Council staff, on behalf of her employer, in regard to this matter.

Cr Hodges left the meeting.

MOVED Cr Hopper that Recommendation T115/02 be adopted.

379/2002 **MOTION not opposed, DECLARED CARRIED** **(11-0)**

Cr Hodges returned to the meeting.

Recommendation T116/02 – Regina Road and Ravenscroft Way, Westfield – Road Closure Petition

Cr Reynolds declared a financial interest in Recommendation T116/02 on the basis that he owns property in Willowmead Way.

*Cr Reynolds vacated the Chair and left the meeting.
Deputy Mayor, Cr Munn assumed the Chair.*

Cr Zelones disclosed that a member of his family resides in the area subject of this report. As a consequence, Cr Zelones advised that there may 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 Hopper that Recommendation T116/02 be adopted.

380/2002 **MOTION not opposed, DECLARED CARRIED** **(11-0)**

*Cr Munn vacated the Chair.
Cr Reynolds returned to the meeting and assumed the Chair.*

Recommendation T119/02 – Roleystone Theatre Carpark

Cr Reynolds disclosed that a member of his family is a member of the Roleystone Theatre Committee. As a consequence, Cr Reynolds advised that there may 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.

Cr Fletcher disclosed that a member of his family is a member of the Roleystone Theatre Committee. As a consequence, Cr Fletcher advised that there may 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.

Cr Cominelli disclosed that she is a member of the Roleystone Theatre Committee. As a consequence, Cr Cominelli advised that 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 Hopper that Recommendation T119/02 be adopted.

381/2002 MOTION not opposed, DECLARED CARRIED (12-0)

Recommendation T121/02 – Request for Contribution to the Acquisition of a Portion of Lot 101 Jull Street to facilitate construction of a “Local Road”

MOVED Cr Hopper that Recommendation T121/02 be adopted.
SECONDED Cr Munn

382/2002 MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL (12-0)

Recommendation T122/02 – Armadale Shale Quarry

As this item was not available in the public information copies due to its confidentiality nature and as it was indicated that Council had no further discussion on the matter, the Mayor read aloud the recommendation from Committee.

MOVED Cr Hopper :-

That Council acknowledge the report detailing the background information with regard to the purchase of the Armadale Shale Quarry in 1995 and also the information that relates to Legislation, Acts, Codes and Guidelines that would apply to Council as owner and occupier of the site.

383/2002 MOTION not opposed, DECLARED CARRIED (12-0)

MOVED Cr Hopper that Recommendations T114/02 to T122/02, except those already dealt with, be adopted.

384/2002 MOTION not opposed, DECLARED CARRIED (12-0)

10.2 COMMUNITY SERVICES COMMITTEE

Report of the Committee Services Committee held on 24 September 2002.

CORRECTIONS:

Page 12 On the location plan "Rivervale" to read "Riverdale"

Page 35 In the preamble to the recommendation – 6th line – the word "present" to read "presented"

Page 37 Two pages have been numbered 37, the second of which to be renumbered "38"

Page 38 Recommendation C166/02 – Part (3) – the words "be advised of" to be replaced with "to be provided with"

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

385/2002 MOTION not opposed, DECLARED CARRIED (12-0)

BUSINESS ARISING FROM REPORT

Recommendation C158/02 – Sundry Debtors

In moving the following motion, Cr Stewart requested recommitment of the items to be written off as further information on the matter was forthcoming for further discussion by Committee prior to a recommendation to Council.

MOVED Cr Stewart that Recommendation C158/02 be amended as follows:-

- Part (1) of Recommendation C158/02 be amended by recommitting the items subject of the first two dot points. Thus part (a) of Recommendation C158/02 to read :-
 1. That Council accept the outstanding sundry debtors status report as at 16 September 2002.

- New part (3) be added to Recommendation C158/02 as follows:-

3. That the items relating to:-

- Write off \$3,300 pertaining to an invoice issue to Chamber of Commerce on 30 April 1999; and
- Write off \$2,000 pertaining to an invoice issues to South East Chamber of Commerce on 29 March 2000

be not adopted and be recommitted to the October Community Services Committee meeting.

386/2002 **AMENDMENT not opposed, DECLARED CARRIED** **(12-0)**

MOVED Cr Stewart that Recommendation C158/02, as amended, be adopted.

387/2002 **MOTION not opposed, DECLARED CARRIED** **(12-0)**

Recommendation C162/02 – Safer WA and South City Housing Inc – Council Representation

Cr Reynolds advised that if there were no nominations for the Safer WA Committee he would like to nominate himself as Council's representative.

No further nominations were received.

MOVED Cr Reynolds that part (b) of Recommendation C162/02 be amended as follows:-

- (b-1) appoint Cr Reynolds as its representative on the Safer WA Committee; and
- (b-2) request that officers submit a report canvassing the feasibility of having the Community Security Working Party assume the responsibilities of an Armadale Safer WA Committee.

