



**ORDINARY MEETING OF COUNCIL
MONDAY, 22 FEBRUARY 2016**

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, 22
FEBRUARY 2016 AT 7.00PM.

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 OAM JP presided over	River Ward
Deputy Mayor, Cr R Butterfield	River 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
Mr A F Maxwell	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Ms Y Loveland	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: 13 Press: 1

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr J A Stewart

APOLOGIES:

Apologies received from Cr C M Wielinga, Cr D M Shaw, Cr G Nixon
(Conference) and Cr K Busby (Conference).

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

Nil

4 PUBLIC QUESTION TIME

1 Dr Harry Edgar - 5/15 Church Street

During discussion at the Development Services Committee meeting on the matter of rezoning Lot 200 Church Street it was stated that the bus stop adjacent to the proposed site was not a timed bus stop. Is the Council now aware that this is in fact a timed bus stop as confirmed by Transperth?

The Mayor thanked Mr Edgar for the information.

2 Aaron Lowman - Level 3 369 Newcastle Street, Northbridge.

Re. Item 3.1 Final adoption of Amendment No.80 - In light of the support of the City's professional technical officers and Main Roads WA in respect to the traffic impact, will Council reconsider the inclusion of the uses of Service Stations and Convenience Stores into this scheme amendment? This is considering that the proposal has met all the relevant technical requirements in respect to traffic.

The Mayor advised that this matter will be considered when the item comes up for discussion during the meeting.

Question time closed at 7.03 pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

1 Request for Leave of Absence (Cr Guenter Best)

Request for leave of absence received from Cr Guenter Best for Monday 14th March 2016.

MOVED Cr Sargeson

That Council grant leave of absence to:

- **Cr Guenter Best for Monday 14th March 2016 (includes an Ordinary Council meeting – 14 March 2016).**

33/2/16

MOTION not opposed, DECLARED CARRIED

(9/0)

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 8 FEBRUARY 2016.

Correction:

Page 8 – Under the Mayor’s announcements Cr Sargeson to be included as attending the Australia Day citizenship.

MOVED Cr Sargeson that the Minutes of the Ordinary Council Meeting held on 8 February 2016, subject to the above correction, be confirmed as a true and accurate record.

34/2/16 **MOTION not opposed, DECLARED CARRIED (9/0)**

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Consultation and Communication

- On 10th February 2016 met with Member for Armadale Dr Tony Buti MLA.
- Between 12th and 18th February responded to 8 media requests for interviews regarding the crime statistics for the Perth Metro area.
- On 17th February met with Senior Sergeant Mark Tobiassen of the Armadale Police to discuss the recent crime statistics that were released.

2 Marketing and Public Relations

- On 9th February along with Cr Butterfield attended the presentation of the Young Re-Inventor of the Year that was awarded to Carey Baptist College for its milk bottle garden.
- On 17th February , along with Crs Busby, Nixon & Sargeson and several Council officers, attended the Beaver Traffic Management & Tree Services opening of their relocated business to the Forrestdale Business Park.
- On 20th February attended the City of Gosnells Illuminate Night Party at the Gosnells Oval.

3 Governance and Economic Development

- On 9th February 2016 attended a meeting of the Executive Finance and Property Committee held at the Department of Planning.
- On 16th February attended a briefing on the review of State Planning Policy (SPP) 4.1, Industrial Buffers. In light of the recent EPA Court decision, the WAPC will be reviewing all its SPPs.
- On the same day attended and chaired WALGA's Selection Committee meeting in West Leederville. WALGA's Selection Committee is responsible for reviewing nominations for and making recommendations to Government Boards and Agencies where Local Government is represented.
- On 18th February, attended and chaired the Local Emergency Management Committee meeting held here at the City of Armadale

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 Meeting held on 15 February 2016.

MOVED Cr M Geary that the report be received.

35/2/16 **MOTION not opposed, DECLARED CARRIED (9/0)**

BUSINESS ARISING FROM REPORT

Recommendation CS7/2/16 - Monthly Statement of Financial Activity - January 2016

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 seven (7) month period ended 31 January 2016.

36/2/16 **MOTION not opposed, DECLARED CARRIED (9/0)**

Recommendation CS8/2/16 - List of Accounts Paid - January 2016

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 \$21,142,062.11 on Vouchers 26131–26241, Batch 1849-1858, 1860, Direct Debit and PY01.14-PY01.15.

Trust Fund

Accounts paid totalling \$280,090.52 on Vouchers 4990-5061 & Batch 1859.

37/2/16 MOTION not opposed, DECLARED CARRIED (9/0)

Recommendation CS9/2/16 - Armadale Advocacy

MOVED Cr M Geary

That Council in considering the 2015/16 mid-year Budget review allocate \$50,000 of the anticipated \$236,400 end-of-year Budget surplus to prepare an Advocacy campaign for the next 12 months for future Budget and resourcing consideration, including continuation of the Community Connect South Campaign.

