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**ORDINARY MEETING OF COUNCIL  
MONDAY, 27 JUNE 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, 27  
JUNE 2016 AT 7.00PM.

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

#### PRESENT:

|                                               |                 |
|-----------------------------------------------|-----------------|
| Mayor, Cr H A Zelones OAM JP<br>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 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 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: Nil

#### LEAVE OF ABSENCE:

Nil

#### APOLOGIES:

Apology received from Cr C A Campbell

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

Nil

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**4 PUBLIC QUESTION TIME**

Nil

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**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**1 Leave of Absence (Cr Carole Frost)**

Request for leave of absence received from Cr Frost for the period Monday 1 August to Friday 2 September 2016.

MOVED Cr J A Stewart

**That Council grant leave of absence to Cr Carole Frost for the period Monday 1 August to Friday 2 September 2016 (includes 2 Ordinary Council meetings – 8 and 22 August 2016).**

**189/6/16 MOTION not opposed, DECLARED CARRIED (13/0)**

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**6 PETITIONS**

Nil

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**7 CONFIRMATION OF MINUTES**

7.1 PREVIOUS ORDINARY COUNCIL MEETING  
HELD ON 13 JUNE 2016.

MOVED Cr J A Stewart that the Minutes of the Ordinary Council Meeting held on 13 June 2016 be confirmed as a true and accurate record.

**190/6/16 MOTION not opposed, DECLARED CARRIED (13/0)**

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**8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT  
DISCUSSION**

**1 Consultation and Communication**

- On Monday 20 June met with representatives of the NBN Co for briefing on the roll out of the Fibre Optic broadband to the Armadale community. A request was made for a further briefing to Council in the near future.
- On Friday 24 June met with the Armadale RSL President and Secretary

to discuss various issues in regard to Memorial Park.

- Later that day met with the Local Government Minister Tony Simpson MLA.

## **2 Marketing and Public Relations**

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- On Tuesday 14 June attended the Business Armadale event “Breakfast with Tanya Plibersek” held at The Manse Restaurant. Crs Busby, Best and Sargeson also attended.
- On Thursday 16 June during the live broadcast of the Jull St Mall, was interviewed on the 7.20 ABC Radio in relation to the top issues for Armadale raised with candidates during the Federal Election.
- On Saturday 18 June Cr Ruth Butterfield attended the Roleystone Volunteer Fire Brigade Awards Dinner which was held at the Roleystone Country Club.
- On Sunday 19 June met with Minister Michael Keenan, MP, Senator Linda Reynolds & Matt O’Sullivan for an announcement on a \$10 million grant for the upgrade to the Armadale Aquatic Centre.
- On Thursday 23 June along with Mr Tony Simpson MP, attended the opening of the Harrisdale Woolworths, Aldi and the Shopping Centre, cutting ribbons at all 3 venues. Crs Frost, Busby, Sargeson and Best also attended. A large number of local residents and school children helped celebrate the opening of the centre.
- Later that evening attended the Ride Against Domestic Violence Fundraiser held at The WA Club in Perth.
- On Friday 24 June attended the Switched on Homes, a program run by Switch Your Thinking, morning tea hosted by the City of Gosnells.
- Later that morning was interviewed by Channel 7’s Today Tonight Program regarding issues raised by Piara Waters/Harrisdale residents.

## **3 Governance and Economic Development**

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- On Wednesday 15 June attended the Mangels Bay MRS Amendment meeting with the Department of Planning.
- From Sunday 19 June to Wednesday 22 June attended the National General Assembly which was held in Canberra.
- On Thursday 23 June attended a briefing and handover by the WA Planning Commission Chairman.
- On Friday 24 June attended the WALGA Selection Panel Committee Meeting.

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

Nil

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**10 REPORTS**

**10.1 CITY STRATEGY COMMITTEE MEETING**

Report of the City Strategy Committee held on 20 June 2016.

MOVED Cr M Geary that the report be received.

**191/6/16 MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CS42/6/16 - List of Accounts Paid - May 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 \$8,020,815.61 on Vouchers 26680-26867, Batch 1895-1904, 1906, Direct Debits and PY01.23-PY01.24.**

**Trust Fund**

**Accounts paid totalling \$229,971.55 on Vouchers 5296-5404 & Batch 1905.**

**192/6/16 MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation CS43/6/16 - Monthly Statement of Financial Activity - May 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 eleven (11) month period ended 31 May 2016.**

**193/6/16 MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation CS44/6/16 - Adoption of Value for Reporting Material Variances

MOVED Cr M Geary

**That Council, pursuant to Regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, adopt the following values for reporting material variances in the monthly Statements of Financial**

**Activity during the 2016/17 financial year, i.e.**

- **Revenues - material variances will be identified where, for each Management Area, for the period being reported, the actual varies to budget by an amount of (+) or (-) \$100,000.**
- **Expenses - material variances will be identified where, for each Management Area, for the period being reported, the actual varies to budget by an amount of (+) or (-) \$100,000.**

194/6/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation CS45/6/16 - Traders Permit Applications - Dukkz Nuttz and Nuttz Nuttz Cafe (Coffee Vans).

