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**ORDINARY MEETING OF COUNCIL  
MONDAY, 8 FEBRUARY 2016**

**MINUTES**

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# CITY OF ARMADALE

## MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,  
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 8  
FEBRUARY 2016 AT 7.00PM.

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### 1 DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

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

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

#### PRESENT:

Mayor, Cr H A Zelones OAM JP presided over	River Ward
Deputy Mayor, Cr R Butterfield	River Ward
Cr J A Stewart	Heron Ward
Cr D M Shaw	Heron Ward
Cr G Nixon	Jarraah Ward
Cr C M Wielinga	Jarraah Ward
Cr C Frost	Lake Ward
Cr M Silver	Lake Ward
Cr K Busby	Minnawarra Ward
Cr G A Best	Neerigen Ward
Cr M Geary	Neerigen Ward
Cr L Sargeson	Palomino Ward
Cr C A Campbell JP	Palomino Ward

#### IN ATTENDANCE:

Mr R S Tame	Chief Executive Officer
Mr A F Maxwell	Executive Director Corporate Services
Mr P Sanders	Executive Director Development Services
Mr K Ketterer	Executive Director Technical Services
Mrs Y Loveland	Executive Director Community Services
Mrs S D'Souza	CEO's Executive Assistant

Public: Nil

Press: Nil

#### LEAVE OF ABSENCE:

Nil

#### APOLOGIES:

Apology received from Cr M H Norman

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

The following questions by Mr. Peter Stewart of 317 Peet Road, Roleystone were taken on notice at Council's Meeting on 25 January 2016 and a response was forwarded in a letter by the Executive Director Community Services dated 2 February 2016.

**Questions**

With reference to my email to all Councillors of January 24, 2016 regarding the Minister for Emergency Services slamming Roleystone residents for their lack of preparation of fuels around their homes and not getting the message of the 2011 Roleystone/Kelmscott fires and the successive report, I would like to know:

1. How many notices have been issued by the City under Section 33(1) or 33(5a) on the Bush Fire Act in the Calendar years 2010, 2011, 2012, 2013, 2014 and 2015?
2. How many fines have been levied by the City under Section 33(3) or 33(5a) of the bushfire Act in the same individual years?
3. How many times has the City given direction to a bush fire control officer to enter property and carry out works requisitioned in a notice in the specified years.

**Response to Question 1**

Pursuant to Section 33(1) of the Bush Fires Act 1954, statutory advice of the requirements in regard to firebreaks was included with the annual rates notices sent to all landowners. In addition to this, notices were placed in the West Australian and local newspapers advising residents and landowners of the requirements of the "Firebreak Notice".

The City of Armadale Firebreak Notice required that all firebreaks must be prepared on or before the 30<sup>th</sup> day of November each year, (or within 14 days of becoming the owner or occupier should this occur after that date) and maintained clear of flammable material up to and including the 14<sup>th</sup> day of March the year following. Any application to vary firebreak requirements must be submitted to the City no later than 1 November each year.

**Response to Question 2**

The number of infringement notices issued to landowners under Section 33(3) for failing to comply with the provisions of the Firebreak Notice during the period 2010 to 2015, is chronologically listed below.

- 2010 – 76
- 2011 – 133
- 2012 - 44
- 2013 - 83
- 2014 - 109
- 2015   40

**Response to Question 3**

During the years 2010 to 2015 City of Armadale Fire Control Officers entered individual properties pursuant to the provisions of Section 33(4) of the *Bush Fires Act 195*, on 393 separate occasions. These are chronologically listed below for your perusal.

- 2010 – 39
- 2011 – 91
- 2012 - 53
- 2013 - 59
- 2014 - 110
- 2015 41

Property specific fire controls are the primary basis for fire management in the community and represent the “lowest common denominator” approach. Fire preparedness is a critical aspect in reducing risk and enabling effective fire response. It is the responsibility of each and every landowner and land manager to ensure that their landholdings meet statutory fire regulations and that they have implemented adequate fire preparedness measures.

