

ORDINARY MEETING OF COUNCIL
MONDAY, 12 JULY 2021

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, 12
JULY 2021 AT 7.00PM.

1 DECLARATION OF OFFICE OF NEWLY ELECTED COUNCILLOR / DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Mayor welcomed the newly elected Councillor John Keogh and invited him to take the Declaration of Office in accordance with Section 2.29 of the *Local Government Act 1995*.

The Acting Chief Executive Officer officiated the subscription of Declaration of Office. Cr John Keogh was sworn in as Councillor for the period July 2021 to October 2023.

The Mayor, Cr Butterfield, declared the meeting open at 7.02pm and acknowledged the traditional custodians of this land, the Whadjuk people of the Noongar nation and Elders past, present and emerging..

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

PRESENT:

Mayor, Cr R Butterfield presided over	River Ward
Deputy Mayor, Cr C Frost	Lake Ward
Cr J Keogh	River Ward
Cr J H Munn CMC	Ranford Ward
Cr S Peter JP	Ranford Ward
Cr M S Northcott	Palomino Ward
Cr C A Campbell JP	Palomino Ward
Cr D M Shaw	Heron Ward
Cr G J Smith	Minnawarra Ward
Cr K Busby	Minnawarra Ward
Cr G Nixon	Hills Ward
Cr C M Wielinga	Hills Ward

IN ATTENDANCE:

Mr J Lyon	Acting Chief Executive Officer
Mr P Sanders	Executive Director Development Services
Mr T Naudè	Executive Manager Technical Services
Mrs R Milnes	A/Executive Director Community Services
Ms M Todd	Manager Governance & Administration
Mrs S D'Souza	CEO's Executive Assistant

Public: 16

LEAVE OF ABSENCE:

Nil

APOLOGIES:

Apology received from Cr E Flynn, Cr M S Silver and from the Chief Executive Officer, J Abbiss.

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

Nil

4 PUBLIC QUESTION TIME

1 Janet Ward - 48 Jarrah Road - Secretary of the Roleystone Volunteer Fire Brigade

Q: With the fire season approaching and the current situation with the RVFB not being brought to a satisfactory conclusion. Can the CoA please confirm if further talks or negotiations have been arranged or taken place with DFES as decided at the last Council meeting?

Mayor: The CEO, Deputy Mayor and I have met with the DFES Commissioner. As part of the resolution from the last Council meeting we have put together a list of questions that we need more information on and are still at the information gathering stage at the moment.

Question time closed at 7.05pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

5.1 - REQUEST FOR LEAVE OF ABSENCE - CR GRANT NIXON

Request for leave of absence received from Cr Grant Nixon for the period Wednesday 28 July 2021 to Wednesday 8 September 2021 inclusive.

MOVED Cr C M Wielinga That Council grant leave of absence to Cr Grant Nixon for the period Wednesday 28 July 2021 to Wednesday 8 September 2021 inclusive (includes 2 Ordinary Council Meetings – 9 August, 23 August).

MOTION not opposed, DECLARED CARRIED

(12/0)

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 28 JUNE 2021.

MOVED Cr M S Northcott that the Minutes of the Ordinary Council Meeting held on 28 June 2021 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (12/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Mayor's Announcements

Wednesday 30 June 2021

Participated the Municipal Waste Advisory Committee meeting, online.

Saturday 3 July 2021

Attended the Special Election count, to determine a new River Ward Councillor, held at the City of Armadale offices. John Keogh won the election for the position left vacant when Hugh Jones was elected to State Government.

Monday 5 July 2021

Participated in DevelopmentWA's, Armadale Land Redevelopment Committee meeting via ZOOM, where normalisation of the 'West of Rail' development contribution area was discussed.

Attended a regular meeting with CEO and Deputy Mayor to discuss local issues.

Tuesday 6 July 2021

Opened the U3A (University of the Third Age) Open Day held at Evelyn Gribble Community Centre.

Attended a pre meeting briefing with the Deputy Mayor, Carole Frost and CEO Joanne Abbiss.

Wednesday 7 July 2021

The CEO, Deputy Mayor and I attended a meeting with the DFES Commissioner Darren Klemm AFSM along with Deputy Commissioner Operations, Craig Waters AFSM and Chief Superintendent Metropolitan Operations Peter Sutton AFSM at their office in Cockburn to discuss arrangements regarding the Roleystone Volunteer Fire Brigade.

Attended the WALGA State Council, Strategic Forum and State Council Meeting, online.

Friday 9 July 2021

Attended a zoom meeting with Federal Member for Canning, Andrew Hastie MP to discuss local issues.

Saturday 10 July 2021

Attended the Armadale Gosnells Landcare Group (AGLG) Planting at Goolamrup Reserve in Kelmscott.

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 held on 5 July 2021.

