



**ORDINARY MEETING OF COUNCIL
MONDAY, 23 NOVEMBER 2015**

MINUTES

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CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 23
NOVEMBER 2015 AT 7:00 PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Zelones, declared the meeting open at 7.00pm and introduced and welcomed 2 of his family members visiting from the USA.

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

PRESENT:

Mayor, Cr H A Zelones OAM JP presided over	River Ward
Deputy Mayor, Cr R Butterfield	River Ward
Cr J A Stewart	Heron Ward
Cr D M Shaw	Heron Ward
Cr G Nixon	Jarraah Ward
Cr C M Wielinga	Jarraah Ward
Cr C Frost	Lake Ward
Cr M Silver	Lake Ward
Cr M H Norman	Minnawarra Ward
Cr G A Best	Neerigen Ward
Cr M Geary	Neerigen Ward
Cr L Sargeson	Palomino Ward
Cr C A Campbell JP	Palomino Ward

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mrs F Baxter	A/Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Mrs Y Loveland	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 6 Press: 1

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Apology received from Cr Kerry Busby.

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

Nil

4 PUBLIC QUESTION TIME

4.1 R Haywood - 8 Silvershot Avenue, Harrisdale

Raised concern regarding traffic speeds and congestion on Silvershot Avenue with Council 4-5 years ago. It is now almost impossible to get in and off Wright Street, cars are backed up on Silvershot Avenue preventing access from and to our garage. Another issue is traffic speed and have been advised that speed humps were not appropriate at this time. What can be done about traffic congestion in the area?

The Mayor advised that the question will be taken on notice for the Executive Director Technical Services to investigate and advise.

Question time closed at 7.05pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Request for Leave of Absence – Cr Henry Zelones & Cr Carole Frost

Request for leave of absence received from Cr Stewart for the period 28th December 2015 to 1st February 2016 inclusive.

MOVED Cr C Frost

That Council grant leave of absence to Cr Stewart for the period 28th December 2015 to 1st February 2016 inclusive (includes 1 Ordinary Council meeting – 25 January 2016).

447/11/15 MOTION not opposed, DECLARED CARRIED (13/0)

6 PETITIONS

6.1 Installation of Footpaths

A petition signed by 420 residents was tabled by Cr Silver, the prayer of which reads:

“We, the undersigned request that the Council install footpaths along Angelo, Grealis, Townsend and Werndley Streets, as a matter of urgency so that the following can all walk in safety, daily, along these streets: (1) Residents, Nurses and Carers from a Nursing Home on Angelo Street, who walk in groups of approx.. 10; (2) The elderly using walking frames, wheelchairs and Gophers; (3) the children who walk between home and the four Primary and two High Schools in the vicinity – Neerigen Brook, Gwynne Park, Dale Christian (both),

St Francis Xavier, Armadale Senior High; (4) the children on bicycles and parents who wheel prams; (5) the people/students who walk to bus stops on Dawson Street; (6) Pedestrians, in general. Some of us have been requesting footpaths on and off over the past 15 years and it is now time something is done about it.”

MOVED Cr Silver

That the petition be received and referred to the Technical Services Committee.

448/11/15 **MOTION not opposed, DECLARED CARRIED (13/0)**

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 9 NOVEMBER 2015.

MOVED Cr J A Stewart that the Minutes of the Ordinary Council Meeting held on 9 November 2015 be confirmed as a true and accurate record.

449/11/15 **MOTION not opposed, DECLARED CARRIED (13/0)**

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Consultation and Communication

On 13th November, Cr Ruth Butterfield attended the John Calvin Christian College for the 2015 City of Armadale Scholarship Presentation. The winning student was Nicole Geurts.

2 Marketing and Public Relations

- On 11th November Cr Butterfield attended the Armadale Remembrance Day Service in Memorial Park and later in the day attended the Araluen Remembrance Service where she laid wreaths on behalf of the City.
- The same day Cr Busby attended the Kelmscott Remembrance Day Service in Rushton Park where he laid a wreath on behalf of the City.
- On 13th November, attended and declared open the Business Armadale Street Festival in the Jull Street Mall.
- On 19th November, attended the Armadale Society of Artists to accept artworks as gifts for the City of Armadale's Volunteers. These artworks are to be presented to City's various 500 Volunteers for their efforts throughout 2015.
- Later that evening the Mayor officially opened the "Made in Armadale" Exhibition at History House.