Several months prior to the beginning of the fire season the City evaluates areas throughout the City for the purpose of identifying and formulating a firebreak inspection strategy for that particular year. The City also issues Notices in accordance with the provisions of the Bush Fires Act, to landowners where it is identified that a potential fire hazard is developing and requires additional work prior to the firebreak period.

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**4 PUBLIC QUESTION TIME**

Nil

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**5 APPLICATIONS FOR LEAVE OF ABSENCE**

**5.1 Request for Leave of Absence – Cr Donna Shaw & Cr Jim Stewart**

Request for leave of absence received from Cr Donna Shaw for the period Friday 27<sup>th</sup> May to Sunday 12<sup>th</sup> June 2016 inclusive.

Request for leave of absence received from Cr Jim Stewart for Monday 22<sup>nd</sup> February 2016.

MOVED Cr R Butterfield

**That Council grant leave of absence to**

- **Cr Donna Shaw for the period Friday 27<sup>th</sup> May to Sunday 12<sup>th</sup> June 2016 inclusive ( does not include an Ordinary Council Meeting); and**

- **Cr Jim Stewart for Monday 22<sup>nd</sup> February 2016 (includes 1 Council meeting on 22<sup>nd</sup> February 2016)**

18/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

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**6 PETITIONS**

**1 Lt 512 Morundah Place, Kelmscott - Reject subdivision application (Cr Ruth Butterfield)**

A petition signed by 30 residents was tabled by Cr Butterfield, the prayer of which reads:

*“We the undersigned respectfully request that the Council reject any present and future application for the subdivision of Lot 512, 55 Morundah Place, Kelmscott WA*

*To deny any application for subdivision based on:*

- a. A subdivision will take away the sense of place and does not fit with the aesthetics of the area.*
- b. Increasing the residential density of Lot 512, will lead to a higher number of vehicles and people, located in the Morundah cul-de-sac. This will exacerbate the fire risk of the site in an already designated fire rick prone location. The following facts outline this risk.*
  - i. The completion of a Bushfire Attack Level (BAL) Contour Map, would highlight the HIGH fire risk of the site and situation of Lot 512*
  - ii. The potential Bushfire Attack Level (BAL) rating of 40, the second highest rating on the BAL scale. This is based on the gradient being less than 1:5. The proximity to tall open forest, of both Jarrah and Marri eucalyptus trees of the Banyowla Regional Park being less than 20m from a building sited on Lot 512.*
- c. Morundah Place is a cul-de-sac. Increasing the density heightens the fire risk.*
  - i. Facts to support this are, the Western Australian Planning Commission’s document titled Guidelines for Planning in Bushfire Prone Areas points out that a cul-de-sac is not a recommended road design. A cul-de-sac only has one way in and one way out and it also has limited turning space. The document insists that the minimum diameter of a cul-de-sac be 17.5 metres, the Morundah Place cul-de-sac does not meet that minimum diameter. Residents must also travel at least 230 metres before they have an alternative exit from the area in the instance of a fire. The Western Australian Planning Commission recommends a maximum of 200m.*
  - ii. A common driveway exists for the dwellings located on properties 53, 55, and 57 Morundah Place. All residents of these*
- d. The common driveway will result in vehicle accidents.*
  - ii. A common driveway exists for the dwellings located on properties 53, 55, and 57 Morundah Place. All residents of these*

*three properties use part or all of the driveway. The driveway is sited on a steep slope that requires significant vehicle acceleration. There is no direct sight line for properties 53 and 55, vehicles leaving from the dwelling on 57 are not visible, due to the gradient and curvature of the driveway.*

- iii. *Adding a fourth dwelling to the use of this common driveway is dangerous and unsafe."*

MOVED Cr R Butterfield

**That Council receive and refer the petition to the Development Services Committee.**

19/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

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**7 CONFIRMATION OF MINUTES**

7.1 PREVIOUS ORDINARY COUNCIL MEETING  
HELD ON 25 JANUARY 2016.

**Correction:**

Page 16 The outcome of voting on Resolution 8/1/16 to read "10/0"

MOVED Cr M Geary that the Minutes of the Ordinary Council Meeting held on 25 January 2016, subject to the above correction, be confirmed as a true and accurate record.