MOVED Cr G Nixon that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation T42/7/21 - Annual Budget - Technical Services Directorate

MOVED Cr G Nixon

That Council:

- 1. Endorse the Technical Services Directorate operating budget as attached for inclusion in the draft 2021/22 Annual Budget.**
- 2. Note that Council will consider the consolidated draft 2021/22 annual budget at a final budget workshop, scheduled for 15 July 2021.**
- 3. Endorse that the maximum volume of green waste permissible under each tip pass be increased to the volume equivalent to that of a medium sized trailer loaded to a maximum height of 1.2m, reflecting a maximum volume of 4m³; and:**
 - That any size trailer/ute/vehicle be permissible, but that the volume be restricted to 4m³ per tip pass.**
 - That the other options for the use of the tip passes be retained in their current format – ie. 1.3m³ of mixed sorted waste, 2 x mattresses or 4 x tyres.**
 - The waste charge for 2021/22 not be increased to reflect the anticipated increase in green waste processing costs.**
 - That the cost increases be monitored for the first nine months of application and included in the waste charge deliberations for 2022/23.**

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation T43/7/21 - Capital Investment Budget

MOVED Cr G Nixon

That Council:

1. **Endorse the Capital Investment budget as attached for inclusion in the draft 2021/22 Annual Budget.**
2. **Note a final Budget Workshop will be held to review the consolidated Draft 2021/22 Annual Budget, to be scheduled in July 2021.**
3. **Endorse that the approved MRRG Improvement funding amount of \$2,360,313 be included in the draft budget and replace the budgeted amounts of \$1,135,900 and \$1,703,900 with \$944,125 and \$1,416,188 respectively.**
4. **That the funding for the Eighth Road project be amended as follows:**

		MRRG	DCS	MUNI	
2021/22	Stage 1 Gribble to Wollaston	\$1,893,209 \$2,360,313	\$946,604 \$1,180,156	-	\$2,839,813 \$3,540,470

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation T44/7/21 - WALGA Power Purchase Agreement MOU

MOVED Cr G Nixon

That Council:

1. **Authorise the Chief Executive Officer to sign the ‘Memorandum of Understanding – Electricity Retail Arrangements’.**
2. **Not authorise the preapproval of electricity contract rates provided by the successful supplier under the WALGA Request for Quotation Process and seek a further Council report prior to endorsement.**

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation T45/7/21 - Tender 2/21 - Pedestrian Bridge Rectification Works - Variation

MOVED Cr G Nixon

That Council, In regard to Tender 2/21 for Pedestrian Bridge Rectification Works:

1. **Resolve that the proposed variation as detailed within this report is a *minor variation* as defined in Part 4, Division 2, Regulation 20, subregulation (3) of the *Local Government Functions and General Regulations 1996*.**

2. **Accept the variation received from Downer EDI Works Pty Ltd T/A DM Roads as detailed within confidential Attachment 1.**

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation T46/7/21 – Councillors Items

MOVED Cr G Nixon

That Council refer the following Councillor Items in regard to:

1. **Passive Lighting at Shipwreck Park**
2. **Biodegradable Dog Poo Bags**

to the relevant Directorate for action and/or report to the appropriate Committee.

MOTION not opposed, DECLARED CARRIED (12/0)

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 6 July 2021.

MOVED Cr K Busby that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation C22/7/21 - Community Use of 2 Waterwheel Road, Bedforddale

MOVED Cr K Busby

That Council:

1. **Enter into a Licence with the Armadale Community Mens Shed Inc at 2 Waterwheel Road, Bedforddale for the Brian O'Neill Reserve Community Centre under the following basic terms and conditions:**

Occupier:	Armadale Community Mens Shed Inc
Leased area:	Portion of 2 Waterwheel Road, Bedforddale, comprising of the community facility and car-park.
Term:	Five (5) years with a 5 year renewal option
Commencement:	Upon completion of compliance works
Rent:	Peppercorn \$50.00 per annum plus GST
Insurance:	Licensee to be responsible for building insurance

Occupier to be responsible for:

- **The cost of all claims resulting from the group's activities that fall within the City's excess on building insurance (Currently \$5,000 per incident);**
- **Insurance for any property or equipment owned by the group;**

- **Public liability insurance to a value of \$20 Million**
- **Personal accident for volunteers insurance**
- **Insurance for community groups hiring spaces**

Outgoings: Licensee to be responsible for fifty percent (50%) normal outgoings of the premises save for where the Licensee is the sole occupant, then the Licensee is responsible for 100% of normal outgoings.

Maintenance: In accordance with Maintenance Schedule outlining City and Occupant responsibilities

Other: Occupier to be responsible for costs associated with preparing Licence documentation.

City to retain responsibility for the bio-waste and potable water systems under normal and compliant operations. Licensee to be responsible for any costs, which are not considered ordinary maintenance costs.

Enter into a Licence with the Roleystone Men's Community Shed Inc at 2 Waterwheel Road, Bedforddale for the Brian O'Neill Reserve Community Centre under the following basic terms and conditions:

Occupier: Roleystone Men's Community Shed Inc

Leased area: Portion of 2 Waterwheel Road, Bedforddale, comprising of the community facility and car-park.

