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**ORDINARY MEETING OF COUNCIL**  
**MONDAY, 19 DECEMBER 2022**

**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, 19  
DECEMBER 2022 AT 7.00PM.

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

*The Mayor, Cr Butterfield, 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 R Butterfield  
presided over

River Ward

Deputy Mayor, Cr K Busby  
Cr J Keogh  
Cr S Peter JP  
Cr M S Northcott  
Cr P A Hetherington  
Cr M J Hancock  
Cr G J Smith  
Cr S S Virk  
Cr G Nixon  
Cr S J Mosey

Minnawarra Ward  
River Ward  
Ranford Ward  
Palomino Ward  
Palomino Ward  
Heron Ward  
Minnawarra Ward  
Lake Ward  
Hills Ward  
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 M Andrews	Executive Director Technical Services
Mrs S Van Aswegen	Executive Director Community Services
Mrs N Cranfield	A/CEO's Executive Assistant
Mrs M Cox	CEO's Secretarial Assistant

Public:	18
Media:	1

#### LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr K Kamdar

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**APOLOGIES:**

Cr M Silver  
Cr E J Flynn

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

Nil

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**4                   PUBLIC QUESTION TIME – 7:05 PM**

In regard to the report “Harrisdale North Structure Plan – Recommendation to WAPC” the following questions were presented to Council –

**Melissa Zappelli - Daughter Aileen & Ken McKay Lot 606 Balannup Road Advocate for Landowners of Lots 604, 605 and 606 Balannup Road**

- Q1. Concerns were raised on the planning processes and DBCA wetland classification processes and decision - why the City of Armadale have not rejected the Yolk Structure Plan entirely?

*Mayor response: the City has considered the applicant's proposed Structure Plan in accordance with the relevant legislation. In regard to the consideration of wetlands and decisions by DBCA, it would be more appropriate if these questions were raised with DBCA. The City's officers have recommended that Lots 601 to 606 be excluded from the Structure Plan and Council will consider its recommendation as part of the meeting tonight.*

**Bernard Blake - Landowner Lot 605 Balannup Road**

- Q2. Is the Council aware of Test Pit data in Fig 3 of the Environmental Report and Fig 1?

How could you proceed with such a plan, totally flawed, from top to bottom and apart from the invented wetlands on my block Lot 605 and adjoining Lot 606, what other issues does the report contain which has not been investigated in the rush to submit to DBCA?

*Mayor response: the DBCA are the relevant State Government agency that determine wetland classifications. This report was assessed by DBCA and the enquiries on this report should be forwarded to DBCA for their consideration. The City's officers have recommended that Lots 601 to 606 be excluded from the Structure Plan.*

**Aileen McKay - Landowner Lot 606 Balannup Rd Harrisdale.**

- Q3. A paragraph under the heading TPS Amendment 115 – DCP, in the agenda for the COA meeting for 12th December discusses opportunities for compensation for wetlands and buffers. From past information gleaned it seems that a CCW wetland does eventually get compensated for, if, and when any allowable development for that property goes ahead. Can you explain the calculation of valuation for the amount of compensation for the CCW wetland, which body deals with this, and advise if there are any rights of appeal if the landowner is unhappy with the result?

Can REW wetlands also be compensated for in the same instance, previous advice for this wetland classification was “no” and if so what criteria/value for that classification, compensation amount?

*The Executive Director Development Services advised that the recommendation removes Lots 601-606 from the structure plan. The Town Planning Scheme and structure plan are the guiding documents which are used to determine what areas are acquired through the Development Contribution Plan. If an area is removed from the Structure Plan, then the land doesn't proceed to be acquired through the Development Contribution Plan.*

*While there are no appeal rights, the land values are based on independent valuations and are advertised for public comment and you can submit valuation evidence on the land values. This applies to it whether the land required is for road widening, whether we are acquiring playing fields or wetlands - there is this mechanism for consultation and also a determination through the Development Contribution Plan. The Scheme also provides the opportunity for arbitration.*

*It is proposed to remove Lots 601 to 606 from the Structure Plan, as a result of the submissions received from affected landowners and the wetland reclassification request lodged with DBCA.*

**Ken McKay - Landowner Lot 606 Balannup Rd Harrisdale**

Q4. Our dispute with DBCA and the Structure Plan has now been going on for over a year. It has consumed an enormous amount of publicly funded time and money. I would like to know if the City of Armadale has learnt anything from this situation to prevent it happening again.

*Mayor response: the City received an application for the proposed Structure Plan and has followed the relevant legislation in advertising and considering the proposed Structure Plan. The City acknowledges that DBCA's wetland classification process does not include a public consultation period.*

MOVED Cr M Northcott

That public question time be extended

MOTION CARRIED

7.20pm

**Ms Lyn Osborne – Wildlife and Wetland Advocate – Concerned Citizen**

Q5. Lakes on Lot 201 Skeet Road and Lots 600, 601 and 602 Balannup Road are threatened by the Plans as is the native tree and shrub cover. These green spaces are the lungs of our cities and suburbs, as well as providing refuge for our indigenous wildlife and mental health benefits for the people who live and visit these precious spaces. These are diminishing at a rapid rate for housing, commercial and industrial purposes.

Concerns were expressed about the urban heat island effect, land clearing, species extinction, loss of tree cover and wildlife impacts.

Will Armadale Council protect the wetlands threatened on the above lots? Will it require developers to retain significant natural environments, or will it contribute to the genocide of our species and creating further stressors on the human as well as flora and fauna native to these blocks in particular but also future developments under their purview?

