

**ORDINARY MEETING OF COUNCIL
MONDAY, 22 FEBRUARY 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, 22
FEBRUARY 2021 AT 7.00PM.

1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

PRESENT:

Mayor, Cr R Butterfield
presided over

River Ward

Cr J H Munn CMC

Ranford Ward

Cr S Peter JP

Ranford Ward

Cr M S Northcott

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 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

Mr N Kegie

A/Executive Director Community Services

Mrs S D'Souza

CEO's Executive Assistant

Public: 6

Press: Nil

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr H T Jones and Cr M Silver

APOLOGIES:

Apology received from Cr C Frost and Cr C A Campbell

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

Nil

4 PUBLIC QUESTION TIME

1 Carol Gadaldi - 11 Chadwick Parade, Brookdale

- Q. There are Council trees on our properties that are 30 years old that are causing problems to houses e.g. gutters & fences being broken, fallen nuts causing difficulties to whipper snip and pedestrians to slip and fall. What can we get done about it?

The Mayor invited the Executive Director Technical Services to respond.

The Executive Director Technical Services (EDTS) advised that this is not an uncommon request – living in the hills environment there are many trees that do drop nuts and cause issues and Council do not remove trees just because they cause leaf litter or drop nuts. Regular tree inspections are carried out on Chadwick Parade. When trees are healthy and not causing any obstruction or visibility issues we do not remove trees. However, a number of remedial actions can be undertaken i.e. if trees are causing excessive leaf litter then these are trimmed and if driveways are being damaged then surface roots are removed and repairs are done to driveways.

The Mayor suggested that the tree at 11 Chadwick Parade be inspected and assessed against Council's tree protection policy and urban forest strategy.

EDTS advised that the tree at No.11 has already been inspected twice and the Manager Parks has made the assessment that the tree is healthy and does not recommend removal.

The Mayor advised that as the City has already conducted two assessments and determined that the tree is healthy and complies with Council's urban forest strategy it will need to remain.

2 Le-anne Hoek, 45 Eighth Road, Armadale

- Q. I am experiencing a number of problems with one of the roundabouts on Eighth Road with my driveway being far too close to the exit of the roundabout. I've had a stolen car crash into my fence causing considerable damage. Reversing out of my driveway is dangerous as cars turning left from Gribble into Eighth don't look left before turning. To avoid any crashes I drive across the road or use the verge to turn around. The footpath which is also used by cyclists is to be moved right up to the boundary reserve and will be dangerous for both pedestrians and cyclists with cars reversing out of my driveway. The proposed modifications between Gribble and Forest do not identify this as a problem and would ask Council to reconsider modifications to Eighth Road to resolve these problems.

The Mayor invited the Executive Director Technical Services to respond.

The Executive Director Technical Services advised that an officer will make contact and arrange a suitable time to inspect and assess the situation and will work with the resident to come up with some options to resolve the problems being experienced.

Public question time closed at 7.09pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 8 FEBRUARY 2021.

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 8 February 2021 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (10/0)

8 ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION

1 Mayors Announcements

Wednesday 10th February 2021

Chaired SOHAG (Standing Order & House Advisory Group) meeting. Councillors Frost, Nixon, Campbell, Busby, Munn and Northcott were in attendance.

Thursday 11th February 2021

Attended an onsite inspection of special native vegetation along Railway Ave, with Dr Tony Buti MLA and Mr Kim Fletcher, with a view to moving the PTA fence to accommodate the construction of the final piece of the Principle Shared Path. The Executive Direction Technical Services and two officers were also in attendance.

Attended a TEAMS meeting with Dr Tony Buti MLA; CEO & Officers in relation to the Jull Street Mall.

Attended a briefing ahead of the South East Metro Zone meeting.

Friday 12th February 2021

Attended a Teams meeting with the CEO and Deputy Mayor Carole Frost to discuss State Government election commitments.

Monday 15th February 2021

Attended a Teams meeting with the CEO and Deputy Mayor Carole Frost to discuss State Government election commitments.

Tuesday 16th February 2021

Attended a meeting with members of the Dale Hockey Club regarding issues at Bob Blackburn Oval.

Attended the Corporate Services Committee Meeting on Cr Jones' behalf.

Friday 19th February 2021

Had a conversation with a landowner in the West of Rail precinct regarding the City's normalisation plan and Developer Contribution Scheme.

Sunday 21st February 2021

Met with community member to discuss issues facing the Kelmscott town centre shopping centres and the Armadale Shopping Centres.

Monday 22nd February 2021

Attended a regular meeting with the CEO to discuss various items.

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

Nil

10 REPORTS

10.1 DEVELOPMENT SERVICES COMMITTEE MEETING

Report of the Development Services Committee held on 15 February 2021.

MOVED Cr D M Shaw that the report be received.

