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**ORDINARY MEETING OF COUNCIL  
MONDAY, 11 SEPTEMBER 2023**

**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, 11  
SEPTEMBER 2023 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 K Kamdar  
Cr M S Northcott  
Cr P A Hetherington  
Cr M J Hancock  
Cr E J Flynn  
Cr G J Smith  
Cr M Silver  
Cr S S Virk  
Cr S J Mosey

Minnawarra Ward  
River Ward  
Ranford Ward  
Palomino Ward  
Palomino Ward  
Heron Ward  
Heron Ward  
Minnawarra Ward  
Lake Ward  
Lake Ward  
Hills Ward

#### IN ATTENDANCE:

Ms J Abbiss  
Mr J Lyon  
Mr P Sanders  
Mr M Andrews  
Mrs S Van Aswegen  
Mrs S D'Souza

Chief Executive Officer  
Executive Director Corporate Services  
Executive Director Development Services  
Executive Director Technical Services  
Executive Director Community Services  
CEO's Executive Assistant

Public: 13

#### LEAVE OF ABSENCE:

Nil

#### APOLOGIES:

Apology received from Cr Nixon and Cr Peter

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

Nil

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**4                   PUBLIC QUESTION TIME**

**1 Davey Broadband - 8 Wyloo Place, Armadale**

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Regarding the new Metronet train station.

Q1     I have been a resident for about 30 years and am an electrical contractor. It was interesting to note the lighting strategy for the new train station with the park and whole area being expanded. Concerned about safety around the pathways and park benches and would also like to know whether the State Government will pay for any damage and vandalism in this area or will it be the ratepayers?

*Mayor: It depends on where the exact infrastructure is that you are talking about. There are two separate areas, one that the City will be managing and an area around the station precinct that will be managed by the PTA who will be responsible for maintenance.*

Q2     Over the last 4-5 years there has been around 750 incidents on the Armadale line. Besides that there are also incidents that are happening around the train stations and in the Jull Street area where people are congregating. So my concern is that if we are expanding the railway station and expanding all of this space for people to come and sit, has the Council considered the ramifications of incidents during the day and night?

*Mayor: Yes Council has considered that. There is a good deal of evidence to suggest that increasing the activity day and night around these areas, lighting it well and then getting people to participate in various activities reduces the frequency and type of anti-social behaviour. In regard to the matter of incidents happening on the train line, we will be working with the state government very closely to advocate for further and improved guard services when the train line does reopen and that will be crucial to getting the patronage back onto the line. Safety and security is the number one concern for residents of Armadale and was at the forefront when we went out to public consultation. So your concerns are reflected by the feedback that we have been given and we are very much undertaking that work with the state government and the MetConnx team who are deploying this. We understand that we can't leave a big space there without activating it and that will involve lighting, CCTV cameras and sport activities.*

**2 Trina Rouse - 3 Coachmans Place, Roleystone**

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Q1     Have the Councillors read an email that I sent, and viewed the video footage of the vehicle example we used that was used to demonstrate that not all vehicles can in fact open the emergency gate on Old Albany Lane / Wymond Road?

*Mayor: I can't answer on behalf of the Councillors, I don't know what they have seen, when was that email sent to us?*

It was sent yesterday.

*Mayor: I have not seen it but will check my junk mail.*

Q2 As we now have evidence that 3 different vehicle types which have been tested at the gate have failed to open it in the manner recommended by the council. We have collated that with factual evidence which we have supplied to the Council and Councillors several months ago demonstrating that not all vehicles have the same parameters in relation to forward collision assist. Will Council now acknowledge that the nudge gate is not fully functional as designed?

*Mayor: The question will be taken on notice. But I would suggest that there is nothing wrong with the gate design and if the driver of the vehicle knows what they are doing with their own vehicle, it will be able to be over ridden and then the gate will work as it is designed to work.*

Q3 I sent an email several months ago in relation to demonstrating how the gate doesn't work and it took 2 months to get a reply that was non relevant to my email. Why did it take that long and why was the response not relevant to my email?

*Mayor: The question will be taken on notice.*

Q4 Today a report was actually made to Tech Services that the gate had again dropped and was unable to be opened according to the signage indications, it was jammed again. So given that there are now failings of this gate on all counts.

*Mayor: Can I just ask if there was an emergency today?*

No, I was checking out the new signage that had been put in and because we had the weekend where Croyden Road has been blocked both ways, I leant against that gate and it could not easily be moved. It wouldn't move at all and I have got photos of that. In view of this I would like to respectfully request that given the failings of the gate, that it should be locked in its open position for the bushfire season. Can I request the Council to consider the motion tonight to lock that fire gate open during the bushfire season only?

*Mayor: I understand that you have been here a number of times about the same issue. Council's procedures do not allow for matters to be raised and discussed from the floor. There is a process that Council has to consider a report and recommendation before making a decision.*

Q5 Could you advise what process that would be?

