CITY OF Armadale

ORDINARY MEETING OF COUNCIL

TUESDAY, 14 APRIL 2020

MINUTES

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CITY OF ARMADALE

MINUTES

OF **ORDINARY COUNCIL eMEETING** HELD ON **TUESDAY, 14 APRIL 2020 AT 7.00PM** via the Microsoft Teams platform

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1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

Prior to commencement of this electronic meeting Councillors and other attendees connections by electronic means were tested and confirmed.

The Mayor, Cr Butterfield, declared the meeting open at 7.01 pm.

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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 H T Jones	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 E J Flynn	Heron Ward
Cr G J Smith	Minnawarra Ward
Cr K Busby	Minnawarra Ward
Cr M Silver	Lake Ward
Cr G Nixon	Hills Ward
Cr C M Wielinga	Hills Ward

IN ATTENDANCE:

Ms J Abbiss	Chief Executive Officer
Mr J Lyon	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: Nil

LEAVE OF ABSENCE:
Nil

APOLOGIES:
Nil

3 ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

It was publicised on the City's website, administration centre notice board and eCommunication channels that in view of the City conducting eMeetings, members of the community could still submit questions in writing prior to the meeting. Questions should be forwarded via email to info@armadale.wa.gov.au by 3pm on the date of the meeting.

There were no questions submitted for this meeting.

5 SUSPENSION OF MEETING PROCEDURES (STANDING ORDERS) LOCAL LAW

The following clauses in the City of Armadale's Meeting Procedures (Standing Orders) Local Law cannot be complied with when conducting an eMeeting and are required to be suspended for the conduct of this eMeeting.

MOVED Cr G Nixon

That Council suspend the operation of the following clauses:

(i) Clause 8.2 – Members to Occupy Own Seats
(ii) Clause 9.1 – Members to Rise, in respect to the showing of hands and the requirement to stand.
(iii) Clause 13.2 – Question – Method of Putting, in respect to the showing of hands.
(iv) Clause 15.8(1) – Precedence of Person Presiding, in respect to the requirement for the person presiding to rise.

of the City of Armadale Standing Orders Local Law for the duration of this electronic meeting and that these matters be determined at the discretion of the Presiding Member.

MOTION not opposed, DECLARED CARRIED (14/0)

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 PETITIONS

Nil

8 CONFIRMATION OF MINUTES

8.1 PREVIOUS SPECIAL COUNCIL MEETING HELD ON 6 APRIL 2020.

MOVED Cr M S Northcott that the Minutes of the Special Council Meeting held on 6 April 2020 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (14/0)

8.2 PREVIOUS SPECIAL COUNCIL MEETING HELD ON 24 MARCH 2020.

MOVED Cr M S Northcott that the Minutes of the Special Council Meeting held on 24 March 2020 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (14/0)

8.3 PREVIOUS ORDINARY COUNCIL MEETING HELD ON 23 MARCH 2020.

MOVED Cr M S Northcott that the Minutes of the Ordinary Council Meeting held on 23 March 2020 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (14/0)

9 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1. CONSULTATION AND COMMUNICATION

- On Tuesday 31 March along with the CEO held a video conference with Federal Member for Burt Matt Keogh MP in relation to our response to Covid-19. We were advised by the Member for Burt that there would be Federal Government funding for community infrastructure.

2. GOVERNANCE AND ECONOMIC DEVELOPMENT

- On Thursday 26 March hosted 5 small private citizenship ceremonies. The smaller group numbers were so that social distancing could be adhered to. This totalled approximately 60 people. These were the last Citizenship ceremonies to be held prior to the announcement of revised restricted gathering numbers.

- Friday 27 March participated in a Special Meeting of State Council via video conferencing to decide on measure to be taken by Local Government in response to Covid-19.

- Tuesday 31 March hosted an e-meeting update on the Covid-19 crisis with Councillors

- Thursday 2 April chaired an e-meeting for a Special Meeting of the LEMC to discuss Covid-19.

- Friday 3 April attended a webinar hosted by WALGA where the Premier Mark McGowan and Minister for Local Government David Templeman MLA spoke on their responses to the Covid-19 crisis.

- Monday 6 April attended an e-meeting with the Land Redevelopment Committee, followed by a Special e-meeting of Council.

- Wednesday 8 April participated in a webinar for the State Emergency Welfare Plan.

- On Thursday 9 April participated in a webinar from the State Government with a Covid-19 briefing. The Minister for Environment Stephen Dawson MLC attended this meeting and spoke about waste initiatives.

- Saturday 11 April spoke with Local Member for Darling Range, Alyssa Hayden about the Wymond Road emergency exit.