*Mayor response: Thank you for that question and your comments. I completely agree with you however we have State planning laws that govern what we do. The short response to your question is that the City has been advised that DBCA are considering a request from residents regarding the classification of these wetlands and the reclassification of the wetlands on Lots 604 and Lot 605. City Officers have recommended that Lot 601 to 606 be excluded from the structure plan.*

*The State Government has a planning system and they determine the reservation of wetlands at a different stage of the planning process and we actually lost out on that. They were not identified for reservation at that earlier stage.*

*This is the most difficult land to develop. We have fragmented ownership, we have difficult conditions on the land, and we have historical uses. We are dealing with the last remaining semi developable land that is out there and the increasing population means we need to keep on providing housing for people.*

- Q6. Is it possible for Council to say to them look at the mess you have created? We need Council to push back.

*Mayor response: I think local governments broadly have problems with the State planning system but we do need to house people so it's always this tension between the environment and liveability, mental health and the need to house people.*

MOVED Cr M Hancock

That public question time be extended

MOTION CARRIED

7.28pm

#### **Richard Henderson – Landowner Lot 604 Balannup Road**

- Q7. I was the person that took the photographs of the said wetlands which a lot of people here have probably seen. The wetlands still in its entirety is still there right now and this is where the Council should step in and stop it in its tracks before any further destruction of that wetlands is ongoing.

I have actually written to the City in relation to the wall between Lots 603-604 and there is a sand bund at a 45 degree angle and I found that unacceptable to my privacy. Now that you have pulled out the entirety of the land along Balannup Road, the proposed development is at the rear of my property (Lot 201). Do I still get my privacy from that property onto my property once this development goes ahead?

*The Executive Director Development Services advised that the question will be taken on notice and a response provided in writing.*

#### **Mr Phil Davey - 12 Lenore St Roleystone**

- Q8. What is the process Council and or Committee takes towards any new projects and their cost analysis prior to any agreement on value and or funding? My concern at this point is how a seemingly quickly an agreed amount of \$1.7 million was tabled and accepted for our new Roleystone-Karragullen Bush Fire Brigade building, yet in a short amount of time of 12 months it escalated to \$5.4 million, so my question is, at what stage do we re-assess that project and its increasing cost whilst not having started any build?

*Mayor response: My understanding of the \$1.7million price put onto that project was for the building alone.*

*CEO Response: The building itself is still in that order of magnitude, the other costs relate to the construction to the extension of road from the end of Springdale to the entry to the new station including a cul-de-sac at the end, all of the ancillary works and car parking, the civil works related to the project, rock breaking, water supply, I believe that is the majority of the works.*

*Mayor response: We also did not factor in COVID, the effect, the price escalations caused by that and as outlined there are additional works with that project.*

- Q9. I still question how you process your analysis of projects based on the fact that you presented one figure and you are providing a far higher figure that residents were not advised of originally and have to accept the costs.

*Mayor response: with this project and with other projects periodically they come to Council and in our budget review process price escalations were considered and accepted by Council. The project is seen as a very important one to fulfill the recommendation that went through Council 12 months ago. If the price escalates do we cancel a project? Half way through the Roleystone Theatre do we cancel it and go oh well bad luck. I think everywhere construction is escalating it just so happens that that was a controversial project and there is some appetite to take this opportunity to cancel the project. That is not how we tend to do business. We have made a commitment to provide a new station, we have a large thriving brigade up there and I think Roleystone, Karragullen and the hills area is much better protected now than it has been for a long time through having those extra fire fighters. If we were to stop the project now and save some money I don't see how the community wins out of that. The cost escalation to do with that project and others was put to Council mere weeks ago and Council have all approved that.*

- Q10. Is the location for this new Bush Fire Brigade facility the best location available considering Springdale is in a high risk location, considered a flame zone area and would have a high BAL requirement for any new building completion?

*Mayor response: Yes*

- Q11. Whilst it is good to have monthly updates from our Hills Ward Councillors within the local Roleystone magazine giving us local update on events and Council matters, I would like to ask to what value there was in what appeared to be a deliberate jab at DFES by a local Councillor about the unsuccessful funding application and with direct reference to the brigade split decision of 2021 that we have moved on from and now embrace 2 brigades in our volatile bushland area. Was it necessary to publicise and keep reminding what many have worked hard to move on from?

*Mayor response: I believe Councillors contribute to the Roleystone Courier and there is a postscript that the views and comments are their own.*

### **Mrs Trehna Rouse - 3 Coachmans Place Roleystone**

- Q12. Could Council within the coming days prepare a mail out and promulgate this to residents containing the correct information about the operation of the gate in question and where the exits are. Also could Council include with this instruction that caravans and trailers should not be taken in a fire event?

The timing of the rebuild and install of the gate will likely exceed the current fire season, this leaves the residents with the possibility of using a gate that could possibly fail, for a variety of reasons:

- Gate of current design is likely to fail due to heavy weight working against gravity.

- Failure to open gate with sufficient vehicle speed to open gate to rubber buffer at side could result in vehicles not egressing this site.
- Push gate in wrong area's with either hand or car.
- Residents not informed how to operate gate.
- Modern vehicle will not be able to progress without the ability to override their on board computer system – all vehicles differ with this.

*Mayor response: I imagine that we could do that. I do understand that it is right before Christmas and we might not have people available to do that but we can guarantee to get that information to the club house and will do whatever we can to make that happen.*

*The fire brigade have done their annual day and people that wanted to avail themselves of that opportunity turned up, others perhaps are more comfortable as they had the training last year. I have spoken to a couple of ladies who said they didn't need to go again because they were comfortable that they could get through.*

- Q13. Until the Council can remedy this situation effectively could Council lock the gate open for the entire fire season?

*Mayor response: My understanding with vehicles with driver assist stopping will stop, however they are able to be driven through a stationery object if you keep on pressing the accelerator. This was verified for the two makes of vehicle, Volvo and Mercedes, raised by the community with the City.\* The gate is operable and functioning as was intended, so far as I am aware we won't have the gate locked open for the fire season as the gate is operating as it was designed to operate. We can try to get that information out to residents so they are comfortable with opening the gate at one end by hand or in the middle with the vehicle.*

- \* This is a correction to the answer provided at the meeting which referenced RAC.