MOVED Cr M Geary

**That Council pursuant to the City's *Activities and Trading in Thoroughfares and Public Places Local Law* approve a traders permit being issued to:**

- a. **Muttz Nuttz Café to trade from the Piara Waters Oval car park under the following permit conditions:**
  - i. **Days and Hours of Trading: Monday to Friday 6am to 11am and Sundays during game times.**
  - ii. **Types of goods to be traded – Hot/cold beverages and wrapped snacks as certified under the Certificate of Registration to operate as a food business by the City of Armadale.**
  - iii. **Application Fee: \$50;**
  - iv. **Annual Permit Fee: \$500;**
  - v. **Period of Permit: 12 months from date of issues of the permit;**
  - vi. **The applicant providing evidence of current public liability insurance for no less than \$20 million;**
  - vii. **Compliance with the Activities and Trading in Thoroughfares and Public Places Local Law and any other applicable legislation;**
  - viii. **All litter is to be removed immediately after close of business and the area is to be left in a clean and tidy state; and**
  - ix. **The City reserving the right to cancel or amend the permit should substantiated complaints be received.**
- b. **Dukkz Nuttz Café to trade from the Forrestdale Hall car park under the following permit conditions:**
  - i. **Days and Hours of Trading: Monday to Friday 6am – 3pm to a maximum of six (6) hours.**
  - ii. **Types of goods to be traded - Hot/cold beverages and wrapped snacks as certified under the Certificate of Registration to**

operate as a food business by the City of Armadale.

- iii. Annual Permit Fee: \$500;
- iv. Period of Permit: 12 months from date of issues of the permit;
- v. The applicant providing evidence of current public liability insurance for not less than \$20 million;
- vi. Compliance with the Activities and Trading in Thoroughfares and Public Places Local Law and any other applicable legislation;
- vii. All litter is to be removed immediately after close of business and the area is to be left in a clean and tidy state;
- viii. Temporary Signage only to be erected within the immediate vicinity of the van.
- ix. The City reserving the right to cancel or amend the permit should substantiated complaints be received.

195/6/16 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation CS46/6/16 - Expression of Interest EOI/1/16 - Short Stay Accommodation in Armadale

MOVED Cr M Geary

**That Council**

1. Note that the one submission received for EOI/1/16 did not give confidence that following a closed tender process would provide a benefit to the City.
2. Not proceed to a closed tender for EOI/1/16 as the one submission received did not satisfactorily demonstrate the capability to supply goods or services in accordance with meet the City's requirements.
3. Receive a further Officer report outlining the proposed request for tender options/specifications for the development of the Abbey Road land.

196/6/16 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation CS48/6/16 - Performance Review 2015-16 - Chief Executive Officer

MOVED Cr M Geary

**That Council:**

1. Receive the panel's Performance Review report and endorse the overall rating of 'Above Average'- meeting all of the performance requirements of the position of Chief Executive Officer of the City of



**Armadale.**

2. **Endorse the Key Focus Areas for the 2016/2017 review period.**
3. **Schedules the next CEO annual performance appraisal process to be commenced by 30 April 2017 and completed before 30 June 2017.**
4. **Schedules a briefing meeting between the CEO and the Evaluation Panel for November 2016, so as to review the status of the key focus areas.**

197/6/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation CS49/6/16 - CEO Directorate 2016/17 Draft Budget

MOVED Cr R Butterfield, SECONDED Cr D M Shaw  
OPPOSED Cr K Busby

That Recommendation CS49/6/16 be amended by adding a part (2) as follows:

2. **That the matter of funding options for the Armadale District Hall (Page 11 of the Budget) be referred to the Special City Strategy meeting of 28 June 2016 with a view to initiating a more modest and less expensive restoration/upgrade.**

198/6/16 **AMENDMENT LOST (3/10)**

MOVED Cr M Geary

**That Council refers the Draft 2016/17 CEO Directorate Budget Report as presented, without modification to the Special meeting of the City Strategy Committee to be held on 28 June 2016 (the business of that meeting being to recommend to Council the 2016-2021 Corporate Business Plan and Annual Budget), for consideration and inclusion in Council's 2016/17 Annual Budget.**

