

**ORDINARY MEETING OF COUNCIL
MONDAY, 10 SEPTEMBER 2012**

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, 10
SEPTEMBER 2012 AT 7.00 PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor, Cr Zelones, declared the meeting open at 7.00 pm.

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

PRESENT:

Mayor, Cr H A Zelones JP presided over	River Ward
Deputy Mayor, Cr R Butterfield	River Ward
Cr D M Shaw	Heron Ward
Cr G Nixon	Jarrah Ward
Cr C J MacDonald	Lake Ward
Cr J H Munn JP CMC	Lake Ward
Cr K Busby	Minnawarra Ward
Cr M H Norman	Minnawarra Ward
Cr G A Best	Neerigen Ward
Cr M Geary	Neerigen Ward
Cr L Sargeson	Palomino Ward

IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mr I MacRae	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Ms Y Coyne	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant
Ms C Thomson	Secretarial Assistant

Public: 1

Press: 2

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Apologies received from Crs Stewart, Wielinga and Northcott.

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

Nil

4 PUBLIC QUESTION TIME

Mr J Trenka, 17 Troon Place, Camillo

1. My rates went up by 8% or more but the paperwork received indicated it was 5%. Would assume that the biggest cost would be the labour force. Did they receive an 8% increase in their pay?

The Mayor advised that there were no salary increases. In regard to the rates, these are set based on the valuation of the property so if there is a change in valuation this would affect the rates and might account for the difference in Mr Trenka's rates.

2. My rates went up \$200. I live in a street with 12 people, 2 street lights and my street gets swept twice a year. There's a park at the end of my street, it has no grass on it just weeds and doesn't get watered. Why should I pay \$200 extra? A pay rise is usually related to productivity and would like to know what Council is doing to produce something for the people who live in my area?

The Mayor reiterated that rates are calculated on the rental value of properties and as such varies across the City. The rental value of the property is determined by the Valuer General Office which the City is required to use to calculate the rates.

In terms of what residents get for their rates – all residents of the City contribute to the overall management of the City and this includes, street lights, local roads, parks, libraries, recreation reserves, halls, aquatic centre etc. to mention a few of the Council services. Residents do not necessarily contribute equally and while the percentage which was applied this year i.e. 5% remains the same for everyone the rental value of each property is different. In Mr Trenka's particular circumstance this rental value may have been increased.

3. Do we have a Volunteer Fire Brigade up in the hills now?

The Mayor confirmed that there are two, the Roleystone Fire Services and the Bedforddale Volunteer Bush Fire Brigade

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 Request for Leave of Absence – Cr Busby, Cr MacDonald, Cr Wielinga & Cr Geary

Request for leave of absence received from:-

- Cr Busby for the following periods:
 - Tuesday, 25th September 2012 to Wednesday, 3rd October 2012 inclusive.
 - Saturday, 13th October 2012 to Tuesday, 23rd October 2012 inclusive.
- Cr MacDonald for the period Sunday, 23rd September 2012 to Wednesday, 26th September 2012 inclusive
- Cr Wielinga for the period Wednesday, 19th September 2012 to Sunday, 14th October 2012 inclusive
- Cr Geary for the period Wednesday, 3rd October 2012 to Tuesday, 9th October 2012 inclusive

MOVED Cr J H Munn

That Council grant leave of absence received from:-

Cr Busby for the following periods:

- Tuesday, 25th September 2012 to Wednesday, 3rd October 2012 inclusive
[does not include an Ordinary Council Meeting]
- Saturday, 13th October 2012 to Tuesday, 23rd October 2012 inclusive
[includes 1 Ordinary Council Meeting – 22nd October 2012]

Cr MacDonald for the period Sunday, 23rd September 2012 to Wednesday, 26th September 2012 inclusive (includes 1 Ordinary Council Meeting – 24th September 2012).

Cr Wielinga for the period Wednesday, 19th September 2012 to Sunday, 14th October 2012 inclusive (includes 2 Ordinary Council Meetings – 24th September 2012 and 8th October 2012).

Cr Geary for the period Wednesday, 3rd October 2012 to Tuesday, 9th October 2012 inclusive (includes 1 Ordinary Council Meeting – 8th October 2012).

326/9/12

MOTION not opposed, DECLARED CARRIED

(11/0)

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 27 AUGUST 2012.