- Q14. It is my belief that Council thus far failed residents in not providing a suitable egress point.

*Mayor response: The gate is working and functioning as it was designed.*

*CEO response: As the Mayor has said the gate is able to be opened by hand and able to be opened by a vehicle, that is the design of the gate and it functions at that standard and at that level. The suggestion for a lighter gate is to make it even easier, it is not to say that the current gate does not function. The current gate functions but the City is looking to make it even easier for residents.*

MOVED Cr S Peter

That public question time be extended

MOTION CARRIED

7.48pm

**Pamela Edwards - 45 Ridgehill Rise, Roleystone**

- Q15. It is quite clear you are talking from a theoretical point of view and not taking into account the emotion and practicality of being in a bush fire. My question is regarding the experience of those sitting around the table have of being involved in a bushfire scenario that results in an evacuation? I ask that because this is a significant decision we are asking you to make which may seem straight forward in theory and I totally understand that and I do appreciate the time that Mike and his team spent with us but practical lived experience suggests it is far from predictable. A resident, and my neighbour, unfortunately is unable to be here tonight but she has a powerful story she would have liked to share with you as her house was the first to be destroyed in the



2011 Kelmscott fire. Her experience was that she had only 5 minutes in which to make the decision to evacuate with her beloved animals as the smoke appeared across the valley. She reports that at the same time they had neighbours racing past desperate also to escape, with many cars all racing on the same road at the same time. That fire did not wait for anyone to open any gates or have any care for human lives fighting to escape. Are Councillors aware of a key piece of legislation, the State Emergency Management Policy 4.7 Community Evacuation? This provides guidance on the planning for and conduct of community evacuations in Western Australia. The evacuation policy is guided by “*the principle of primacy of life is that in all cases the protection of people should be the first and highest priority for fire agencies and local government*”. We ask you again that the Wymond Road gate be locked open for the coming fire season, and can you please give us that decision tonight?

*Mayor response: A lot has changed since 2011 and this is why we have had an enormous amount of community education, we have had fire mitigation, we now have fire bombers and the way that fires are attacked and put out have changed significantly since 2011 and they are all lessons well learned. People now have fire plans and people evacuate early and SMS are sent out as there was in Mt Richon this last week and just noting the comments from the CEO and my comments – the gate is working, DFES have previously approved the gate.*

*There is no mechanism before us tonight to change the decision that we have on our books to have that as a closed fire emergency exit. It is closed, it is not locked. I note that once upon a time it was locked closed but is now openable in an emergency situation.*

Q16. Do the people around this table appreciate the vicarious liability they may have?

*Mayor Response: I believe so.*

PUBLIC QUESTION TIME CLOSED AT 7.55 PM

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## **5 APPLICATIONS FOR LEAVE OF ABSENCE**

### **5.1 Request for Leave of Absence – Cr Michael Hancock and Cr Scott Mosey**

- Request for leave of absence received from Cr Michael Hancock for the period Monday, 20 March 2023 until Friday, 12 May 2023 inclusive.
- Request for leave of absence received from Cr Scott Mosey for the period Thursday, 19 January 2023 to Saturday, 11 February 2023 inclusive.
- Request for leave of absence received from Cr Melissa Northcott for the period Friday, 27 January 2023 to Tuesday, 31 January 2023 inclusive.

**MOVED Cr S S Virk**

**That Council grant leave of absence to:**

- **Cr Michael Hancock for the period Monday, 20 March until Friday, 12 May 2023 inclusive. (includes 3 Ordinary Council Meetings 27 March, 24 April and 8 May).**
- **Cr Scott Mosey for the period Thursday, 19 January 2023 to Saturday, 11 February 2023 inclusive. (includes 1 Ordinary Meeting of Council).**
- **Cr Melissa Northcott for the period Friday, 27 January 2023 to Tuesday, 31 January 2023 inclusive. (includes 1 Ordinary Meeting of Council).**

**MOTION not opposed, DECLARED CARRIED**

**(11/0)**

**6 PETITIONS**

Nil

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**7 CONFIRMATION OF MINUTES**

**7.1 PREVIOUS ORDINARY COUNCIL MEETING  
HELD ON 28 NOVEMBER 2022.**

MOVED Cr P A Hetherington that the Minutes of the Ordinary Council Meeting held on 14 November 2022 be confirmed as a true and accurate record.

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

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

**1 Mayors Announcements**

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Wednesday 30 November 2022

Attended SEREG meeting at City of Gosnells, where a representative of PTA gave us an update on the Metronet Level crossing removal project.

Friday 2 December 2022

Attended International Day of People with Disability at the Champion Centre and Seville Grove Library Precinct. Deputy Mayor Kerry Busby, Councillor Gary Smith, Councillor Scott Mosey and Councillor Melissa Northcott also attended.

Sunday 4 December 2022

Attended the International Volunteers Day “Long Table Christmas Lunch” in Jull Street Mall. Matt Swinbourn MLC, Member for the East Metro Region attended, as did Councillors Gary Smith, Scott Mosey, and Deputy Mayor Kerry Busby.

Wednesday 7 December 2022

Attended the WALGA State Council Meeting and Strategic Forum.  
Cr Grant Nixon presented the 2022 City of Armadale Scholar Award at Roleystone Community College, on my behalf.

Thursday 8 December 2022

Cr Scott Mosey presented the 2022 City of Armadale Scholar Award at the Southern Hills Christian College on my behalf.

Friday 9 December 2022

Presented the 2022 City of Armadale Scholar Award at Armadale Senior High School.  
Met with Matt Keogh at the City of Armadale to discuss local matters

Sunday 11 December 2022

Attended the Wallangara Pony Club AGM at Fletcher Park Wungong. Cr Gary Smith also attended.