3 Governance and Economic Development

From the 11th to 13th November, the Mayor along with the CEO and Manager Economic Development, attended the NGAA 2015 Congress in Liverpool.

The City received two awards , the first was an award for the “Orchard House” project for *Infrastructure which has proven to be a catalyst for economic development, jobs or community connection* category.

The second was a Highly Commended award to both the Cities of Cockburn and Armadale for the Community Connect South campaign for *Collaboration on building or financing a piece of infrastructure* category.

These awards highlight how much the City has achieved in the last 12 months and further establishes as a prime region in Western Australia and the nation.

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

Nil

10 REPORTS

10.1 CITY STRATEGY COMMITTEE MEETING

Report of the City Strategy Committee held on 16 November 2015 .

MOVED Cr M Geary that the report be received.

450/11/15 **MOTION not opposed, DECLARED CARRIED (13/0)**

BUSINESS ARISING FROM REPORT

Recommendation CS88/11/15 - List of Accounts Paid - October 2015

MOVED Cr M Geary

That Council note the List of Accounts paid as presented in the attachment to this report and summarised as follows:

Municipal Fund

Accounts paid totalling \$15,896,873.61 on Vouchers 25710–25887, Batch 1807-1820, 1822-1823, 102989-102999, 300346, Direct Debit & PY01.08-PY01.09

Trust Fund

Accounts paid totalling \$705,385.09 on Vouchers 4689-4790 & Batch 1821

451/11/15 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation CS89/11/15 - Monthly Statement of Financial Activity - October 2015

MOVED Cr M Geary

That Council, pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accept the Statement of Financial Activity for the 4 month period ended 31 October 2015.

452/11/15 **MOTION not opposed, DECLARED CARRIED** (13/0)

Recommendation CS90/11/15 - Rates Exemption Application - Southern Cross Housing Ltd - Lot 1, Units 1 - 9 / 11 Galong Place Armadale

MOVED Cr M Geary

That Council, pursuant to Section 6.26(2)(g) of the *Local Government Act 1995*, approves a rate exemption on the following property effective from 6 October 2015, on the basis that the property is, and continues to be used exclusively, to provide accommodation and support services to the aged and people with disabilities.

Property – A36233 – units 1 -9, 11 Galong Place Armadale.

453/11/15 **MOTION not opposed, DECLARED CARRIED** (13/0)

Recommendation CS91/11/15 - Investment Policy and Practice

MOVED Cr M Geary

That Council adopt the following amended Investment Policy FIN 4 and note the amended Investment Management Practice FIN 4 presented as an attachment to the Report.

“Rationale

Local governments are required to establish and document internal control procedures to ensure control over investments and that effective and accountable systems are in place to safeguard the City’s financial standing.

Policy

Municipal, Trust and Reserve funds surplus to the immediate needs of the City may be invested with approved financial institutions in accordance with current Management Practices.

The City when investing surplus funds will, as part of Council’s commitment to protecting the environment, exercise a deliberative preference in “green investments” providing in all cases that such

investments are authorised and meet the risk ratings and diversification tests outlined in the Management Practice.”

454/11/15 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation CS92/11/15 - Application to Renew Itinerate Traders Permit - Christina Louise Forbes (Tina's Soft Serve)

MOVED Cr M Geary

That Council approves, pursuant to the City’s *Activities and Trading in Thoroughfares and Public Places Local Law*, a trader’s permit being issued to Christine Louise Forbes “Tina’s Soft Serve” on the following terms;