*Mayor: We will let you know.*

7.14pm Moved Cr Silver that question time be extended. Motion Carried

### **3 Veronica Hansen - 8 Protector Grove, Roleystone**

Q1 My question is also about the gate. Certainly it is a gate for emergency exit only and we are very much mindful of that, but the gate also has a sign on it saying 'push here by hand' which really contravenes the summation of the Human Rights Commission that was explored several years ago in relation to access by a disabled or infirm person that the gate has to be operational regardless of all person ability or vehicle type.

If the first person to the gate has either a collision assist that won't open the gate and that person is unable to exit the car, how does that fit with the ruling of the Human Rights Commission that this needs to be accessible to all?

*Mayor: The question will be taken on notice.*

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#### 4 Trina Rouse - 3 Coachmans Place, Roleystone

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Q6 A question in relation to the drainage on Heritage Drive - from the recent rains that we have had we have got a constantly blocked drain and it blocks whether it is heavy rain or light rain and causes blockage in both thoroughfares in and out of Araluen. This has caused damage to vehicles and property so I would like to know what the Council's rectification plans are for the immediate and long term future?

*Mayor: The question will be taken on notice.*

*Question time declared closed at 7.17pm*

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#### 5 APPLICATIONS FOR LEAVE OF ABSENCE

##### 1 Request for Leave of Absence (Cr Keyur Kamdar)

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Request for leave of absence received from K Kamdar for Tuesday 26 September 2023.

MOVED Cr E J Flynn

**That Council approve leave of absence to Cr K Kamdar for Tuesday 26 September 2023 (includes 1 Ordinary Council meeting – 26 September 2023).**

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

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

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#### 6 PETITIONS

Nil

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#### 7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING  
HELD ON 28 AUGUST 2023.

MOVED Cr M S Northcott that the Minutes of the Ordinary Council Meeting held on 28 August 2023 be confirmed as a true and accurate record.

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

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

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

##### 1 Mayor's Announcements

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Wednesday 30 August 2023

- Attended the Municipal Waste Advisory Committee (MWAC) meeting held online.

Friday 1 September 2023

- Spoke at the Armadale Young Writers' Awards 2023 held in the City's Function Room.

Saturday 2 September 2023

- Welcomed the speakers and audience at the Armadale Writers Festival Opening Event held at Avocados – It was a panel of special guests discussing ‘Romanced Stripped Bare’. Councillors Smith, Northcott, Keogh and Mosey were also in attendance.

Monday 4 September 2023

- Attended a regular catch up with the CEO to discuss local issues.
- Had a phone meeting with Minister Dr Tony Buti MLA, to discuss the ‘change of use’ of the current Armadale Courthouse.

Tuesday 5 September 2023

- Attended an interview with the new journalist at The Examiner Newspaper.

Wednesday 6 September 2023

- Attended the WALGA Environment and Waste Policy Team meeting.
- Attended a site visit to the Reg Williams Pavilion (Minnawarra House). Councillors Mosey, Smith, Busby, Hetherington, Keogh and Peter also attended.

Friday 8 September 2023

- Deputy Mayor Kerry Busby attended the Armadale Writers’ Festival Closing Event ‘Sundowner with the Stars’ held at the Armadale Library on my behalf.

Saturday 9 September 2023

- Spoke at the opening of the Djinda Dreaming Early Education Centre situated in Dr Colyer’s Residence on Jull Street. Councillors Smith, Silver and Mosey also attended.
- Attended the Bedforddale Bush Market to see how they were fairing.

Monday 11 September 2023

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

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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 4 September 2023.

MOVED Cr E J Flynn that the report be received.

**MOTION not opposed, DECLARED CARRIED**

**(12/0)**

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

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**BUSINESS ARISING FROM REPORT**

Recommendation T1/9/23 - Waste to Energy Shortfall Credit Proportional Share

MOVED Cr E J Flynn

**That Council adopt the recommendation as presented in the Confidential Report:**

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

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

**10.2 COMMUNITY SERVICES COMMITTEE MEETING**

Report of the Community Services Committee held on 5 September 2023.

MOVED Cr M Silver that the report be received.

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

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

**BUSINESS ARISING FROM REPORT**

Recommendation C20/9/23 - Annual Progress Report of Suburb-Level Social Priorities

MOVED Cr M Silver

**That Council note the update on strategies to address endorsed suburb-level Social Priorities detailed in this report.**

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

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

Recommendation C21/9/23 - Roleystone Community Garden Security Options

MOVED Cr S J Mosey, SECONDED Cr K Kamdar

OPPOSED Cr K Busby

That Council:

1. Note the contents of this report.
2. Support the Roleystone Community Garden in:
  - (i) understanding what grants would be available for the installation of a fence;
  - (ii) providing a further report to Council to resolve to provide written approval for a fence consistent with the current license conditions.
3. Request a review of the current Community Garden Policy.
4. Support the Roleystone Community Garden with community based initiatives, and other support consistent with the Community Gardens Policy.