Tuesday 13 December 2022

Presented the 2022 City of Armadale Scholar Award at Kelmscott Senior High School whilst Cr Kerry Busby presented at Harrisdale Senior High School on my behalf.

Attended the Year 6 Graduation Ceremony at Kelmscott Primary

Wednesday 14 December 2022

Attended AIM training via Teams

Cr Kerry Busby presented the 2022 City of Armadale Scholar Award at Dale Christian School on my behalf.

Thursday 15 December 2022

Attended the SECCA December Board Meeting at City of Canning, where we heard from police regarding private CCTV and the advantages it brings to solving crime.

Saturday 17 December 2022

Participated in a regular Heritage FM Interview, in the Studio with James Wray.

Attended Roleystone Karragullen Bush Fire Brigade Xmas Party at Springdale Oval and was able to thank the volunteers for their efforts at the recent bushfire in Bungendore Park, Mount Richon.

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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 TECHNICAL SERVICES COMMITTEE MEETING**

Report of the Technical Services Committee held on 5 December 2022.

MOVED Cr G Nixon that the report be received.

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

**BUSINESS ARISING FROM REPORT**

Recommendation T1/12/22 - Not Accepting Disposal of Large Animal Carcasses

MOVED Cr G Nixon

**That Council:**

- 1. Cease the acceptance of large animal carcasses for burial at the Armadale Landfill and Recycling facility.**
- 2. Remove the Fee for Disposal of Dead Animals from the Fees & Charges Schedule.**
- 3. Reduce the Waste Services (Landfill) Revenue Budget by \$35,000, from \$5,735,000 to \$5,700,000.**
- 4. Reduce the Transfer to the Waste Reserve by \$35,000, from \$2,907,500 to \$2,872,500.**

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

Recommendation T2/12/22 - Sensor Technology - Waste Collection Bins

MOVED Cr G Nixon

**That Council:**

1. **Consider the opportunity of Smart Bins, along with other smart technologies such as Air Quality Monitoring, etc, in the revision to the Digital Strategy and Waste Strategy using Smart City initiatives.**

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

Recommendation T3/12/22 - Safety at Aspiri Oval

MOVED Cr G Nixon

**That Council:**

1. **Refer this matter to the next Technical Services Committee meeting 6<sup>th</sup> February 2023.**

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

Recommendation T4/12/22 - Temporary Parking restrictions at the City's major events

MOVED Cr G Nixon

**That Council:**

1. **Endorse the temporary parking plan as shown on the *Armadale CBD Events Temporary Parking Restrictions* attached maps during the delivery of the City's major events.**
2. **Delegate authority to the Executive Director Community Services to determine the timing for which the Armadale CBD has temporary parking restriction in place for major events**

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

**10.2 COMMUNITY SERVICES COMMITTEE MEETING**

Report of the Community Services Committee held on 6 December 2022.

MOVED Cr M S Northcott that the report be received.

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

**BUSINESS ARISING FROM REPORT**

Recommendation Moved Cr Silver, Opposed Cr Keogh, C33/12/22 - Review of the Annual School Scholarship

MOVED Cr M S Northcott

**That Council:**

1. **Endorse the increased fiscal amount allocated to the Annual School Scholarships Initiative of \$300 per local secondary school.**
2. **Endorse that the Annual School Scholarships Initiative continues to be offered to local schools to nominate one Year 10 student as the recipient.**
3. **The increase of \$1,500 in the allocation to the Annual School Scholarship Initiative be included in the mid-year budget review.**

**MOTION not opposed, DECLARED CARRIED**

**(11/0)**

Recommendation C34/12/22 - Roleystone Community Garden - Security Measures (Referral Matter)

MOVED Cr M S Northcott

**That Council:**

**Request a report that includes:**

- (i) **Options available to address the ongoing security issues at the Roleystone Community Garden.**
- (ii) **The estimated capital and asset renewal costs of the security options identified.**
- (iii) **Potential funding sources for the security options.**
- (iv) **A comparative analysis of security measures at other community gardens within the City.**

**MOTION not opposed, DECLARED CARRIED**

**(11/0)**

Recommendation C35/12/22 - Bushland Reserve - Cross Park Precinct (Referral Matter)

*The following amended motion was moved by Cr Mosey:*

*The motion was put to the vote.*

**That Council:**

1. **Notes the intended individual for whom the bushland is to be named provided under confidential cover.**
2. **Immediately proceeds with naming the portion of Cross Park delineated as "the subject area" within this report as the "Individual's Full Name Bushland" or "Individual's Surname Bushland".**
3. **Directs that Part 2, including determining the choice of the two naming preferences, is only to be actioned with the agreement of the intended individual and/or individual's immediate family.**

MOVED Cr S J Mosey, OPPOSED Cr R Butterfield

SECONDED Cr M Hancock

**MOTION LOST**

**(2/9)**

*In opposing the motion, Cr Butterfield foreshadowed the following amended Recommendation if Cr Mosey's motion was not successful.*

MOVED Cr R Butterfield

**That Council:**

- 1. Notes the intended individual for whom the bushland is to be named provided under confidential cover.**
- 2. Immediately proceeds with naming the portion of Cross Park delineated as "the subject area" within this report as the "Individual's Name Bushland".**
- 3. Directs that Part 2, is only to be actioned with the agreement of the intended individual and/or individual's immediate family.**

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

Recommendation C36/12/22 - Storage Shed for Piara Waters Cricket Club

MOVED Cr M S Northcott

**That Council refer the following Councillor item in regard to:**

- 1. A storage shed for the Piara Waters Cricket Club.**
- to the relevant Directorate for action and/or report to the appropriate Committee.**

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

**10.3 CITY AUDIT COMMITTEE MEETING**  
Report of the City Audit Committee held on 8 December 2022.

MOVED Cr G J Smith that the report be received.

