

ORDINARY MEETING OF COUNCIL
MONDAY, 8 MAY 2023

MINUTES

CONTENTS

1	DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS.....	3
2	RECORD OF ATTENDANCE / APOLOGIES / LEAVE OF ABSENCE.....	3
3	ADVICE OF RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	4
4	PUBLIC QUESTION TIME	4
1	DEPUTATION - RE. CHAMPION LAKES RESIDENTS ASSOCIATION (CLRA) - WAIVER OF HIRE FEES	4
5	APPLICATIONS FOR LEAVE OF ABSENCE	4
6	PETITIONS	4
	NIL	4
7	CONFIRMATION OF MINUTES	4
	MINUTES OF ORDINARY COUNCIL MEETING HELD ON 24 APRIL 2023	4
8	ANNOUNCEMENTS BY THE PERSON PRESIDING WITHOUT DISCUSSION.....	4
1.	MAYOR'S ANNOUNCEMENTS	4
9	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN – WITHOUT DISCUSSION	6
10	REPORTS.....	6
10.1	TECHNICAL SERVICES COMMITTEE MEETING - 1 MAY 2023	6
10.1.1	URBAN FOREST (1.1).....	6
10.1.2	STOPPING COMMERCIAL ASBESTOS LOADS TO LANDFILL (2.1).....	6
10.1.3	TENDER 26 OF 2022 - CARRADINE ROAD / NEERIGEN BROOK CULVERT DESIGN AND RECONSTRUCTION (3.1).....	7
10.1.4	RFQ/34/22 - TREE MAINTENANCE SERVICE (3.2).....	7
10.1.5	STOP SIGNS - CORNER OF WOLLASTON AVENUE, HAYNES AND ELEVENTH ROAD, HILBERT (COUNCILLOR REFERRAL ITEM) (4.1)	7
10.1.6	WASTE STRATEGY AND FOGO (4.2).....	8
10.2	COMMUNITY SERVICES COMMITTEE MEETING - 2 MAY 2023	8
10.2.1	CHAMPION LAKES RESIDENTS ASSOCIATION - WAIVER OF HIRE AND RELOCATION FEES - COMPLIANCE WORKS AT THE CHAMPION LAKES COMMUNITY CENTRE (1.1)	8
10.2.2	SOCIAL PRIORITIES: 2023 - 2026 (2.1).....	8

	10.2.3 PUBLIC ART POLICY (2.2)	9
	10.2.4 FINANCIAL ASSISTANCE POLICY (2.3).....	9
10.3	CHIEF EXECUTIVE OFFICER'S REPORT - 8 MAY 2023	9
	10.3.1 COUNCILLORS INFORMATION BULLETIN - ISSUE NO 6/2023 (1.1).....	9
	10.3.2 CODE OF CONDUCT COMPLAINT (REFERENCE #50614) (1.2)	10
11	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	11
12	URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION	11
	NIL	11
13	MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION	11
	1 CODE OF CONDUCT BEHAVIOUR COMPLAINTS HANDLING POLICY - REVIEW.....	11
	2 REVIEW OF FEES - ALL-ABILITIES FOOTBALL.....	11
14	MATTERS REQUIRING CONFIDENTIAL CONSIDERATION	11
	NIL	11
15	CLOSURE.....	11

CITY OF ARMADALE

MINUTES

OF ORDINARY COUNCIL MEETING HELD IN THE COUNCIL CHAMBERS,
ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON MONDAY, 8
MAY 2023 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 Keogh

River Ward

Cr K Kamdar

Ranford Ward

Cr S Peter JP

Ranford Ward

Cr M S Northcott

Palomino Ward

Cr P A Hetherington

Palomino Ward

Cr E J Flynn

Heron Ward

Cr G J Smith

Minnawarra Ward

Cr S S Virk

Lake Ward

Cr S J Mosey

Hills Ward

IN ATTENDANCE:

Ms J Abbiss

Chief Executive Officer

Mr J Lyon

Executive Director Corporate Services

Mr P Sanders

Executive Director Development Services

Mrs S Van Aswegen

Executive Director Community Services

Mr A Millard

Head of Program Delivery

Ms A Luobikis

Head of Service Delivery

Mrs S D'Souza

CEO's Executive Assistant

Public: 6

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr G Nixon, Cr K Busby and
Cr M J Hancock

APOLOGIES:

Apology received from Cr M Silver

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

Nil

4 PUBLIC QUESTION TIME

1 DEPUTATION - Re. Champion Lakes Residents Association (CLRA) - Waiver of Hire Fees

7.02pm - In attendance were 6 members of the CLRA

Mr Marshall expressed thanks and appreciation to Council on behalf of the CLRA for the collaboration and partnership that has produced many positive and sustainable initiatives for the community in this area. The Association looks forward to the continued cooperation in protecting and improving the quality of residents' lives as the local residential occupancy doubles in the next couple of years.

The Mayor thanked Mr Marshall for his comments and on behalf of Council thanked the Association for its valued contribution.

5 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 24 APRIL 2023.

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 24 April 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (10/0)

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

1. Mayor's Announcements

Tuesday 25 April 2023

Laid a wreath on behalf of the City of Armadale at the Armadale RSL ANZAC Day service in Memorial Park. Deputy Mayor Kerry Busby and Councillors Paul Hetherington and Gary Smith also attended.

Cr Keogh attended the Kelmscott Scout's ANZAC Day service in Rushton Park on my behalf.

Wednesday 26 April 2023

Attended the Kelmscott Primary School ANZAC Day service at the War Memorial in Rushton Park, Kelmscott.

Attended the Armadale Primary School ANZAC Day service in Mt Nasura.

Friday 28 April 2023

Attended the Business Armadale Sundowner held at the Farm and Turf Equipment shop on South West Highway. Deputy Mayor Busby, Councillor Nixon and Councillor Smith also attended.

Saturday 29 April 2023

Participated in a short interview on ABC radio to promote the City's Dog's Day Out event.

Sunday 30 April 2023

Attended the Dogs Day Out event and judged the Best Dressed Dog and Best Trick, at Rushton Park. The event was very well attended and appreciated by dog lovers and owners alike. Many thanks go to the Ranger Services Team for their work in making the day such a success. Councillor Mosey also attended.

Tuesday 2 May 2023

Attended the WALGA Environment and Waste Policy Team Meeting via TEAMS.

Attended a meeting with the CEO and Cornerstone Legal for Verification of ID.

Wednesday 3 May 2023

The City of Armadale hosted the WALGA South East Metropolitan Zone Regional Meeting and State Council meeting. The CEO gave a presentation about the challenges that the City faces with regard to rapid growth and the steps we are undertaking to make the area the very best it can be. Councillor Northcott attended for the day as an observer and Councillor Mosey attended the State Council meeting and CEO presentations.

Thursday 4 and Friday 5 May 2023

Deputy Mayor Kerry Busby attended the National Growth Areas Alliance, Conference in Hahndorf SA on my behalf.

Friday 5 May 2023

Attended the sod-turning for the Piara Waters Library with Yaz Mubarakai MLA, Member for Jandakot. Also in attendance were Crs' Silver, Virk, Peter, Kamdar, Smith and Mosey.

Spoke at the opening night of the Minnowarra Art Exhibition, where award winners were announced and invited guests, artists, and the public viewed the exhibition for the first time. Councillors Smith, Keogh, Kamdar, Peter, Silver and Mosey also attended.

Attended the John Denver tribute/inspired music event (part of the Armadale Arts Festival) at the Classic Sounds- Studio 9 in Kelmscott.

Saturday 6 May 2023

Was interviewed by ABC Radio RE the Armadale Arts Festival.

Sunday 7 May 2023

Attended the annual Native Plants for Residents giveaway, held at the Champion Centre in Seville Grove. The event ran exceptionally smoothly, with lots of volunteers and Environment Team members on hand to assist residents with their plant selections. The Champion Centre worked very well as a venue and was able to keep attendees and stall

holders dry and comfortable. It was a great opportunity for residents to see the inside of the Centre and watch Aboriginal dancers and didgeridoo playing. Councillors Smith and Mosey also attended.