MOVED Cr G Nixon that the Minutes of the Ordinary Council Meeting held on 27 August 2012 be confirmed as a true and accurate record.

327/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Economic Development

- On 28th August attended the monthly WA Planning Commission meeting in Perth. At this meeting the Mayor raised the issue of the lack of Active Public Open Space in the outer metro growth areas.
- On 29th August on behalf of the City, attended a regular scheduled meeting of the Armadale LRC (Land Redevelopment Committee) and requested a briefing from the MRA's CEO to City Councillors.
- On 30th August, along with Cr Best and Cr Busby, attended a meeting of Connected Communities Armadale. and gave an update on the progress of the Armadale App and welcomed 3 new members to the committee.
- On 31st August attended the Register Committee Heritage Council of WA held in Perth.
- On 3rd September held a meeting with Rachael Smith regarding the CCAi Armadale App work plan and roll out of a training and marketing program.
- On 4th September attended the WA Planning Commission Executive Finance & Property meeting held in Perth.

2 Consultation & Communication

- On 30th August held a consultative meeting with the Examiner Newspapers. CEO Ray Tame, Media Communications Manager Kai Lothian and Media Communications Officer Farha Cleak attended in addition to representatives from Examiner Newspapers: Kim Power – Manager, Robyn Molloy - Editor and James Dessent – Journalist.
- On the same day, along with Cr Munn, attended the Technical Services

Directorate 'End of Financial Year Function' held at the City's Work Depot.

- On 4th September 2012 attended a site visit with the Parliamentary Secretary for Climate Change and Energy Efficiency Mark Dreyfus QC, along with Executive Director Kevin Ketterer and other City of Armadale staff at the Hopkinson Road Landfill Facility. The purpose of the meeting was for Mr Dreyfus to view the site, and find out what we are doing to capture methane and reduce emissions and how much it is costing the City.
- On 10th September 2012 met with Albert McNamara, who is the Chairperson of the Aboriginal and Torres Strait Islander Group here at the City.
- The same afternoon, along with the CEO, met with Mr Ross and Mr Nelson from the Araluen Botanic Park Board for an update on recent Park activities.

3

Marketing / Public Relations

- On 6th September facilitated a meeting with Denson & Claire Baker and members from ScreenWest regarding the shooting of the Turning by Tim Winton in the City of Armadale. Toured Champion Lakes facilities to ascertain shooting locations. Following the tour met with Planning Officers at the Armadale MRA office to brief them on filming requirements and to assist where approval might be required.
- On 6th September, along with Crs Butterfield, Munn and Busby, opened the Official Launch of the Outside the Frame Art Award. On display were 190 entries, from 170 young people who study at 12 High Schools including four schools in our own area, Carey Baptist College, Kelmscott Senior High School, John Wollaston Anglican Community School and Armadale Senior High School. Collectively these works displayed the artistic talents of our young people in the south eastern region of Perth.
- On 7th September 2012, along with Cr Munn, opened the Armadale Young Writers Awards. This is the second year of this local competition for young writers held here in the City of Armadale. This year we received 108 entries separated into 4 categories. One of those categories "Living in Armadale" attracted 20 young writers. The winning author was Nicole Geurts, a year 7 student from John Calvin Christian College. Armadale Young Writers Awards is a great initiative to promote writing and creative expression by young people in our local community. Ethan Tang-Tran from Kelmscott Senior High School was a multiple award winner. The overall winner was Finn Swenson from Roleystone Community College for his effort entitled "Potato Wars".

4

Governance

- On 28th August 2012, as Chair of the Heritage Council's Audit and Risk Committee, attended a meeting to receive the final 2011-2012 audited report from the Auditor General on the Heritage Council WA .
- On 29th August 2012, along with Cr Butterfield, attended the South East Metropolitan Zone Meeting held at the Town of Victoria Park. A fair amount of this meeting was taken up with a discussion of the introduction of a Building Protection Zone in high bushfire risk communities. This issue was followed up at State Council with a number of concerns of the Zone being addressed.
- On 5th September 2012, at midday, attended a meeting of co-chairs to discuss WALGA's election strategy for the upcoming State Government elections.
- The same afternoon, chaired a meeting of the Planning Reform Policy Forum to consider the review of the DAPs legislation and its effectiveness, also discussed was the current state of play with issues arising out of the recently introduced Building Bill.
- This meeting was then followed by a State Council Strategy meeting to consider strategic issues for follow up reports for consideration at future State Council meetings. Have listed the issue of the lack of Active Public Open Space in the Outer Metropolitan Growth Areas for further action.
- Following on from the Strategy meeting, the State Council meeting was resumed. A progress report was received from the CEO regarding the new building currently under construction as the future headquarters for the Local Government Association. Demolition of the existing building is complete and site works are in progress, we are on time and budget for occupation in late 2013.

