



ORDINARY MEETING OF COUNCIL
TUESDAY, 26 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 TUESDAY,
26 SEPTEMBER 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 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 G Nixon

Hills Ward

IN ATTENDANCE:

Ms J Abbiss

Chief Executive Officer

Mrs M Bell

A/Executive Director Corporate Services

Mr M Andrews

Executive Director Technical Services

Mrs S D'Souza

CEO's Executive Assistant

Public: 7

LEAVE OF ABSENCE:

Leave of Absence previously granted to Cr K Busby and Cr K Kamdar

APOLOGIES:

Apology received from Cr S J Mosey, Cr M Silver and Cr M Hancock

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

The following questions were taken on notice at Council's Meeting on Monday, 11 September 2023 and responses (summarised below) forwarded in a letter by the Chief Executive Officer.

Trehna Rouse, 3 Coachmans Place, Roleystone

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.

Response:

The gate operates as designed.

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.

Response:

The gate operates as designed and its operability is assessed through regular maintenance checks.

The response to your email received on 26 June 2023 referred you to the direction set by Council through its decision to advocate through WALGA and work with other local governments to seek a fund for secondary access ways for developments constructed in bush fire prone areas.

The City seeks to respond to queries to members of our community in a timely manner based on workloads and competing priorities.

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, 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.

Response:

The processes for Council to receive a report include:

- (i) Where a Councillor Referral item has been supported by a decision of Council for a report to be prepared on a matter;*
- (ii) Where a petition has been lodged and Council determines, on receipt of the petition, for the matter to be referred to Committee or dealt with in connection in any Order of the Day;*
- (iii) Where a motion has been passed at an Electors Meeting;*
- (iv) Where a councillor has raised a notice of motion in accordance with the City's Standing Orders Local Law;*
- (v) Where the matter has been approved by the Presiding Member as Urgent Business; and*
- (vi) Where City Officers provide a report related to City business.*

In response to the claims that the gate was inoperable and reported to Technical Services, please note the following:

- 1. On Monday 11 September 2023 Ms Rouse telephoned Technical Services leaving a message explaining that the gate was not opening and needed to be fixed as soon as possible. This message was relayed to City Officers.*
- 2. At 1:55 pm a Properties Crew were requested to go to site.*
- 3. At 2:20 pm the Head of Service Delivery returned Ms Rouse's call and advised that the City had a crew on site.*
- 4. An email from Ms Rouse was also received by the City at 2.24 pm.*
- 5. The City's Operators:*
 - a. Inspected the gate for damage/condition issues, assessing the asset's function*
 - b. Tested the gate's operability:*
 - i. Pushed open the gate by hand towards Wymond Road with ease (uphill)*
 - ii. Pushed open the gate by hand towards Old Albany Lane with ease (downhill)*
- 6. City Operators videoed the operation.*

7. *City Operators checked the latching mechanisms in the opened positions, cleaned off the ball catch and regreased, the swing post was also regreased and alignment reviewed.*
8. *City Operators confirmed that there was no deviation from the gate's designed operability.*

On the day in question (11 September 2023), the emergency gate's camera was triggered by the opening of the gate at 1.03PM. The image shows a civilian woman opening the gate towards Wymond Road (uphill), evidencing its ease of operability.

- 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.

Response:

Common sense and advice from the Department of Fire and Emergency Services suggests that drivers should assess road and weather conditions before proceeding into a water crossing involving a hazard of unknown depth and speed.

This location has a high potential for water to accumulate on the road surface during a severe rainfall event because it is the low point along the road and is also built over a natural water course. Whilst the City accounts for this via regular maintenance inspections and drains to keep the road open and serviceable, ultimately the City has no control over the volume of water that may accumulate in the location after a weather event of the type experienced.

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?

Mayor: The question will be taken on notice.

Response:

The gate operates as designed and does not require change from its current form by the Australian Human Rights Commission.

4 PUBLIC QUESTION TIME

1 Lynn Hart - 37 Numulgi Street, Armadale

Q In regard to traffic flow patterns when the railway line closes down - My fear is that the corner of Eighth and Armadale Road will become even more dangerous than it already is and also Forrest Road at the other end of Eighth Road and Eleventh Road. I noticed that there was no money allocated at all to Forrest Road even though the new suburbs that have gone in have increased traffic a lot in that area and I suspect when the railway line is closed down there will be quite a lot of people trying to cross to get to Tonkin Highway. Has any Department or the Council looked at traffic flow problems that might emerge during that period?

Mayor: Thank you Lyn. Council has been negotiating and working with Metronet and PTA over the traffic movements and we do have grave fears as to where the traffic might go while the line is closed down. The CEO will be able to provide further information.