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

**BUSINESS ARISING FROM REPORT**

Recommendation CA6/12/22 - Auditor's Interim Audit Report - 2021/22 Financial Year

MOVED Cr G J Smith

**That Council note the matters raised by the Auditor in the Draft Interim Audit Report for the 2021/22 financial year, and note the management responses to those matters, as presented in this report.**

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

Recommendation CA7/12/22 - LGIS Member Renewal Report 2022/23

MOVED Cr G J Smith

**That Council note the Local Government Insurance Scheme 2022/23 Renewal Report.**

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

Recommendation CA8/12/22 - Business Continuity Risk Planning

MOVED Cr G J Smith

**That Council:**

- 1. Note the report on Business Continuity**
- 2. Immediately fund a Risk and Audit Officer to be included in the mid-year review.**

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

Recommendation CA9/12/22 - Cyber Security

MOVED Cr S Peter that this matter be dealt with under Item 14- Matters Requiring Confidential Consideration.

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

**10.4 DEVELOPMENT SERVICES COMMITTEE MEETING**  
Report of the Development Services Committee held on 12 December 2022.

MOVED Cr M J Hancock that the report be received.

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

**BUSINESS ARISING FROM REPORT**

Recommendation D25/12/22 - Harrisdale North Structure Plan - Recommendation to WAPC

MOVED Cr M Hancock, OPPOSED Cr Mosey  
SECONDED Cr Hetherington

**That Council:**

1. Endorse the comments made in this report, the Schedule of Submissions and the Schedule of Modifications (as amended) attached to this report in response to public comments, agency referral and assessment of the Structure Plan.
2. Pursuant to Schedule 2, Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:
  - a) Forward this report and attachments (including the Schedule of Submissions and the Schedule of Modifications) to the Western Australian Planning Commission;
  - b) Recommend that the Western Australian Planning Commission approve the proposed Structure Plan subject to the modifications listed in the Schedule of Modifications attached to this report, including the deletion of Lots 601-606 Balannup Road from the Structure Plan area.
3. Advise submitters of its decision at the time that the Structure Plan is granted final approval by the Western Australian Planning Commission.
4. Advise the applicant and the WAPC that Lots 601-606 as shown on the proposed Structure Plan is not recommended and the area will require separate consideration on its merits, when the wetland matters are determined by the relevant State Government agencies.

AMENDMENT TO THE MOTION

MOVED Cr R Butterfield  
CARRIED UNOPPOSED

*To include additional Part 5 and Part 6 to the recommendation.*

5. *Write to DBCA requesting DBCA undertake public consultation on proposals for the classification of wetlands and determine the landowner's request for reclassification and classification of the wetlands in the Structure Plan area.*
6. *Should DBCA determine the Structure Plan area contains wetlands of regional significance for protection, then the City write to the WAPC requesting the wetlands and buffers be reserved for Parks and Recreation in the Metropolitan Region Scheme to enable landowners to be compensated.*

The amendment then formed part of the substantive motion and was put the vote.

**That Council:**

1. **Endorse the comments made in this report, the Schedule of Submissions and the Schedule of Modifications (as amended) attached to this report in response to public comments, agency referral and assessment of the Structure Plan.**
2. **Pursuant to Schedule 2, Clause 20 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:**
  - a) **Forward this report and attachments (including the Schedule of Submissions and the Schedule of Modifications) to the Western Australian Planning Commission;**
  - b) **Recommend that the Western Australian Planning Commission approve the proposed Structure Plan subject to the modifications listed in the Schedule of Modifications attached to this report, including the deletion of Lots 601-606 Balannup Road from the Structure Plan area.**
3. **Advise submitters of its decision at the time that the Structure Plan is granted final approval by the Western Australian Planning Commission.**
4. **Advise the applicant and the WAPC that Lots 601-606 as shown on the proposed Structure Plan is not recommended and the area will require separate consideration on its merits, when the wetland matters are determined by the relevant State Government agencies.**
5. **Write to DBCA requesting DBCA undertake public consultation on proposals for the classification of wetlands and determine the landowner's request for reclassification and classification of the wetlands in the Structure Plan area.**
6. **Should DBCA determine the Structure Plan area contains wetlands of regional significance for protection, then the City write to the WAPC requesting the wetlands and buffers be reserved for Parks and Recreation in the Metropolitan Region Scheme to enable landowners to be compensated.**

**SUBSTANTIVE MOTION AS AMENDED DECLARED CARRIED (7/4)**



Recommendation D26/12/22 - Proposed Tavern - Lot 15 (No.2897) Albany Highway Kelmscott

MOVED Cr M Hancock

**That Council:**

**A) Approves the application for Planning Approval for a Tavern on Lot 15 No.2897 Albany Highway, Kelmscott, subject to the following conditions:**