9

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

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE MEETING

Report of the Technical Services Committee on 3 September 2012 .

MOVED Cr R Butterfield that the report be received.

328/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

BUSINESS ARISING FROM REPORT

Recommendation T56/9/12 - Review of Delegations of Authority Relevant to the Technical Services Directorate 2012

MOVED Cr R Butterfield, SECONDED Cr J H Munn

That Council, pursuant to Section 5.46(2) and 5.42(1) of the Local Government Act 1995 (as amended), **approves the following current delegations to the Chief Executive Officer as having ongoing application, relevance and accuracy:

Local Government Act 1995

No:	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
1	3.25 (1)	Notices requiring certain things to be done by owner or occupier of land.	Yes
3	3.27 (1)	Things that can be done on land that is not local government property.	Yes
7	3.54 (1)	Authority to do anything on land vested or under the control and management of Council.	Yes
14	3.26 (2)	Take action to achieve compliance with notice given under s3.25 (1).	Yes

Local Government (Uniform Local Provisions) Regulations 1996

No:	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
172	13	Authority to serve notice on owners or occupiers of land abutting a street or way to construct or repair a crossing from common boundary of the land and the street or way to the paved portion of the carriage way of the street or way.	Yes
173	17	Approve private works on, over or under a public thoroughfare or other public place and take action for offences under this Regulation.	Yes

Local Law – Local Government Property

No:	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
221	Various	<p>Authority to administer the Local Government Property Local Law including the appointment of authorised persons (under section 9.10 of the Local Government Act 1995) to perform any of the functions of an authorised person under the local law subject to the following:</p> <p>(a) The CEO may refer any matter at his discretion for the decision of Council;</p> <p>(b) Only Council is to:</p> <p>(i) make a determination under Part 2;</p> <p>(ii) adopt or vary a policy containing conditions subject to which an application for a permit may be approved under clauses 3.3 (1) (a);</p> <p>(iii) enter into an agreement with a permit holder in respect of ownership of materials in a building (clause 3.7);</p> <p>(iv) issue a permit under clause 3.13 (1) (erect a building) or 3.13 (n) (erect or install any utility service structure);</p> <p>(v) appoint authorised persons who are not employees under section 9.10 of the Act.</p>	Yes

Policies of Council

No:	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
500	ENG 3	Events on Road – Authority to approve road closures for events on roads.	Yes

ABSOLUTE MAJORITY RESOLUTION REQUIRED

329/9/12 **MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY DECISION OF COUNCIL** (11/0)

Recommendation T57/9/12 - School Parking Restrictions Within The City - Upgrade of Parking Plans to Conform to Standards

MOVED Cr R Butterfield

That Council approve the Parking Control Signs shown on the Drawings for the below listed schools for implementation and supersede all previous Council approvals associated with Parking and Stopping Control Signs at these schools.

Westfield Park Primary	Drawing No 12-121
Armadale Primary	Drawing No 12-122
Forrestdale Primary	Drawing No 12-123
Armadale Senior High	Drawing No 12-124

330/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation T58/9/12 - Tender No 23/12 - Shredding of Greenwaste at Council Landfill Sites

MOVED Cr R Butterfield

That with Tender No 23/12 for Shredding of Greenwaste at Council Landfill Sites, Council:

- 1. Accepts the tender from Craneswest Pty Ltd T/A Western Tree Recyclers for a period of three (3) years, commencing on 17 September 2012, for a cost of \$275,000.00 pa (including GST), in accordance with the submitted tender, Councils contract documentation, and Budget allocation.**
- 2. Authorise the Chief Executive Officer to extend the contract for two (2) periods of 12 months up to 16 September 2017, subject to satisfactory performance by the contractor and price adjustments as specified in the Request for Tender document Clause 4.1.**

331/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation T59/9/12 - Extension of Contract 22/10 for the Provision of Streetlighting Maintenance Services

MOVED Cr R Butterfield

That Council approve the extension of Contract 22/10 Street Lighting Maintenance Services to Nilsen (WA) Pty Ltd for the amount of \$30,000.00 p.a. for a further 1 year period from 12 October 2012 to 11 October 2013 in accordance with clause 8.2 Special Conditions of Contract of Council's Contract documentation.