MOTION not opposed, DECLARED CARRIED (10/0)

BUSINESS ARISING FROM REPORT

Recommendation D4/2/21 - Review of Local Planning Policy PLN 2.4 – Tree Preservation

MOVED Cr D M Shaw

That Council:

- 1. In accordance with Schedule 2, Part 2, clause 4 (3) and (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt the amended Local Planning Policy PLN 2.4 – Landscape Feature and Tree Preservation.**
- 2. Publishes a notice in a newspaper circulating in the district stating the amended Local Planning Policy PLN 2.4 – Landscape Feature and Tree Preservation has been adopted.**
- 3. Forward a copy of the Policy to the Western Australian Planning Commission.**
- 4. Note that the City's Subdivision Guidelines (engineering and water management strategies) will need to be updated to reflect the new Policy.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation D5/2/21 - Proposed Local Planning Policy PLN 3.4 - Designing Out Crime

MOVED Cr D M Shaw

That Council:

- 1. In accordance with Schedule 2, Part 2, clause 4 (3) and (4) of the *Planning and Development (Local Planning Schemes) Regulations 2015* adopt Local Planning Policy PLN 3.14 - Designing Out Crime as attached.**
- 2. Publishes a notice in a newspaper circulating in the district stating that Local Planning Policy PLN 3.14 - Designing Out Crime has been adopted without modifications.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation D6/2/21 - Local Laws - Hoarding in Residential Areas (Referral Item)

MOVED Cr D M Shaw

That Council request the Western Australian Local Government Association (WALGA) Zone representative to request an update from WALGA regarding the matter of hoarding.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation D7/2/21 - Councillor Referral Item - Liveable Neighbourhoods Document (Cr Peter)

MOVED Cr D M Shaw

That Council request the Chief Executive Officer to write to the Western Australian Planning Commission (WAPC) and the Western Australian Local Government Association (WALGA) requesting an update on the status of the Liveable Neighbourhoods Version 2015 document.

MOTION not opposed, DECLARED CARRIED (10/0)

10.2 CORPORATE SERVICES COMMITTEE MEETING

Report of the Corporate Services Committee held on 16 February 2021.

MOVED Cr J H Munn that the report be received.

MOTION not opposed, DECLARED CARRIED (10/0)

BUSINESS ARISING FROM REPORT

Recommendation CS1/2/21 - List of Accounts Paid - January 2021

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 \$11,781,732.66 on Batch 2578-2586, Cheques 033168, 033172-033181, Direct Debits and PY01.15-PY01.16

Credit Card

Accounts Paid totalling \$1,458.73 for the period ended December 2020.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS2/2/21 - Statement of Financial Activity - December 2020

MOVED Cr J H Munn

That Council:

- 1. pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accepts the Statement of Financial Activity for the six (6) month period ended 31 December 2020;**
- 2. notes that there are reportable actual to budget material variances for the period; and**
- 3. notes the correction to the 2021 Annual Budget and the officer's advice that a recommendation will be made to Council in the next Monthly Financial Statement report (Year-to-Date January 2021).**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS3/2/21 - Statement of Financial Activity - January 2021

MOVED Cr J H Munn

That Council:

- 1. pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* (Financial Activity Statement Report) accepts the Statement of Financial Activity for the seven (7) month period ended 31 January 2021;**
- 2. notes that there are reportable actual to budget material variances for the period; and**
- 3. AMENDS the adopted 20/21 Budget by decreasing the transfer to Civic Precinct Reserve by \$2.5M from \$2.5M to \$0M.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS4/2/21 - Rate Exemption Applications - Foundation Housing Limited - Lot 13 - 81 Doorigo Road, ARMADALE

MOVED Cr J H Munn

That Council pursuant to Section 6.26(2) (g) of the *Local Government Act 1995* approves a rates exemption on property assessment 21614 Lot 13, 81 Doorigo Road Armadale, owned by Housing Authority, leased by Foundation Housing Limited effective from 5 December 2019 on the basis the land is and continues to be used exclusively for the charitable purposes of crisis care accommodation.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS5/2/21 - Rates Concession Options 2021

MOVED Cr J H Munn

That Council considers the information in this Report as part of the City's COVID-19 Response and Recovery response in the 21/22 Annual Budget deliberations, informed further by the Pandemic Emergency status and the Federal and State Government's advice and response at that time.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS6/2/21 - 2021 Ordinary Council Elections

MOVED Cr J H Munn

That Council:

- 1. in accordance with section 4.20(4) of the *Local Government Act 1995* the Western Australian Electoral Commissioner to be responsible for the conduct of the 2021 City of Armadale ordinary elections together with any other elections or polls which may also be required between this resolution date and the 2023 ordinary elections; and**
- 2. in accordance with section 4.61(2) of the *Local Government Act 1995* all elections and polls as referred to in part (1) be conducted on a postal basis.**

ABSOLUTE MAJORITY RESOLUTION REQUIRED

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (10/0)

Recommendation CS7/2/21 - Community Sporting & Recreation Facilities Fund Grant
Outcomes and Implications - Forrestdale Hub and Morgan Park