**MOTION LOST (4/8)**

FOR: Cr Mosey, Cr Silver, Cr Flynn, Cr Northcott  
AGAINST: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Hetherington, Cr Hancock, Cr Smith, Cr Virk



Moved Cr K Busby, SECONDED Cr M Hancock  
OPPOSED Cr S Mosey

**That Council:**

- 1. Note the contents of this report**
- 2. Request a review of the current Community Garden Policy.**
- 3. Use the City's mobile CCTV to monitor the garden area**
- 4. Receive a report after the monitoring and the Policy review has been done**
- 5. Support the Roleystone Community Garden with community based initiatives, and other support consistent with the Community Gardens Policy**

**MOTION CARRIED**

**(9/3)**

FOR: Cr Butterfield, Cr Busby, Cr Kamdar, Cr Hetherington, Cr Flynn, Cr Hancock, Cr Smith,  
Cr Silver, Cr Virk  
AGAINST: Cr Mosey, Cr Keogh, Cr Northcott

Recommendation C22/9/23 - Apparel Options for Events such as NAIDOC Week

MOVED Cr Silver

**That Council requests City Officers provide a report regarding:**

- i. The logistics and costs of working with local Aboriginal designers and manufacturers to produce and sell apparel, culminating in the launch of locally designed and produced apparel during the NAIDOC event in July 2024.**
- ii. The logistics and costs to produce Aboriginal apparel that can also be developed and sold for large events held by the City.**

**MOTION not opposed, DECLARED CARRIED**

**(12/0)**

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

**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**

**(12/0)**

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

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**BUSINESS ARISING FROM REPORT**

Recommendation CEO1/9/23 - WALGA Annual General Meeting - 18 September 2023

MOVED Cr M S Northcott

**That Council delegates vote on the AGM Motions as recommended in the report.**

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

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

Recommendation CEO2/9/23 - Byford Rail Extension - Plane Trees & Pear Trees

MOVED Cr E J Flynn

**That Council:**

- 1. Pursuant to Section 6.8 of the *Local Government Act 1995*, amend\* the 2023/24 budget as follows:**

**Increase in Expenditure**

**Account 5510 410399 66130 1001 - Service Delivery Parks Street Trees Contractor Expenses by \$60,000**

- 2. Notes that the funding source for the expenditure will be determined as part of the Budget Review later this year.**

**MOTION DECLARED CARRIED BY AN ABSOLUTE MAJORITY RESOLUTION OF COUNCIL (12/0)**

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

Recommendation CEO3/9/23 - Councillors Information Bulletin - Issue No 14/2023

MOVED Cr M S Northcott

**That Council acknowledge receipt of Issue 14/2023 of the Information Bulletin**

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

FOR: Cr Butterfield, Cr Busby, Cr Keogh, Cr Kamdar, Cr Northcott, Cr Hetherington,  
Cr Flynn, Cr Hancock, Cr Smith, Cr Silver, Cr Virk, Cr Mosey

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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 Fence at Aspiri Oval, Piara Waters (Cr S Virk)**

That the matter of the safety concern regarding a small portion of the fence that is missing or not installed at Aspiri Oval in Piara Waters be referred to the Technical Services Committee.

**2 Cricket Pitch - Rossiter Pavilion Oval (Cr Michelle Silver)**

That the matter of options for the cricket pitch at Rossiter Pavilion oval be referred to the Technical Services Committee

**3 Councillors' Items - Service Level Agreements (Cr Scott Mosey)**

That the matter of Service Level Agreements (SLAs) for Councillors' Items be referred to the Standing Order & House Advisory Group

**4 Corellas (Cr Scott Mosey)**

That the matter of the Corella control in parks and reserves be referred to the Technical Services Committee.

**5 Wymond Road Gate (Cr Scott Mosey)**

That the matter of Wymond Road gate be referred to the Technical Services Committee

**6 Heritage Drive Drainage (Cr Scott Mosey)**

That the matter of Heritage Drive Drainage be referred to the Technical Services Committee

**7 Preservation - Martins Cairn (Cr John Keogh)**

That the matter of the preservation of Martins Cairn be referred to the Community Services Committee

**8 Armadale Hall - (Cr John Keogh)**

That the matter of the Armadale crest at the Armadale Hall be referred to the Community Services Committee

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**14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION**

Nil

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**15 CLOSURE**

*The Mayor, Cr Butterfield, declared the meeting closed at 7.53pm*

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MINUTES CONFIRMED THIS 26 SEPTEMBER 2023

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MAYOR