332/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation T60/9/12 - Councillors' Items Referred to Technical Services Committee

MOVED Cr R Butterfield

That the Officer's comments be noted.

333/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation T61/9/12 - Zero Waste Summit 2012

Cr Shaw nominated Cr Butterfield as a second delegate to the Zero Waste Summit.

MOVED Cr D M Shaw

That Council amend part (1) of Recommendation T61/9/12 to include Cr Butterfield's nomination.

334/9/12 **AMENDMENT not opposed, DECLARED CARRIED (11/0)**

MOVED Cr D M Shaw

That Council:

- 1. Nominate Councillor Best and Councillor Butterfield as delegates to the Zero Waste Summit 2012, titled "New Perspectives on Zero Waste", to be held in Melbourne on 22 and 23 October 2012.**
- 2. Note the attendance of one Technical Services Officer as delegate to the Zero Waste Summit 2012, titled "New Perspectives on Zero Waste", to be held in Melbourne on 22 and 23 October 2012.**

335/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation T62/9/12 - Memorandum of Understanding (MOU) Between VenuesWest and the City of Armadale - Champion Lakes

MOVED Cr R Butterfield

That Council notes the detailed elements of agreement between the City of Armadale and VenuesWest, as outlined in this report, and authorise the Chief Executive Officer to enter into the Memorandum of Understanding to that effect.

336/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

Recommendation T63/9/12 – Councillors’ Items

MOVED Cr R Butterfield

That Council refer the Councillors’ items in regard to:

- **Municipal Waste Advisory Council – Containers Deposit Scheme**
- **Memorial Park Ribbons Project**

to the relevant directorate for noting.

337/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee on 4 September 2012

MOVED Cr K Busby that the report be received.

338/9/12 **MOTION not opposed, DECLARED CARRIED (11/0)**

BUSINESS ARISING FROM REPORT

Recommendation C38/9/12 - Review of Delegations of authority relevant to the Community Services Directorate

MOVED Cr K Busby, SECONDED Cr G Nixon

That Council:

1. **pursuant to Section 5.46(2) and 5.42(1) of the Local Government Act 1995 **approves the following current delegations to the Chief Executive Officer as having ongoing application, relevance and accuracy;**

No	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
		Local Government Act 1995	
6	3.47	<ul style="list-style-type: none"> • Authority to sell or dispose of impounded goods. 	Yes
12	9.20	<ul style="list-style-type: none"> • To withdraw infringement notice 	Yes
16	3.47 (a)	<ul style="list-style-type: none"> • Disposal of sick or injured animals 	Yes
		Other Delegations	
603	6.12(b)		Yes

No	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
502		<p>Policies of Council</p> <ul style="list-style-type: none"> • COMD1 – Consider requests for assistance according to the following categories: • Donation • Community Grant • Annual Contribution • Partnership Contribution 	Yes

No	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
603	6.12 (b)	<p>Other Delegations</p> <p>Community Development</p> <p>Authority to approve any request for “one-off” free use of Council’s facilities shall be delegated to the Chief Executive Officer. Any requests for “one-off” free use of facilities shall be considered on its merits but will normally only be eligible for approval if it is a not-for- profit community service activity that provides a significant benefit to the community. In the event that a request is refused the matter is to be referred to the Community Services Committee for consideration prior to a decision.</p>	Yes

No	Delegated Authority		Assigned by CEO
	Section Ref	Delegation Described	
82	17 (10) 18 (5)	<p>Bush Fires Act 1954</p> <ul style="list-style-type: none"> • Fire Services – The Mayor and Chief Bush Fire Control Officer be give delegated authority to vary the prohibited and restricted burning periods. 	No

ABSOLUTE MAJORITY RESOLUTION REQUIRED

339/9/12 **MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY DECISION OF COUNCIL** (11/0)

Recommendation C39/9/12 - Support for the 2012 Armadale Film Festival

Committee Recommendation:

That Council:

further address and consider this matter at the Ordinary Meeting of Council on 10 September following distribution of further information on the 2012 Armadale Film Festival.