CEO: MetConnx, the contractor in charge of the works for the extension of the Byford line have been required to prepare traffic management plans so that as far as is reasonably practicable the traffic impact of the works can be managed. The State Government is responsible for the approval of those traffic management plans and the City has, at every opportunity it has been given, provided that local knowledge to Metronet and the MetConnx team to try and draw their attention to particular behaviours or travel patterns that the traffic management plan should address.

2 Sarah Stoneham - 31 Wymond Road, Roleystone

Q Would it be possible that during public question time if a questioner references a piece of legislation or a code of conduct or some other factual or evidence based information that they provide clear details of the reference? Once the minutes get recorded and go on the CoA website it becomes a matter of public record and often then there is misinformation, misquotation or misrepresentation or out of context quotations. Can this be introduced in the public question time policy?

Mayor: With public question time not every detail is recorded in the Minutes as current procedures only requires a summary. It might be worthwhile talking to one or the councillors or myself after the meeting if you have specific examples you would like to discuss and then we can see what you are referencing.

Question time closed at 7.06pm

5 APPLICATIONS FOR LEAVE OF ABSENCE

1 Request for Leave of Absence (Cr Michael Hancock)

Request for Leave of Absence received from Cr M Hancock for Monday 9 October 2023.

MOVED Cr E J Flynn

**That Council grant leave of absence to Cr M Hancock for Monday 9 October 2023
(does not include an Ordinary Council Meeting).**

MOTION not opposed, DECLARED CARRIED

(9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

6 PETITIONS

Nil

7 CONFIRMATION OF MINUTES

7.1 PREVIOUS ORDINARY COUNCIL MEETING
HELD ON 11 SEPTEMBER 2023.

MOVED Cr E J Flynn that the Minutes of the Ordinary Council Meeting held on 11 September 2023 be confirmed as a true and accurate record.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

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

1 Mayor's Announcements

Tuesday 12 and 13 September 2023

Cr Northcott attended the WALGA State Council Regional meeting in Katanning on my behalf.

Thursday 14 September 2023

Attended the Roleystone Neighbourhood Family Centre AGM. I was able to talk to Matt Swinbourn MLC and Hugh Jones MLA about various matters in the City of Armadale.

Friday 15 September 2023

Had a phone interview with Curtin FM to promote the Armadale Highland Gathering and Perth Kilt Run.

Saturday 16 September 2023

Attended the Armadale Cup for the Girls Junior Soccer Team to give a speech and hand out trophies. Cr Michelle Silver also attended and handed out awards.

Sunday 17 September 2023

Attended the WALGA Convention Mayors and Presidents Forum and Awards reception where Cr Melissa Northcott, Deputy Mayor Cr Kerry Busby and Cr Grant Nixon received Merit Awards for their contribution to the community and local government.

Monday 18 – Tuesday 19 September 2023

Attended the WALGA Convention and AGM as a voting delegate. Crs Northcott, Mosey, Smith, Silver also attended the convention sessions where there were many opportunities to learn.

Thursday 21 September 2023

Met with the CEO and Matt Keogh MP, Member for Burt to discuss local issues. Hosted a public citizenship ceremony at the Kelmscott Hall for over 100 new residents. Councillors Silver, Virk, Kamdar, Mosey and Smith also attended and assisted with the Certificates.

Saturday 23 September 2023

Opened the Awesome Armadale Arts Festival for Kids at the Kelmscott Hall. It was a very engaging free event sponsored by the City and was enjoyed by the children and adults who attended.

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 18 September 2023.

MOVED Cr P A Hetherington that the report be received.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

10.2 CORPORATE SERVICES COMMITTEE MEETING

Report of the Corporate Services Committee held on 19 September 2023.

MOVED Cr J Keogh that the report be received.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

BUSINESS ARISING FROM REPORT

Recommendation CS37/9/23 - List of Accounts Paid - July 2023

MOVED Cr J Keogh

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 \$13,172,451.44 on cheque numbers 219 to 228, transactions 10407 to 11306 and Payrolls dated 9 July and 23 July 2023.