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

Nil

11 REPORTS

11.1 TECHNICAL SERVICES COMMITTEE MEETING

Report of the Technical Services Committee held on 6 April 2020 .

MOVED Cr G Nixon that the report be received.

MOTION not opposed, DECLARED CARRIED (14/0)

BUSINESS ARISING FROM REPORT

Recommendation T14/4/20 - Building Management Plan Update - Community Buildings

MOVED Cr G Nixon

That Council:

1. **Note the contents of this report on the current condition, functionality, capacity and aesthetics profile for 43 community buildings in terms of the Council resolution dated 16 December 2019, recommendation T76/12/19 item number 3.**
2. **Note the project priority list with estimates for buildings currently included in the draft Technical Services 2020/21 budget for consideration in the budget deliberations.**
3. **Receive a further report for the May round of Committee meetings to determine a list of buildings to be nominated for inclusion in the Federal Governments' Stimulus Fund Application, or for inclusion in Councils own stimulus considerations.**
4. **Receive a further report before the end of 2020 for consideration during the 2021/22 budget deliberations on future years' priority listings.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation T15/4/20 - Blast Permit

In moving the following amendment Cr Nixon advised that the applicant has requested for the permit to be extended from 7 May 2020 to 14 July 2020 to allow them to undertake blasting for training purposes.

MOVED Cr Nixon that Recommendation T15/4/20 be adopted with the addition of the new expiry date of 14 July 2020.

That Council:

1. **Approve the *Application for Blasting Permit* presented at Confidential Attachment 1, with a revised permit expiration date of 14 July 2020**

2. **Authorise the CEO to sign and issue the *Permit to Carry out Blasting with the Use of Explosives* presented at Attachment 3, with a revised permit expiration date of 14 July 2020**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation T16/4/20 - Switch your thinking - New Business Plan

MOVED Cr G Nixon

That Council:

1. **Endorse the Switch your thinking Business Plan.**

2. **Endorse and authorise the Chief Executive Officer to sign the SEREG Terms of Reference and the Memorandum of Understanding for the management and conduct of the SEREG and the Switch your thinking program 2020/21 to 2024/25.**

3. **Note that this endorsement of the Switch your thinking Business Plan is subject to a similar endorsement of the Switch your thinking Business Plan by the City of Gosnells and Shire of Serpentine Jarrahdale.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation T17/4/20 - Lot 801 Corfield Street, Champion Lakes - Future Use

MOVED Cr G Nixon

That Council:

1. **Endorse the following items for additional funding during the City's 2020/21 budget and long term financial plan deliberations:**

Year	Capital Expenditure	Funding Source	Maintenance	Funding Source
One (2020/21) – Bushland and Wetland Rehabilitation Plan	$30,000	CIL $30,000		

Staged implementation as outlined in the Rehabilitation *Plan*				
One (2020/21)	$220,000	CIL $86,000 Muni $134,000		
Two (2021/22)	$75,000	Muni	$25,000	Muni
Three (2022/23)	$75,000	Muni	$32,500	Muni
Four (2023/24)	$75,000	Muni	$40,000	Muni
Five (2024/25)	$75,000	Muni	$47,500	Muni
	$550,000		**$55,000/Annum**	Muni

2. Pursuant to Section 154 of the Planning and Development Act 2005, requests the Minister for Planning, Lands and Transport approval to spend $115,669 (plus any additional accumulated interest) of Public Open Space Cash-in-Lieu funds held by Council in Trust Account 64 towards the improvements of the reserves from subdivision 152397.

3. Note that the Public Open Space Cash-in-Lieu funds cannot be spent until approval has been granted by the Minister for Planning, Lands and Transport and the funding is included in the City's Budget.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation T18/4/20 - Waste Capital Projects and Site Works - Update

MOVED Cr G Nixon

That Council:

1. Note the contents of this report detailing the projects being undertaken at the City's Landfill and Recycling Facility, and the other related capital requirements for Waste Services.

2. Authorise the CEO to sign the relevant statutory and administrative documentation to facilitate the progress of the following works:
- **Landfill Buildings - Upgrade of staff facilities**
- **Landfill Buildings - Transfer Station**
- **Upgrade of existing buildings to meet Building Code of Australia (BCA) requirements**
- **Weighbridge Replacement and Associated Works.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation T19/4/20 - Tender 25/19 - Transfer Station Staff Facilities

MOVED Cr G Nixon

That Council, in regard to Tender 25/19:
1. **Not accept the tender nor the alternative tender submissions received from Candor Contractors Pty Ltd, as the tenders were assessed as being unsuitable.**
2. **Note that the City will be returning to the market to procure the required services.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation T20/4/20 - Tender 5/20 - Design, Development and Construction of the Bedfordale Fire Station