38/2/16 MOTION not opposed, DECLARED CARRIED (9/0)

Recommendation CS10/2/16 - Review of 2015/16 Annual Budget

MOVED Cr M Geary, SECONDED Cr Sargeson

That Council:

- 1. Pursuant to Regulation 33A of the *Local Government (Financial Management) Regulations 1996*, adopts* the attached Report titled, *Review of Budget for the period ended 31 December 2015*; and**
- 2. Pursuant to Section 6.8 of the *Local Government Act 1995*, approves* the following amendments to the 2015/16 Annual Budget.**

Revenues	Total \$Amount
<i>Increases</i>	
- Corporate Funds - interim rates	500,000
- Corporate Funds - insurance rebates	119,000
- Rates - instalment admin fees	51,000
<i>sub total</i>	670,000
<i>Decreases</i>	
- Civil Works - Capital Works Program	4,658,300
<i>Net Revenues Decrease</i>	3,988,300
Expenditures	
<i>Increases</i>	
- Corporate Funds - Worker's Compensation Adjustment	185,000
- Property Services Maintenance & Upgrade Works	211,000
<i>sub total</i>	396,000
<i>Decreases</i>	
- Community Development Golf Course Feasibility	50,000
- Civil Works - Road Works	4,570,700
<i>sub total</i>	4,620,700
<i>Net Expenditure Decrease</i>	4,224,700
<i>Forecast Year-End Surplus</i>	236,400
LESS Proposed Currently Unfunded Proposals as follows:-	
- Armadale Advocacy	50,000
- Concept Study - Wungong River Project	50,000
- Community Art - Forrestdale	45,000
<i>sub total</i>	145,000
<i>Proposed Transfer to Future Project Funding Reserve Account</i>	91,400

ABSOLUTE MAJORITY RESOLUTION REQUIRED

39/2/16

**MOTION DECLARED CARRIED by an ABSOLUTE MAJORITY
RESOLUTION OF COUNCIL (9/0)**Recommendation CS11/2/16 - Rate Exemption Westminster Presbyterian
Church Kelmscott Inc - Lot 401. 38 William Street Armadale

MOVED Cr M Geary

That Council pursuant to Section 6.26(2)(d) of the *Local Government Act 1995*, approves the application received from the Westminster Presbyterian Church Kelmscott Inc. for a rate exemption on A61743, Lot 401, 38 William Street, Armadale, on the basis the property is used or

held exclusively by a religious body as a place of worship and other religious activities.

This exemption to apply from 18 January 2016.

40/2/16 MOTION not opposed, DECLARED CARRIED (9/0)

Recommendation CS12/2/16 - Rate Exemption Application - Nulsen Disability Services - Assessment 236041 Lot 334, 115 Lowanna Way Armadale

MOVED Cr M Geary

That Council:-

1. Pursuant to Section 6.26(2)(g) of the *Local Government Act 1995*, approves a rates exemption on property assessment 236041 Lot 334, 115 Lowanna Way Armadale effective from 23 December 2015, on the basis that:-
 - (a) the land is and continues to be used exclusively for disability health accommodation, and
 - (b) this decision to grant a rates exemption is subject to the City firstly receiving from the property owner (Dept of Housing) and the lessee (Nulsen Disability Services) written confirmation that the rates exemption granted in this instance will be passed on and received by Nulsen Disability Services.
2. Advise Dept of Housing (owner) and Nulsen Disability Services that this rate exemption will be reviewed annually to confirm all (6) properties continue to be used exclusively for charitable purposes and therefore remain eligible for a rate exemption.

41/2/16 MOTION not opposed, DECLARED CARRIED (9/0)

Recommendation CS13/2/16 - Rate Exemption - Free Reformed Retirement Village Association, Inc - 2/14 Pine Tree Close Armadale

MOVED Cr M Geary

That Council pursuant to Section 6.26(2)(g) of the *Local Government Act 1995*, approves the application received from the Free Reformed Retirement Village Association, Inc, for a rate exemption on A232994, Lot 2, 2/14 Pine Tree Close, Armadale, on the basis of the property being used exclusively as Independent Aged Care. This exemption to apply from 12 January 2016.

42/2/16 MOTION not opposed, DECLARED CARRIED (9/0)

Recommendation CS14/2/16 - DLGC Consultation Paper - Review of the Local Government (Rules of Conduct) Regulations 2007

MOVED Cr M Geary

That Council, in response to the Department of Local Government and Communities' request for submission on their consultation paper relating to the review of the *Local Government (Rules of Conduct) Regulations 2007*, approves the responses as contained within the attachment to this report for forwarding to the Department by 4 March 2016.