388/2002 **AMENDMENT not opposed, DECLARED CARRIED** **(12-0)**

MOVED Cr Reynolds that Recommendation C162/02, as amended, be adopted.

389/2002 **MOTION not opposed, DECLARED CARRIED** **(12-0)**

Recommendation C163/02 – History House Management Committee Membership

MOVED Cr Stewart that Recommendation C163/02 be adopted.
SECONDED Cr Hopper

390/2002 **MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL** **(12-0)**

Recommendation C164/02 – CSRFF Delegated Authority

MOVED Cr Stewart that Recommendation C164/02 be adopted.
SECONDED Cr Munn

391/2002 **MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL** **(12-0)**

Recommendation C165/02 – Aquatic Centres – Schedule of Admission Fees and Charges

MOVED Cr Stewart that Recommendation C165/02 be adopted.
SECONDED Cr Munn

392/2002 **MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY OF COUNCIL** **(12-0)**

Recommendation C166/02 – After Hours/Emergency Call Service

MOVED Cr Stubbs that part (3) of Recommendation C166/02 be amended by adding the words “and councillors” after the word “public”.

393/2002 **AMENDMENT not opposed, DECLARED CARRIED** **(12-0)**

MOVED Cr Stubbs that Recommendation C166/02, as amended, be adopted.

394/2002 **MOTION not opposed, DECLARED CARRIED** **(12-0)**

MOVED Cr Stewart that Recommendations C155/02 to C166/02, except those already dealt with, be adopted.

395/2002 **MOTION not opposed, DECLARED CARRIED** **(12-0)**

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer as at 3 October 2002

MOVED Cr Fletcher that the Report be received.

396/2002 MOTION not opposed, DECLARED CARRIED (12-0)

10.3.1. Representation at the LGMA Annual State Conference

Moved Cr Hopper

1. That information regarding the LGMA Annual State Conference be received and costs relating to any elected member representation be charged to GL Account 1508520.
2. That the Chief Executive Officer's and Executive Directors' attendance at the conference be noted.

397/2002 MOTION not opposed, DECLARED CARRIED (12-0)

10.3.2. Tender 19/01 – City Support for a Cinema Complex

MOVED Cr Reynolds that this report be discussed behind closed doors under "Matters Requiring Confidential Consideration" as the matters to be discussed included information of a commercial value.

398/2002 MOTION not opposed, DECLARED CARRIED (12-0)

10.3.3. Councillors' Information Bulletin – Issue No. 19/2002

Moved Cr Hopper:-

That Council acknowledge receipt of Issue No. 19/2002 of the Information Bulletin.

399/2002 MOTION not opposed, DECLARED CARRIED (12-0)

10.3.4. Executive Director Development Services

MOVED Cr Reynolds that this item be discussed behind closed doors under "Matters Requiring Confidential Consideration" as it is a Council employee related matter.

400/2002 MOTION not opposed, DECLARED CARRIED (12-0)

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 Hopper That the matter of achieving a road access to Lot 511 (A124620) Karragullen, belonging to R & N Engels, be referred to the Technical Services Committee.

Cr Munn That the matter of the continued presence of wrecked vehicles on railway land on Commerce Avenue be referred to the Development Services Committee.

Cr Zelones That the matter of deterioration of Local Retail Centres be referred to the Development Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

MOVED Cr Reynolds that the meeting be closed to members of the public and press at this juncture as there were two items of a confidential nature to be discussed, one included information of a commercial value and the other being a Council employee related matter.

401/2002 MOTION not opposed, DECLARED CARRIED (12-0)

*Members of the public and press retired from the meeting at this juncture.
Meeting closed to the public at 8pm*

14.1 Tender 19/01 City Support for a Cinema complex

The Chief Executive Officer's report was discussed and all councillors updated on progress till date with regard to this development project.

MOVED Cr Stubbs:-

1. That Council notes that negotiations with the preferred cinema tenderer have progressed.
2. That Council notes the considerations and endorses the recommendation of the Cinema Working Group regarding parameters to finalise negotiations with the preferred Armadale City Centre Cinema Tenderer (as detailed in Confidential Attachment B-1) and that the tender process is expected to be brought to conclusion by the end of October.

402/2002 MOTION not opposed, DECLARED CARRIED (12-0)

14.2 Executive Director Development Services Position

MOVED Cr Stubbs:-

That Council note Mr Ian MacRae's acceptance of the terms and conditions of appointment to the position of Executive Director Development Services for the period 4 November 2002 to 3 November 2007.

403/2002 MOTION not opposed, DECLARED CARRIED (12-0)

MOVED Cr Knezevich that the meeting be opened to members of the public.

404/2002 MOTION not opposed, DECLARED CARRIED (12-0)

Meeting re-opened at 8.25pm

As there were no members of the public in attendance there was no need for Council's resolutions on the above items to be read aloud.

15 CLOSURE

Mayor, Cr Reynolds, declared the meeting closed at 8.25 pm

MINUTES CONFIRMED THIS 21st DAY OF OCTOBER 2002

MAYOR