MOVED Cr G Nixon

That Council, in regard to Tender 5/20 for Design, Development and Construction of the Bedfordale Fire Station:

1. **Accept the tender from Alita Enterprises Pty Ltd for a period of three (3) months for separable portion 1 – Design; and for an indicative seven (7) months for separable portion 2 – Development and Construction in accordance with:**

   - **The tenderer's submitted Price Schedule as presented in Confidential Attachment 1**
   - **Council's contract documentation, Budget and Long Term Financial Plan estimates**
   - **A further report to Council detailing final costs for separable portion 2 – Development and Construction.**

MOTION not opposed, DECLARED CARRIED (14/0)

11.2 DEVELOPMENT SERVICES COMMITTEE MEETING
Report of the Development Services Committee held on 7 April 2020 .

MOVED Cr D M Shaw that the report be received.

MOTION not opposed, DECLARED CARRIED (14/0)

BUSINESS ARISING FROM REPORT

Recommendation D24/4/20 - Local Law Review - Fencing Local Law - Adoption

MOVED Cr D M Shaw

That Council in accordance with the provisions of Section 3.12(4) of the *Local Government Act 1995* makes the Fencing Amendment Local Law 2020 as attached to this agenda.

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (14/0)

Recommendation D25/4/20 - Proposed Development Application - Davis Road Underpass and Railway Bridge at Lot 1091 (No.2793) Albany Highway, Kelmscott

Cr Northcott declared a non-financial impartiality interest in Recommendation D25/4/20 (item 2.1), due to an association with one of the businesses as a client receiving services as well as being a member on the main Metronet Reference Group.
Cr Jones declared non-financial interest in Recommendation D25/4/20 (Item 2.1) on the basis that he is a Member of the Denny Avenue Level Crossing Removal Community Reference Group, as a member of the public.
As a consequence, there may be a perception that their impartiality on the following matter may be affected, but declared that they would set aside this association, consider the matter on its merits and vote accordingly.

MOVED Cr D M Shaw

That Council:

1. Support the development application and advise Development WA, subject to the following conditions:

Conditions

a) Prior to any clearing of trees occurring, a clear process of engagement with the City and detailed plans identifying all trees to be removed (including their landscape and/or environmental significance with appropriate offset landscaping arrangements/plans) shall be submitted to the City.

b) A Traffic Management Plan must be submitted to and approved by DevelopmentWA on advice from the City's Technical Services prior to onsite development works and implemented thereafter.

c) A Construction Management Plan must be submitted to and approved by DevelopmentWA on advice from the City's Technical Services prior to onsite development works and implemented thereafter.

d) A Dust Management Plan must be submitted to and approved by DevelopmentWA on advice from the City's Health Services prior to onsite development works and implemented thereafter.

e) A Noise and Vibration Management Plan must be submitted to and approved by DevelopmentWA on advice from the City's Health Services prior to onsite development works and implemented thereafter.

f) A Mosquito Management Plan must be submitted to and approved by DevelopmentWA on advice from the City's Health Services prior to onsite development works and implemented thereafter.

g) That the PTA offer dilapidated surveys to be carried out to any properties possibly effected by the proposed rail works and underpass.

h) Landscape and Irrigation Plans must be submitted to and approved by DevelopmentWA on advice from the City's Parks and Reserves Services prior to onsite development works and implemented thereafter.

i) The provision of Public Art for the project in accordance with the City's Local Planning Policy PLN 3.12 – Percent for Public Art.

j) The retaining walls shall be completed to a high finish and approved by DevelopmentWA on advice from the City.

Advice Notes

i. Lighting shall comply with Australian Standard AS4282-1997 "Control of the Obtrusive Effects of Outdoor Lighting" or its equivalent Standard.
ii. Compliance with the Building Code of Australia is required.

2. Forward this report and recommendation to DevelopmentWA and the applicant.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation D26/4/20 - Proposed Amendment of Trading Hours - Existing Medical Centre & Shop (Pharmacy) Lot 88 No 20 Riva Entrance Piara Waters

MOVED Cr D M Shaw

That Council approves the application for Planning Approval for amended trading hours at Lot 88, No.20 Riva Entrance, Piara Waters, subject to the following condition:

1. **Opening hours of the Medical Centre and Shop (pharmacy) shall be limited to 8.00am to 9.00pm Monday to Friday and 8:00am to 6:00pm Saturday and Sunday to the satisfaction of the Executive Director Development Services.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation D27/4/20 - Road Renaming - Hefron Glade to Cooliabberra Drive, Wungong

MOVED Cr D M Shaw

That Council:

1. **Advertise the proposal to rename Hefron Glade, Wungong, to Cooliabberra Drive, Wungong, to affected landowners, government agencies, and the wider community by way of letters and newspaper advertisement.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation D28/4/20 - Encroachment into Russelia Reserve 32120 - Lot 308 (17) Calliandra Place, Roleystone

MOVED Cr D M Shaw

That Council:

1. **Support the land exchange subject to the land areas being in accordance with Plan 1C and of equal size and each individual area being no greater than 110m^2 subject to the following:**

    a) **DPLH negotiating the Deed with the applicant to include a condition to indemnify the City against any potential claims of compensation under *Section 177 of the Planning & Development Act 2005* to ensure the rezoning is to be completed prior to the land exchange being finalised or the Omnibus Amendment being finalised, whichever is sooner.**

    b) **The landowner being responsible for the relocation and replacement of the rural style fence to the proposed new lot boundary.**

2. **Support the revocation and acceptance of a new Management Order in accordance with Plan 1C over Reserve 32120 following the completion of Part 1 above.**

3. **Advise the landowner of the above and that an application for unauthorised building works will be required upon completion of the land exchange.**

4. **Advise the Department of Planning, Lands and Heritage of the above.**

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation D29/4/20 - Suburb Renaming - A Portion of Forrestdale (Rowley Road Business Park)

MOVED Cr D M Shaw

That Council:

Recommit the proposal pending further investigation of alternative names of a new locality in the area bounded by Tonkin Highway, Rowley, Oxley and Unnamed Roads and Regional Reserve.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation D30/4/20 - Panel of Pre-Qualified Suppliers PPS/20 for Design Review Panel

Cr Shaw declared a non-financial impartiality interest in Recommendation D30/4/20 (item 5.2) as she has professional associations with potential members of the Design Review Panel. As a consequence, there may be a perception that her impartiality on the following matter may be affected, but declared that she would set aside this association, consider the matter on its merits and vote accordingly.

MOVED Cr C M Wielinga

That Council in regard to Panel of Pre-Qualified Suppliers PPS 2 20 for Design Review Services:

1. **Appoint Stephen Carrick Architecture Pty Ltd (Stephen Carrick @ $250 per hour) and Hocking Planning and Architecture Pty Ltd (Dinah Mujati @ $200 per hour) for the Architecture Panel (Category A) for a period of two years in accordance with the Terms and Conditions of the Design Review Panel.**

2. **Appoint Mackay Urban Design (Malcom Mackay @ $250 per hour) and UDLA Pty Ltd (Scott Lang @ $250 per hour) for the Town Planning and Urban Design Panel (Category B) for a period of two years in accordance with the Terms and Conditions of the Design Review Panel.**

3. **Authorise the Chief Executive Officer to complete, sign and issue the contract for the above appointments.**

4. **Note that the City will re-advertise for Landscape Architecture (Category C) and Heritage Architecture (Category D) with the hourly rate for the Heritage Architect increased to $200 per hour.**

MOTION not opposed, DECLARED CARRIED (14/0)

11.3 CHIEF EXECUTIVE OFFICER'S REPORT

Report of the Chief Executive Officer .

MOVED Cr M S Northcott that the report be received.

MOTION not opposed, DECLARED CARRIED (14/0)

BUSINESS ARISING FROM REPORT

Recommendation - Statement of Financial Activity - March 2020

MOVED Cr J H Munn

That Council:

(i) pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accepts the Statement of Financial Activity for the nine (9) month period ended 31 March 2020; and

(ii) notes there are reportable actual to budget material variances for the period.

MOTION not opposed, DECLARED CARRIED (14/0)

Recommendation - List of Accounts Paid - March 2020

Cr Smith declared a financial interest in the List of Accounts Paid namely payments No. 2465.1404, 2469.1404, 2475.1404 and 2479.1404 relating to his business.
Cr Smith left the meeting at 7.19pm

MOVED Cr J H Munn

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 $11,410,499.45 on Vouchers 32886–33065, Batch 2465-2479, Direct Debits, PY01.19-PY01.20 & PY99.05-PY99.06

Trust Fund
Accounts paid totalling $80.00 on Voucher 8023

Credit Card
Accounts Paid totalling $2,405.03 for the period ended February 2020.

MOTION not opposed, DECLARED CARRIED (13/0)

Cr Smith returned to the meeting at 7.23pm

Recommendation - Councillors Information Bulletin - Issue No 6/2020

MOVED Cr G Nixon

That Council acknowledge receipt of Issue 6/2020 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (14/0)

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

13 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

14 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

Nil

15 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

16 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.24pm

MINUTES CONFIRMED THIS 11 MAY 2020

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MAYOR