43/2/16 MOTION not opposed, DECLARED CARRIED (9/0)

Recommendation CS15/2/16 - Annual Leave, Executive Director Community Services

MOVED Cr M Geary

That Council:

- 1. Note that the Executive Director Community Services (Yvonne Loveland) will take Annual Leave from Monday 7 March to Friday 1 April 2016 inclusive and during this time it is proposed that the Executive Manager Community Services (Neil Kegie) be appointed Acting Executive Director Community Services; and**
- 2. Pursuant to Management Practice ADM 12 and on the recommendation of the Chief Executive Officer, appoint the Executive Manager Community Services (Neil Kegie) for the period Monday 7 March to Friday 1 April 2016 inclusive as Acting Executive Director Community Services.**

44/2/16 MOTION not opposed, DECLARED CARRIED (9/0)

Recommendation CS16/2/16 - Local Government Professionals Australia (LGPA) National Congress - Gold Coast Convention Centre - May 2016

MOVED Cr M Geary

That Council:

- 1. note the proposed attendance of the Chief Executive Officer at the 2016 LGPA National Congress at the Gold Coast from 4 to 6 May 2016.**
- 2. nominate the Mayor, Cr Zelones to attend the 2016 LGPA National Congress at the Gold Coast from 4 to 6 May 2016, with costs to be charged to the Elected Members Development Account.**

45/2/16 MOTION not opposed, DECLARED CARRIED (9/0)

Recommendation CS17/2/16 - Councillor Workshop on the Aquatic Centre (Referral Matter)

MOVED Cr M Geary

That Council hold a workshop before 2016/17 budget deliberations on the redevelopment of the Armadale Aquatic Centre addressing matters such as:

- **up to date costings;**
- **current plans and other relevant options;**
- **future aquatic needs at the Regional Recreation area, including estimated timelines and funding opportunities (developer contributions?); and**
- **any other matters for consideration.**

46/2/16 **MOTION not opposed, DECLARED CARRIED** (9/0)

Recommendation CS18/2/16 - City Views Newsletter (Referral Matter)

MOVED Cr M Geary

That Council conduct administratively an internal review of the objectives, cost, effectiveness and format of City Views Newsletter with feedback to Councillors.

47/2/16 **MOTION not opposed, DECLARED CARRIED** (9/0)

10.2 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee Meeting held on 16 February 2016.

Correction:

Page 170 In Cr Norman's financial interest declaration the word "adjacent" to be corrected to read "same".

MOVED Cr R Butterfield that the report, subject to the above correction, be received.

48/2/16 **MOTION not opposed, DECLARED CARRIED** (9/0)

BUSINESS ARISING FROM REPORT

Recommendation D1/2/16 - Final Adoption - Amendment No.80 - Town Planning Scheme No.4 Rezoning of Lot 200 (4) Church Street, Kelmscott

Cr Norman declared a financial interest in Recommendation D1/2/16 on the basis that he has an association with a landowner in the same street as the proposed development. Cr Norman left the meeting at 7.15pm

MOVED Cr M Geary, SECONDED Cr C Frost
OPPOSED Cr R Butterfield

That Recommendation D1/2/16 be amended by deleting “Service Station” and “Convenience Store” from the list of Not Permitted (X) uses in the Restricted Use Area.

49/2/16

AMENDMENT LOST

(2/6)

MOVED Cr R Butterfield, SECONDED Cr H A Zelones
OPPOSED Cr M Geary

That Council:

1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, with modification, Amendment No.80 to Town Planning Scheme No.4 to:

a) Insert a new entry in Schedule 3 – Restricted Uses as follows:

No.	Description of Land	Restricted Use	Conditions
11	Lot 200 (4) Church Street, Kelmescott	<p>The following uses potentially permissible in the retail commercial core of the District Centre zone shall be uses that are Not Permitted (X) in the Restricted Use Area:</p> <ul style="list-style-type: none"> • Amusement Parlour • Auction Mart • Car Park • Cinema / Theatre • Commercial Vehicle Parking • Liquor Store Large • Market • Motor Vehicle Repair • Night Club • Restricted Premises • Small Bar • Tavern • Service Station • Convenience Store 	<p>11.1 In determining any planning application for development approval the City shall have regard to the compatibility of proposed uses with the existing and potential uses of the site.</p> <p>11.2 Where proposed development interfaces with existing or proposed residential development, special design consideration shall be required for the screening, separation or noise attenuation of adjacent premises.</p> <p>11.3 The City may impose conditions and require proposed developments to specifically address the following issues:</p> <ul style="list-style-type: none"> • a high quality unified architectural design and overall development of the site that reflects a level of integration and consistency with the surrounding built environment; • vehicular access to the site including access