- 1. Prior to the commencement of the use, a finalised Alcohol Management Plan shall be submitted to the satisfaction of the Executive Director Development Services. The use shall be operated in accordance with the endorsed Alcohol Management Plan thereafter.**
- 2. A finalised schedule of external colours and materials shall be submitted to the City's Planning Services and approved by the Executive Director Development Services. The development shall be completed and maintained in accordance with the approved schedule to the satisfaction of the Executive Director Development Services.**
- 3. The noise mitigation measures recommended within the Acoustic Assessment prepared by Herring Storer Acoustics shall be incorporated into the building design at the Building Permit Application stage. A post-construction Assessment shall be provided to the City of Armadale at the proponent's cost within three months of operational commencement to confirm compliance has been achieved, or to identify remedial works necessary for compliance to be achieved. Any remedial work necessary will be undertaken immediately upon approval of the post-construction Assessment by the City.**
- 4. All audible mechanical units (including air conditioner units) shall be suitably located so as to minimise the transmission of noise/vibration to adjoining dwelling/properties and installed so not to cause a nuisance. All equipment noise must comply with the *Environmental (Noise) Regulations 1997*.**
- 5. 'End of trip bicycle facilities' in accordance with Schedule 7B of Town Planning Scheme No.4 shall be provided prior to occupation of the development in a location agreed to by the City and continuously maintained thereafter.**
- 6. All rubbish bin storage areas and servicing areas associated with the development shall be appropriately screened from public vantage points to the satisfaction of the Executive Director Development Services.**
- 7. A finalised landscape plan shall be submitted to and approved by the Executive Director Development Services. Such plan shall include:**
  - a) The landscape strip between the parking area and the adjacent footpaths, and car park shade trees (at the rate of one (1) tree per four (4) parking bays), in accordance with Clause 4C.5 Landscaping of Town Planning Scheme No.4;**
  - b) Plant species (predominantly West Australian natives);**
  - c) Numbers, location, container size;**
  - d) Method of irrigation of the landscaped areas;**

**All landscaping shall be installed prior to occupancy and maintained as per the approved plan thereafter.**

8. The operating hours of the Tavern shall be restricted to:
- Monday - Saturday 7:00 am – 12:00 am;
  - Sunday 10:00 am – 12:00 am; and
  - Public Holidays – as per the Liquor Licence;
- to the satisfaction of the Executive Director Development Services.
- Variations to operating hours for major events to be approved by the Executive Director Development Services.
9. Car parking demand shall not exceed the number of parking bays approved for the Tavern, being 116 vehicle bays, at any one time.
10. No more than 500 patrons shall be accommodated in the Tavern at any given time.
11. Prior to the commencement of the use visitor parking spaces shall be clearly marked.
12. No materials/bins shall be stored in car parking areas or visible from the public areas to the satisfaction of the Executive Director Development Services.
13. A detailed lighting and CCTV camera location plan to be submitted and approved by the Executive Director Technical Services prior to the commencement of the use. All lighting and CCTV camera to be installed and operated as per the approved plan to the satisfaction of the Executive Director Development Services.

**ADVICE TO APPLICANTS:**

- A. Lighting shall comply with Australian Standard 4282-1997 “Control of the obtrusive effects of outdoor lighting” or its equivalent and the City’s *Environment, Animals and Nuisance Local Laws*.
- B. Ongoing compliance with the *Environmental Protection (Noise) Regulations 1997* is required.
- C. Premises must comply with the *Food Act 2008* and the Food Standards Code.
- D. Compliance with the *Health Act 1911* is required. In this regard, a Public Building application shall be submitted to the City’s Health Department and approved prior to occupation of the proposed building.
- E. The applicant and landowner are advised that is a statutory requirement to comply with all conditions of this approval, and that not complying with any condition is therefore illegal. Failure to comply with any condition of this approval or the approved plans constitutes an offence under the *Planning Development Act 2005*. The City can issue a Planning Infringement Notice of \$500 (without notice) and/or commence legal action with higher penalties up to \$200,000 for each offence and a daily penalty of \$25,000 per day for the continuation of

that offence. It is the responsibility of the applicant and/or landowner to inform Council in writing when they consider the development to be complete and all conditions of this approval have been satisfied.

- F. Compliance with the Building Code of Australia is required. In this regard, a Building/Demolition Permit application is to be submitted to the City's Building Department and approved prior to the erection/demolition of any structure on the subject site.
- G. The developer is reminded of the requirement under the provisions of the *Environmental Protection Act 1986* that all construction work (which includes earthworks and similar) be managed with due regard for noise control. Works generating noise, and rock breaking in particular, are not permitted:-
- Outside the hours of 7:00am to 7:00pm; or
  - On a Sunday or Public Holiday.
- H. If the applicant is aggrieved by a Refusal to Approve his/her application, or, where Approved, is aggrieved by any Condition imposed in that Approval he/she may apply for a Review to the State Administrative Tribunal pursuant to the provisions of Part 14 of the *Planning and Development Act 2005* against such refusal or imposition of such aggrieved Condition.
- Such application for Review must be made not more than twenty eight (28) days after the date of Council's decision via the form available from the State Administrative Tribunal (copies available from the State Administrative Tribunal, at Level 4, 12 St Georges Terrace, Perth, or GPO Box U1991, Perth, WA, 6845, or [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or from Council's offices), and should be accompanied by the relevant fee detailed in Schedule 18 of the *State Administrative Tribunal Regulations 2004*.
- I. If the development the subject of this approval is not substantially commenced within a period of 24 months from the date of this letter, the approval shall lapse and be of no further effect.
- J. Where an approval has lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

B) That the submitters be advised of the Council decision in this regard.

C) Advises that it does not support Main Road WA's request for further information and advice, therefore the City's required to forward MRWA's comments and the application to the WAPC for determination under the Metropolitan Region Scheme in accordance with Instrument of Delegation Del 2022/03.

MOTION not opposed, DECLARED CARRIED

(11/0)

Recommendation D27/12/22 - Community Health and Wellbeing Plan Annual Report

MOVED Cr M J Hancock

**That Council:**

- 1. Note the progress update on the actions of the Community Health and Wellbeing Plan 2021-2024 described in this report and attachment.**

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

Recommendation D28/12/22 - Mosquito Management and Treatment Options

MOVED Cr M J Hancock

**That Council defer consideration of the Recommendation until such time as a response is received in relation to correspondence to be sent to the Member for Jandakot requesting State Government assistance with Mosquito mitigation measures on Piara Waters Nature Reserve and Anstey Keane Bushland area.**

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

Recommendation D29/12/22 - South West Settlement - Referral of Land Parcels for Inclusion in the Noongar Land Estate - Stage 3