199/6/16 **MOTION DECLARED CARRIED (12/1)**

Recommendation CS50/6/16 - Corporate Services Directorate 2016/17 Draft Budget

MOVED Cr M Geary

**That Council refers the Draft 2016/17 Corporate Services Directorate Budget Report as presented, without modification to the Special meeting of the City Strategy Committee to be held on 28 June 2016 (the business of that meeting being to recommend to Council the 2016-2021 Corporate Business Plan and Annual Budget), for consideration and inclusion in Council's 2016/17 Annual Budget.**

200/6/16 MOTION not opposed, DECLARED CARRIED (13/0)

**10.2 DEVELOPMENT SERVICES COMMITTEE MEETING**  
Report of the Development Services Committee held on 21 June 2016.

MOVED Cr D M Shaw that the report be received.

201/6/16 MOTION not opposed, DECLARED CARRIED (13/0)

**BUSINESS ARISING FROM REPORT**

Recommendation D19/6/16 - Appointment of Authorised Officers - Building Act 2011

MOVED Cr D M Shaw

**That Council:**

1. Approve the appointment of the following officer classes as "Authorised Officer" pursuant to section 96 (s100, s101, s102 and s103) of the Building Act 2011 for the purpose/s of s100 Entry Powers, s101 Powers after entry for compliance, s102 Obtaining information and documents, s103 Use of force and assistance, s104 Directions generally and s105 Obstruction of authorised persons to Senior Building Surveyor (Commercial), Martin O'Shea.
2. Note that the abovementioned authorisations are to remain in effect whilst the appointed person is employed by the City of Armadale.

202/6/16 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation D20/6/16 - Pedestrian Access Way between Wangoola Tce and Derry Ave, Mount Nasura

MOVED Cr D M Shaw

**That Council:**

1. Request the Minister of Lands to close the Pedestrian Access Way (PAW) between Lots 500 (No.34) & 696 (No.36) Wangoola Tce and Lots 47 (No.25) & 48 (No.19) Derry Ave, Mount Nasura, with the purpose being changed to Public Utilities Reserve vested in the City.
2. Advise applicant(s) and respondent(s) of Council's decision.

203/6/16 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation D21/6/16 - Final Adoption - Amendment No.82 - TPS No.4 - Rezoning of Lot 2504 (65) River Road, Kelmscott

MOVED Cr D M Shaw

**That Council:**

1. Pursuant to Part 5 of the *Planning and Development Act 2005* to adopt, without modification, Amendment No.82 to Town Planning Scheme No.4 to:
  - a) rezone Lot 2054 (65) River Road, Kelmscott from “Parks and Recreation (local)” to “Residential”; 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 submittees and the applicant of its decision.

204/6/16 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation D22/6/16 - International Cities, Town Centres and Communities Conference - 9th to 11th November 2016

Cr Shaw nominated Cr Zelones  
Cr Butterfield nominated Cr Best

MOVED Cr D M Shaw

**That Recommendation D22/6/16 be amended by adding the nominations of Cr Zelones and Cr Best.**

205/6/16 AMENDMENT not opposed, DECLARED CARRIED (13/0)

MOVED Cr D M Shaw

**That Council nominates Cr Silver, Cr Zelones and Cr Best to attend the “International Cities, Town Centres and Communities Conference” to be held in Launceston, Tasmania from 9<sup>th</sup> to 11<sup>th</sup> November 2016.**

206/6/16 MOTION not opposed, DECLARED CARRIED (13/0)

Recommendation D23/6/16 - Development Services Directorate - 2016/17 Draft Budget

MOVED Cr D M Shaw

**That Council refers the Draft 2016/17 Development Services Directorate Budget Report as presented, without modification to the Special meeting of the City Strategy Committee to be held on 28<sup>th</sup> June 2016 (the business of that meeting being to recommend to Council the 2016-2021 Corporate Business Plan and Annual Budget), for consideration and inclusion in Council's 2016/17 Annual Budget.**

207/6/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

**10.3 CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer .

MOVED Cr G A Best that the report be received.

208/6/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation - Councillors' Information Bulletin - Issue No. 11/2016

MOVED Cr C Frost

**That Council acknowledge receipt of Issue No 11/2016 of the Information Bulletin.**

209/6/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

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**11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil

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

Nil

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

**1 Riva Estate (Cr Michelle Silver)**

That the matter of installation of rubbish bins and doggy bag stations in appropriate areas of Riva Estate stages 1 and 2 upon handover to Council be referred to the Technical Services Committee.

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**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

Nil

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**15 CLOSURE**

*The Mayor, Cr Zelones, declared the meeting closed at 7.30pm*

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MINUTES CONFIRMED THIS 11<sup>th</sup> DAY OF JULY 2016

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MAYOR