MOVED Cr S Peter, SECONDED Cr J H Munn
OPPOSED Cr D M Shaw

That Recommendation CS7/2/21 be amended as follows:

1. Consider the inclusion in the draft FY22 to FY25 Four Year Budget and the FY22 Annual budget a transfer from the **Land Acquisition Reserve of \$695,000** to fund (in part) the Forrestdale Hub;
2. Consider the inclusion in the draft FY22 to FY25 Four Year Budget and the FY22 Annual budget a transfer from the **Future Recreation Facilities Reserve of \$540,000** to fund (in part) the Forrestdale Hub;
3. Notes that the use of the Land Acquisition reserve will require public notice of the change in purpose of the reserve, if utilised
4. Instruct the Chief Executive Officer to direct staff to continue to explore external funding and advocacy opportunities,
5. Authorise the Chief Executive Officer to execute the CSRFF grant agreements.

MOTION LOST (2/8)

MOVED Cr D M Shaw

That Council:

1. **Consider an increase of the loan amount included in the draft FY22 to FY25 4 year budget and the draft FY22 annual budget documents for Forrestdale Hub from \$2,145,000 to \$2,840,000.**
2. **Consider an increase of the loan amount included in the draft FY22 to FY25 4 year budget and the draft FY22 annual budget documents for Morgan Park from \$3,070,000 to \$3,610,000.**
3. **Instruct the Chief Executive Officer to direct staff to continue to explore external funding and advocacy opportunities,**
4. **Authorise the Chief Executive Officer to execute the CSRFF grant agreements.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS8/2/21 - Draft City of Armadale Access and Inclusion Plan 2021-2026

MOVED Cr J H Munn

That Council endorse the draft City of Armadale Access and Inclusion Plan 2021-2026 as attached, allowing the draft Plan to proceed to the stage of the public comment and feedback.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CS9/2/21 - Provision of ICT Technical Resource to Implement Audit Recommendations

MOVED Cr J H Munn

That Council:

- 1 AGREES to allocate \$125,000 from the Business Recovery Account to the Implementation of ICT Security Projects;**
- 2. Pursuant to s6.8 of the *Local Government Act 1995*, AMENDS* the 2020/2021 budget as follows:**

Decrease in Operating Expenditure

Business Recovery Account \$125,000

Increase in Operating Expenditure

ICT Employee Costs Account for FY21 \$31,000

(First three months)

Reserve Transfers

Transfer to the Computer technologies Reserve \$94,000

(set aside the balance to draw on in FY22 for the remaining nine months)

***ABSOLUTE MAJORITY RESOLUTION REQUIRED**

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (10/0)

Recommendation CS10/2/21 – Councillor Items

MOVED Cr J H Munn

That Council refers the following Councillor Items:

- Australia Day Entertainment
- Public Liability Insurance

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

MOTION not opposed, DECLARED CARRIED (10/0)

10.3 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 (10/0)

BUSINESS ARISING FROM REPORT

Recommendation - Access Request - Lot 51 Armadale Road, Haynes

MOVED Cr E J Flynn

That Council:

- 1. Grant MCAC Aboriginal Corporation a non-exclusive licence to utilise Lot 51 Armadale Road, Haynes as a temporary staging area commencing 23 February 2021 for an initial period not exceeding six weeks, contingent on MCACs acceptance of the conditions outlined in this report.**
- 2. Authorise the CEO to enter into negotiations with MCAC Aboriginal Corporation regarding the licence fee payable for the non-exclusive use of the site, and to determine the final amount payable by MCAC Aboriginal Corporation as outlined in condition 8.**
- 3. Upon application from MCAC Aboriginal Corporation, authorise the CEO to grant an extension to the licence for an additional period not exceeding six (6) weeks, under the same terms and conditions as the original licence.**
- 4. Authorise the CEO to sign any relevant documentation and correspondence to MCAC Aboriginal Corporation to effect the granting of the licence and to include any standard terms to give proper form and effect to the licence and its conditions.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation - Appointment of Complaints Officer

MOVED Cr D M Shaw

That Council in accordance with Schedule 1, cl. 11(3) and cl. 11(2)(a) of the *Local Government (Model Code of Conduct) Regulations 2021*:

- 1. Authorise the Chief Executive Officer to undertake a Request for Quote process for persons to act as the City's Complaints Officer from law firms on the City's legal services panel, for future determination by Council.**
- 2. Appoint the Manager Governance and Administration as an authorised person to receive and withdraw complaints until such time as Council determines the outcome of the Request for Quote process.**
- 3. Approve the complaint lodgement form as attached to this report.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation - Councillors Information Bulletin - Issue No 3/2021

MOVED Cr K Busby

That Council acknowledge receipt of Issue 3/2021 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (10/0)

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

Nil

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.38pm

MINUTES CONFIRMED THIS 8 MARCH 2021

MAYOR