MOVED Cr M J Hancock

**That Council:**

- 1. Advise the Department of Planning, Lands and Heritage that there are no existing vesting arrangements or Management Orders issued to the City for parcels identified within the Stage 3 Southwest Native Title referral.**
- 2. Advise the Department of Planning, Lands and Heritage that the City's response is subject to:**
  - a) access to all Reserves remaining open to the public at all times;**
  - b) comprehensive consultation with neighbouring landowners and local communities surrounding each proposed land transfer property prior to any transfer of properties;**
  - c) environmental assessment including any potential contamination of each proposed property; and**
  - d) that all Reserves proposed for transfer are maintained in regards to Bushfire Management.**
- 3. Advise the Department of Planning, Lands and Heritage that the City does not support the transfer of Lot 3313 Coventry Road, Roleystone (Reserve 37697) and Lot 3126 Balgor Court, Kelmscott (Reserve 36215) to the Noongar Land Estate as a Reserve with power to lease due to the reasons of:**
  - a) Future management by a single authority (Conservation Commission or DBCA) is the preferred outcome for ongoing management of the environment and protection from bushfires; and**

- b) It is not desirable for bushfire and environmental protection reasons to introduce an additional land manager entity.**
- 4. Advise the Department of Planning, Lands and Heritage that the City does not support transfer of Lot 2021 Albany Highway, Mount Nasura (Reserve 28218) as the City has an interest in the Reserve with historical links to State and Local Heritage listed Wirra Willa Gardens and the Reserve retains an important public purpose that should be managed by the City.**
- 5. Advise the Department of Planning, Lands and Heritage that the City does not support transfer of the following Reserves as they retain an important recreation purpose for the public benefit in surrounding residential areas:**
  - a) Lot 3094 Calliandra Place, Roleystone (Reserve 35959)**
  - b) Lot 2438 Glebe Road, Roleystone (Reserve 31641); and**
  - c) Lot 2474 Glebe Road, Roleystone (Reserve 32018).**
- 6. Advise the Department of Planning, Lands and Heritage that the City does not support transfer of the following Reserves as they provide no apparent recreational use or benefit to the Noongar Land Estate or the City and should be considered for disposal and amalgamation into the adjoining residential land parcels:**
  - a) Lot 3051 Mackie Road, Roleystone (Reserve 35543); and**
  - b) Lots 3975 and 2155 Mackie Road, Roleystone (Reserve 29405).**
- 7. Write to the Department of Planning, Lands and Heritage requesting a Management Order and vesting of the Reserves in the City for the following lots:**
  - a) Lot 2021 Albany Highway, Mount Nasura (Reserve 28218)**
  - b) Lot 3094 Calliandra Place, Roleystone (Reserve 35959)**
  - c) Lot 2438 Glebe Road, Roleystone (Reserve 31641); and**
  - d) Lot 2474 Glebe Road, Roleystone (Reserve 32018).**
- 8. Write to the Department of Planning, Lands and Heritage regarding the inefficiencies resulting from the South West Settlement referrals and request that all land for future consideration at the City be identified as part of a single referral with an appropriate timeframe for comment.**

**MOTION not opposed, DECLARED CARRIED**

**(11/0)**

Recommendation D30/12/22 - Tree Preservation Order at Lot 810 No.1 Ardross Street, Seville Grove

*Cr J Keogh declared an interest in D30/12/22 on the basis that he personally knows an occupant and the family of the subject site. Cr Keogh left the meeting at 7:32pm.*

MOVED Cr M J Hancock

**That Council:**

- 1. Reaffirm Tree Preservation Order No.16 at Lot 801 (No.1) Ardross Street, Seville Grove.**
- 2. Approve the maintenance of the tree at Lot 801 (No.1) Ardross Street, Seville Grove, by remedial arboricultural works to remove the dead branches from the crown of the tree only and offer to commission its contractor to undertake the maintenance work outlined in the report dated 14 June 2022 subject to the landowner agreeing to pay the City the cost of the maintenance works.**
- 3. Should the landowner wish to commission and pay their own contractor to undertake the maintenance, that permission is granted subject to the following conditions:**
  - a) That any remedial pruning works be undertaken by, or supervised by a qualified arborist, AQF Level 3 in arboriculture holding current workers compensation and public liability insurance (with copies to be sighted by City officers prior to the commencement of any work) and in accordance with the Australian Standards Pruning of Amenity Trees AS 4373-2007;**
  - b) Total cost of pruning works to be borne by the landowner;**
  - c) The City to be notified in writing a minimum of seven days prior to the intended commencement of work, and**
  - d) The maintenance work to be carried out under the supervision and satisfaction of the City's Service Delivery department.**

**MOTION not opposed, DECLARED CARRIED**

**(10/0)**

*Cr Keogh returned to the meeting at 7.33pm.*

Recommendation D31/12/22 - Late item - Planning Institute of Australia National Congress, Adelaide, SA, 24-26 May 2023

*Cr Butterfield requested that her name be removed from the nominations to attend the PIA National Congress 2023.*

MOVED Cr R Butterfield

**That Council nominates Cr S J Mosey, Cr P A Hetherington and Cr S Virk to attend the PIA National Congress 2023.**

**MOTION not opposed, DECLARED CARRIED**

**(11/0)**

**10.5 CORPORATE SERVICES COMMITTEE MEETING**

Report of the Corporate Services Committee held on 13 December 2022.

MOVED Cr K Busby that the report be received.