20/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

**Correction:**

Page 17 The correction to the Community Services Committee report of 19 January 2016 be deleted.

MOVED Cr M Geary that the Minutes of the Ordinary Council Meeting held on 25 January 2016, subject to the above correction, be confirmed as a true and accurate record.

21/2/16 **MOTION not opposed, DECLARED CARRIED (10/3)**

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

**1 Consultation & Communication**

- On 5<sup>th</sup> February, participated in a research interview on the Metropolitan Redevelopment Authority's performance review.

**2** **Marketing & Public Relations**

- On 26<sup>th</sup> January 2016, in the morning, the Mayor along with Crs, Butterfield, Campbell, Nixon, Busby, Best, Sargeson, Frost and Silver, hosted the Australia Day Public Citizenship Ceremony in Memorial Park that welcomed 68 new citizens to the City.  
Later that day did a Heritage FM Australia Day promotion.

In the evening, the Mayor addressed the public in Minnowarra Park and along with 9 year old Ava Sharp led the countdown to the commencement of the fireworks for our Australia Day celebrations.

- On 2<sup>nd</sup> February attended the University of the 3<sup>rd</sup> Age to give a short presentation on the rating system as it applies to WA local governments.
- On 5<sup>th</sup> February the Mayor along with a number of Councillors and approximately 40 guests, attended the official opening of the Kelmscott Library and made a short presentation.
- On 7<sup>th</sup> February 206 attended the annual Veterans Car Rally which is a re-enactment of the 1<sup>st</sup> Perth to Armadale car rally comprising of motor vehicles built prior to 1919. The participants were flagged off in Forest Place Perth finishing here in Minnowarra Park.

**3** **Governance & Economic Development**

- On 28<sup>th</sup> January 2016 attended a budget workshop at the WAPC.  
Later that evening attended the Annual Electors Meeting at the City of Canning Administration Centre. The purpose of the visit was to observe the meeting. Around 20 members of the public were in attendance.
- On 2<sup>nd</sup> February 2016 attended a WAPC briefing on the recent Court decision in the regard to the EPA's determination on the ROE 8 project. Following the briefing attended the monthly WAPC Board meeting. Later that evening attended the Councillor briefing regarding the Wungong Urban Development – on the key community projects and Armadale Arts Festival.
- On 8<sup>th</sup> February 2016, hosted a Private Citizenship Ceremony in the Function Room that welcomed another 16 new citizens to the City followed by this Ordinary Council meeting.

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

Nil



**10 REPORTS**

**10.1 CITY AUDIT COMMITTEE MEETING**

Report of the City Audit Committee held on 1 February 2016.

MOVED Cr C Frost that the report be received.

22/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation CA1/2/16 - Appointment of Auditor(s)

MOVED Cr C Frost, SECONDED Cr R Butterfield

**That Council:**

- 1) **with respect to Request for Quotation No.12/15 – *Provision of Audit Services* - accepts the quotation received from Mr A Macri and Mr M Gudka (from Macri Partners Certified Practicing Accountants) for the four (4) financial years ending 30 June 2016, 2017, 2018 and 2019, in accordance with the submitted quotation and the City’s contract documentation.**
- 2) **Pursuant to Section 7.3 of the *Local Government Act 1995*, appoints Mr A Macri and Mr M Gudka (from Macri Partners Certified Practicing Accountants) as the City of Armadale’s Auditors for the four (4) financial years ending 30 June 2016, 2017, 2018 and 2019.**

23/2/16 **MOTION DECLARED CARRIED by an ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (13/0)**

**10.2 TECHNICAL SERVICES COMMITTEE MEETING**

Report of the Technical Services Meeting held on 1 February 2016 .

MOVED Cr G Nixon that the report be received.