			<p>from Albany Highway and access and egress to and from Church Street and Albany Highway shall be to the satisfaction of Main Roads Western Australia and / or City, including any appropriate upgrades or widening to the Albany Highway/Church Street intersection and Church Street where it abuts the subject site;</p> <ul style="list-style-type: none"> • the amalgamation of lots or provision of reciprocal rights of access where appropriate; • the screening and/or landscaping of car parking areas from adjacent residential uses; • the precluding of overnight accommodation of animals in respect to Veterinary Centres; • the restriction of vehicular access vehicles greater than 12.5m in length, including (but not limited to) the installation of appropriate signage and traffic calming. • the traffic management of all service delivery vehicles to permit 'right turn only' movements onto Church Street. <p>11.4 The development of 'shop' floorspace shall not exceed 200m² and be limited to use by a Pharmacy only in conjunction with the development of a Medical Centre on the site.</p> <p>11.5 Liquor Store- Small shall</p>
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			only be permissible where it can be demonstrated to the satisfaction of the City that it involves a relocation of an existing liquor store from another site within the City.
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- a) Delete former Lot 61 (4) and Lot 23 (6) (Lot 200 Church Street) from the Schedule 3 Restricted Use No.1 and Description of lands, and
 - b) Amend the Scheme maps accordingly.
2. Authorise the Mayor and Chief Executive Officer to execute the Amendment documents.
 3. Forward the amendment documentation to the Western Australian Planning Commission for its consideration and requests the Hon Minister for Planning grant final approval to the amendment.
 4. Endorse the comments made in this report regarding the submissions received on this scheme amendment for inclusion in the schedule of submissions to be forwarded to the Western Australian Planning Commission.
 5. Advise the submitters and the applicant of its decision.

50/2/16

MOTION DECLARED CARRIED

(7/1)

Cr Norman returned to the meeting at 7.30pm

Recommendation D2/2/16 - Dedication of Lot 66 Glenfield Place, Mount Nasura

MOVED Cr R Butterfield

That Council:

1. Requests the Minister for Lands to dedicate as a public road the Right of Way described as Lot 66 Glenfield Place, Mount Nasura pursuant to Section 56 of the Land Administration Act 1997.
2. Indemnifies the Minister of Lands against any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request pursuant to Section 56(4) of the Land Administration Act 1997.
3. Advise the applicant and respondent(s) of Council's decision.

51/2/16

MOTION not opposed, DECLARED CARRIED

(9/0)

Recommendation D3/2/16 - Dedication of the Unallocated Crown Land
Described As Lot 66 Wygonda Road, Roleystone

MOVED Cr R Butterfield

That Council:

- 1. Requests the Minister for Lands to dedicate as a public road only the constructed portion of Lot 66 Wygonda Road as depicted on the attached Locality Plan, pursuant to Section 56 of the Land Administration Act 1997.**
- 2. Indemnifies the Minister of Lands against any claims for compensation in an amount equal to the amount of all costs and expenses reasonably incurred by the Minister in considering and granting the request pursuant to Section 56(4) of the Land Administration Act 1997.**
- 3. Advise the organiser of the petition and the submitters of Council's decision in this regard.**

52/2/16

MOTION not opposed, DECLARED CARRIED

(9/0)

Recommendation D4/2/16 - Finalisation of Business Plan and Sale of Lot 200
(121) Carawatha Avenue, Mount Nasura

MOVED Cr R Butterfield, SECONDED Cr M Geary

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 200 (121) Carawatha Avenue, Mount Nasura.**
- 2. Pursuant to Section 3.59 (5) of the Local Government Act 1995, agrees to proceed with the sale of Lot 200 (121) Carawatha Avenue, Mount Nasura, 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. Pursue a Scheme Amendment to rezone Lot 201 Carawatha Avenue, Mount Nasura to Residential to enable disposal of the land.**

53/2/16

**MOTION DECLARED CARRIED by an ABSOLUTE MAJORITY
RESOLUTION OF COUNCIL**

(9/0)

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer .

MOVED Cr G A Best that the report be received.

54/2/16 **MOTION not opposed, DECLARED CARRIED (9/0)**

BUSINESS ARISING FROM REPORT

Recommendation - Councillors' Information Bulletin - Issue No. 3/2016

MOVED Cr L Sargeson

That Council acknowledge receipt of Issue No 3/2016 of the Information Bulletin.

55/2/16 **MOTION not opposed, DECLARED CARRIED (9/0)**

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 Angelo Street Footpath (Cr Laurie Sargeson)

That the matter of the footpath on Angelo Street be referred to the Technical Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

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

MINUTES CONFIRMED THIS 14th DAY OF MARCH 2016

MAYOR