- **Operate within the boundaries of the City of Armadale, with the exceptions of:
The Jull Street Mall;
within 500m of a permanent store offering similar products;
within 500m of a school zone when the school is open.**
- **Days and Hours of Trading – Monday to Sunday, 10am to 6 pm**
- **Type of goods to be traded – Pre-packaged food, soft serve and toppings**
- **Application fee – \$50 (non-refundable);**
- **Annual License fee - \$500 per annum;**
- **Period of permit – 28 October 2015 to 27 October 2016;**
- **Public liability insurance for an amount not less than \$20,000,000;**
- **Compliance with the *Activities and Trading in Thoroughfares and Public Places Local Law* and any other applicable legislation;**
- **The City reserving the right to cancel the permit should substantiated complaints be received;**
- **The City reserving the right to impose additional exclusion areas should complaints be received;**
- **All litter is to be contained and any visited area is to be left in a clean and tidy state;**
- **The above conditions may be amended from time to time as approved by the City.**

455/11/15 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation CS93/11/15 - Cat Local Law - Adoption
Committee Recommendation

That Council:

1. not adopt the City of Armadale Keeping and Control of Cats Local Law 2015 due to additional amendments required being significantly different to that previously proposed; and

2. in accordance with the provisions of Section 3.13 of the *Local Government Act 1995*, recommence the process for amending the local law in 1 above.

In moving the recommendation it was considered that the introduction of this Local Law was unnecessary as the enforcement provisions of the Cat Act is fairly detailed.

MOVED Cr R Butterfield SECONDED Cr M Geary
OPPOSED Cr M H Norman

That Council not adopt Recommendation CS93/11/95.

456/11/15 **MOTION DECLARED CARRIED (12/1)**

MOVED Cr R Butterfield, SECONDED Cr M Geary

OPPOSED Cr M H Norman

That Council:

1. **not adopt the City of Armadale Keeping and Control of Cats Local Law 2015; and**
2. **refer existing prohibited cat area (Churchman Brook) for consideration of re-inclusion in Environment, Animals and Nuisance Local Law.**

457/11/15 **MOTION DECLARED CARRIED (12/1)**

Recommendation CS94/11/15 - 2016 Calendar of Council & Committee Meetings

MOVED Cr M Geary

RECOMMEND

That Council, pursuant to Regulation 12(1) of the *Local Government (Administration) Regulations 1996*, approves for local public notice purposes, the following Council and Committee meeting dates, times and places for the period January 2016 to December 2016 inclusive.

1. MEETING DATES

MTH 2016	Council	Technical Services Committee	Comm. Services Committee	City Strategy Committee	Develop. Services Committee	Cr Workshops /Info Sessions
Jan	25/01/16	18/01/16 at 5:30pm	19/01/16 at 5:30pm	18/01/16	19/01/16	
Feb	08/02/16 22/02/16	01/02/16 29/2/16	02/02/16	15/02/16	16/02/16	

Mar	14/03/16 29/03/16		01/03/16	21/03/16	22/03/16	08/3/16
Apr	11/04/16 26/04/16	04/04/16	05/04/16	18/04/16	19/04/16	12/4/16
May	09/05/16 23/05/16	02/05/16 30/5/16	03/05/16 31/5/16	16/05/16	17/05/16	
Jun	13/06/16 27/06/16			20/06/16	21/06/16	
Jul	11/07/16 25/07/16	04/07/16	05/07/16	18/07/16	19/07/16	
Aug	08/08/16 22/08/16	01/08/16	02/08/16	15/08/16	16/08/16	29/08/16
Sep	12/09/16 27/09/16	05/09/16	06/09/16	19/09/16	20/09/16	
Oct	10/10/16 24/10/16	03/10/16	04/10/16	17/10/16	18/10/16	31/10/16
Nov	14/11/16 28/11/16	07/11/16	08/11/16	21/11/16	22/11/16	
Dec	19/12/16	05/12/16	06/12/16	12/12/16	13/12/16	

2. MEETING TIMES AND PLACES

All Ordinary and Special Council meetings to be held in the Council Chambers, Administration Centre, 7 Orchard Ave, Armadale, and commence at 7.00pm

All Committee meetings to be held in the Committee Room, Administration Centre, 7 Orchard Ave, Armadale, and commence at 7.00pm unless otherwise specified.

All these meetings, unless otherwise specifically resolved, are open to the public.

Any variation to this 2016 calendar of meetings will if practical, be advised by prior local public notice.

458/11/15 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation CS95/11/15 - Appointment of Elected Members to Occasional Advisory Groups, Reference/Working Groups and External Organisations

Cr Frost and Cr Silver were nominated for membership to the Standing Order & House Advisory Group.