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

**BUSINESS ARISING FROM REPORT**

Recommendation CS59/12/22 - List of Accounts Paid - October 2022

MOVED Cr K Busby

**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 \$12,118,570.73 on transactions 2286 to 3191 & Payrolls dated 2 October, 16 October and 30 October.**

**Credit Card**

**Accounts Paid totalling \$8,752.62 for the period ended October 2022.**

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

Recommendation CS60/12/22 - Statement of Financial Activity - October 2022

MOVED Cr K Busby

**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 four (4) month period ended 31 October 2022; and:**

- i. Note that there are reportable actual to budget material variances for the period.**
- ii. Note the \$256.89 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.**

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

Recommendation CS61/12/22 - Long Term Financial Plan (LTFP): 2024-2043

MOVED Cr K Busby

**That Council endorse the baseline Long Term Financial Plan for the period 2024 to 2043 for use in financial planning, including further modelling around assumptions, scenarios and strategy review.**

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

Recommendation CS62/12/22 - Year End Financial Position - 30 June 2022

MOVED Cr K Busby

**That Council:**

1. **Note the report of the year end position (subject to final audit) and the resulting surplus of \$3,202,000.**
2. **Pursuant to section 6.8 of the *Local Government Act 1995*, amend\* the adopted 2022/23 Annual Budget as follows:**

**a) the net current asset position brought forward to provision for:**

Closing Surplus (Net Current Asset Position)	<b>\$16,029,223</b>
--	---------------------

*Less:*

- |  |              |
|--|--------------|
| 1. Projects Carry Forwards                                 | -\$7,223,888 |
| 2. Financial Assistance Grant, Paid in Advance             | -\$2,997,306 |
| 3. Performance based Workers Compensation Reserve transfer | -\$365,000   |
| 4. Previously Unallocated FY21 Surplus                     | -\$2,273,673 |

*Plus Projects in Progress:*

- |   |          |
|---|----------|
| 5. Roleystone Theatre - Loan Funds to be drawn down | \$38,848 |
| 6. OneCouncil Project - Loan Funds unspent          | -\$6,204 |

<b>Year End Surplus</b>	<b>\$3,202,000</b>
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3. **The FY22 surplus is to be considered by Council following financial planning and budgeting workshops to discuss options.**
4. **Note that the balance of the FY21 surplus is set aside in the Future Projects reserve and any allocations of those funds as determined by Council, will be reported to Council through the monthly financial statements report.**
5. **Note that the FY22 surplus and any allocations of those funds as determined by Council, will be reported to Council through the monthly financial statements report.**

**ABSOLUTE MAJORITY RESOLUTION REQUIRED**

**MOTION DECLARED CARRIED BY AN ABSOLUTE  
MAJORITY RESOLUTION OF COUNCIL**

**(11/0)**

Recommendation CS63/12/22 - Leasing - Orchard House

MOVED Cr S Peter that this matter be dealt with under Item 14- Matters Requiring Confidential Consideration.

**MOTION not opposed, DECLARED CARRIED**

**(11/0)**



Recommendation CS64/12/22 - Independent Member on the Audit Committee

MOVED Cr S Peter that this matter be dealt with under Item 14- Matters Requiring Confidential Consideration.

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

**10.6 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 (11/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CEO7/12/22 - Petition - Barossa Loop Skate Park Closure

MOVED Cr J Keogh

**That Council:**

- 1. Note the results of the investigation of the petitioners' concerns relating to the Skate Park at Barossa Loop, Harrisdale.**
- 2. Inform the petition convener accordingly.**

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

Recommendation CEO8/12/22 - WALGA Best Practice Governance Review - Council Feedback

MOVED Cr R Butterfield

**That Council:**

- 1. Note the proposed governance models presented by WALGA.**
- 2. Support *Option 3* as Council's preferred governance model for WALGA.**
- 3. Authorise the CEO to provide WALGA with Council's opinion in respect of its preferred governance model, noting that it is ultimately a decision for the State Council of WALGA to determine in accordance with its constitution.**

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

Recommendation CEO9/12/22 - Councillors Information Bulletin - Issue No 20/2022

MOVED Cr M S Northcott

**That Council acknowledge receipt of Issue 20/2022 of the Information Bulletin**

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

**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. Councillor Workshops (Cr Hancock)**

That the matter of Councillor Workshops be referred to the Corporate Services Committee.

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**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

**MEETING CLOSED TO PUBLIC**

MOVED Cr S Peter

*That the meeting be closed to members of the public as the following matters are considered to be confidential under -*

- Section 5.23(2) (e ii) (e iii) (f ii) of the Local Government Act as Discussion of this matter in an open meeting would on balance be contrary to the public interest because the matter, if disclosed, would reveal information that has a commercial value to a person; AND the matter, if disclosed, would reveal information about the business, professional, commercial or financial affairs of a person; AND the matter, if disclosed, could be reasonably expected to endanger the security of the City of Armadale's property.
- Section 5.23(2) (c) of the Local Government Act 1995 as discussion of this matter in an open meeting would on balance be contrary to the public interest because the matter relates to a contract entered into or which may be entered into by the City of Armadale.

Motion Carried (11/0)

*Meeting declared closed at 8.45pm*

**Recommendation CA9/12/22 - Cyber Security**

MOVED Cr K Busby

**That Council approve the recommendation as detailed in the attached Confidential Report.**

**MOTION not opposed, DECLARED CARRIED**

**(11/0)**

Recommendation CS63/12/22 - Leasing - Orchard House

MOVED Cr K Busby

**That Council approve the recommendation as detailed in the attached Confidential Report.**

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

Recommendation CS64/12/22 - Independent Member on the Audit Committee

MOVED Cr K Busby

**That Council approve the recommendation as detailed in the attached Confidential Report.**

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

**MEETING OPENED TO PUBLIC**

MOVED Cr S Peter

That the meeting be opened to members of the public.

Motion Carried (11/0)

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**15 CLOSURE**

*The Mayor thanked Councillors and officers for their support during 2022 and extended wishes for a wonderful and safe Christmas season and looked forward to working with everyone when Council is back in 2023.*

*The Mayor, Cr Butterfield, declared the meeting closed at 8.48pm*

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MINUTES CONFIRMED THIS .....

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MAYOR