As requested by Committee additional information in regard to the 2012 Armadale Film Festival (AFF) was forwarded to all councillors. A summary of the information provided included:

Festival Background – This outlined the objectives of the festival as well as the program, various award categories, local benefits and how the community will be involved.

Inaugural 2011 Event Summary – The 2011 inaugural event was held over 3 evenings. The program included screening of locally filmed feature movie “Blame” at Grand Cinemas, an indigenous cultural event Birak followed by a screening of “Our Story: Six Sisters of the Stolen Generation” at Memorial Park and a final awards night and special screening of “Red Dog” at Memorial Park. In total around 1000 people attended the 2011 festival.

Funding for the “Birak” Festival is not available in 2012 but its omission this year should not impact on the overall success of the 2012 event.

Use of Requested Funds – The City’s contribution of \$11,000 is for coordinating the outdoor logistical elements of the festival. AFF is responsible for all other elements of the program.

Council considered the above information and resolved to support the 2012 Armadale Film Festival.

MOVED Cr K Busby

That Council:

- 1. Receive this report and the additional information it contains.**
- 2. Support the 2012 Armadale Film Festival by coordinating the outdoor logistical elements of the festival to the amount of \$11,000.**
- 3. Note that the \$11,000 will result in a budget over-run in the Events budget for the 2012/13 year.**
- 4. Note the provision of promotional support for the Armadale Film Festival.**
- 5. Receive a further report through the Community Services Committee relating to the City’s ongoing support for the Armadale Film Festival.**

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 Pedestrian Access Ways (Cr Kerry Busby)

That the matter of Public Access Ways (PAWS) be referred to the Development Services Committee

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

1 Ranford Road Project - Negotiations with Metropolitan Redevelopment Authority (MRA)

MOVED Cr J H Munn that the meeting be closed to members of the public as the matter to be considered is confidential under Section 5.23 (2) in that it relates to a contract which may be entered into by the City of Armadale.

MOTION not opposed, DECLARED CARRIED (11/0)

7.25pm *Meeting declared closed.
Members of the public and press retired from the meeting.*

The CEO briefed Council on the in-principle funding agreement which is urgently needed for works on the Ranford Road project to proceed and the steps that were being taken towards formal agreement.

MOVED Cr J H Munn that Standing Orders be suspended to allow Council to discuss all aspects of this funding agreement.

MOTION not opposed, DECLARED CARRIED (11/0)

MOVED Cr J H Munn:

That Council note the CEO's advice and the terms of the in-principle funding agreement for the prefunding of Ranford Road works between Lake Road and Alex Wood Drive.

OPPOSED Cr M H Norman
SECONDED Cr G A Best

In opposing the motion, Cr Norman indicated that Council should be given the opportunity to consider the final agreement following legal advice and as such moved an amendment as follows:

MOVED Cr M H Norman SECONDED Cr K Busby
OPPOSED Cr Geary

That the motion be amended by adding a part (2) as follows:-

2. **That following examination by the City's legal advisors the final agreement be referred to Council for consideration prior to signing.**

345/9/12 **AMENDMENT DECLARED CARRIED (9/2)**

MOVED Cr M H Norman that the motion, as amended, be adopted.

1. **That Council note the CEO's advice and the terms of the in-principle funding agreement for the prefunding of Ranford Road works between Lake Road and Alex Wood Drive.**
2. **That following examination by the City's legal advisors the final agreement be referred to Council for consideration prior to signing.**

346/9/12 **MOTION not opposed, DECLARED CARRIED (8/3)**

MOVED Cr L Sargeson that Standing Orders be resumed.

MOTION not opposed, DECLARED CARRIED (11/0)

MOVED Cr J H Munn that the meeting be opened to members of the public.

MOTION not opposed, DECLARED CARRIED (11/0)

7.40pm *Meeting declared open.*

As no members of the public or press returned to the meeting there was no need to read aloud Resolution 346/9/12.

15 CLOSURE

The Mayor, Cr Zelones, declared the meeting closed at 7.41pm

MINUTES CONFIRMED THIS 24th SEPTEMBER 2012

MAYOR