MOVED Cr M Geary

That Recommendation CS95/11/15 be amended to include nominations of Cr Frost and Cr Silver as members on the Standing Order & House Advisory Group.

459/11/15 AMENDMENT not opposed, DECLARED CARRIED (13/0)

MOVED Cr M Geary that Recommendation CS95/11/15, as amended, be adopted.

That Council make appointments for the period October 2015 to October 2017 as follows:

Member/Delegate	
Occasional Advisory Groups and Reference/Working Groups	
Rating Review Working Party	<ol style="list-style-type: none"> 1. Cr Zelones (Mayor) 2. Cr Shaw (Chair – Development Services Committee) 3. Cr Silver 4. Cr Geary 5. Cr Butterfield
Standing Order & House Advisory Group	<ol style="list-style-type: none"> 1. Cr Zelones (Mayor) 2. Cr Nixon 3. Cr Frost 4. Cr Silver

Member/Delegate	Deputy	
External Organisations		
Armada Region Business Association (Business Armadale)	Cr Best	Cr Busby

460/11/15 **MOTION not opposed, DECLARED CARRIED** (13/0)

Recommendation CS96/11/15 - Christmas Hours 2015 - 2016

MOVED Cr M Geary

That Council approve the attached Schedule-1 “City Business Hours – Dec 2015-Jan 2016” covering the 2015/16 Christmas and New Year period.

461/11/15 **MOTION not opposed, DECLARED CARRIED** (13/0)

Recommendation CS97/11/15 - Cricket Nets - Mid Year Budget Review

MOVED Cr M Geary

That Council refers the Councillor Item in regard to the funding of the Cricket Practice nets on Cross Park as part of the mid-year budget review to the relevant Directorate for action and/or report to the appropriate Committee.

462/11/15 **MOTION not opposed, DECLARED CARRIED** (13/0)

10.2 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on 17 November 2015.

MOVED Cr D M Shaw that the report be received.

463/11/15 **MOTION not opposed, DECLARED CARRIED (13/0)**

BUSINESS ARISING FROM REPORT

Recommendation D59/11/15 - Proposed Road Closure of a Portion of Abbey Road, Armadale

MOVED Cr D M Shaw

That Council:

- 1. Authorise a request being made to the Minister for Land pursuant to Section 58 of the Land Administration Act 1997 for the permanent closure of a portion of Abbey Road road reserve, as identified by hatching on the Road Closure Plan in the Attachments to this report.**
- 2. Authorise a request being made to the Minister for Land to change the purpose of, and amend the boundaries of, a portion of the Abbey Road road reserve so that it becomes a Public Utilities and Parking Reserve that is managed by the City with power to lease and having easements over it in favour of Water Corporation and ATCO Gas.**
- 3. Authorise the CEO to enter into and execute an agreement with the Department of Lands for the City to acquire the road closure land, in exchange for dedicating the new alignment of Abbey Road.**

464/11/15 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation D60/11/15 - Proposed Extension of the Kelmscott Redevelopment Area

MOVED Cr D M Shaw

That Council advise the MRA that it supports in-principle the proposal to extend the boundaries of the Kelmscott Redevelopment Area to promote Transit Orientated Development principles, subject to a further report being provided to Council on the proposed boundaries for its consideration.

465/11/15 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation D61/11/15 - Finalisation of Business Plan and Sale of Lot 100 (1) Little John Road, Armadale

MOVED Cr D M Shaw, SECONDED Cr C Frost

That Council:

1. Note that no submissions had been received by the closing date for receipt of public submissions in response to the advertised Business Plan (refer to Attachment) for the sale of Lot 100 Little John Road, Armadale.
2. Pursuant to Section 3.59 (5) of the Local Government Act 1995, agrees to proceed with the sale of Lot 100 Little John Road, Armadale, by way of private treaty or public tender utilizing the services of a member of the City's Real Estate Agent Panel, and noting that this course of action is consistent with the terms of the advertised Business Plan for the sale of the lot.