Attended Armadale Primary School's Fete which was raising money for new kindergarten play equipment.

Monday 8 May 2023

Attended a regular catch up with the CEO and Deputy Mayor to discuss local issues.

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

Nil

10 REPORTS

10.1 TECHNICAL SERVICES COMMITTEE MEETING

Report of the Technical Services Committee held on 1 May 2023.

MOVED Cr E J Flynn that the report be received.

MOTION not opposed, DECLARED CARRIED (10/0)

BUSINESS ARISING FROM REPORT

Recommendation T1/5/23 - Urban Forest

MOVED Cr E J Flynn

That Council:

- 1. Note the contents of this report**
- 2. Give consideration to the allocation of additional funding to an amount of \$1,000,000 for the establishment of a tree asset database during the FY24 budget deliberations.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation T2/5/23 - Stopping Commercial Asbestos Loads to Landfill

MOVED Cr E J Flynn

That Council:

- 1. Cease acceptance of commercial loads of asbestos (>5kg) to be disposed at Armadale Landfill and Recycling Facility from 1 July 2023.**

2. **Remove the fee from the City's Fees and Charges Schedule for disposal of commercial loads of asbestos from 1 July 2023.**
3. **Continue to accept up to 5kg of correctly wrapped and labelled asbestos from City of Armadale residences in the 2023/24 financial year until such a time it is no longer feasible to do so.**
4. **Maintain a fee for the disposal of small amounts (up to 5kg) of asbestos in the City's FY24 Fees and Charges Schedule.**
5. **Communicate the changes to the community, surrounding local governments and commercial asbestos contractors.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation T3/5/23 - Tender 26 of 2022 - Carradine Road / Neerigen Brook Culvert Design and Reconstruction

MOVED Cr E J Flynn

That Council, in regard to Tender 26/22 for Carradine Road / Neerigen Brook Culvert Design for Reconstruction, adopt the recommendation to accept the tender submitted by DCL Formwork Pty Ltd for the lump sum of \$1,544,481.04 (exc GST).

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation T4/5/23 - RFQ/34/22 - Tree Maintenance Service

MOVED Cr E J Flynn

That Council, in regard to RFQ/34/22: Tree Maintenance Services:

1. **Note the FY23 budget has the remaining capacity to fund the essential works that form the contract and its deliverables.**
2. **Note the need and the intention to review FY24 budget to ensure that there is provision for the full anticipated contract amount.**
3. **On the basis of the above, approve the award of the Tree Services contract to Beavers Tree Services.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation T5/5/23 - Stop Signs - Corner of Wollaston Avenue, Haynes and Eleventh Road, Hilbert (Councillor Referral Item)

MOVED Cr E J Flynn

That Council:

1. **Note the STOP control is not warranted.**
2. **Note the Design team will arrange a sign and pavement marking drawing to MRWA for approval and installation of a GIVE WAY sign, line marking, and barrier lines with RRPMS.**

- Note the Design team will arrange the installation of street lighting at the intersection that complies with AS1158 standards.**

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation T6/5/23 - Waste Strategy and FOGO

MOVED Cr E J Flynn

That Council note the information presented in the Review of the City's Waste and Resource Recovery Strategy

MOTION not opposed, DECLARED CARRIED (10/0)

10.2 COMMUNITY SERVICES COMMITTEE MEETING

Report of the Community Services Committee held on 2 May 2023.

MOVED Cr M S Northcott that the report be received.