Term: Five (5) years with a 5 year renewal option

Commencement: Upon completion of compliance works

Rent: Peppercorn \$50.00 per annum plus GST

Insurance: Licensee to be responsible for building insurance

Occupier to be responsible for:

- **The cost of all claims resulting from the group's activities that fall within the City's excess on building insurance (Currently \$5,000 per incident);**
- **Insurance for any property or equipment owned by the group;**
- **Public liability insurance to a value of \$20 Million**
- **Personal accident for volunteers insurance**
- **Insurance for community groups hiring spaces**

Outgoings: Licensee to be responsible for fifty percent (50%) normal outgoings of the premises save for where the Licensee is the sole occupant, then the Licensee is responsible for 100% of normal outgoings.

Maintenance: In accordance with Maintenance Schedule outlining City and Occupant responsibilities.

Other: Licensee to be responsible for costs associated with preparing Licence documentation.

City to retain responsibility for the bio-waste and potable water systems under normal and compliant operations. Licensee to be responsible for any costs, which are not considered ordinary maintenance costs.

2. Authorise the CEO to enter into negotiations to finalise the Licence Agreement Term, not deviating from the Terms at Item 1, draft included as Attachments 2 and 3.
3. Authorise the Chief Executive Officer and Mayor to execute Licence Agreements.

MOTION not opposed, DECLARED CARRIED (12/0)

Recommendation C23/7/21 - Annual Budget Community Services Directorate

MOVED Cr Busby, OPPOSED Cr G Nixon
SECONDED Cr C Frost

That Council

1. Endorses the Community Services Directorate operating budget as attached for inclusion in the draft 2021/22 Annual Budget with the following amendment:
Armadale Recreation Centre – Levels of Service
Adopt option 2 to reduce operational hours of the gym and repurpose to a specialised health and fitness service.
2. Notes a final Budget Workshop will be held to review the consolidated draft 2021/22 Annual Budget, to be scheduled in July 2021

MOVED Cr Wielinga that part (1) of the substantive motion be amended by adding the following after the word “service”
“and review attendance at the Centre after 2 years”

SECONDED Cr K Busby

Outcome of Voting (6/6)
Due to the votes being equally divided, the person presiding cast a second vote and voted for the amendment. [Section 5.21(3) of the *Local Government Act 1995*]

AMENDMENT CARRIED (7-6)

The substantive motion was then put to the vote.

Outcome of Voting (6/6)
Due to the votes being equally divided, the person presiding cast a second vote and voted against the motion. [Section 5.21(3) of the *Local Government Act 1995*]

MOTION LOST (6-7)

MOVED Cr G Nixon, OPPOSED Cr K Busby
SECONDED Cr D M Shaw

That Council:

1. **Endorses the Community Services Directorate operating budget as attached for inclusion in the draft 2021/22 Annual Budget with the following amendment:**

Armadale Recreation Centre – Levels of Service

Adopt option 4 - to cease all gym, group fitness and crèche services and operate the rooms as additional CoA hireable or leasable spaces. This option also proposes that the centre is not staffed with users accessing the building in the same way the City's other hire facilities operate (ie. Key pick up prior to access).

2. **Notes a final Budget Workshop will be held to review the consolidated draft 2021/22 Annual Budget, to be scheduled in July 2021.**

MOTION DECLARED CARRIED (8-4)

Recommendation C24/7/21 – Councillors Items

MOVED Cr K Busby

That Council refers the Councillor item in regard to Council's role in disruptive tenants to the relevant Directorate for action and / or report to the appropriate Committee.

MOTION not opposed, DECLARED CARRIED (12/0)

10.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer.

MOVED Cr D M Shaw that the report be received.

MOTION not opposed, DECLARED CARRIED (12/0)

BUSINESS ARISING FROM REPORT

Recommendation CEO1/7/21 - 2021 Extraordinary Election - Appointment of River Ward Councillor to Council Established Committees

MOVED Cr C Frost

That Council:

1. **appoint Cr John Keogh as a member on the Community Services Committee and Corporate Services Committee from July 2021 to October 2021; and**
2. **appoint Cr John Keogh as a deputy member to Cr Ruth Butterfield on the Technical Services Committee, Development Services Committee and City Audit Committee from July 2021 to October 2021.**

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION (12/0)

Recommendation CEO2/7/21 - Councillors Information Bulletin - Issue No 11/2021

MOVED Cr M S Northcott

That Council acknowledge receipt of Issue 11/2021 of the Information Bulletin

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

1 Review of the Lease and Licence Policy (Cr Caroline Wielinga)

That the matter of a review of the Lease and Licence Policy be referred to the Community Services Committee.

2 Review - Footpath Scoring Methodology (Cr Caroline Wielinga)

That the matter of a review of the footpath scoring methodology be referred to the Technical Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 8.21pm

MINUTES CONFIRMED THIS 26 JULY 2021

MAYOR