(No.2 - ABSOLUTE MAJORITY RESOLUTION REQUIRED)

3. Pursuant to Schedule 2 Part 6 52. (1) of the Planning and Development (Local Planning Schemes) Regulations 2015, adopt the Local Development Plan for Lot 100 Little John Road, Armadale shown in the Attachments.

466/11/15

**MOTION DECLARED CARRIED by an ABSOLUTE MAJORITY
RESOLUTION OF COUNCIL (13/0)**

Recommendation D62/11/15 - Proposed Initiation of Amendment No. 82 to TPS No.4 -Rezoning of Lot 2054 (65) River Road Kelmscott

MOVED Cr D M Shaw

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005*, prepare Amendment No. 82 to Town Planning Scheme No.4 to rezone Lot 2054 (65) River Road Kelmscott from "Parks and Recreation (Local)" to "Residential" and amend the Scheme Maps accordingly. The amendment is a standard amendment in accordance with Part 5 Clause 34 – standard amendment subsections (a), (b), (c), (e), (f) and (g) of the Planning and Development (Local Planning Schemes) Regulations.
2. Refers the above Amendment to Town Planning Scheme No.4 to the Environmental Protection Authority (EPA) pursuant to section 81 of the Planning and Development Act 2005. Should the EPA advise that the amendment does not require assessment, advertise the amendment for a period of 42 days.

3. **Authorise the Mayor and the Chief Executive Officer to execute the Amendment documents.**
4. **Forward a copy of the amendment to the Western Australian Planning Commission for information.**

467/11/15 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation D63/11/15 - Petition - Lot 41 Nelson Street, Bedfordale - Proposed Change of Use to Community Purpose

MOVED Cr D M Shaw

That Council:

1. **Acknowledge receipt of the petitions and that a Management Plan is being prepared by the applicants for Council's consideration in accordance with the development approval.**
2. **Advise the organisers of the petitions of the above action.**

468/11/15 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation D64/11/15 - Appointment of Elected Members to Occasional Advisory Groups, Reference / Working Groups and External Organisations

Cr Zelones was nominated as deputy delegate to the Perth Airports Municipalities Group Inc.

MOVED Cr M Geary

That Recommendation D64/11/15 be amended by including Cr Zelones as the deputy delegate to the Perth Airports Municipalities Group Inc.

469/11/15 **AMENDMENT not opposed, DECLARED CARRIED (13/0)**

MOVED Cr D M Shaw

That Council

1. **Approve the following appointments to Council's established Groups for the (2) year period ending October 2015.**

	Member/Delegate	Deputy
Occasional Advisory Groups and Reference/Working Groups		
Community Heritage Advisory Group 1 Member and 1 Deputy Member	Cr D M Shaw	Cr J A Stewart

External Organisations		
Perth Airports Municipalities Group Inc 1 Member and 1 Deputy Member	Cr C A Campbell	Cr H A Zelones

2. Cr H A Zelones and Cr D M Shaw be nominated to represent Council as members of the Eastern Metropolitan Development Assessment Panel.
3. Cr M Geary and Cr C Wielinga be nominated to represent Council as alternate members on the Eastern Metropolitan Development Assessment Panel.

470/11/15 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation D65/11/15 - UDIA National Congress - 8th - 10th March 2016

MOVED Cr D M Shaw

That Council:

Nominates Cr G A Best to attend the UDIA National Congress to be held in Adelaide, South Australia from 8th to 10th March 2016.

471/11/15 MOTION not opposed, DECLARED CARRIED (13/0)

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer .

MOVED Cr G Nixon that the report be received.

472/11/15 MOTION not opposed, DECLARED CARRIED (13/0)

BUSINESS ARISING FROM REPORT

Recommendation - Councillors' Information Bulletin - Issue No. 20/2015

MOVED Cr G A Best

That Council acknowledge receipt of Issue No 20/2015 of the Information Bulletin.

473/11/15 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

1 Online Gift Register (Cr Ruth Butterfield)

That the matter of the immediate establishment of an on-line Gift Register for Councillors and Officers be referred to the City Strategy Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Zelones, declared the meeting closed at 7.35pm

MINUTES CONFIRMED THIS 21st DAY OF DECEMBER 2015

MAYOR