Credit Card

Accounts Paid totalling \$6,398.40 for the period ended July 2023.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

Recommendation CS38/9/23 - Statement of Financial Activity - July 2023

MOVED Cr J Keogh

1

That Council pursuant to Regulation 34 of the *Local Government (Financial Management) Regulations 1996* accept the Statement of Financial Activity for the first (1) month period ended 31 July 2023; and:

- 1. Note that there are reportable actual to budget material variances for the period and this report is preliminary only for the end of July.**
- 2. Note the \$3.73 small rates debts written off under Primary Delegation 1.0 and Secondary Delegation CORPS 1.1.**

**MOTION DECLARED CARRIED BY AN ABSOLUTE
MAJORITY RESOLUTION OF COUNCIL (9/0)**

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

Recommendation CS39/9/23 - Confidential Award Nomination - Council Policy & Management Practice EM5

Cr Peter – impartial interest – know the nominee

MOVED Cr J Keogh

That Council consider it appropriate that the matter of the confidential award nomination be raised by Cr Peter at the 26 September 2023 Ordinary Council meeting under “Matters Requiring Confidential Consideration”.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

Recommendation CS40/9/23 - Business Hours - 2023-2024 End of Year Holiday Period

MOVED Cr J Keogh

That Council approve the attached Schedule-1 “City Business Hours December 2023 to January 2024”.

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

Recommendation CS40/9/23 - Payment of Superannuation for Councillors (Referral Item)

Committee Recommendation

That Council:

1. Approve further legal and technical advice being obtain as outlined in the report.

MOVED Cr J Keogh, OPPOSED Cr G Nixon

That Council note the officer's report and no further action required.

MOTION LAPSED FOR WANT OF A SECONDER

MOVED Cr G Nixon, SECONDED Cr S Peter

OPPOSED Cr J Keogh

That Council note the report & defer consideration of the matter until such time as:

- 1. Payment of Superannuation contributions to elected members is introduced in the *Local Government Act 1995*; and**
- 2. Section 7B of the *Salaries & Allowances Tribunal Act 1975* is amended to require the Salaries and Allowances Tribunal to inquire into and determine the maximum amount of superannuation contributions for elected members**

MOTION DECLARED CARRIED

(5/4)

FOR: Cr Nixon, Cr Virk, Cr Smith, Cr Northcott, Cr Peter

AGAINST: Cr Flynn, Cr Hetherington, Cr Keogh, Cr Butterfield

Recommendation CS42/9/23 - Roleystone Theatre Update

MOVED Cr J Keogh

That Council adopt the amended recommendation as presented in the Confidential Report.

MOTION not opposed, DECLARED CARRIED

(9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

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

(9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

BUSINESS ARISING FROM REPORT

Recommendation CEO4/9/23 - Councillors Information Bulletin - Issue No 15/2023

MOVED Cr M S Northcott

That Council acknowledge receipt of Issue 15/2023 of the Information Bulletin

MOTION not opposed, DECLARED CARRIED (9/0)

FOR: Cr Butterfield, Cr Keogh, Cr Peter, Cr Northcott, Cr Hetherington, Cr Flynn, Cr Smith,
Cr Virk, Cr Nixon

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 Multi-storey Carpark near Piara Waters Library (Cr Shanavas Peter)

That the matter of a multi-storey carpark near the Piara Waters Library be referred to the Technical Services Committee.

14 MATTERS REQUIRING CONFIDENTIAL CONSIDERATION

14.1 Confidential Award Nomination - Council Policy & Management Practice EM5

MOVED Cr Peter that the meeting be closed to members of the public as the matter to be discussed is considered to be confidential under Section 5.23(2)(b) of the Local Government Act, as the matter to be discussed relates to the personal affairs of a person and standard protocol related to award recognition.

Motion Carried (9-0)

7.34pm Meeting declared closed. Members of the public left the meeting.

MOVED Cr Keogh That Clauses 9.5 (Limitation of Number of Speeches) and 9.6 (Limitation on Duration of Speeches) of the Standing Orders be suspended.

Motion Carried (9-0)

MOVED Cr Keogh that Standing Orders (Clauses 9.5 and 9.6) be resumed.

Motion Carried (9-0)

MOVED Cr S Peter, SECONDED Cr R Butterfield
OPPOSED Cr J Keogh

That Council adopt the recommendation of the confidential report and in accordance with that recommendation this item is to remain confidential until the next step in the award nomination process i.e. communication to and acceptance by the nominee, has been effected.

MOTION CARRIED

(7/2)

FOR: Cr Nixon, Cr Virk, Cr Smith, Cr Northcott, Cr Hetherington, Cr Peter, Cr Butterfield
AGAINST: Cr Keogh, Cr Flynn

*MOVED Cr Peter that the meeting be opened.
7.56pm Meeting declared open*

Members of the public returned to the meeting and were made aware of the above Council resolution.

15 CLOSURE

The Mayor, Cr Butterfield, declared the meeting closed at 7.57pm

MINUTES CONFIRMED THIS 16 OCTOBER 2023

MAYOR