MOTION not opposed, DECLARED CARRIED (10/0)

BUSINESS ARISING FROM REPORT

Recommendation C10/5/23 - Champion Lakes Residents Association - Waiver of Hire and Relocation Fees - Compliance Works at the Champion Lakes Community Centre

MOVED Cr M S Northcott

That Council:

- Delegate authority to the Chief Executive Officer in accordance with Section 6.12 of the *Local Government Act 1995* to provide a waiver of hire fees for the Champion Lakes Residents Association (CLRA) at a total amount of up to \$6,370.**
- Make a contribution of up to \$8,630 towards relocation costs.**
- Permit the CLRA to continue to occupy the Champion Lakes Community Centre (CLCC) without charge from the time of land transfer until such time as building works commence.**
- Note the CLRA will be permitted to occupy the CLCC as per Point 3 by way of a temporary occupancy permit.**

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

Recommendation C11/5/23 - Social Priorities: 2023 - 2026

MOVED Cr M S Northcott

That Council endorse the four suburb-level social priorities detailed in this report.

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation C12/5/23 - Public Art Policy

Committee Recommendation

That Council endorse the amended draft Policy: *Public Art*.

In moving that the item be recommitted Cr Keogh indicated that he would like to have further discussion on the additional information provided to Councillors following the Committee meeting with a view to amending the Policy.

MOVED Cr J Keogh

That Recommendation C12/5/23 be not adopted and recommitted to the next Community Services Committee

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation C13/5/23 - Financial Assistance Policy

MOVED Cr M S Northcott

That Council endorse the amended draft Policy: *Financial Assistance* that requires any events or activities to be conducted in the City of Armadale with the exception of sporting, and the addition of intra-state to the sporting donations section, and removal of the reference to Arena in the fundraising donations section.

MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (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 CEO1/5/23 - Councillors Information Bulletin - Issue No 6/2023

MOVED Cr S Peter

That Council acknowledge receipt of Issue 6/2023 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (10/0)

Recommendation CEO2/5/23 - Code of Conduct Complaint (REFERENCE #50614)

The CEO, Ms Abbiss declared a non-financial interest in this item on the basis that there may be a perception that her impartiality on the matter may be affected.

The Mayor, Cr Butterfield declared a non-financial interest in this item on the basis that there may be a perception that her impartiality on the matter may be affected.

The CEO, Ms Abbiss and the Mayor, Cr Butterfield left the meeting at 7.20pm

Executive Director Corporate Services called for nomination of Chair.

Cr Flynn nominated herself as Chair.

As there were no further nominations, Cr Flynn was declared Chair pro-tem.

Cr Flynn assumed the Chair

MOVED Cr S Peter that the meeting be closed to members of the public as the item to be discussed involves legal advice obtained or which may be obtained by the City of Armadale; AND the matter, if disclosed, could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law. (Section 5.23(2) (d) (f i).

Motion Carried (9/0)

Meeting declared closed at 7.22pm and members of the public left the meeting.

Moved Cr J Keogh that Standing Orders be suspended (Clause 9.5-Limitation of Number of Speeches and 9.6-Limitation of Duration of Speeches).

Motion Carried (9/0)

Moved Cr M S Northcott Standing Orders be resumed (Clause 9.5-Limitation of Number of Speeches and 9.6-Limitation of Duration of Speeches).

Motion Carried (9/0)

MOVED Cr M S Northcott

That Council adopt the recommendation within the Confidential Report.

MOTION not opposed, DECLARED CARRIED (9/0)

MOVED Cr M S Northcott that the meeting be opened to members of the public.

Motion Carried (9/0)

Meeting declared open at 7.31pm.

Cr Flynn vacated the Chair.

The Mayor, Cr Butterfield and CEO, Ms Abbiss returned to the meeting and Cr Butterfield resumed the Chair.

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12 URGENT BUSINESS APPROVED BY THE PERSON PRESIDING OR BY DECISION

Nil

13 MATTERS FOR REFERRAL TO STANDING COMMITTEES – WITHOUT DISCUSSION

1 Code of Conduct Behaviour Complaints Handling Policy - Review (Cr John Keogh)

That the matter of a review of the Code of Conduct – Behaviour Complaints Handling Policy before the end of the 2023 calendar year be referred to the Corporate Services Committee.

2 Review of fees - All-abilities Football (Cr John Keogh)

That the matter of a review of fees for all-abilities football team be referred to the Community Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

Nil

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.35pm

MINUTES CONFIRMED THIS 22 MAY 2023

MAYOR