24/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation T1/2/16 - Road Closure - Portion of Allen Road

MOVED Cr G Nixon

**That Council:**

1. **Approves the closure of Allen Road to through traffic at a suitable point close to the Armadale Road intersection.**

2. **Authorises the commencement of the necessary local public notice processes to allow the proposed closure to be implemented.**

25/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation T2/2/16 - Petition - Installation of Footpaths within Lake Ward

MOVED Cr G Nixon

**That Council:**

1. **Note that Angelo Street is already included in the Armadale Path Network Development Plan - Skeletal Path Plan – Stage 2, with a likelihood that construction would be possible in approximately three to five years.**
2. **Note that the footpaths on:**
  - **Grealis Street;**
  - **Townsend Street; and**
  - **Werndley Street;**

**have not been included in the Armadale Path Network Development Plan - Skeletal Path Plan – Stage 2, and will be reassessed for inclusion in Stage 3 of the Skeletal Path Plan when this is compiled at the conclusion of Stage 2.**

3. **Inform the petition convenor of (1) and (2) above.**

26/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation T3/2/16 - Conference Attendance - Arboriculture Australia - 2nd International Conference on Urban Tree Diversity - Melbourne 19-24 February 2016

*Cr Butterfield nominated Cr Busby as an additional delegate to the Conference.*

MOVED Cr R Butterfield

**That Recommendation T3/2/16 be amended by adding Councillor Busby as a delegate.**

27/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

MOVED Cr G Nixon that Recommendation T3/2/16, as amended, be adopted.

**That Council:**

- 1. Nominate Councillor Nixon and Councillor Busby as delegates to the Arboriculture Australia 2<sup>nd</sup> International Conference on Urban Tree Diversity, to be held in Melbourne, Victoria, from 19-24 February 2016.**
- 2. Note the attendance of a Senior Officer from Technical Services as delegate to the Arboriculture Australia 2<sup>nd</sup> International Conference on Urban Tree Diversity, to be held in Melbourne, Victoria, from 19-24 February 2016.**

28/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

Recommendation T4/2/16 - Tender No 25/15 - Supply of Hired Plant - Wet Hire of Excavators

*Cr Silver declared a financial interest in Recommendation T4/2/16 on the basis that one of the tenderers is a company owned by a family member.  
Cr Silver left the meeting at 7.28pm*

MOVED Cr G Nixon

**That with Tender No 25/15 for the Supply of Hired Plant – Wet Hire of Excavators, that Council:**

- 1. Accepts the tender from Aussie Earthworks for an initial period of twelve (12) months, commencing 1 March 2016, in accordance with the submitted tender, Council contract documentation, and Budget allocation.**
- 2. Authorise the Chief Executive Officer to extend the contract for two (2) periods of twelve (12) months up to 28 February 2019, subject to satisfactory performance by the contractor and price adjustments as specified in the Request for Tender document, Clause 4.1.**

29/2/16 **MOTION not opposed, DECLARED CARRIED (12/0)**

*Cr Silver returned to the meeting at 7.29pm*

Recommendation T5/2/16 - City Buildings - Maintenance Standards

MOVED Cr G Nixon :

**That the matter of City Buildings – Maintenance Standards be referred to Technical Services for investigation.**

30/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

**10.3 CHIEF EXECUTIVE OFFICER'S REPORT**

Report of the Chief Executive Officer.

MOVED Cr R Butterfield that the report be received.

31/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

**BUSINESS ARISING FROM REPORT**

Recommendation - Councillors' Information Bulletin - Issue No. 2/2016

MOVED Cr D M Shaw

**That Council acknowledge receipt of Issue No 2/2016 of the Information Bulletin.**

32/2/16 **MOTION not opposed, DECLARED CARRIED (13/0)**

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

Nil

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

Nil

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

**1 City Views Newsletter (Cr Ruth Butterfield)**

That the matter of a review of the City Views Newsletter be referred to the City Strategy Committee.

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**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

Nil

**15 CLOSURE**

*The Mayor, Cr Zelones, declared the meeting closed at 7.35pm*

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MINUTES CONFIRMED THIS 22<sup>nd</sup> DAY OF FEBRUARY 2016

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MAYOR